



**Town of Port Hedland**

**MINUTES**

**OF THE**

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

**HELD ON**

**WEDNESDAY 12 DECEMBER 2007**

**AT 5.30 PM**

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

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*Chris Adams  
Chief Executive Officer*

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**OUR COMMITMENT**

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

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

The Mayor declared the meeting open at 5:30 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor S R Martin  
Cr A A Carter  
Cr G D Bussell  
Cr S J Coates  
Cr G J Daccache  
Cr J E Ford  
Cr A A Gear  
Cr J M Gillingham  
Cr K A Howlett

Mr Chris Adams	Chief Executive Officer
Mr Matthew Scott	Directory Corporate Services
Mr Russell Dyer	Acting Director Engineering Services
Mr Terry Sargent	Director Regulatory and Community Services
Ms Gaye Stephens	Executive Assistant

Members of Public	6
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**2.2            Apologies**

Nil

**2.3            Approved Leave of Absence**

Nil

**ITEM 3        RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1            Questions from Public at Ordinary Council Meeting held Wednesday 28 November 2007**

Nil.

**ITEM 4 PUBLIC TIME****4.1 Public Questions**

5:34 pm Mayor opened Public Question Time

**4.1.1 Mr Shane Sear**

*Can Council please explain the logic behind its recommendations that no further caretaker's be allowed in Wedgefield until all noxious and general industries have been relocated elsewhere?*

Chief Executive Officer advised Mr Sear's question refers to a recommendation within the land Use Master Plan. The intent is in the future to allow additional residences in Wedgefield, but at this point in time the Land Use Master Plan is recommending that it not occur until such time as the conflicting land use issues are resolved. It is not something that can be resolved immediately, but we are working as a Council collectively with the Wedgefield Association, State Government and others, we believe it is an achievable goal.

*Would it be too far fetched to state that this situation will not change in the given 15 – 20 year life of this plan, referring to the Land Use Master Plan, given the complexities and costs associated with relocating noxious and general industries?*

Chief Executive Officer advised it is not something that is going to happen immediately. The Land Use Master Plan is a 15 to 20 year plan. We'd appreciate it if it could happen quicker, and Council will work diligently with everyone to try and make it happen as quickly as possible.

Chief Executive Officer added he'd like to see it progress much quicker than 15-20 years, and as long as this Council keeps the Land Use Master Plan alive, he is sure it can happen a lot quicker than that time period.

*In relation to Agenda item 11.3.1.2 "Port Hedland Corridor Review", without any disrespect to the author intended I ask has the CEO, the author, his predecessor, or any other staff member of the Town of Port Hedland been involved at any stage in this process leading up to the release of this particular report?*

Chief Executive Officer advised no. The Town of Port Hedland was advised of the outcome of the report, once the report was complete.



*Have the ratepayers or residents of the Town of Port Hedland at any stage, other than the LUMP [Land Use Master Plan] where only four (4) options were given, been invited to participate or comment on this report?*

Chief Executive Officer advised that to the best of his knowledge no.

*How can it be stated in the report "...the sheer complexity will negate the ability to please all stakeholders." on page 77, when the MainRoads of WA have made no effort to extend the courtesy to involve all stakeholders?*

Chief Executive Officer advised that Mr Sear's point is noted, and ideally the Town of Port Hedland should have been involved as an absolute minimum. The community should have been involved also. Council has taken the matter up with MainRoads.

#### **4.1.2 Mr Paul Reibel**

*As a ratepayer, is the standard of footpath and drainage works at the new Hospital site and subdivision in South Hedland acceptable to the Town of Port Hedland?*

Director Engineering Services advised he inspected the works tow days ago, and is now meeting with the manager of the site and construction personnel at eight o'clock on Friday morning. At this stage the works are not of a satisfactory standard to the Town of Port Hedland. There are numerous issues including the quality of works, design of works, supervision of works being undertaken, and an underlying cultural problem within their workforce at the hospital site, which will be addressed on Friday. If the matters are not addressed on Friday, they will need to be addressed through the architects and project managers,

*Is Council able to stop or prevent the continuation of works in the interest, as the contractors were still pouring today?*

Chief Executive Officer advised an Item included in tonight's agenda deals with the matter. If the infrastructure is not built to standard expected by the Town of Port Hedland, then the Town will not be accepting the workmanship.

[Mr Reibel also advised that the standard of works in Dale Street is also of poor standard.]

*If set up with the correct spacing is breezeway fencing allowed to be used a visible permeable fencing? If so, can this information be passed on to Council's Planning Department as an option, so that people will know there is not just pool fencing available?*

Director Regulatory and Community Services advised that Planning Services staff is aware that breezeway fencing can be constructed in a way that does meet the requirement. It is our endeavour at all times not to recommend a particular proprietary product. We talk in general terms and leave the decision as to which fencing people choose for themselves. But certainly Council's Planning Services don't discourage any particular brand of fencing from being used.

It is possible to constructed breezeway fencing in such a way it does meet that requirement.

5:46 pm Mayor closed Public Question Time

#### **4.2 Public Statements**

5:46 pm Mayor opened Public Statement Time

Nil.

5:46 pm Mayor closed Public Statement Time

### **ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

#### **5.1 Councillor Arnold A Carter**

*I'm very pleased to see the footpath construction commencing in Moore Street, my question is though, is it on the right side?*

Director Engineering Services advised he inspected the site this afternoon with Manager Technical Services. There are five reasons for that side of the road being chosen for the construction of a footpath as apposed to the northern side of Moore Street, including the already large established trees on the other side, bitumen driveways already established on the northern side would have had to have been cut through, new kerbing already constructed to suit the path, and the reduction of interaction between vehicles and pedestrians.

In relation to access to the proposed Moore Street future development, construction access can be made via Brewer Street and one location on Moore Street, which is consistent with the location for permanent access.

In answer to a possible second question in relation to potential damage to footpaths whilst the earthworks are being carried out in Moore Street, any potential developer would be encouraged to develop the permanent access to the site first, and use that for their temporary construction access.

Alternatively, any potential developer could also pick a section of footpath and kerbing where a future access was going to go, so that following any damage to such a section would be concentrated in an area that was becoming a permanent access area.

*Wouldn't it be logic to commence footpath works on the side of Moore Street where people live?*

Director Engineering Services advised that one of the reasons that the southern side of Moore Street was picked initially, which will change when the new development goes ahead and presents the problem on both sides of the street, is that at the time it was hoped to reduce the interaction between pedestrians and vehicle driveways, and particularly the amount of trees along the ocean side of the street there and people reversing out of their driveways not being able to see pedestrians clearly due to the established trees..

*When do you consider the populated side of Moore Street would be considered for getting a footpath?*

Director Engineering Services advised that constructing a footpath along the populated side of Moore Street [in addition to the other side] has not been considered.

### **5.1.2 Councillor Arthur A Gear**

*How is the new footpath along Moore Street going to affect the new infill program that's going to go in there?*

Director Engineering Services advised that whether the proposed development is intensive or not, any potential developer is required to comply with Council's footpath policy, it won't change the fact that there's a footpath there and it will come under the same consideration of protection during temporary construction works.

### **5.1.3 Councillor Stan R Martin**

*I've noted out at South Hedland that where there is construction underway, there is a tendency to erect temporary fencing right on the kerb all the way around the development, consequently blocking the footpath off and forcing pedestrians to walk on the road; is it necessary for developers to fence the area off right to the kerbing; shouldn't they be staying back within the verge line?*

Director Engineering Services advised that technically speaking the activity of fencing off right to the kerb is illegal.

Developers are not allowed to fence off public land without Council approval. Also, those particular developers are creating a safety problem with pedestrians and traffic as Cr Martin has mentioned.

Chief Executive Officer advised he has actually raised the matter with the South Hedland New Living and they have advised they will be addressing the matter.

### **5.1.3 Councillor Arthur A Gear**

*I know it has only been a couple of weeks since Council's last meeting, but has there been any progress on, or at least contact made with DeGrey station in relation to the state of the station access road?*

Director Engineering Services advised he has spoken with Council's Works Manager who has been in contact with the Mr John Leeds. \$80,000 was spent on repairing De Grey station road just after Cyclone George; and recently the manager of the property carted triple road trains over the road without first watering the road or the like. He then called Council to complain about the condition of the road.

### **5.1.4 Councillor Grant D Bussell**

*Where is the Airport Structure Plan?*

Chief Executive Officer clarified that there are two separate plans being proposed; one being the Airport Structure Plan for the proposed Transient Workforce Accommodation; and the other Port Hedland International Airport Master Plan?

*Councillor Bussell clarified his question was in relation to the Airport Master Plan.*

Chief Executive Officer advised that a lot of internal works has been done and the Town has called for quotations on the operational components of that, so estimating on where the Town is actually heading. In relation to the Port Hedland International Airport Master Plan the Town has advertised for quotations for consultants and the aim is to have them up and going early next year, with the new Airport Working Group driving that process.

*Have there been discussions with the current tenants at the Port Hedland International Airport with regards to the quality of the buildings, and particularly approaches about them leasing the land available so they can rebuild the buildings themselves?*

Director Corporate Services clarified that Council owns the current buildings that are leased to various lessees.

The preferred method is to actually just lease some land, and that is what Council is doing in regard to the hire car operators, so that they can actually develop their own improvements on the land, which meets their particular needs. It has been Council's firm belief over the past twelve months or so, that Council are not particularly good landlords in regards to maintaining buildings, and that its not really a core function of Council either.

*Have all tenants been advise of the possibility of the future leasing of land?*

Chief Executive Officer confirmed yes.

Director Corporate Services added that all tenants have been advised in regards to leasing land over the last twelve months, and it has been discussed the possibility of them only leasing land in the future.

Chief Executive Officer clarified that it may not actually be the local tenant that has been advised, that the 'head office' or whoever is on the lease document at the moment has definitely been advised.

*In the minutes of the last meeting there was an item that Councillor Carter raised about sending some residents to a religious festival in Sydney, and it was to be discussed between Councillor Carter and the Mayor or Chief Executive Officer; could Council have more information about this and will the issue come back to Council?*

Chief Executive Officer advised that there is no financial contribution required the organising committee only seeks a letter of support from Council.

#### **5.1.5 Councillor George J Daccache**

*When I was attending the Port Hedland Primary School end of year function last night, I noticed that the Colin Matheson Oval really needs to be addressed, as it is a disgrace when it should actually be a prime oval; in tonight's business papers it reports that a report will be provided by the lawn doctor on the condition of the oval, could Councillors receive a copy of that report?*

Director Engineering Services advise he is also waiting to receive the report. On receipt of the report, an agenda item will be prepared for Council to consider.

Chief Executive Officer added that he agreed the Colin Matheson Oval is not up to an appropriate standard.

**5.1.6 Councillor Jan E Ford**

*On the matter of Colin Matheson Oval, when BHP Billiton took that land for the construction of the St Cecelia's development, I vaguely remember Cathy Stephens talking with the Soroptimists that there was concern about that oval, and the company talked about doing some upgrades and maintenance on the oval; did that ever come through Council or not?*

Chief Executive Officer advised there is a significant amount of work required to bring the oval up to a satisfactory standard. The Town has had some preliminary discussions with BHP Billiton about how they may want to contribute. The issue is that the scope of works has to be right. For the past eighteen months Council has basically be band aiding the problems at the oval and it hasn't worked.

*Can we please have an estimated timeframe on the Amendment 15 of the Town Planning Scheme No. 5 for the land along Sutherland Street, being the new Hotel development site; as the owners along Sutherland Street are receiving letters now about the rezoning, so they're just asking what the timeframe will be?*

Chief Executive Officer advised that Council has advertised the rezoning and the statutory period for comments to be received has been completed. Council then needs to consider any submission that have been received. An Item will be presented to Council to consider the amendment at 's Ordinary Meeting in January 2008, in the event Council approves that amendment it is then forwarded to the Western Australian Planning Commission for its endorsement or otherwise; and then to the Minister for endorsement.

It is probable that this process will be completed by March 2008.

Chief Executive Officer added that are potentially some environmental issues that may be raised which would slow this process down.

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

The following Members verbally declared to have given due consideration to all matters contained in the Business Paper presented before the meeting, excepting for Late Items:

Cr S R Martin	Cr J E Ford
Cr A A Carter	Cr A A Gear
Cr G D Bussell	Cr J M Gillingham
Cr S J Coates	Cr K A Howlett
Cr G J Daccache	

**ITEM 7      CONFIRMATION OF MINUTES OF PREVIOUS MEETING****7.1          Confirmation of Minutes of Ordinary Meeting of Council  
held on Wednesday 28 November 2007****200708/101 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr A A Gear

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 28 November 2007 be confirmed as a true and correct record of proceedings.**

***CARRIED 9/0***

**ITEM 8      ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Nil

**ITEM 9      REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION****9.1          *Councillor Arthur A Gear***

Councillors Arthur Gear, George Daccache and Director Regulatory and Community Services attended the Local Government Manager's Association's (LGMA) Functional Communities: Local Government and Discrete Indigenous Communities Conference on Wednesday 5 to Friday 7 December 2007. A report to Council will be prepared.

**9.2          *Councillor Jan M Gillingham***

Councillor Jan Gillingham attended the opening of the new playground equipment installed at the Port Hedland Yacht Club on Sunday 9 December 2007.

**9.3           Councillor George J Daccache**

Councillor George Daccache also reported on his attendance at the Local Government Manager's Association's (LGMA) Functional Communities: Local Government and Discrete Indigenous Communities Conference on Wednesday 5 to Friday 7 December 2007.

**9.4           Councillor Steve Coates**

Councillor Coates, Vice President of the South Hedland Tennis and Bowling Club (SHTBC), advised Council of the SHTBC's AGM held on 9 December 2007 and tabled a copy of the Club's Financial Report.

**9.5           Councillor Jan Ford**

Councillor Jan Ford attended the launch of the Hedlights (artwork projected onto BP Storage Tanks on Wilson Street) on Tuesday 11 December 2007. Councillor Ford encourages other to view the artworks.

**ITEM 10     PETITIONS/DEPUTATIONS/PRESENTATIONS/  
SUBMISSIONS**

Nil.





That the Town's internal operating systems are structured in a manner that assists in providing timely accurate information to the community.

**Budget Implications**

Nil

**200708/102 Council Decision/Officer's Recommendation**

**Moved:** Cr G D Bussell

**Seconded:** Cr G J Daccache

**That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 12 December 2007 be received.**

***CARRIED 9/0***

**11.2 REGULATORY AND COMMUNITY SERVICES**

**11.2.1 Director Regulatory and Community Services**

**11.2.1.1 *Monthly Report - Regulatory and Community Services (File No: ADM-091)***

**Officer** Bev Johnson  
Executive Assistant –  
Community and  
Regulatory Services

**Date of Report** 5 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Report on activities within the Regulatory and Community Services directorate for Council's information.

**Background**

Regulatory and Community Services Monthly Report to Council.

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

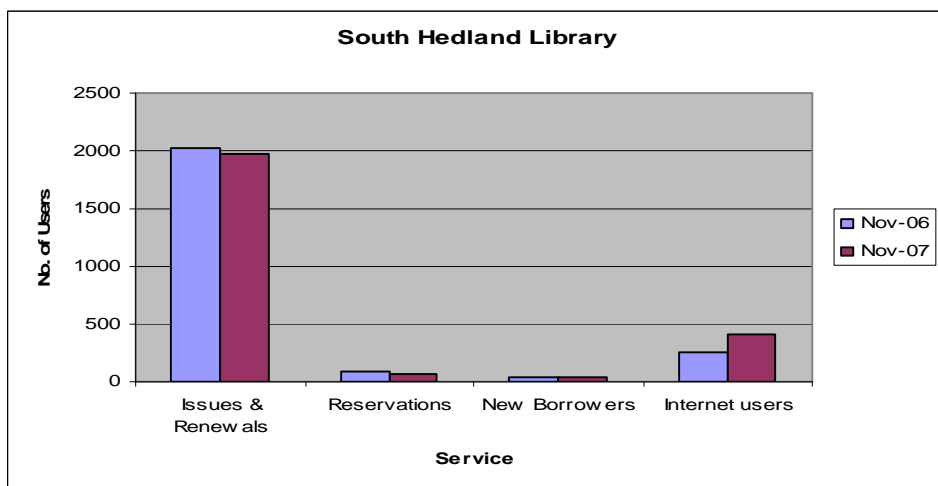
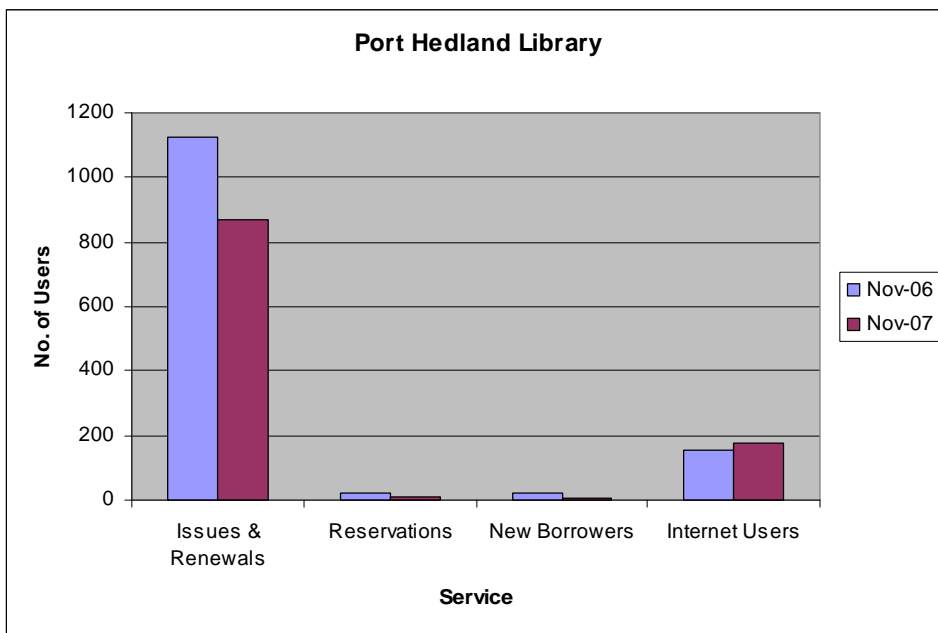
***Library and Information Services***

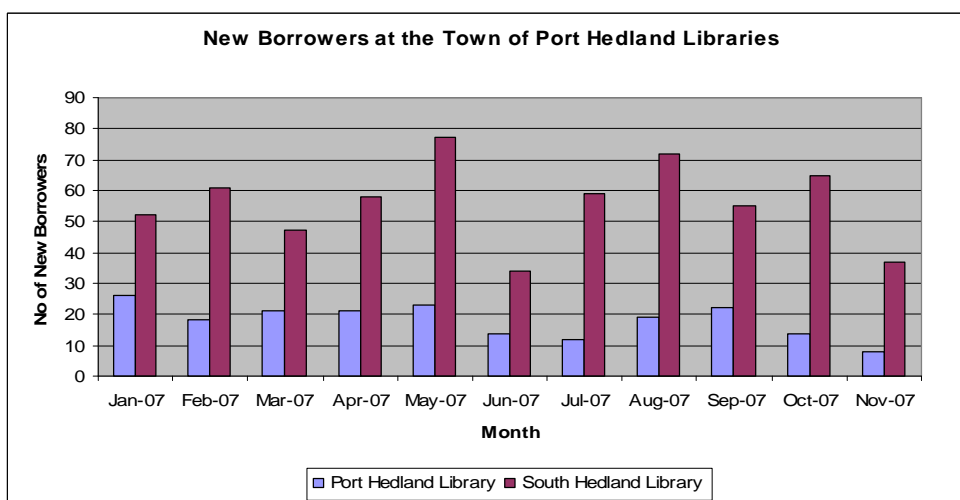
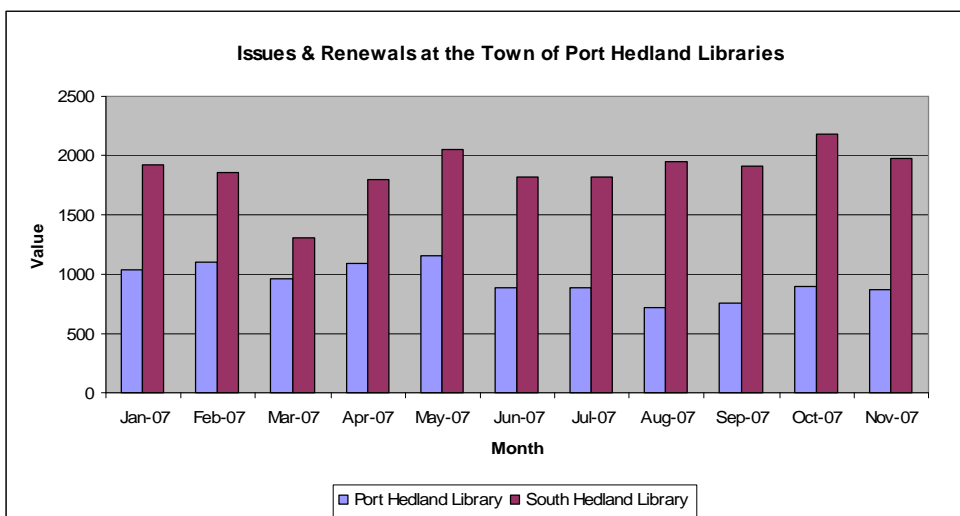
Port Hedland Library	Aug 2007	Sept 2007	Oct 2007	Nov 2007
Issues and Renewals	723	759	903	870
Reservations	19	14	17	12
New Borrowers	19	22	14	8
Internet Users	133	105	135	176

South Hedland Library	Aug 2007	Sept 2007	Oct 2007	Nov 2007
Issues and Renewals	1944	1906	2174	1969
Reservations	77	90	115	60
New Borrowers	72	55	65	37
Internet Users	416	349	445	41

During November a concept brief for the relocation of Port Hedland Library was presented. Two possible sites have been identified and a draft design for the building will be developed.

As a result of the Historical Records Rescue Consortium, South Hedland Library has received microfilm copies of early newspapers relevant to the area and also DVD copies of at risk films from the State Library collection. Manager Library and Information Services was presented with copies at a function for Regional Librarians held at the State Library of Western Australia on 22 November. The project was made possible through funding from Lotterywest.

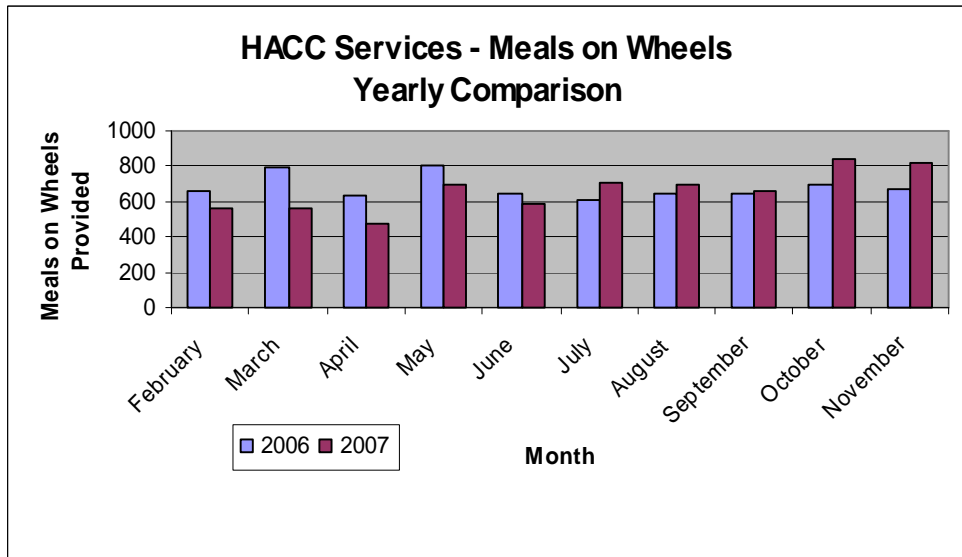
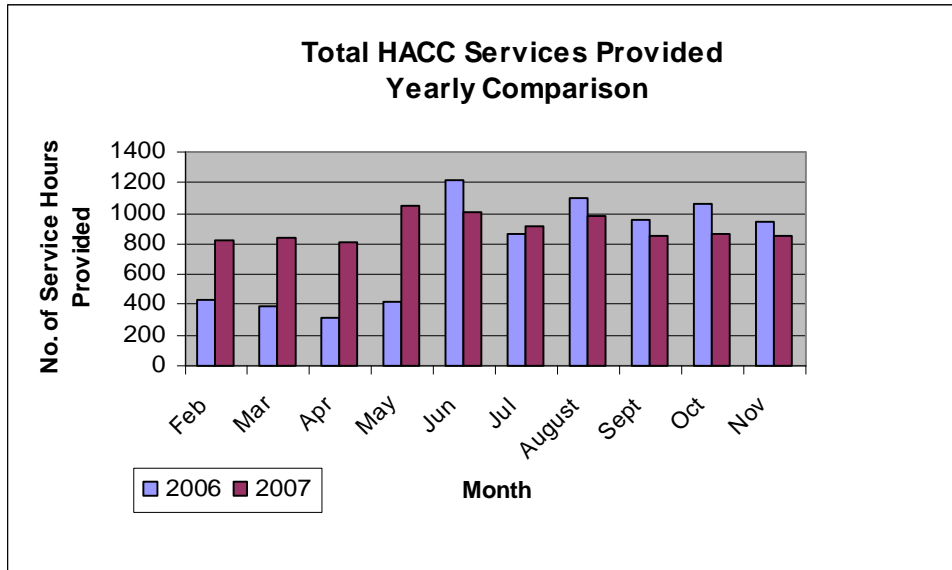




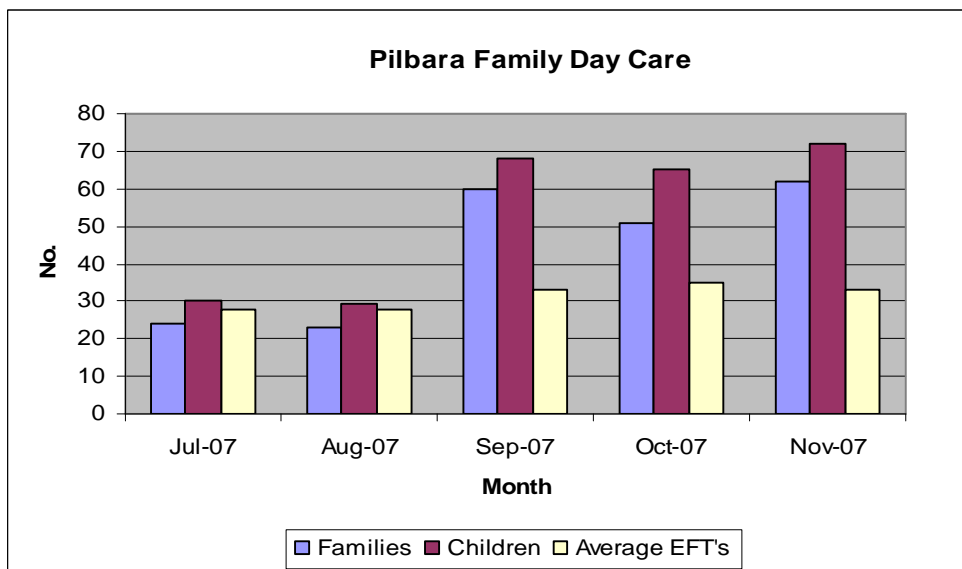
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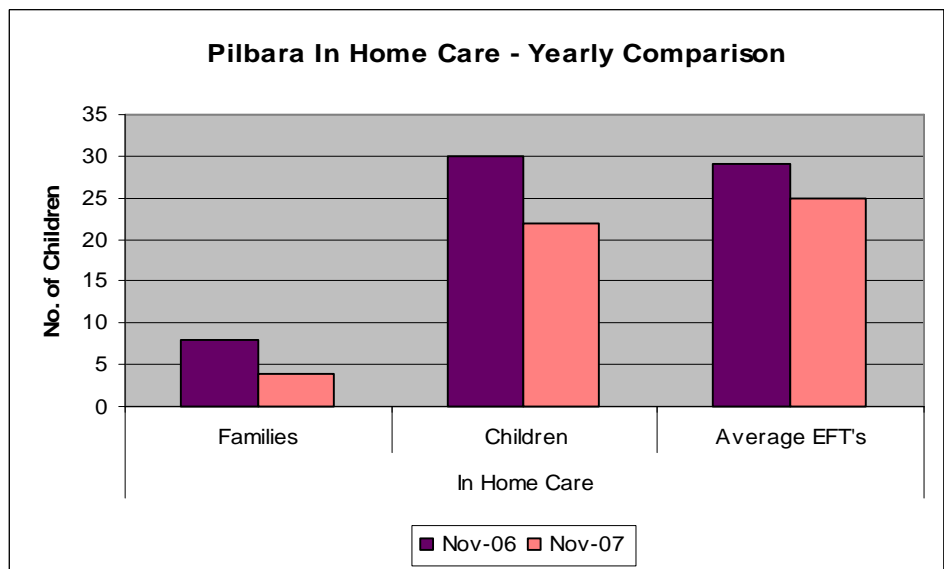
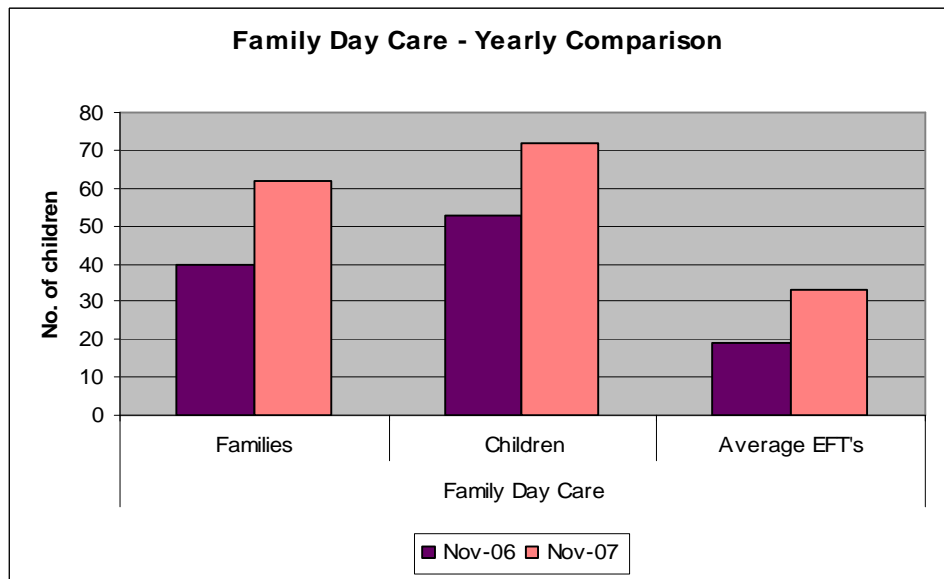
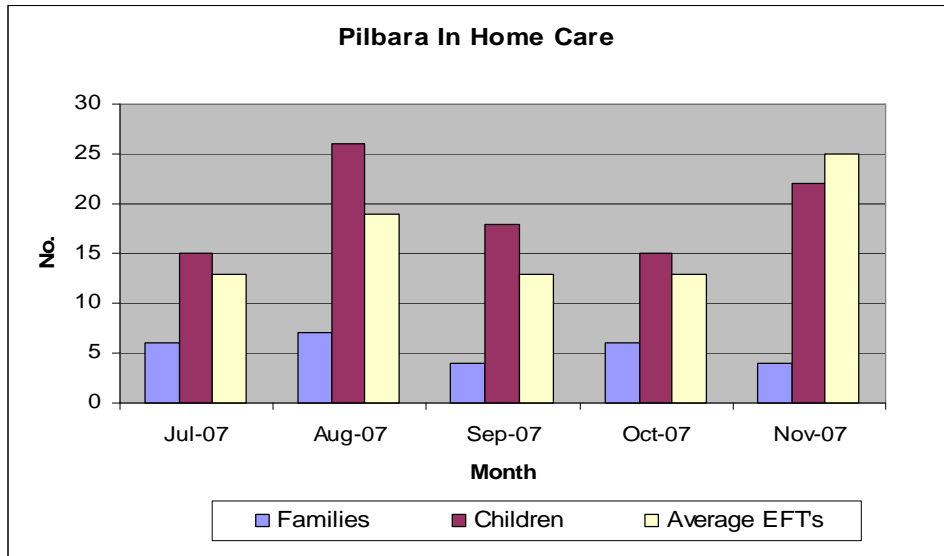
*HACC Programme*

HACC Service Hours for November 2007	
Meals On Wheels	815
Day Centre Attendance (hours)	768
Day Centre Meals	125
Domestic Assistance (hours)	26
Personal Care (hours)	11
Social Support (hours)	14
Transport (one way)	224
Home Maintenance (hours)	31
Total HACC service provided (hours)	850
Total HACC service provided (hours) YTD	4464
Assessment	0



*Pilbara Family Day Care*





Explanatory Notes

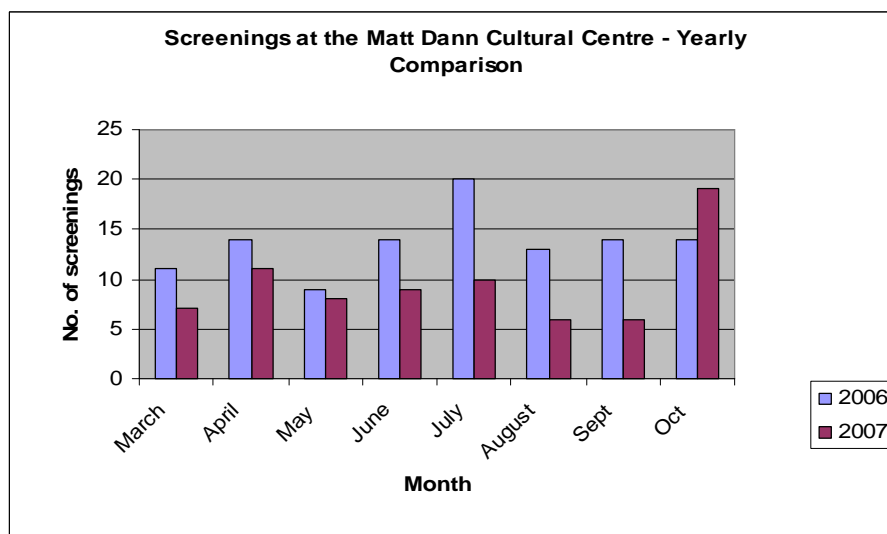
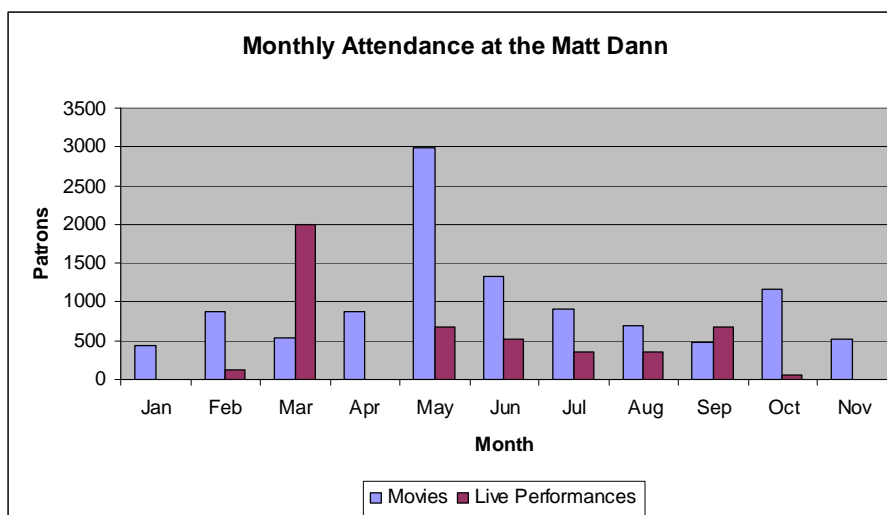
EFT – Effective Fulltime Place - 1 place = 7 hours of care  
 Funding is based on EFTs rate per EFT = \$44.00 per week  
 Decline in In Home Care EFTs due to the Pilbar In-Home Care being funded for only 20 EFTs. Pilbara Family Day Care is funded for the number of EFTs used for the year.

Licence Status

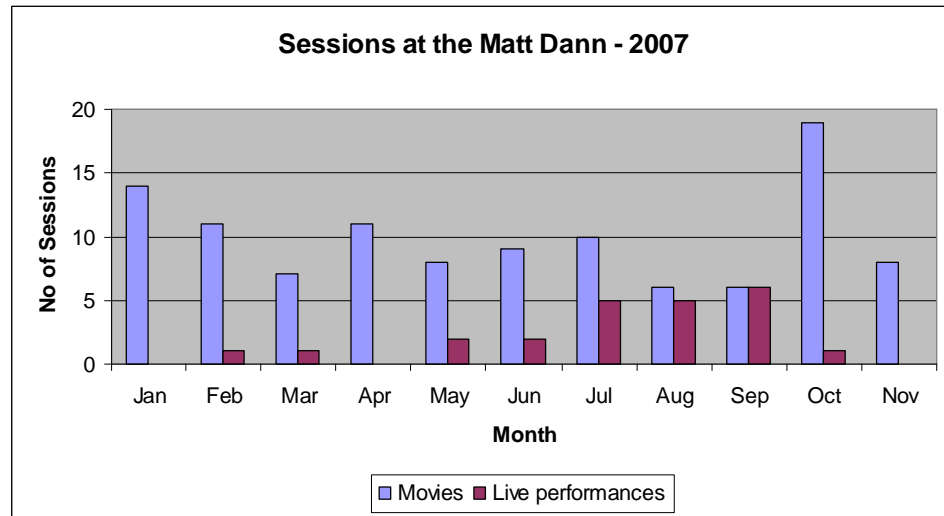
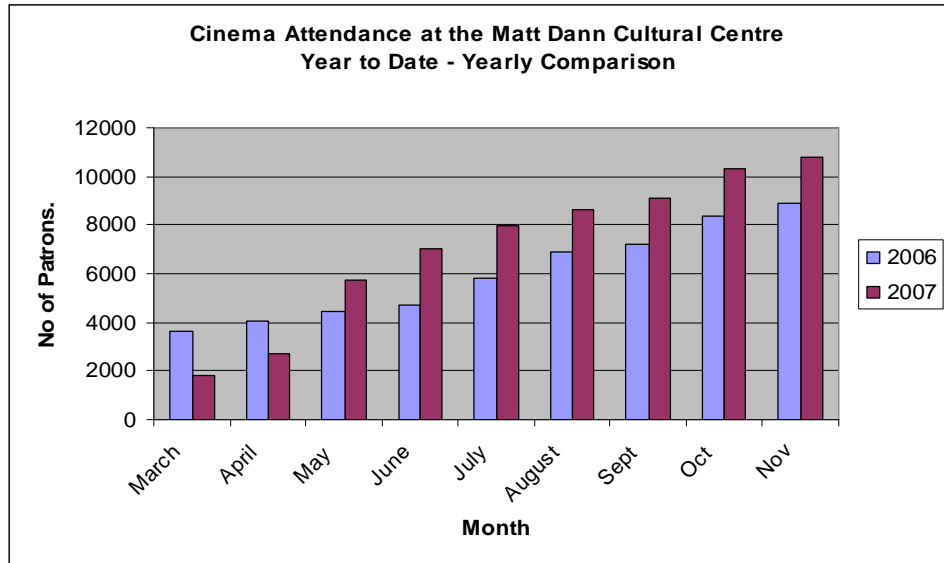
Current: South Hedland 2; Wickham 1; Karratha 4; Newman 3. In Process of Licensing: Karratha 1; Tom Price 1; Paraburdoo 1; Newman 3.

Since the inception of the Kids Matter Project in Dec 2006, eight new licences have been issued with seven of those coming into this scheme. Campaigning in Hedland with the emphasis on support and experience being offered to those wishing to start a Family Day Care business could be of great benefit. The Town of Port Hedland has sponsored this scheme for 14 years and the current coordinator has 20 years experience in childcare.

*Matt Dann Cultural Centre*

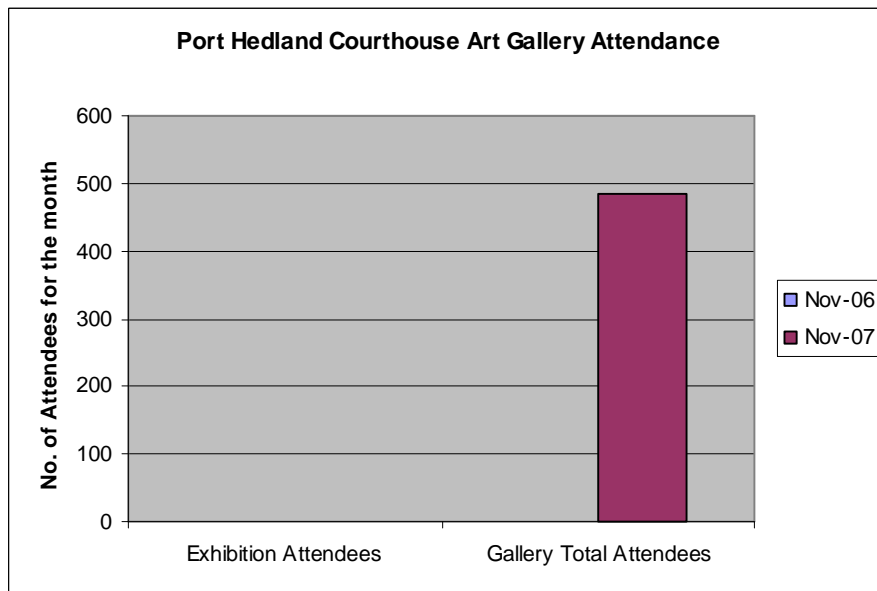
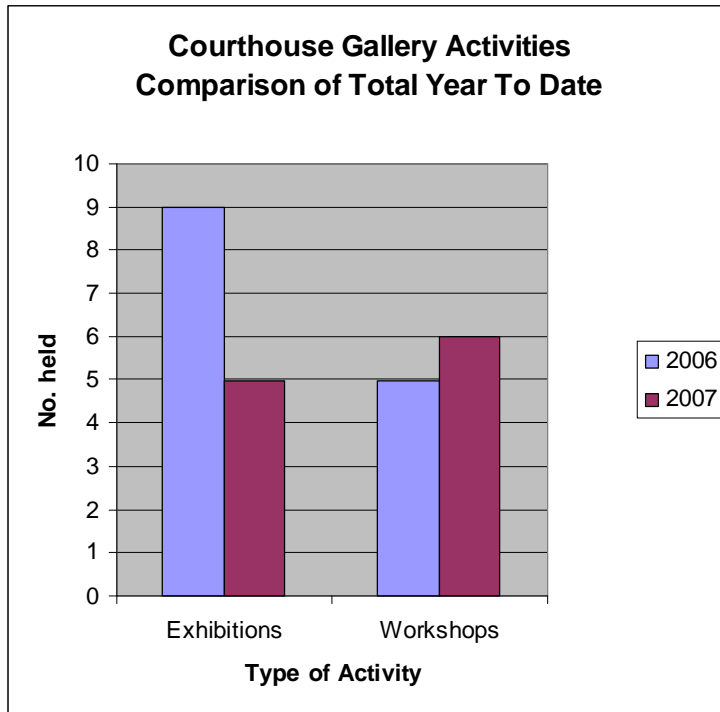




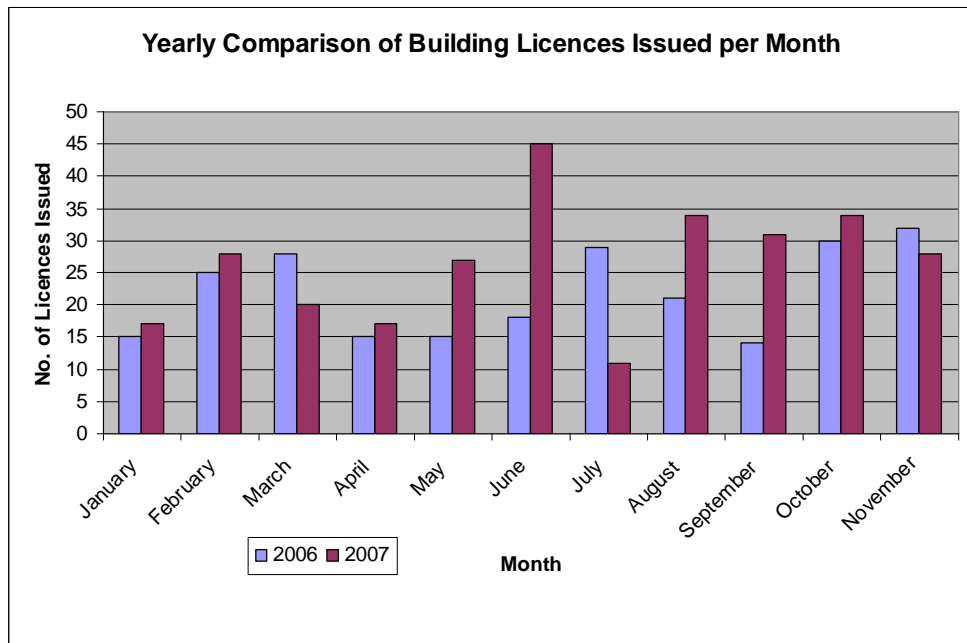
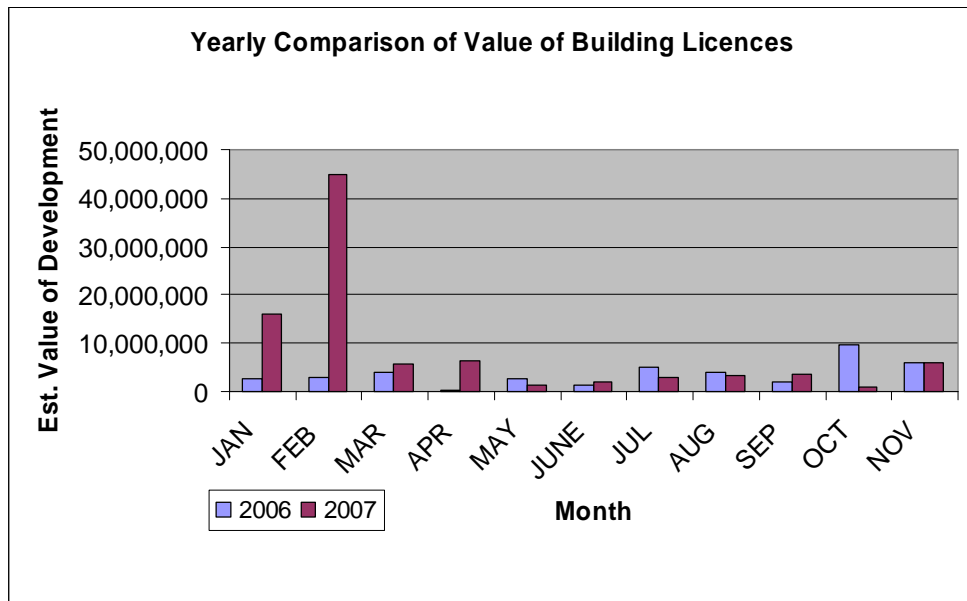


In addition to the Movies and Live Events held in the month of November, there were 21 occasions where the Theatre was hired throughout the month with 3151 people in attendance.

Courthouse Arts Centre and Gallery

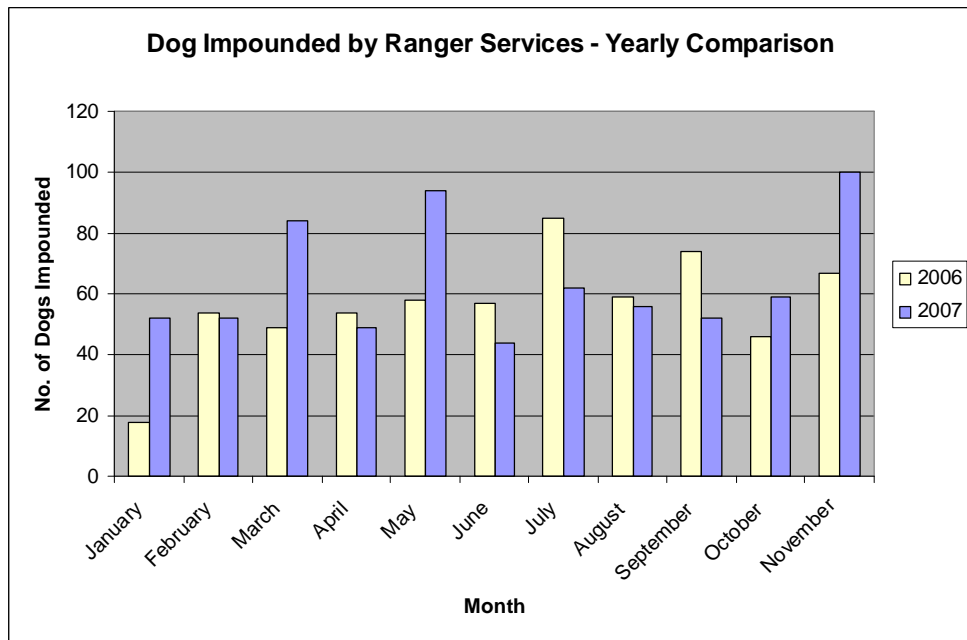
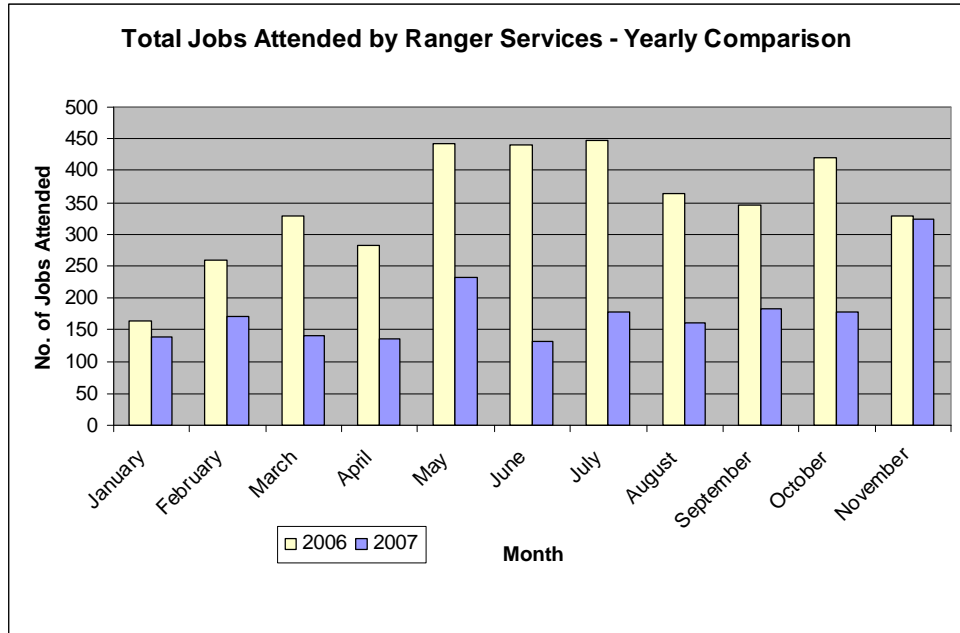


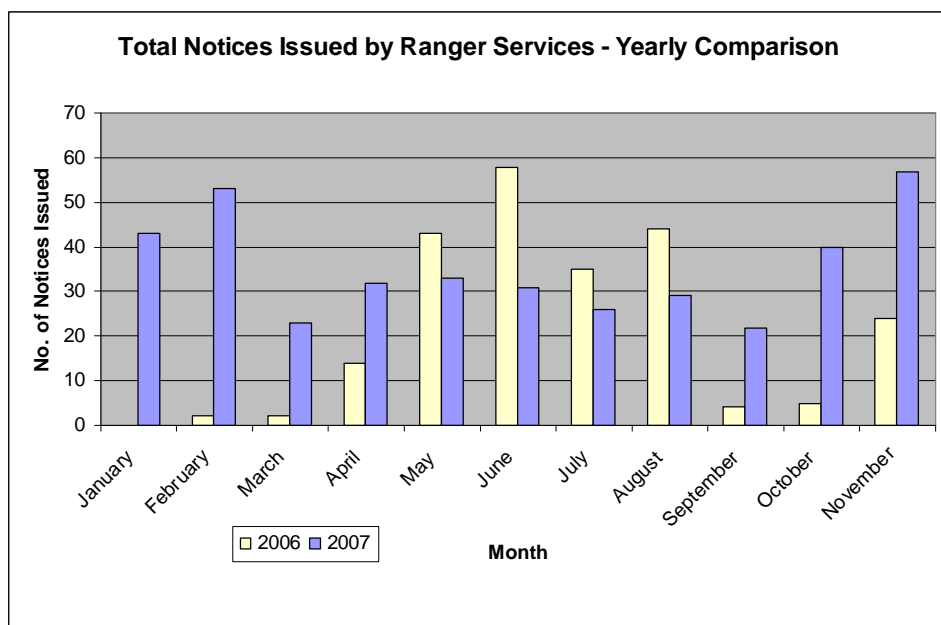
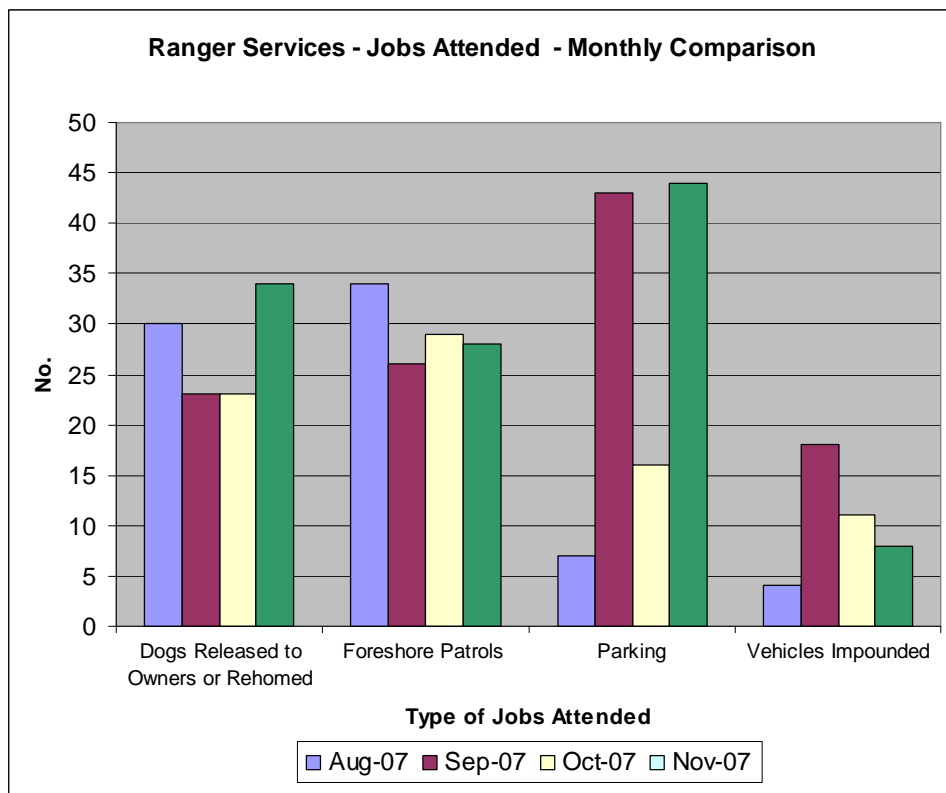
**Building Services**



***Environmental Health Services***

***Ranger Services***





**200708/103 Council Decision/Officer’s Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That Council receives the Regulatory and Community Services Report for November 2007**

**CARRIED 9/0**

**11.2.2 Planning Services****11.2.2.1 Delegated Planning Approvals November 2007 (File No.: 18/07/0002)**

**Officer** Bev Johnson  
Executive Assistant –  
Community & Regulatory  
Services

**Date of Report** 6 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

This item relates to the Planning Applications considered under Delegated Authority for the month of October 2007.

**Background**

A list of Planning Consents issued by Council's Planning Services under Delegated Authority for the month of October are attached to this report.

**Consultation** Nil

**Statutory Implications**

Town of Port Hedland Delegation Register 2006 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment** Nil

**200708/104 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That the Schedule of Planning Consents issued by Delegated Authority for the month of November 2007 be received.**

**CARRIED 9/0**

App. No	App. Date.	Date Determined	Description	Applicants Name	Owners Name	Address	Deleg.
2007/179	21/08/2007	05/11/2007	STORAGE FACILITY/DEPOT/LAYDOWN AREA - Shed addition 12x7.5x4m	Shidaz Pty Ltd	JAMES STANLEY PATERSON	16 CARLINDIE WAY WEDGEFIELD 6724	Yes
2007/190	03/09/2007	15/11/2007	SINGLE HOUSE - R Codes Variation - Extension to Existing Residence	Vathjunker Contractors	CHERYL MURPHY	21 OSPREY DRIVE SOUTH HEDLAND 6722	Yes
2007/226	20/09/2007	15/11/2007	SINGLE HOUSE - Ancillary Accommodation	Bruce & Kazuya Gould	BRUCE GOULD	27 GREENFIELD STREET SOUTH HEDLAND RURAL EST 6722	Yes
2007/247	05/10/2007	01/11/2007	GROUPED DWELLING - Retaining wall addition Unit 1	Town of Port Hedland	TOWN OF PORT HEDLAND	29 GRATWICK STREET PORT HEDLAND 6721	No
2007/264	22/10/2007	05/11/2007	STORAGE FACILITY/DEPOT/ LAYDOWN AREA - Shed Addition - 32.2m x 14m x 5.5m (Exceeding Height)	North West Shedmasters Pty Ltd	NORTHWEST SHED MASTERS PTY LTD	13 MURRENA STREET WEDGEFIELD 6724	Yes
2007/305	06/11/2007	20/11/2007	STORAGE FACILITY/DEPOT/LAYDOWN AREA - Shed Addition 6x6x2.7M	Christopher J Drazic	CHRISTOPHER JOHN DRAZIC	1A YANANA STREET WEDGEFIELD 6724	No
2007/310	06/11/2007	07/11/2007	OTHER CORRESPONDENCE - Clearance of Deposited Plan	Makajap Pty Ltd	BORAL CONTRACTING PTY LTD	18 CAJARINA ROAD WEDGEFIELD 6724	No
2007/311	06/11/2007	07/11/2007	OTHER CORRO - Clearance of DP	Whelans WA Pty Ltd	BHP BILLITON MINERALS PTY LTD	169 ANDERSON STREET PORT HEDLAND 6721	No





**11.2.2.2 Proposed Barge Access Jetty at Lot 250 Oyster Point (Reserve 30909) (File No.: 802302G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 3 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application from Thyssen Krupp Materials Handling to construct a Barge Access Jetty adjacent to the existing Finacune Island Boat Ramp.

Lot 250 (Reserve 30909) is zoned "Conservation Recreation and Natural Landscapes," and vested in the Town of Port Hedland for the purpose of "Recreation."

This item is referred for Council consideration, as Delegated Officers do not have authority to determine applications for planning approval on reserved land.

**Background**

Thyssen Krupp are proposing this development to provide a delivery point for delivering components for a new stacker to be located on BHP Billiton facilities at Finacune Island.

*Site Choice*

The applicant has selected the proposed location as it best meets the logistical needs of the proposed infrastructure delivery. These advantages include:

- easy access to the construction site – other routes would require increased traffic disruption and are problematic with regard to overhead obstructions;
- the proposed loading ramp removes the requirement for unloading cranes as the material may be driven straight off the barge;
- the area is relatively sheltered; and
- the physical characteristics of the proposed site require the least amount of construction.

*Construction Details*

This facility is proposed as a temporary facility for a single use. Attachment 2 describes the jetty dimensions to be constructed in the following manner:

- a concrete-reinforced rock wall forming the exterior boundary;
- Geo fabric lining the inside of the shell created by the reinforced rock wall;
- Geo fabric filled with sand and fabric folded back over to prevent erosion; and
- road base laid over top of fabric.

At the completion of the delivery project, the applicant proposes to remove all construction materials and return the site to its original condition. Given the expansion plans for port facilities and the likelihood that such a facility could provide a convenient delivery point for future industrial deliveries, there is an opportunity to make this a permanent structure servicing future needs.

Additionally the facility could serve as a valuable community recreation asset when not in use.

Previous similar deliveries have made use of the Spoilbank as a delivery area, however this is becoming a less favourable site for a number of reasons, including the distance from new port and industrial sites; increased traffic, especially exiting south along Wilson Street; new obstructions on existing roads (e.g. FMG conveyor over Finacune Island Road); and proposed new development on the Spoilbank.

The new facility would also shield the existing boat ramp and may prevent some of the silting up of this recreational facility.

#### *Timeframe*

Should Council approve this development, the applicant anticipates using the facility to unload the stacker components during a period from mid January to early February 2008. The unloading process is anticipated to take less than seven days.

If approved, an appropriate public advertising regime will be required to advise boat ramp users of dates and times the ramp and access road will be unavailable for public use during unloading and transport phases of the operation.

It is proposed to require the applicant to erect signs in the vicinity of the Finacune Island Road and Cajarina Road intersection and at the boat ramp advising of construction and transportation dates. A condition is included requiring the applicant to advise Council of interruptions expected in association with these works to enable local newspaper advertising of these dates, with these advertising costs borne by the applicant.

*Vesting*

The subject land comprises Crown land that is vested in the Town of Port Hedland for the purpose of "Recreation." As this proposed use falls outside this purpose, should Council approve this application, the Management Order will require modification via application to the Department for Planning and Infrastructure (State Land Services). An appropriate condition is included in the Officer's recommendation making this request.

**Consultation***Internal:*

Engineering Services has not objected to the application and advised that:

1. Specialist consultation is required to determine impacts of this development on currents and sand/silt movement;
2. Should the development be approved as a permanent structure, construction details will need to be of an appropriate standard;
3. If installed permanently, the road surface will need to be constructed of a flexible material to account for differential settlement.

Environmental Health Services have not objected to the application.

*External*

The Department of Planning and Infrastructure (Coastal Planning) has been advised of this application to provide specialist consultation. As the submission period had not closed at the time of writing this report, any correspondence will be tabled at Council's December Ordinary Meeting and any relevant conditions included as amendments to the Officer's recommendation.

The Port Hedland Port Authority has advised that it does not object to the application subject to the developer not disturbing any mangroves. An appropriate condition is included in the Officer's Recommendation with regard to this advice.

**Statutory Implications**

TPS 5, section 2.3 states:

*"Where an application for planning approval is made with respect to land within a reservation, the Council shall:*

- (a) *have regard to the ultimate purpose intended for the reservation,*

- (b) have regard for the intentions of agencies with responsibility of managing and developing the reservation, and*
- (c) confer with the organisations it considers relevant to the reservation and the proposed use or development.*

**Policy Implications**

6/001 Commercial Or Non Sporting Use Of Recreation Reserves

**Strategic Planning Implications****KRA 1 - INFRASTRUCTURE**

Goal 1 – Roads, Footpaths and Drainage

Strategy 9 - Work with Port Hedland Port Authority and others to ensure that port and mining expansions at Harriot Point are undertaken in a timely manner and do not have a negative impact on the community.

Goal 2 – Parks & Gardens

Strategy 5 - Review existing maintenance levels at all parks and reserves and present costed options for alternate maintenance regimes.

**KRA 3 – COMMUNITY DEVELOPMENT**

Goal 2 – Sports & Leisure

Strategy 2 - Upgrade boating facilities at Finucane Island and the Town Boat Ramp and identify the preferred location/s for future additional boat launching facilities.

**KRA 4 – ECONOMIC DEVELOPMENT**

Goal 2 – Mining

Strategy 3 - Work closely with mining companies to minimise any negative impacts on the community due to either construction and/or operational activities.

**Budget Implications**

Application fees of \$345 have been deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$150,000.

**Officer's Comment**

The applicant has selected the proposed development site for functional reasons, however this site offers a number of other benefits that raise the opportunity of making the development permanent rather than temporary.

With planned expansions at Finacune Island and other areas on the west side of the harbour, the establishment of a permanent unloading facility servicing these developments may facilitate easier development and cause less disruption to main roads.

While the close proximity to the existing boat ramp will cause disruptions, it is not anticipated that this proposed facility would be used frequently and so the impact on recreational users will not be excessive.

Also, as the land will remain vested in Council, the Town of Port Hedland will have greater control on how and when the unloading facility is used.

If approved as a permanent fixture, this development would effectively change the high water mark of this land and therefore modify the lot and reserve boundaries. If approved as a permanent fixture, the facility would become a Council asset, subject to being constructed to an appropriate standard. Maintenance would become a Council liability, however this may be offset through potential landing fees imposed on future users.

While officers are supportive of this proposal, some individuals could view the concept as 'big business' taking over a recreational asset. While this viewpoint is acknowledged, staff consider that the benefits gained through minimisation of traffic on roads and improvements to Council's Finucane Island boat ramp asset, outweigh the potential downside.

### **Attachments**

1. Location plan and aerial photograph
2. Site plan and elevation

### **Officer's Recommendation**

That:

- i) Council request the Honourable Minister for Lands to modify the Management Order for lot 250 (Reserve 30909) to include the additional use of "Harbour Facility" to the approved uses of the Reserve; and
- ii) subject to consent to the change in consent to the change in Management Order being provided by the Minister, Planning Consent be granted to Thyssen Krupp for the construction of HARBOUR INSTALLATION – Barge Unloading Facility at Lot 250 (Reserve 39090) as outlined in the Application received 5 November 2007 (Application 2007/312) and indicated on the approved plans, subject to the following conditions:
  1. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).

2. The applicant is to erect two signs, in accordance with the attached specifications, at sites to be determined in consultation with Council's Manager Technical Services, within 14 days of the date of this approval.
3. Prior to commencing site works, the applicant is to submit and have approved by the Town of Port Hedland:
  - a) Certification by a practicing structural engineer that the approved HARBOUR INSTALLATION is suitable as a permanent fixture;
  - b)
  - c) A construction management plan detailing how it is proposed to manage:
    - i) The delivery of materials and equipment to the site;
    - ii) The storage of materials and equipment on the site;
    - iii) The parking arrangements for the contractors and subcontractors;
    - iv) Impact on traffic movement;
    - v) Operation times including delivery of materials;
    - vi) Other matters likely to impact boat ramp users;
  - d) A traffic management plan addressing both the construction and use phases of the approved development.
4. The HARBOUR INSTALLATION is to be constructed in accordance with the approved certified plans.
5. The approved development is to comply with AS 4997 and all other relevant Australian Standards.
6. The applicant is to advise the Town of Port Hedland in writing a minimum of four (4) weeks in advance of any works or traffic movements conducted in association with this development that are likely to impact public users of the existing Finacune Island Boat Ramp.
7. The developer is to ensure that no mangroves are disturbed during the construction or use of the approved HARBOUR INSTALLATION.

**FOOTNOTES**

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

**200708/105 Council Decision/Amended Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr G D Bussell**That:**

- i) Council request the Honourable Minister for Lands to modify the Management Order for lot 250 (Reserve 30909) to include the additional use of "Harbour Facility" to the approved uses of the Reserve; and
- ii) Planning Consent be granted to Thyssen Krupp for the construction of HARBOUR INSTALLATION – Barge Unloading Facility at Lot 250 (Reserve 30909) as outlined in the Application received 5 November 2007 (Application 2007/312) and indicated on the approved plans, subject to the following conditions:
  1. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).
  2. The HARBOUR INSTALLATION is to be located not less than twenty (20) metres from the existing boat ramp;
  3. The applicant is to erect two signs, in accordance with the attached specifications, at sites to be determined in consultation with Council's Manager Technical Services within 14 days of the date of this approval.
  4. Prior to commencing site works, the applicant is to submit and have approved by the Town of Port Hedland:
    - a. Certification by a practicing structural and/or geotechnical engineer that the approved HARBOUR INSTALLATION is suitable to remain as a permanent fixture;
    - b. A construction management plan detailing how it is proposed to manage:
      - i. The delivery of materials and equipment to the site;

- ii. The storage of materials and equipment on the site;
  - iii. The parking arrangements for the contractors and subcontractors;
  - iv. Impact on traffic movement;
  - v. Operation times including delivery of materials;
  - vi. Other matters likely to impact boat ramp users;
- c. A traffic management plan addressing both the construction and use phases of the approved development.
5. The HARBOUR INSTALLATION is to be constructed in accordance with the approved certified plans.
6. The approved development is to comply with AS 4997 and all other relevant Australian Standards.
7. The developer is to remove all materials used for the construction of the HARBOUR INSTALLATION, repair any damage to Reserve 30909 and make good the site to the satisfaction of the Manager Planning Services as soon as practical at the completion of the unloading operation;
8. The applicant is to advise the Town of Port Hedland and any other relevant Public Authority in writing a minimum of four (4) weeks in advance of any works or traffic movements conducted in association with this development that are likely to impact public users of the existing Finucane Island Boat Ramp.
9. The developer is to ensure that no mangroves are disturbed during the construction or use of the approved HARBOUR INSTALLATION.
10. All works and actions undertaken in relation to this approval to be at no cost to Council.

#### **FOOTNOTES**

1. With regard to condition 7, the applicant is advised that the Town of Port Hedland is prepared to enter into negotiations to retain the approved HARBOUR INSTALLATION as a permanent fixture subject to the outcome of the planned marine impact study recommending that the fixture will cause no significant adverse impact on the marine reserve or boat ramp.



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

***CARRIED 9/0***

*ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2*





**11.2.2.3 Proposed 169 Additional Rooms at lot 2 (15)  
Dempster Street Port Hedland (File No.: 102530G)**

<b>Officer</b>	Andrew Patterson Planning Officer
<b>Date of Report</b>	25 November 2007
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received an application for planning approval for the location of 49 additional accommodation and ancillary buildings at lot 2 (15) Dempster Street Port Hedland (former Immigration Processing Centre). This application is submitted by Auzcorp on behalf of the landowner, the Department of Immigration and Citizenship.

The proposed structures comprise:

1. 4-bedroom units x 40,
2. Single-bedroom units x 5,
3. Two-bedroom units x 2 and
4. Laundry units x 2

The subject land comprises 3.2313 hectares and is zoned "Residential R 50" in the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5). This land was approved for the use "Residential Building" under delegated authority on 27 November 2007.

This item is referred for Council consideration due to the discretion sought by the applicant with regard to relaxing car parking requirements and the temporary nature of the development.

**Background***Use*

The approved use for the existing structures on the subject land is "Residential Building." TPS 5 defines "Residential Building" as:

- "A building or portion of a building, together with rooms and outbuildings separate from such building by ancillary thereto; such building being use or intended, adapted or designed to be used for the purpose of human habitation:*
- a. temporarily by two or more persons, or*
  - b. permanently by seven or more persons,*

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

This definition is deemed the best fit as it is intended that the development not be restricted to transient workforce accommodation only but service a range of short and long-term residents.

*Car Parking*

TPS 5 appendix 7 requires one parking bay per bedroom unit and an additional two bays per seven beds for visitors and staff. The existing structures are approved to accommodate a total of 212 persons, requiring a total of 167 bays. If approved, this application will allow for an additional 169 bedroom units, requiring an additional 218 bays as calculated in the following table:

Dwelling Type	No. of units	Bays Required
4-bdrm units	40 (160)	160
2-bdrm units	2 (4)	4
Single units	5 (5)	5
<b>Sub Total</b>		<b>169</b>
Visitor/staff	=sum(169/7)*2	49
<b>Total</b>		<b>218</b>

Note: in recalculating the visitor/staff parking, the total number of beds is used for the calculation, resulting in the adjustment of the rounding error of one bay, with the adjusted total bays required being **384**.

This application allows for a total of 250 parking bays within the lot boundary (including six disabled bays) and five oversized bays, a shortfall of 134 bays. In addition to the on-site parking, the applicant proposes to construct an additional eight oversize parking/drop-off bays in the road reserve.

In considering the requested concession for a reduced number of parking bays it is noted that this proposal is to develop the site almost to its maximum capability, and that there is relatively little land available on-site for additional bays.

In requesting this concession, the applicant notes that the parking/drop-off bays in the road reserve are to cater for the expected large proportion of short and long-term workers, thus alleviating the need for additional personal vehicles being parked on site.

*Transportable Buildings*

As the proposed buildings are transportable structures, TPS 5 section 6.11.2 gives Council the authority to specify the period for which planning approval is given and the requirements for removing buildings intended to be temporary.

In this submission, the applicant advises that the subject land is made available by DIAC by a two-year lease. It is therefore not considered unreasonable to include a condition that requires either a fresh application for planning approval, or removal of the transportable buildings at the termination of this current lease.

*Land Use Master Plan*

The Draft Land Use Master Plan identifies this site as a key development opportunity with preferred uses being “high end tourist ... or high density residential development.” While the proposed use does not conform to either or these proposed uses, given the tenure available to the applicant, this application is a potential transitional use prior to the anticipated release of this land by the Commonwealth Government.

**Consultation**

Building Services has not objected to the proposal and advised that a building licence is required.

Engineering Services has not objected to the proposal subject to:

1. All crossovers being constructed in accordance with Policy 9/005 – Crossovers;
2. Provision of detailed landscaping addressing existing footpath;
3. Submission of additional details regarding stormwater drainage;
4. Submission of additional details regarding beach access in addition to further consultation with relevant stakeholders’
5. Submission of additional parking dimension details
6. The applicant constructing a footpath as part of the landscaping
7. The applicant being advised that Council will not regulate the use of any parking bays constructed in the road reserve.

Environmental Health Services has not objected to the proposal subject to:

1. The development being connected to reticulated sewerage
2. The applicant being advised that food premises, lodging houses and public buildings must be licensed and comply with all relevant legislation.

**Statutory Implications**

The *Town of Port Hedland Town Planning Scheme No. 5* zones the subject land "Residential R 50" and sets standards for the number and dimension of car parking bays.

TPS 5 section 6.11 enables Council to approve the proposed buildings as a temporary use.

**Policy Implications**

9/005 Crossovers  
9/008 Verge Treatment Policy  
12/002 Off Site Car Parking Policy  
11/001 Tourism Policy

**Strategic Planning Implications** Nil

**Budget Implications**

Planning fees of \$6,058 have been received and deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$2,820,000.

**Officer's Comment**

While this is not the proposed end use for this land, given the constraints for this site, specifically the lease agreement, this application is considered an appropriate transitional development.

As noted in the report, as proposed, this development demonstrates a significant shortfall in car parking provision as determined in TPS 5. Should the application be approved as submitted, and the noted shortfalls prove problematic, there are some limited opportunities within the lot boundaries to expand the proposed car parks.

Even with the opportunities for additional car parking on site, should this development not cope with the amount of vehicular traffic generated, it is noted that this is a temporary approval that will be reconsidered with a fresh planning approval within two years, should the approved use continue.

The condition requiring reconsideration of planning approval at the end of the current lease ensures that Council retains some control of the ultimate development of the site. As identified in the Land Use Master Plan, this is an important development site whose redevelopment as a quality residential development will play a key role in further developing Cooke Point.

**Attachments**

1. Site location and aerial photograph of existing

2. Site Plan
3. Elevations

**Officer's Recommendation**

That Planning Consent be granted to Auzcorp Pty Ltd for the construction of RESIDENTIAL BUILDING – 49 residential and ancillary buildings at Lot 2 (15) Dempster Street Port Hedland as outlined in the Application received 21 November 2007 (Application 2007/336) and indicated on the approved plans, subject to the following conditions:

**GENERAL**

1. A sign in accordance with the attached specification being placed on site within fourteen (14) days of this approval, stating that approval has been granted; such sign to remain until the development is completed.
2. All works and activities undertaken on this lot are to be directly related to or ancillary to the approved use of the land for "RESIDENTIAL BUILDING." The Town of Port Hedland Town Planning Scheme No. 5 defines RESIDENTIAL BUILDING as:  
  
*"A building or portion of a building, together with rooms and outbuildings separated from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*
  - a. *Temporarily by two or more persons, or*
  - b. *Permanently by seven or more persons,**who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, motel, or holiday accommodation."*
3. With regard to condition 2, the developer is to submit written confirmation to the Town of Port Hedland that a minimum of 20% of the accommodation provided pursuant to this approval will be available to the general public.
4. This approval to remain valid for a period of twenty-six (26) months. Should the applicant wish to continue this use after this time, a new application should be submitted within twenty (20) months of the date of this approval. In addition to other requirements, this application should address:
  - a. The proposed time extension requested;
  - b. The appropriateness of the use given Council's desired ultimate use;
  - c. The appropriateness of temporary structures given the development's location on and adjacent to a strategic development site; and



- d. An overall justification and development plan negotiated with the current landowners, Council and nearby landowners, which is considerate of the Land Use Master Plan and consistent with the land uses which surround the site.
5. In regard to condition 4, and the use of the site generally, if the use ceases within the two (2) year period, and/or the applicant/developer doesn't exercise the right to renew the planning consent then all the temporary development shall be removed and the area made good, within sixty (60) days of the two (2) year anniversary date of this approval or within 60 days of the cessation of the use, whichever occurs earliest and all to the satisfaction of the Manager Planning Services.
6. This application provides no access from the subject site into or onto the adjoining reserve (Reserve 30768). A separate application for such access will need to be lodged separately and address the following matters to the specifications of the Manager Technical Services:
  - a. Points of access;
  - b. Types and locations of accessways;
  - c. Types and location of fencing and/or other methods of restricting /preventing access; andall to the satisfaction of the Manager Planning Services.
7. In regard to condition 6, the applicant is to provide sufficient fencing to the specification of the Manager Technical Services to prevent access to the recreation reserve by any person and/or vehicle during the construction, operation and/or decommissioning of the site unless a separate planning consent is granted and conditions complied with and all to the satisfaction of the Manager Planning Services.
8. A maximum of 381 residents being accommodated on-site at anyone time.
9. The Dempster Street frontage to shall be upgraded by the use of building treatments (painting etc.) and/or landscaping (details of landscaping can be included in the landscaping plan) to better blend the development into the residential surroundings all to the satisfaction of the Manager Planning Services.
10. A detailed landscaping plan (including common areas) to be submitted and approved by the Manager Planning within 60 days of the date of this approval, with this plan including location, species and planting details. Schedule 1 of Council's "Policy 10/001 - Landscaping Policy for Industrial & Commercial Areas" contains a list of "Recommended Low-Maintenance Tree and Shrub Species for General Landscaping" for your reference.

11. Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning Services.
12. The developer is to incorporate the installation of a new footpath along the Dempster Street lot boundary to the specification of Council's Manager Technical Services to the satisfaction of the Manager Planning Services.
13. A minimum of 250 parking bays including 5 bays for oversized vehicles being provided on-site.
14. The applicant is to negotiate with the Chief Executive Officer, or his nominated representative to provide cash-in-lieu for the construction of eight (8) oversize bays in the Dempster Street road reserve.
15. A minimum of six (6) disabled accommodation rooms being provided in convenient locations to entry points to the satisfaction of the Manager Planning Services.
16. A minimum of six (6) disabled parking bays being provided in convenient locations to entry points to the satisfaction of the Manager Planning.
17. Car parking bays to be minimum of 5.4m x 3.0m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5.
18. The granting of an easement in gross, in favour of the public at large, to the satisfaction of the Town prior to the development first being occupied, over the area generally identified as carparking and vehicular accessways in the development application dated 19/11/2007 and received by the Town on 21/11/2007. The landowner shall meet all costs associated with the preparation of the easement. This easement in gross shall be extended to include the, lot 1227 Keesing Street, Port Hedland as indicated on the approved plans.
19. Visitor, disabled and staff parking bays are to be marked for the exclusive use of these groups in accordance with relevant legislation or to the satisfaction of the Manager Planning Services.
20. The crossover shall be designed and constructed in accordance with Council Policy 9/005 - Crossovers, to the satisfaction of the Manager Planning Services, prior to occupation of the buildings.

21. No parking bays shall be obstructed in any way or used for the purposes of storage.
22. At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the site shall be contained within the lot area (i.e. no verge parking is permitted) and within designated vehicle parking locations/areas all to the satisfaction of the Manager Planning Services.
23. The footpath treatment in the adjoining road reserve shall be continued and linked with the footpaths/pedestrian accessways within the site in a design that compliments the area and at a grade of 2% rising from the kerb line, prior to the development first being occupied and to the satisfaction of Manager Planning Services.
24. A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy/plan shall consider service vehicle maneuvering on the internal roads of the development if required. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of the Manager Planning Services.
25. All stormwater shall be collected and disposed of to the specification of Council's Engineering Services to the satisfaction of the Manager Planning Services.
26. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
27. Installation of lighting in carparking areas and pedestrian accessways to deter theft and anti social behaviour, to the satisfaction of Manager Planning Services.
28. Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the specifications of the Director of Engineering Services and Manager of Environmental Health Services and to the satisfaction of the Manager Planning Services.
29. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:

- 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;
  - f. Other matters likely to impact on the surrounding residents;
- to the satisfaction Manager Planning.

#### FOOTNOTES

1. In regard to condition 2, the approval has been grant as a "Residential Building" as currently it represents the best fit definition for the type of developments that has been proposed on a temporary basis. The applicant is advised however that should a permanent use be proposed than a more appropriate use definition would need to be sought.
2. In regard to condition 4, the applicant is advised that Council approval is limited to 2 years, as it is understood that this is the extent of the current arrangements with the current landowners. The Town encourages negotiations to continue with the current landowners to ultimately development the site in accordance with the recommendations of the Land Use Master Plan.
3. In regard to condition 14, the applicant is advised that Council will not regulate the use of the parking bays constructed in the Dempster Street road reserve.
4. In regard to condition 4(d), the applicant may wish to consider negotiating with the adjoining landowners to create an overall master plan for the area including but not limited to some of the vacant reserve land that abuts the site. It should be noted however that any plan will need to provide for a public accessway (pedestrian dual use path) behind the existing dune system and between the dune system and proposed development site.
5. In relation to Condition 22. Applicant is to comply with the Town's Refuse Disposal Requirements for Multi Residential Developments (for further information please contact the Town's Engineering Services on telephone 9158 9700) Be advised that bin collection point/s shall be located as convenient as possible to all dwellings. In no case shall a bin collection point be located more than 40 metres from the each dwelling, unless a satisfactory management plan is submitted to and approved by the Town demonstrating the manner in which bins owned by residents living further than 40 metres and will be transported to and from the bin collection point on collection day.

6. In relation to Conditions 18, 21 and 23. Please contact the Town's Engineering Technical Officer on 9173 9350 for further details.
7. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
8. The applicant is advised that Council has exercised discretion under 6.13.5 of the Scheme with regard to the provision of car parking bays, and further advised that pursuant to section 6.13.6 of the Scheme may require the construction of additional car parking bays at any time, where Council is of the opinion that extra spaces are required to maintain desirable standards of safety, convenience and amenity.
9. The Applicant is advised that a Demolition Licence is required prior to removing surplus buildings. All non-salvageable materials to be disposed in a registered landfill facility.
10. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
11. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

6:20 pm Councillor Arthur A Gear left the room.

## 200708/106 Council Decision

Moved: Cr A A Carter

Seconded: Cr S J Coates

That Planning Consent be granted to Auzcorp Pty Ltd for the construction of RESIDENTIAL BUILDING – 49 residential and ancillary buildings at Lot 2 (15) Dempster Street Port Hedland as outlined in the Application received 21 November 2007 (Application 2007/336) and indicated on the approved plans, subject to the following conditions:

## GENERAL

1. A sign in accordance with the attached specification being placed on side within fourteen (14) days of this approval, stating that approval has been granted; such sign to remain until the development is completed.
2. All works and activities undertaken on this lot are to be directly related to or ancillary to the approved use of the land for "RESIDENTIAL BUILDING." The Town of Port Hedland Town Planning Scheme No. 5 defines RESIDENTIAL BUILDING as:  
  
*“A building or portion of a building, together with rooms and outbuildings separated from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*
  - a. *Temporarily by two or more persons, or*
  - b. *Permanently by seven or more persons, who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, motel, or holiday accommodation.”*
3. With regard to condition 2, the developer is to submit written confirmation to the Town of Port Hedland that a minimum of 20% of the accommodation provided pursuant to this approval will be available to the general public on any given day.
4. This approval to remain valid for a period of twenty-six (26) months. Should the applicant wish to continue this use after this time, a new application should be submitted within twenty (20) months of the date of this approval. In addition to other requirements, this application should address:
  - a. The proposed time extension requested;
  - b. The appropriateness of the use given Council's desired ultimate use;

- c. The appropriateness of temporary structures given the development's location on and adjacent to a strategic development site; and
  - d. An overall justification and development plan negotiated with the current landowners, Council and nearby landowners, which is considerate of the Land Use Master Plan and consistent with the land uses which surround the site.
5. In regard to condition 4, and the use of the site generally, if the use ceases within the two (2) year period, and/or the applicant/developer doesn't exercise the right to renew the planning consent then all the temporary development shall be removed and the area made good, within sixty (60) days of the two (2) year anniversary date of this approval or within 60 days of the cessation of the use, whichever occurs earliest and all to the satisfaction of the Manager Planning Services.
6. This application provides no access from the subject site into or onto the adjoining reserve (Reserve 30768). A separate application for such access will need to be lodged separately and address the following matters to the specifications of the Manager Technical Services:
  - a. Points of access;
  - b. Types and locations of accessways;
  - c. Types and location of fencing and/or other methods of restricting /preventing access; andall to the satisfaction of the Manager Planning Services.
7. In regard to condition 6, the applicant is to provide sufficient fencing to the specification of the Manager Technical Services to prevent access to the recreation reserve by any person and/or vehicle during the construction, operation and/or decommissioning of the site unless a separate planning consent is granted and conditions complied with and all to the satisfaction of the Manager Planning Services.
8. A maximum of 381 residents being accommodated on-site at anyone time.
9. The Dempster Street frontage to shall be upgraded by the use of building treatments (painting etc.) and/or landscaping (details of landscaping can be included in the landscaping plan) to better blend the development into the residential surroundings all to the satisfaction of the Manager Planning Services.

10. A detailed landscaping plan (including common areas) to be submitted and approved by the Manager Planning within 60 days of the date of this approval, with this plan including location, species and planting details. Schedule 1 of Council's "Policy 10/001 - Landscaping Policy for Industrial & Commercial Areas" contains a list of "Recommended Low-Maintenance Tree and Shrub Species for General Landscaping" for your reference.
11. Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning Services.
12. The developer is to incorporate the installation of a new footpath along the Dempster Street lot boundary to the specification of Council's Manager Technical Services to the satisfaction of the Manager Planning Services.
13. A minimum of 250 parking bays including 5 bays for oversized vehicles being provided on-site.
14. The applicant is to negotiate with the Chief Executive Officer, or his nominated representative to provide cash-in-lieu for the construction of eight (8) oversize bays in the Dempster Street road reserve.
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24. A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy/plan shall consider service vehicle maneuvering on the internal roads of the development if required. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of the Manager Planning Services.
25. All stormwater shall be collected and disposed of to the specification of Council's Engineering Services to the satisfaction of the Manager Planning Services.
26. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
27. Installation of lighting in carparking areas and pedestrian accessways to deter theft and anti social behaviour, to the satisfaction of Manager Planning Services.

28. Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the specifications of the Director of Engineering Services and Manager of Environmental Health Services and to the satisfaction of the Manager Planning Services.
29. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - a. The delivery of materials and equipment to the site;
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  - c. The parking arrangements for the contractors and subcontractors;
  - d. Impact on traffic movement;
  - e. Operation times including delivery of materials;
  - f. Other matters likely to impact on the surrounding residents;

to the satisfaction Manager Planning.

#### **FOOTNOTES**

1. In regard to condition 2, the approval has been grant as a "Residential Building" as currently it represents the best fit definition for the type of developments that has been proposed on a temporary basis. The applicant is advised however that should a permanent use be proposed than a more appropriate use definition would need to be sought.
2. In regard to condition 4, the applicant is advised that Council approval is limited to 2 years, as it is understood that this is the extent of the current arrangements with the current landowners. The Town encourages negotiations to continue with the current landowners to ultimately development the site in accordance with the recommendations of the Land Use Master Plan.
3. In regard to condition 14, the applicant is advised that Council will not regulate the use of the parking bays constructed in the Dempster Street road reserve.

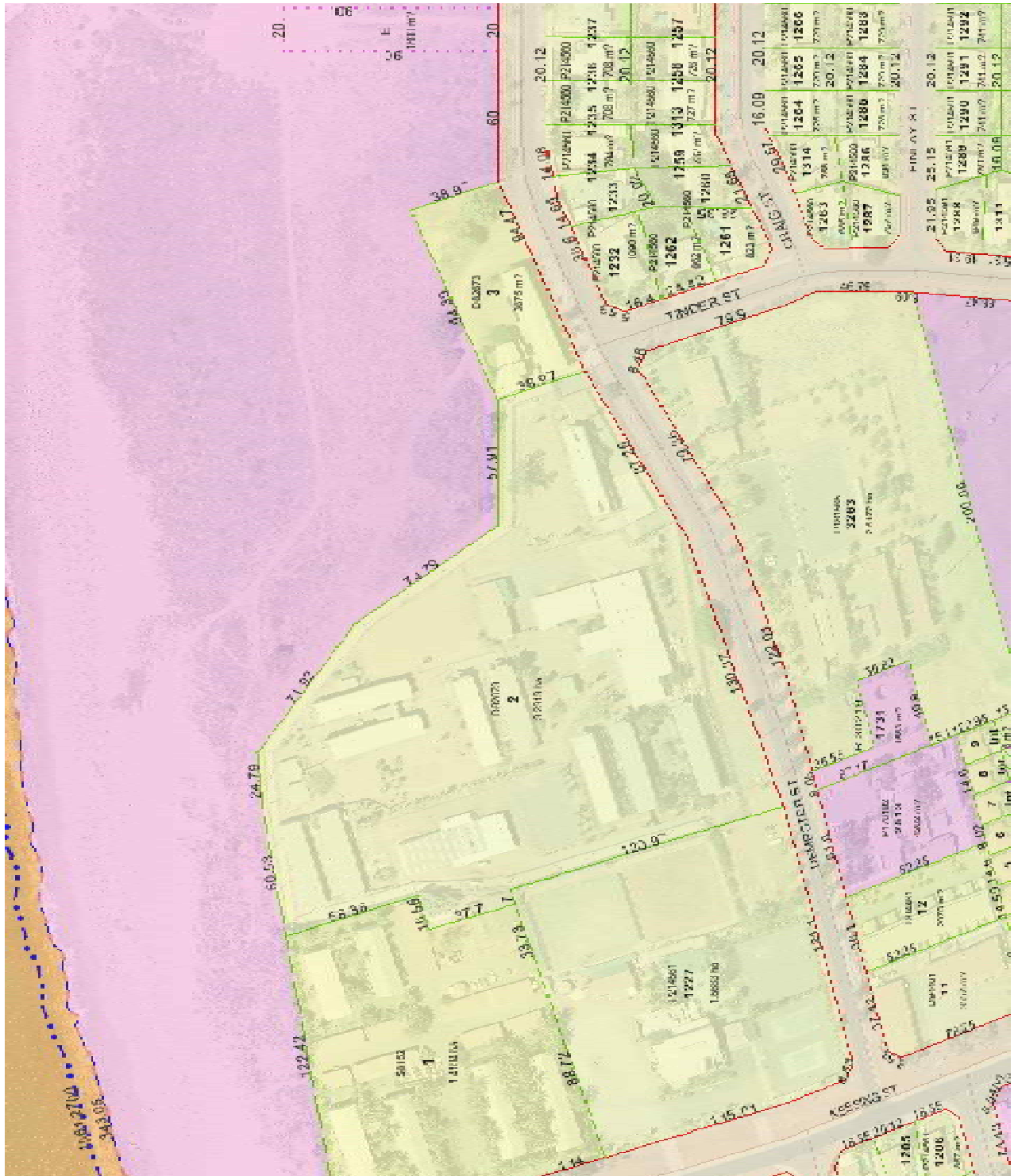
4. In regard to condition 4(d), the applicant may wish to consider negotiating with the adjoining landowners to create an overall master plan for the area including but not limited to some of the vacant reserve land that abuts the site. It should be noted however that any plan will need to provide for a public accessway (pedestrian dual use path) behind the existing dune system and between the dune system and proposed development site.
5. In relation to Condition 22. Applicant is to comply with the Town's Refuse Disposal Requirements for Multi Residential Developments (for further information please contact the Town's Engineering Services on telephone 9158 9700) Be advised that bin collection point/s shall be located as convenient as possible to all dwellings. In no case shall a bin collection point be located more than 40 metres from the each dwelling, unless a satisfactory management plan is submitted to and approved by the Town demonstrating the manner in which bins owned by residents living further than 40 metres and will be transported to and from the bin collection point on collection day.
6. In relation to Conditions 18, 21 and 23. Please contact the Town's Engineering Technical Officer on 9173 9350 for further details.
7. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
8. The applicant is advised that Council has exercised discretion under 6.13.5 of the Scheme with regard to the provision of car parking bays, and further advised that pursuant to section 6.13.6 of the Scheme may require the construction of additional car parking bays at any time, where Council is of the opinion that extra spaces are required to maintain desirable standards of safety, convenience and amenity.
9. The Applicant is advised that a Demolition Licence is required prior to removing surplus buildings. All non-salvageable materials to be disposed in a registered landfill facility.
10. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

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

**CARRIED 8/0**

*REASON: Council amended Clause 3 by adding "on any given day" to ensure that 20% of the accommodation would be available to the general public on any given day.*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3





**11.2.2.4 Proposed SUBDIVISION – Creation of 117 Lots – Lot 3818 Pell Street, South Hedland (File No.: 156530G)**

**Officer** Richard Bairstow  
Manager Planning

**Date of Report** 4 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

The Western Australian Planning Commission (WAPC) has referred an amended plan, submitted by ARUP for Lot 3818 Pell Street, South Hedland (See Attachment No. 1). The application is referred to Council as the Notice of Delegation requires that Council determine subdivision proposals in excess of 10 lots.

**Background**

Council previously considered a subdivision applications over this lot at Council's 27 June Ordinary Meeting, where the application was deferred pending further discussions. The application was reconsidered at the 25 July meeting, where Council supported the application subject to conditions.

The application was referred back to the Western Australian Planning Commission (WAPC) with the Council's resolution.

On the 29 October Council received an application for a revised subdivision design over the subject land from ARUP on behalf of their client's Kariyarra Mugarinya Developments Pty Ltd (KMD). The owner of the Land remains the Crown, however KMD are now responsible for the subdivision.

ARUP has advised that the purpose of the transfer was to encourage the participation of the local Aboriginal population in the local economy.

*Proposed Subdivision*

The amended plan of subdivision shows 114 standard residential lots, with areas consistent with the average lot size in excess of 500m<sup>2</sup> prescribed for the R20 code. Additionally, three grouped lots are proposed. The grouped sites are proposed to accommodate the following maximum number of dwellings; Lot 1 – 6 dwellings, Lot 115 – 17 dwellings and Lot 116 – 14 dwellings (See Attachment No. 1). ARUP have noted the following subdivision features:

- All roads reserves are of a 17.2m width, including a 7.2m pavement and 2m pedestrian paths.



- The design incorporates a 10m buffer zone to both Murdoch Drive and North Circular Drive frontages in which a raised mound will be created and be landscaped in accordance with the Town's landscaping polices. The mound will include bollards and be of a sufficient height, and strategically landscaped, to restrict vehicle access to, or from, Murdoch Drive, North Circular Drive, or the drainage reserve.
- The inclusion of an additional drainage reserve running through the middle of the sub division. The drain reserve will take storm water from the south of the development to the existing drainage reserve – this follows the natural slope of the land. Additionally, the proposed North/South drain reserve closely follows an existing gully.
- The provision of battle axe lots that are proposed to address the proposed central drainage reserve or local linear park.

The subdivision presents a variety of unique opportunities in design and development with regard to its lot layout. However it also has several engineering and potential social issues that will be required to be carefully managed to avoid exacerbations of some of the existing social and planning problems for which South Hedland is known.

### **Consultation**

No public consultation has been carried out on the proposal. The proposal has been circulated internally to the Engineering Department (ETM), with detailed comments and concerns being provided. The Engineering Department noted concerns regarding several intersections, roundabouts (See Attachment No. 2), and other design elements. Following is a summary of those discussions. ARUP responses are identified by italics and planning in bold:

*Pell Road connection:*

ETM: Is Pell intended to continue through to Murdoch? If so, will it be a major or minor road?

*ARUP: Lot 3863 is under DHW control and, therefore, currently should be considered as an unused block of land. Access to Murdoch Drive is desirable to have, however is also not possible in lot 3818 because of the numerous double row of High Voltage power lines.*

Planning Services Comment: From an accessibility perspective, the development of a connection through Lot 3863 is considered a desirable outcome, and was part of the original subdivision proposal. A recommendation has been made to address this issue.

*Intersection 1:*

ETM: Concerns with the close proximity of 2 intersections regarding stacking and/or cutting corners. Is realignment possible?

*ARUP: Concern acknowledged. Previous plans provided the new road to the north. The current position is the result of the position of services for the subdivision, and an attempt to keep roads away from the drainage reserve. Given the movement of overland water on this site, it seemed unwise to have a road immediately south of a major drainage reserve.*

Planning Services Comment: ARUP provided a second solution of moving the intersection further south, however this created a less desirable road layout, and was not supported by Engineering Services as it created the potential for a four way intersection in the future should Pell Street be opened. Engineering's concern regarding this intersection is supported and, therefore, a condition has been recommended within the recommendation for the design to be amended to the specifications of the Town's Manager Technical Services.

*Intersection 2:*

ETM: Concerns with the close proximity of 2 intersections regarding stacking and/or cutting corners. Is realignment possible?

*ARUP: Concern acknowledged. However, given the significant physical barriers of not being able to access Murdoch Drive or North Circular Road from lot 3818, it is proposed that this is the best solution for both engineering and livability aspects.*

Planning Services Comment: It has been assessed that these issues can be suitably addressed by Engineering Services at the detailed design stage of the project. A footnote has been included to highlight the issue.

*Roundabouts:*

ETM: Roundabouts located in front of lots 63 and 34 will restrict access to block and cause traffic issues. Are there alternatives?

*ARUP: The roundabouts are proposed to be traffic-calming devices and are not considered to impact on the accessibility to lots 63 and 34. ARUP is happy to discuss alternatives as part of the detailed engineering design works.*

Planning Services Comment: It has been assessed that these issues can be suitably addressed by Engineering Services at the detailed design stage of the project. A footnote has been included to highlight the issue.

The recommendation has been worded to allow Council to support the application whilst requiring the applicant to undertake certain amendments and/or additional works prior to significant events.

### **Statutory Implications**

The Western Australian Planning Commission (WAPC) is required under Part 10 – Subdivision and Development Control, Clause 142 – Objections and recommendations of the Planning Development Act 2005 (P&D2005), to refer for comment any applications for subdivision.

The Town is required to provide these comments within 42 days of receiving the application.

However, as 4 of the 7 applications propose the subdivision of land zoned Urban Development, Clause 5.2 – Development Plans of Town Planning Scheme No. 5 (TPS5) is relevant, particularly Sub-Clause 5.2.1, which states:

*“Council may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for: b) Urban Development Zone.”*

### **Policy Implications**

9/007 – Roadside, verge and reserve parking policy  
9/008 – Verge treatment policy  
12/002 - Off site car parking policy  
LPP 04 - Residential Road Reserve Widths

**Strategic Planning Implications** Nil

### **Budget Implications**

The applications are only referred to the Town for a recommendation and therefore no fees are payable.

### **Officer's Comment**

Assessment of the New Living Subdivisions identified five (5) strategic design areas that were required to be addressed by subdivision application within South Hedland. These areas were:

- Road reserve and pavement width standards;
- Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space;
- Design Guidelines for lots abutting public reserves to ensure that the development addresses and provides passive surveillance of the public reserve;

- Design Guidelines for corner lots to ensure that the development addresses and provides passive surveillance of the primary and secondary streets;
- Develop Design Guidelines for the proposed Local Centre that are supported by suitable professional justification, demonstrating that the proposed development's location, lot size, tenancy mix, design criteria and zoning is sustainable, and reflects best practice in these areas.

Of the five areas, the application is affected by points 1 – 4, with the application being assessed to comply with the road reserve and pavement width standards. The other areas have been dealt with by suitable conditions within the recommendation.

One issue of concern that is unique to this application is the proposed allocation of housing lots. Currently, according to the ARUP sustainable Development Strategy, it is proposed to allocate 103 of the dwellings to FMG and 30 dwellings for the Kariyarra Native Title Group. This proposed allocation is contrary to Council's current salt and pepper approach which has been largely adopted by the New Living Project and Pretty Pool development, and likely to create enclaves within the subdivision, which is considered undesirable from a Council and Community perspective. Discussions with ARUP have indicated that this was a condition that was included in the land transfer to KMD. The resolution includes a recommendation for a letter to be written to all regarding the Council's concerns about the lot allocation, and a specific condition regarding house and streetscape design has been included to address any residential design repetition issues.

*Other matters identified and addressed in the assessment are:*

The proposed grouped sites have been conditioned with a requirement to provide guidelines to ensure that they address the surrounding public spaces, and do not create the appearance of a gated community.

In conclusion, the subdivision is supported subject to those individual recommendations and conditions detailed within the overall recommendation.

**200708/107 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr J E Ford**That Council:**

- 1. Advises responsible Government agencies and departments that the Town is concerned about the proposed allocation of lots, as it is contrary to Council's current 'salt and pepper' approach which has been largely adopted by the New Living Project and Pretty Pool development, and may create enclaves within the subdivision which is considered undesirable from a Council and Community perspective.**
- 2. Under Clause 5.2.1 of Town Planning Scheme No. 5, resolves not to require the preparation of a Development Plan subject to the applicant complying with the resolution and conditions outlined in part 2 of this recommendation.**
- 3. SUPPORTS the subdivision application for the creation of 117 lots on Lot 3818 Pell Road, South Hedland, subject to the following conditions and footnotes:**
  - a. Prior to the commencement of works:**
    - i. The subdivision design being amended and approved by the Town of Port Hedland for the realignment of the proposed south entry road off Pell Street to the specifications of the Town's Manager Technical Services, and all to the satisfaction of the Manager Planning.**
    - ii. Upgrade and/or development plans in accordance with the Draft "Design Guidelines for the treatment, development and upgrading of drainage reserves (both existing and proposed) as linear open space" that abut or occupy the site shall be submitted to, and approved by, the town, to create a passive linear open space;**
    - iii. Develop Design Guidelines to cover the grouped dwelling sites that ensure these sites address both the street and proposed drain/linear POS, to provide passive surveillance of these areas and not create the appearance of a gated community. These are to be submitted to, and approved by, the Town;**

- iv. **Develop Design Guidelines for all lots that ensure a variety of development styles and housing types, which create an interesting and diverse streetscape. These are to be submitted to, and approved by, the Town;**
- v. **Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary streets. These are to be submitted to, and approved by, the Town; and**

**all to the satisfaction of the Manager Planning;**

- b. **The approved plans/documentation relating to conditions “a” being implemented to the satisfaction of the Manager Planning.**
- c. **That the applicant, Town and the owner of Lot 3863 (19-25) Pell Street, South Hedland enter into negotiations that secure the road connection between Pell Street and Murdoch Drive as per the originally proposed subdivision plan support by Council at its 25 July 2007. The costs of the design and construction should be met by the applicant and be all to the satisfaction of the Manager Planning.**
- d. **Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system, and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.**
- e. **Subdivisional roads to be constructed and dedicated to the boundary of the application area.**
- f. **A drainage management plan being prepared and implemented as part of the subdivisional works.**
- g. **Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.**

**FOOTNOTES:**

- a. In regard to condition 3.a.iv., the condition has been imposed to ensure that the subdivision presents a diverse and interesting range of dwellings and streetscape given that the subdivision is to be owned principally by two groups.
- b. The application is advised that the Town's Engineering Department has raised several concerns about the layout of intersections and roundabouts in the subdivision, and that careful attention is required to paid to these in the Engineering Detailed Design phase of their design and construction. For more information on these matters please contact the Town's Manager Engineering Technical Services.
- c. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme

***CARRIED 8/0***

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4





ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4



**11.2.2.5 Final Adoption of the Land Use Master Plan (Local Planning Strategy) for the Town of Port Hedland (File No.: 18/07/0001)**

**Officer** Richard Bairstow  
Manager Planning

**Date of Report** 6 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Council is requested to endorse the Land Use Master Plan (LUMP) as the Local Planning Strategy for the Town of Port Hedland. Further it is also requested that Council refer the Plan to the Western Australian Planning Commission (WAPC) for adoption as the Town's Local Planning Strategy.

**Background**

The Land Use Master Plan has been through an exhaustive 20-month process, achieving the following milestones:

**PLAN PREPARATION**

- Project commenced: April, 2006
- Community Summit No. 1: December, 2006
- Community Summit No. 2: March, 2007

**DRAFT PLAN**

- Steering Committee Review: June, 2007
- Council approval for public comment: July, 2007
- Community information meeting: July, 2007
- Poster summary: August, 2007
- Chamber of Commerce workshop: September, 2007
- Comment period closes: September, 2007
- Steering Committee review of comments: October, 2007
- Revised draft circulated: November, 2007

**FINAL DRAFT**

- Comments received on revised Draft: November 23, 2007
- Final Draft circulated to Council: November 30, 2007

**Consultation**

The consultation process associated with this Plan has been widely acknowledged for its extensiveness, openness, and inclusiveness, with the highlights being the Community Summits, Specialist Consultation and distribution of information to the public via flyers, posters and public displays.

**Statutory Implications**

For the Land Use Master Plan to be able to be considered as Local Planning Strategy, the documents must be processed in accordance with the requirements of the Town Planning Amendment Regulation 1999.

**Policy Implications**

The adoption of this Plan by Council will represent Council's first Local Planning Strategy, which is the precursor to the review of Town Planning Scheme No. 5 and development of Local Planning Scheme No. 6.

**Strategic Planning Implications**

KRA 4 – Economic Development,  
Goal Number 5 – Town Planning & Building  
Strategy 1 – “Complete the development of the Land Use Master Plan.”

**Budget Implications**

The Land Use Master Plan is a Council project and, therefore, there are no fees payable.

**Officer's Comment**

The Land Use Master Plan has been out for comment for the past 6 months. This document has been endorsed by the community as its plan for the next 15 to 20 years.

The Land Use Master Plan was distributed to Councillors on the 30<sup>th</sup> November 2007. Council was presented with the Plan on the 5<sup>th</sup> December 2007. Feedback gained from the 5/12/07 Council Briefing Session has been included in the final text.

The Council is requested to support the plan to show the Community, Industry, Government Departments, and Politicians, that the Plan is the direction that the Town of Port Hedland and its Community wish to travel in the next 15 to 20 years.

While the plan articulates the land use vision, the exponential rate of growth that is being achieved will inevitably mean that the document will require constant review and update to make it an accurate, living document.

6:26pm Councillor Arthur Gear re-entered the room and assumed his chair.

**200708/108 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J E Ford

**That Council:**

1. **adopts the Land Use Master Plan as its Local Planning Strategy pursuant to Regulation 12B(3b) of the Town Planning Regulations 1967;**
2. **requests the Western Australian Planning Commission to adopt the Land Use Master Plan as the Town of Port Hedland's Local Planning Strategy pursuant to Regulation 12B(3b) of the Town Planning Regulations 1967;**
3. **requests the Chief Executive Officer to:**
  - a. **organise the appropriate paper work and signatures for the referral of the Land Use Master Plan to the Western Australian Planning Commission for final adoption;**
  - b. **write to Ruth Durack of the Urban Design Centre of WA, Craig Salt of Sustainable Consulting, and the Members of the Land Use Master Plan - Steering Committee thanking them for their efforts in their production of the resulting Local Planning Strategy; and**
  - c. **place an advertisement in the Local Newspaper thanking the community for their input into the Land Use Master Plan and outlining the process from here.**

**CARRIED 6/3**

*NOTE : Cr A A Carter requested the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr G D Bussell
C A A Carter	Cr A A Gear
Cr S J Coates	Cr K A Howlett
Cr G J Daccache	
Cr J Ford	
Cr J M Gillingham	

**11.2.3 Ranger Services****11.2.3.1 Application to Keep More Than Two Dogs at 20 B Moseley Street Port Hedland (File No.: RAN 19/07/0001)**

**Officer** Peter Wilden  
Co-ordinator Ranger Services

**Date of Report** 3 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Request of Council for authorisation to keep more than two (2) dogs.

**Background**

The resident of 20B Moseley Street, Port Hedland, has approached Council to permit him to keep three (3) dogs and allow for an exemption to Council's Local Law relating to the keeping of dogs, which states that a person may only keep two (2) dogs over the age of (3) three months on a property, in accordance with the Dog Act 1976.

**Consultation**

All immediate property owners surrounding the applicant's address were surveyed by the applicant (see survey form) and were then approached by Ranger Services to ascertain that all the information on the Household Property Survey form was factual.

Ranger Services inspected the property on 27 November 2007 and ascertained that the property is large enough to house a third dog, there is sufficient means on the property to confine all dogs and to provide shade.

**Statutory Implications**

Section 26 of the Dog Act 1976 States:-

*“Limitation as to numbers*

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.*
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or*

*kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.*

- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption <sup>3</sup>/<sub>4</sub>
  - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
  - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
  - (c) may be revoked or varied at any time.**
  
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.*

*Penalty: \$1 000 and a daily penalty of \$100. “*

Section 12 of the Town of Port Hedland local Laws relating to Dogs 1998 States:-

*Maximum Number of Dogs*

The owner or occupier of premises situated within the district shall not, unless the premises have been granted exemption pursuant to Section 26(3) of the Act or are licensed as an approved kennel established under Section 27 of the Act, keep or permit to be kept on those premises more than two dogs over the age of three months excepting that the young of those dogs up to the age of three months of age may also be kept.

<b>Policy Implications</b>	Nil
<b>Strategic Planning Implications</b>	Nil
<b>Budget Implications</b>	Nil

**Officer’s Comment**

Approval has been sought to keep three (3) dogs at 20 B Moseley Street Port Hedland. The dogs currently registered to the property are 1 x Chihuahua (bitch) and 1 x Maltese X (bitch) both dogs are currently registered with Council.

Council records indicate the Chihuahua was impounded on 21 May 2007, with this being the only occasion Ranger Services had occasion to speak with the owner, no infringement notices have been issued, or complaints received in relation to the Chihuahua and Maltese currently at the property prior to or since this time.

The dog described in the 3<sup>rd</sup> dog application is a Rottweiler X (dog) aged approximately 18 months to two years of age and would be re-homed to the applicant under Councils Adopt-A- Dog Program.

#### **Officer's Recommendation**

That the resident of 20B Moseley Street, Port Hedland, be permitted to keep three (3) dogs, being 1 x Chihuahua (bitch) and 1 x Maltese X (bitch) and 1 x Rottweiler X (dog) and allow an exemption in accordance with Section 26 of the Dog Act 1976, with the following conditions.

- i) all three (3) dogs to be and remain registered with Council in accordance with the Dog Act 1976;
- ii) this exemption will only apply to the Chihuahua (bitch) the Maltese X (bitch) and the Rottweiler X (dog) referred to in the application;
- iii) all three (3) dogs remain and reside at the property at 20 B Moseley Street Port Hedland;
- iv) the application will be revoked if a complaint of unreasonable barking is substantiated to any of the three (3) dogs residing at this address, or if any of them are found to be wandering at large; and
- v) in the event of the death of any dog residing at the property of 20 B Moseley Street this approval (should it be granted) will revert back to a limit of two (2) dogs only.

**200708/109 Council Decision****Moved:** Cr A A Gear**Seconded:** Cr J M Gillingham

**That the resident of 20B Moseley Street, Port Hedland, be permitted to keep three (3) dogs, being 1 x Chihuahua (bitch) and 1 x Maltese X (bitch) and 1 x Rottweiler X (dog) and allow an exemption in accordance with Section 26 of the Dog Act 1976, with the following conditions.**

- i) all three (3) dogs to be and remain registered with Council in accordance with the Dog Act 1976;**
- ii) this exemption will only apply to the Chihuahua (bitch) the Maltese X (bitch) and the Rottweiler X (dog) referred to in the application;**
- iii) all three (3) dogs remain and reside at the property at 20 B Moseley Street Port Hedland;**
- iv) the application will be revoked if a complaint of unreasonable barking is substantiated to any of the three (3) dogs residing at this address, or if any of them are found to be wandering at large; and**
- v) in the event of the death of any dog residing at the property of 20 B Moseley Street this approval (should it be granted) will revert back to a limit of two (2) dogs only.**
- vi) the Director Regulatory and Community Services be granted delegated authority to consider future applications from residents to keep more than two (2) dogs, including granting or rejecting exemption for owners in accordance with Section 26 of the Dog Act 1976; and that any appeals received from unsuccessful applicants to be considered by Council.**

**CARRIED 9/0**

*REASON: Council granted the Director Regulatory and Community Services the delegated authority to consider any future applications from residents to permit keeping more than two (2) dogs, and accepting or rejecting applications for exemption in accordance with Section 26 of the Dog Act 1976; and that any appeals resulting from those decisions be referred to Council for consideration.*



ATTACHMENT TO AGENDA ITEM 11.3.2.1

Town of Port Hedland Ranger Services  
Phone 9150 9740 Fax 6172 1914  
Household Property Survey

<b>Applicant:</b>	ANDREW & DIANA INDICH
<b>Street Address:</b>	20 B MOSELEY STREET
<b>Postal Address:</b>	PORT HEDLAND, WA 6721
<b>Telephone Number:</b>	(H) 08 9173 5414 (M) 0408 936 950
<b>Assessment Number: (Council Use)</b>	A109330

The applicant has approached the Town of Port Hedland seeking to request an exemption from section 26 (1) of the Dog Act 1976.

In having a third dog at the above premises, this application is made in relation to the Dog Act 1976 Part V The Keeping of dogs Section 26(3)

Current Dogs At Premises

Rego No	Breed	Markings	Sex: D B	Age
802 62	Chihuahua	Gold / White Chest	B	2-3 years
101560	Maltese X	Green / Black Eartips	B	1-2 years

Details of Additional Dog Sought

Rego No	Breed	Markings	Sex: D B	Age
	Rottweiler X	Black / Tan / White Patch	B	18 months - 2 years

As a requirement of this application all immediate neighbours of the applicant, are to be surveyed, with their noted consent or objection to this application, with the Town reserving the right to contact any person who's name appears here under to verify that consent has been given in this application.

Detail reason for additional dog:

\* As a requirement to secure property while we are at work and during night time we found footprints and "left behind items" in our backyard during last few weeks

\* An additional pet to our little dogs

Name	Address	Contact Number	Consent / Object	Signature
R. UTTWARD	18 Moseley St	0412 480 388	Consent	[Signature]
L.R. PLOD	3A TREMBATH ST	91732205	ALL OK	[Signature]
M. BOWEN	202 Hedland	080 462 1000	YES	[Signature]

All the information in this survey is true and correct to the best of my knowledge and belief.

Name of Applicant: Andrew Paul Indich

Address of Applicant: 20 B Moseley

Signature of Applicant: [Signature] Dated: 26.11.07

**11.2.4 Community and Economic Development Services****11.2.4.1 Replacement off Matt Dann Cultural Centre Theatre Speakers (File No.: .../...)**

<b>Officer</b>	Julie Broad Manager Community and Economic Development
<b>Date of Report</b>	5 December 2007
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

To consider the replacement of the speakers in the theatre of the Matt Dann Cultural Centre (MDCC).

**Background***The Theatre Sound System*

The Matt Dann Cultural Centre (MDCC) currently has only one total sound system for cinema screenings and live performances in the theatre.

The existing speakers in the theatre of Matt Dann Cultural Centre have experienced multiple failures over the past few years, resulting in total failure of the system in August 2007. Broken speakers were cannibalised to construct a full public address system, which sustained service provision. On 10<sup>th</sup> October during a movie screening, the main speakers broke down again, resulting in a full system failure beyond the point of repair.

An arrangement was made on 11 October with the Walkington Theatre in Karratha to hire speakers until the Matt Dann Cultural Centre could be replaced with a new sound system. The Walkington Theatre requires these speakers to be returned by February to enable production of their outside cinema services.

It has now become time-pressured to secure and install a new system at MDCC as this process of manufacture, freight and installation takes five to six weeks and it is over the Christmas period.

The issue of replacing the speakers was raised at the 1<sup>st</sup> quarter budget review in October, however alternative solutions were requested, however subsequent investigations have made these unviable.

The work must be completed before the 2008 school year commences, and takes two electricians six working days to complete once the speakers have been manufactured and freighted here from the East Coast.

Council only has access to the MDCC outside of school hours during school term, making installation very difficult and expensive during the school term.

It is not possible to hire a sound system such as the one required. Purchase of new sound system has an anticipated life of fifteen years, if maintained as recommended. The current maintenance service provider can provide this service.

Council has 2 options to replace the speakers, being outright purchase of new speakers or lease the speakers until the new financial year. The outright purchase option would cost \$16,115 (incl. gst), while the lease would be approximately \$400 per month (\$2,400 for 6 months) with council having to pay a balloon payment in the new financial year (approximately \$13,600 + any additional interest costs). Regardless of option, Council will need to pay \$16,770 in installation and freight costs to have the replacement speakers operational.

### **Consultation**

Entertainment Theatricals Pty Ltd – Suppliers  
Walkington Theatre officers

**Statutory Implications** Nil

**Policy Implications** Nil

### **Strategic Planning Implications**

KRA 3: Community Development

Goal Number 1 Youth and Children: That parents and young people in the Town have access to a range of facilities and services that is comparable to the metropolitan area.

Strategy 6: Work with key youth stakeholders to ensure that a range of events/functions are available for local youth including recreation, leisure, adventure and art/craft activities.

### **Budget Implications**

The outright cost of the speakers, including installation and freight is \$32,885 (incl. gst), which currently is not budgeted. Currently Council has \$34,800 of unallocated funds. Utilising the surplus will not effect any other service from Council, however would reduce unallocated funds available for any other unforeseen situation.

**Officer's Comment**

The speakers at the MDCC obviously need to be replaced before the start of the new school year. Council has the funds available in the current cash surplus to fund the purchase of the new speakers.

This will be a nil effect on both the MDCC's current budget, and those of any other Council service.

Leasing the speakers will only prolong the inevitable, plus add additional costs associated with a finance lease. Council would be committing future years expenditure, which generally is not advisable for an effectively small purchase, which can be solved within current budgetary boundaries this financial year.

**Attachments**

Nil

**200708/110 Council Decision/Officer's Recommendation****Moved:** Cr G D Bussell**Seconded:** Cr J M Gillingham**That Council:**

- i) amends the 2007/08 budget to permit the purchase of new speakers, and the associated freight and installation costs, for the Matt Dann Cultural Centre to the value of \$33,000 (incl. gst); and
- ii) utilises cash surplus funds identified in the 2007/08 first quarterly budget review for the purchase of speakers (including freight and installation).

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



**11.3 ENGINEERING SERVICES**

**11.3.1 Director Engineering Services**

**11.3.1.1 *Monthly Report – Engineering Services (File No.: 13/04/0001)***

**Officer** Terry Dodds  
Director Engineering Services

**Date of Report** 3 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

For Council’s Information.

**Background**

Engineering Services monthly report to Council.

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer’s Comment**

***Engineering Services Works***

<b>PROJECT</b>	<b>STATUS</b>
Black Spot Funding	Throssell Road Widening continues from Hawke Place to Post Office Entrance Driveway – Footpath poured from Hamilton Roundabout to Hawke Place.
Roads to Recovery	Shoata Road complete (intersection sealed).
Landfill	Engineering crews will construct the new septage ponds awaiting DEP approvals.
Landfill	Commenced Washdown Bay redesign and installation of separator.
FMG Railway Construction	Railway construction and road works ongoing.

Wedgefield Upgrades R2R	Headwalls and guidepost completed.
Anderson Street	Headwalls completed.
Flood Gate Pumps	Trevelle Engineering to install Flood Pump by mid December (including commissioning).
Airport Drainage	Reshaping main drain complete. (Smaller secondary drain to be finished by end of December.)
Road Safety Audit	Road Safety Audit for South Hedland, Port Hedland and Wedgefield has been forwarded to Main Roads.
Heavy Plant Equipment	All Heavy Equipment has been ordered – not anticipated to arrived until next year. The process of completing of investigations into options for the TTL at the Waste Management Facility has commenced.

***Parks & Gardens***

<b>PROJECT</b>	<b>STATUS</b>
Tree Reinstatement	Received a report on the cyclone damage to the remaining trees in town – programming works to finalise.
Garden Maintenance	Garden Maintenance crews are continuing with programmed works.
Park Maintenance	Park maintenance crews are maintaining park programme on a fortnightly basis. Service delivery rates are currently being captured for use in designing a maintenance plan. This will assist in the budget process (short term) and help in predicting development implications in relation to council's Parks & Gardens budget (long term).
Sportsground Maintenance	Lawn Doctor has completed recycle topdressing; report to be issued.
Pre-Cyclone Cleanup	No further cyclone cleanup will be undertaken.
Training	Staff continued with the 'Growing and Propagating Native Plants' training.
Litter Crew	Only working Monday – Friday no weekend cleanup until further advised (over budget YTD).

**Technical Services/Projects**

<b>PROJECT</b>	<b>STATUS</b>
Drainage Construction	Total costs are being finalised for the installation of concrete pipes to enclose some open drains in Schillaman Street. Negotiations will occur with external stakeholder/s for potential financial contribution/s once quotes have been obtained.
Boat Ramp upgrades	Staff is investigating the options for a boat wash down facility at the Richardson Street boat ramp. This will include consultation with relevant departments regarding environmental issues and approvals. The replacement of the handrail surrounding the path at Captain Bert Madigan park will also be replaced. The full completion of this project will be pending budget constraints, which will be realised when final quotes have been received.
Footpath construction	Port Hedland footpath construction program to commence mid December.
Street Lighting upgrades	Horizon Power has commenced the street lighting upgrade program in South Hedland.
Playground development	Initial results of the community survey have indicated the need for a variety of playground equipment to suit all ages. Shade and bins are also a high priority. An additional \$135,000 has been funded from BHP for Colin Matheson playground (total project cost \$256,000). Designs are being finalised and will include climbing nets, play systems, path with feature cycling elements, shade structures, seating and bins.
West End Greening	Tree planting and reticulation installation contract has been awarded to Excel Resources. Staff is carrying out preparation works and negotiating project schedule with contractor. Initial construction will commence prior to Christmas.
Don Rhodes Mining Museum	Graffiti removal has been completed. Local contractors are sought to carry out repair works including securing all access points to the exhibits and removing steps. After initial works are completed a review of scope versus budget will be undertaken.



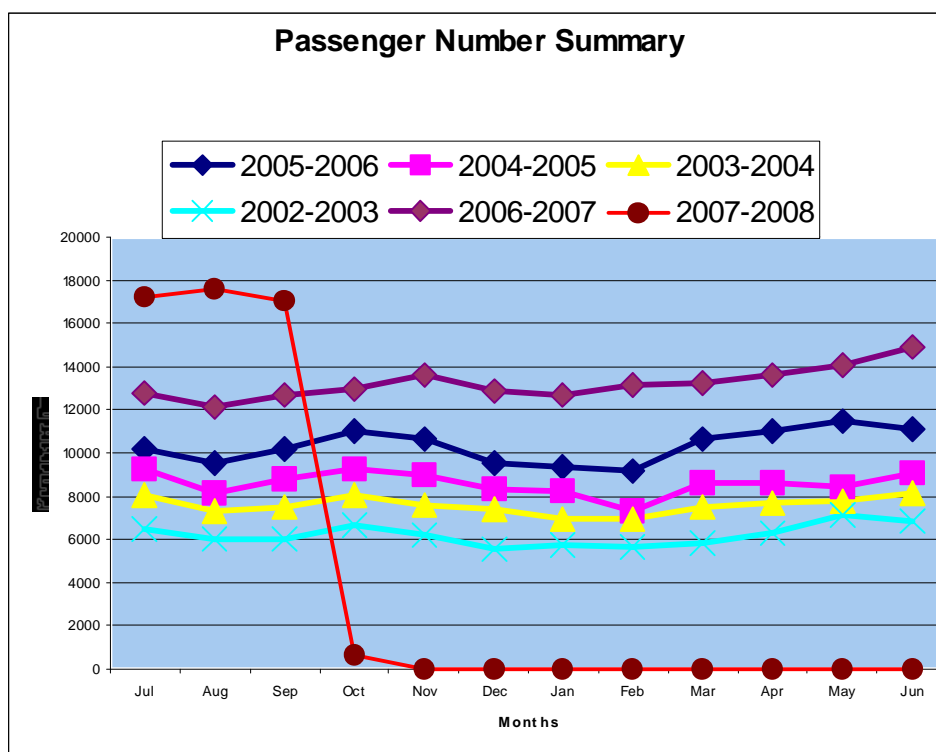
<p>Cemetery Upgrade</p>	<p>Final submissions have been presented to the Pilbara Area Consultative Committee for funding of \$50,000 to increase the budget of the Cemetery upgrade project. Upgrades include shade structure over entrance hardstand, signage, concrete lintels, fencing and plot identification plaques</p>
<p>Foreshore Parks lighting</p>	<p>Installation has commenced on the 'white' lights at Cemetery Beach, Pretty Pool and Civic Centre parks. Turtle friendly lighting specifications are being clarified with CALM and Minister of Environment for remaining 'turtle sensitive' areas.</p>
<p>Sutherland Street upgrade</p>	<p>Designs are being finalised for the construction of 2 rest area nodes along the Sutherland street footpath between Cemetery Beach and the Hospital. Designs include shade, seating, landscaping and informal play areas and will be presented to Council prior to tendering the construction.</p>
<p>Turtle Boardwalk</p>	<p>Further works for the construction of the turtle boardwalk are delayed until the completion of the turtle-nesting season.</p>
<p>Road Safety Audits</p>	<p>Quotes have been received for safety audits on roads surrounding Port Hedland Primary School, Cassia Primary School and Baler Primary School. All quotes are in excess of the approved budget. Staff to liaise with Main Roads WA regarding the possibility of combining Council's RSA program with their program.</p>
<p>Buttweld road/BHP Access road intersection</p>	<p>BHP staff members have raised a safety issue regarding sight distances along Buttweld road from the railway crossing to the BHP Access road. Staff is investigating the possibility of BHP realigning their access road intersection to suit the required sight distance clearances. This has also given Council the opportunity to pursue BHP's commitment to reconstructing Buttweld road from the railway crossing to Great Northern Highway, which has not been completed.</p>

*Port Hedland International Airport*

<b>PROJECT</b>	<b>STATUS</b>
Sewerage Upgrade	Awaiting quotes from service providers. In view of the potential changes relating to the TWA, whole concept is being re-visited. (It is envisaged that a greater economy of scale can be achieved by using the same contract staff on the TWA and sewerage upgrade.)
Apron Lighting Upgrade	Ongoing.
PAPI Installation	All equipment received. Method of Working Plan to be developed and parties consulted as to timing of works. No development since November.
Front Reserve Drainage	Majority of works now completed.
Master Plan	Currently investigating terminal car-parking area, extensions to airport operational area airside.
Electrical Upgrade	Tender Awarded. Works commencement dependant on equipment delivery. Switchboards ordered, expected late January 2008.
Airport Revaluation	Now over-due at time of writing, delayed due to clarification of runway pavement design.
RESA Extensions	Ongoing. Preliminary scope being completed in-house; including risk assessment.
4 Lot development	Ongoing. Works pending the sewerage upgrade completion. See 'Sewerage'.
Boundary Fencing	Tender to be advertised shortly and to proceed to next Council Meeting. Revising RFT Spec (DES).

*Passenger Numbers*

Passenger Numbers for month ending October 2007. At time of writing Qantas October figures not available. At the time of writing November figures not available (not normally received until the 10<sup>th</sup> of each month).



## ***Recreation Services***

### **General/Projects**

#### ***Sporting Facilities Upgrades***

All existing recreation upgrades from 2006/07 have been completed, with the remaining 07/08 upgrades to now be undertaken.

The future of the Hawks clubrooms is currently being investigated. The Hawks Rugby League Club will inform Council of the direction their club will be taking following their AGM on the 2<sup>nd</sup> December. A report will be presented to Council in the January OCM.

Remaining funds will be allocated according to the outcome of the lighting audits at each aquatic centre and the Diamond 1 back-net.

The remaining 07/08 financial year's Recreation Upgrade projects include:

- Shade structures at Colin Matheson Oval, Marie Marland Reserve and McGregor St Reserve;
- Spectator Seating at Kevin Scott Oval; and,
- Shared storage facilities at Marie Marland Reserve and McGregor St Reserve.

Quotes have been received on a majority of the projects, with contractors now being awarded the works.

*Post – Cyclone Repairs*

South Hedland Aquatic Centre Shade structure has been secured and made safe for use. The contractor is due to return to complete the works in early January. Gratwick Aquatic Centre shade structure was examined by a structural engineer, with the report due to be completed and sent through to Town of Port Hedland staff by Friday the 9<sup>th</sup> of December. The report will determine the insurers decision in regards to replacement of the shade structure.

The Diamond 1 baseball back-net structure was advertised as a tender for design and construction on the 3<sup>rd</sup> of November. Tenders closed 28<sup>th</sup> of November, with a report being presented to this Ordinary Council Meeting.

*Port and South Hedland SkateParks*

South Hedland Skatepark has reached base completion stage, with signage and fencing installed. The remaining fixtures will be ordered and installed prior to the Grand Opening on the 21<sup>st</sup> February 2008. It is anticipated that once completed, vandalism will decrease; however it is likely that maintenance costs will remain.

Port Hedland skatepark is in a similar situation to South Hedland. Initial quotes have been obtained for features, and will be completed prior to the Grand Opening on the 22<sup>nd</sup> February 2008.

BHP Billiton Iron Ore have contributed further to the additions at both skateparks.

*Feasibility Study into Proposed Multi-Purpose Sports Complex*

Quotes are now being obtained for the architectural design of the proposed complex. Once these have been received, a report, along with recommendations, will be presented to Council.

*JD Hardie Centre Working Group*

The final report from the Project Control Group will be presented to Council at the December Council Briefing. This final report has encompassed feedback from various stakeholders in the community, and advises the future direction of the JD Hardie Centre.

*Town Cycle Plan*

The contract has been awarded to Transplan to undertake the Town Cycle Plan for the Town of Port Hedland. Initial consultation and site visits have been undertaken. A meeting between the newly developed working group and the consultants will be undertaken early in the New Year.

This report is scheduled to be received by March 2008.

*Recreation Reserve Redevelopment*

This contract has been awarded to ROSS Planning to develop concepts plans for Colin Matheson Oval and the McGregor Street Sporting Reserves. Initial consultation has occurred, with a second site visit scheduled for early December. The newly developed working group, together with the turf club and all users of the reserves will have the opportunity to meet with the consultant to provide feedback. The report is scheduled to be received in March 2008.

*Lighting Audit*

This audit has been awarded to TEC Services, and work is due to commence this year. These audits will recommend current and future upgrades with regards to overhead lights and electrical points. All recommendations will adhere to the recently adopted Code of Practice for Aquatic Centres.

*JD Hardie Centre Capital Upgrades*

The JD Hardie Centre upgrade will commence in December this year, with funds allocated to enhance the aesthetics and usability of the Centre. The JD Hardie Centre will be closed during the Christmas period, to ensure limited impact on current users.

*Facilities*

The Diamond 1 building at Marie Marland Reserve in South Hedland was vandalised and broken into again this month. The toilet door to the disabled toilets was broken and panels in the ceiling were damaged in an attempt to gain access to the kitchen. The proper action was taken with a police report being filed.

Since the break-ins last month signs have been put in place advising that no valubles or alcohol are stored on the premises. All clubs using this facility have been advised.

*Upcoming Events*

*Australia Day Sports Awards*

Nominations opened for the Australia Day Sports Awards last month. Nomination packs have been sent to all sporting clubs/associations. All sponsors have been confirmed, and the presentations will be held at the Soroptimists breakfast. Advertising has also commenced.

*Education, Training and Certifications*

The Recreation Programmer at the JD Hardie Centre has been nominated to undertake Professional Development at the trans-Tasman Basketball Championships in Albury – Wodonga. Nominated by Basketball WA, this opportunity is fully funded, and an understanding of the logistics and organisation of all aspects of the competition will be learnt, and brought back to Port Hedland.

Four (4) JD Hardie Centre staff attended the Australian Sports Commission “Active After School Communities” training to become qualified deliverers in this program. All recreation staff bar one are now qualified to deliver this course.

*Aquatic Centres*

The YMCA have submitted their Business Plan for the 2008 Calendar Year as per the Management Agreement. The Operating Budget is being presented to Council this month.

The monthly report for each Aquatic Centre has not yet been received due to the early Council Meeting this month. These reports, together with the January report will be presented to the Ordinary Council Meeting in January.

*JD Hardie Centre**Promotion:*

Promotion used for the month of November was as follows;

- Distribution of Flyers for the JD Hardie Holiday Program to all Schools
- Fax out for the North West Basketball Cup
- Basketball WA Visit Flyer to al Primary Schools
- JDHC Web Page Updated
- North West Basketball Cup Nomination Emailed out
- Holiday Program Flyer on Web Page

*Programs:**Current Programs:*

- Junior Dodgeball
- Junior Basketball
- All Sports
- Kids Club
- Junior Indoor Footy
- Junior Indoor Soccer

*Current Stadium Competitions:*

- Mixed Netball
- Mixed Volleyball

- Men’s and Women’s Basketball (Concluded)
- Mixed Indoor Social Soccer

*Attendances:*

<b>Term Program Attendances</b>	Jul	Aug	Sep	Oct	Nov
Kids Club (Mon, Wed, Fri)	53	177	159	121	105
Jr Dodgeball	47	38	77	29	35
Jr Gym	23	25	20	0	0
All Sports	20	55	43	22	22
X-Pression	0	0	0	0	0
GR8 SK8	13	0	0	0	0
Boxing	82	109	38	72	80
Jr Indoor Footy		37	37	14	32
Jr Indoor Soccer				12	40
Jr Indoor Basketball				12	12
<b>Sports Competitions</b>					
Netball Teams (12)	15	315	385	282	197
Volleyball Teams (11)	30	210	228	138	170
Social Soccer	23	35	96	70	125
Basketball Teams	135	252	294	34	0
Badminton	10	14	0	0	0
<b>Misc</b>					
Birthday Parties (2)	45	35	36	37	37
Facility Hire	910	912	885	955	1140
Holiday Program	315	0	0	374	0
Dodgeball Competition	0	0	0	50	0
Disco’s		0	196	0	0
Gym Visits (7 Current Members)		14	50	51	43
<b>Total</b>	<b>1721</b>	<b>2228</b>	<b>2544</b>	<b>2273</b>	<b>2046</b>

*Events - North West Basketball Cup*

The North West Basketball Cup was highly successful with 20 teams participating in four (4) grades throughout the weekend. This event was financially supported by Department of Sport and Recreation (Indigenous Sports Program) with in kind support from Basketball WA assisting with free clinics and flying people up to Hedland in the fields of coaching and officiation areas.

*Additional Information*

Attendances for the Month of November were high with primarily due to the North-West Basketball Cup. All programs continued steadily, however the Tae Kwon Do Regular Booking came to a close for the year.

Facility Hire's that took place at the JD Hardie Centre this month included the following:

- Australian Sports Commission – Community Coach Training Program
- Tae Kwon Do (Regular Weekly Booking)
- Turtle Training Course
- Hedland Senior High School (Regular Weekly Booking)

**Attachments** Nil

**200708/111 Council Decision/Officer's Recommendation**

**Moved:** Cr G J Daccache      **Seconded:** Cr G D Bussell

**That Council receives the Engineering Services Monthly Report for November 2007.**

***CARRIED 9/0***



**11.3.1.2 Port Hedland Port Access Corridor Review (28:04/003)**

**Officer** Terry Dodds  
Director Engineering Services

**Date of Report** 3 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

The Main Roads, Pilbara Region WA, have completed a study and draft report concerning main roads servicing Port Hedland. They have invited formal comments on the report or suggestions for its improvement before the 14<sup>th</sup> of December 2007.

**Background**

The report, which has been submitted to the Minister for Planning and Infrastructure, considers a number of broad options for the long-term alignment of the Great Northern Highway through the Town of Port Hedland.

**Consultation**

Council's Planning Services

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications****KRA 1 - INFRASTRUCTURE****Goal 1 - Roads, Footpaths and Drainage**

To have developed network of road, footpaths and verges that are well maintained.

Strategy 1 - Actively pursue the rapid development of the Port Hedland Road Redevelopment Project (Auslink Road).

Strategy 2 - Work with DPI to review the effectiveness of existing public transport within the Town.

(Whilst not specifically stated above, the Main Roads Port Hedland Access Corridor Review and recommendation does impact on the strategic development of the Town of Port Hedland.)

**Budget Implications** Nil

**Officer's Comment**

The Report highlights the complexities of a rapidly changing environment, using the most recent and best forecasting techniques currently available, including information from the following studies:

- State Planning Strategy-WAPC, December 1997
- Pilbara Regional Transport Strategy- DOT April 1997
- Roads 2020 Regional Road Development Strategy
- Pilbara Infrastructure Needs, Current and Future- The Pilbara Development Commission 1998
- Port Hedland Port Authority Planning Study-Worly Pty Ltd 2003
- Port Hedland Area Planning Study (PHAPS)- WAPC, September 2003
- Pilbara Freight Movement Study- SKM October 2004
- The Port Hedland Enquiry by Design Workshop Report- DOI November 2004
- The Port Hedland Port Authority Statement of Corporate Intent 2006/7- PHPA 2006
- Perth-Darwin Corridor Strategy-DOTARS 2007
- Report on Road Planning in the Port Hedland Area- MRWA March 2007
- Port Hedland Land Use Master Plan- Draft issued for public review, July 2007
- Roads 2025 Regional Road Development strategy 2007

The basis for the determination seems sound and is as comprehensive as possible. However, in all documents and studies of this nature, the sheer complexity will negate the ability to please all stakeholders.

**Officer's Recommendation**

That Council formally accepts the Port Hedland Access Corridor Review Report as submitted by the Main Roads Western Australia dated November 2007.

**200708/112 Council Decision**

**Moved:** Cr G D Bussell

**Seconded:** Cr G J Daccache

**That:**

- i) Council notes the Port Hedland Access Corridor Review Report as submitted by the Main Roads Western Australia dated November 2007; and**
- ii) MainRoads WA be advised that Council looks forward to working with MainRoads to further develop road transport corridor concepts with a view to determining both short and long-term solutions for the road transport network within the Town of Port Hedland.**

**CARRIED 9/0**

*REASON: Council seeks to participate in the process to further develop transport corridor concepts with the view to determining both short and long-term solution for the road transport network within the Town.*

**11.3.2 Recreation Services****11.3.2.1 Tender 06/59: Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One (File No: 26/13/0004)**

**Officer** Matthew Jackson  
Sports and Recreation Officer

**Date of Report** 28 November 2007

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider submissions received for Tender 06/59 for the Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One.

**Background**

At the Ordinary Council Meeting on the 26<sup>th</sup> of September 2007 Council approved that:

- “1.) *in accordance with section 3.57 of the Local Government Act tenders be called for the construction of engineered nine (9) metre high back-netting, to be installed be installed at Diamond 1 at Marie Marland Reserve using funds as allocated , being \$74, 460.00; and,*
- 2.) *consider any shortfall through application to the Cyclone George Relief Fund.”*

In accordance with Council's recommendations, tenders were called for the supply and installation of Security and Boundary fences on all Sporting Reserves. Tenders closed on the 28<sup>th</sup> November 2007.

Tenders were received from:

- Boundaries WA (conforming)
- SRB Security Solutions (alternative)

**Consultation**

- Chief Executive Officer
- Director Engineering Services
- Manager Recreation Services
- Manager Building Services
- Baseball WA Events Director
- Port Hedland Baseball Association

**Statutory Implications**

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

*“3.57. Tenders for providing goods or services*

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

**Policy Implications**

This tender was called in accordance with Council’s Procurement Policy 2/015.

**Strategic Planning Implications**

KRA 2 – Community Development

Goal 2 – Sports & Leisure

‘That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.’

**Budget Implications**

Crawford and Company Insurance Agency have stated an amount of \$37,460.00 will be paid to the Town of Port Hedland (based on repair rates). An additional \$40,000 has been secured through the BHP Sustainability Partnership as part of the Sport Facilities Upgrade Program. This totals \$77,460.00. Council’s stated intent was to access additional funding from the Cyclone George Relief Fund. The current unreconciled balance of the Cyclone George Relief Fund is \$ .

**Officer’s Comment**

For the tender to be conforming, the following technical specifications had to be met:

- The submission of Engineered and Certified designs for a chain link mesh baseball back-netting structure;
- The demolition of the existing baseball back-net structure; and,
- The construction of the chain link mesh back-net structure based on the approved designs.

Although the tender from SRB Security Solutions was non-conforming (tender called for the construction of a chain-link mesh back-net structure), the tender submission was still considered as an option. SRB Security Solutions indicated that due to their similar experience overseas, *“chainmesh is deemed to be obsolete.”*

The alternative is similar to the chain-mesh, and they believe that the product is “*more durable and resistant to wear from the elements due to the hot dipped galvanising and Powdercoating processes.*” SRB Security Solutions have requested that their alternative tender be considered due to the “*unique construction that ensures tampering or vandalism is futile, keeping the 'new' look for a minimum of 10 years.*”

It is important to note that although the tenderers are being evaluated using the evaluation criteria, the finished product is not the same.

The table below lists the evaluation criteria used to assess the tenders as per the tender documentation

Price	60%
Experience	10%
Resources (e.g. Plant and equipment)	10%
Demonstrated understanding of required tasks	10%
Local Supplier	10%
Total	100%

*Price*

The tender consisted of two parts. Part A requested the cost breakdown for the costs of the design, demolition and construction, whilst Part B requested the breakdown of costs for certain section of the project if any extra works were required.

Part A breakdown:

Section 1: Certified design of the baseball back net structure to meet all Australian standards and local standards.

<b>Name</b>	<b>Price (excluding GST)</b>
Boundaries WA	\$5, 000.00
SRB Security Solutions	\$1, 890.00

Section 2: Demolition of the existing back-net at Marie Marland Reserve Diamond 1, including all associated landfill costs.

<b>Name</b>	<b>Price (excluding GST)</b>
Boundaries WA	\$16, 200.00
SRB Security Solutions	\$10, 250.00

Section 3: Construction of back net structure at Marie Marland Reserve Diamond 1 (not including supply and delivery of concrete).

<b>Name</b>	<b>Price (excluding GST)</b>
Boundaries WA	\$59, 480.00
SRB Security Solutions	\$100, 371.00

Total cost carried to Tender Form (inclusive of Part A and B):

<b>Name</b>	<b>Price (excluding GST)</b>
Boundaries WA	\$94, 680.00
SRB Security Solutions	\$112, 511.00

Score: Boundaries WA 60  
 SRB Security Solutions 50

*Experience*

SRB Security Solutions and Boundaries WA have not undertaken the construction of a baseball back net structure previously. However, both companies have recently completed heavy-duty security fencing projects. SRB Security Solutions does have the backing of international manufacturing company that makes their product, and has manufactured baseball back net structures in other locations in Europe and the US.

Score: Boundaries WA 5  
 SRB Security Solutions 7

*Resources*

Both companies outlined the requirement of similar equipment to complete the works.

Score: Boundaries WA 10  
 SRB Security Solutions 10

*Understanding*

SRB Security Solutions had a greater understanding of what the tender required and provided a greater amount of information in regards to how the company would complete the project. They also addressed any concerns with regards to their tender submission promptly. Boundaries WA failed to attach a copy of their Safety Health and Environmental Management Plan to their tender application (which was indicated in the tender would be attached at the back). When prompted to send a copy and address certain concerns in regards to their tender submission, they did not do so within the timeframe given.

Score: Boundaries WA 8  
 SRB Security Solutions 10

*Local*

Boundaries WA are a locally based company with their main office in Broome. SRB Security Solutions are a Perth based company that relies on an international supplier for their product.

Score: Boundaries WA 8  
 SRB Security Solutions 0

The following matrix shows the rating of each tender submission as per the evaluation criteria.

	Price (60%)	Experience (10%)	Resources (10%)	Understanding (10%)	Local (10%)	Total (100%)
Boundaries WA	60%	5%	10%	8%	8%	91%
SRB Security Solutions	50%	7%	10%	10%	0%	77%

Tenderers also provided the following information:

*SRB Security Solutions*

- The product we have outlined has been recommended for the baseball back net structure and dead ball fence, which is regularly used in similar structures overseas.
- SRB also have complete engineering specifications to support the capability of this product to support the recommended wind loadings.

Neither tender submission is within the funding already allocated to this project (\$77, 460.00). Both would require the Council to access funding from the TC George relief fund.

The product suggested by SRB Security Solutions, TwinGuard, although it does not conform to the tender requirements, appears to be a more superior product. TwinGuard costs slightly more than the standard chain wire mesh, but should be cheaper over time in regards to ongoing repairs, maintenance and its protection from rusting. The product is also designed to be more aesthetically pleasing and may provide better viewing for spectators.

Council therefore has two options:

1. Accept the tender submission from Boundaries WA and access \$26,688 from the Cyclone George Relief Fund; or
2. Accept the non-conforming tender from SRB Security Solutions and access \$46,302 from the Cyclone George Relief Fund.



**Officer's Recommendation**

That:

- i) Tender 06/59 for the Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond 1, be awarded to SRB Security Solutions for the lump sum cost of \$123,762.10 inc. GST; and
- ii) funding for the project be accessed from:
  - . Insurance Claim \$37,460
  - . BHP Sustainability Partnership Funding (Sports facility upgrades) \$40,000;  
and
  - . Cyclone George Relief Fund \$46,302.10.

**200708/113 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr A A Gear

**That Item 11.3.2.1 'Tender 06/59: Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One' lay on the table pending further information on the product intended to be installed by SRB Security Solutions, and the guarantee associated with the product and installation.**

***CARRIED 9/0***

REASON: Council sought further information relating to the product proposed to be installed by SRB Security Solutions.



**11.4 GOVERNANCE AND ADMINISTRATION****11.4.1 Corporate Services****11.4.1.1 *Withdrawal of Caveat Lot 1012 15 Murrena Street, Wedgefield (File No.: A116530)***

**Officer** Brie Holland  
Senior Rates Officer

**Date of Report** 22 November 2007

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to approve the use of the Seal to lift a Caveat on the following property; Lot 1012 15 Murrena Street Wedgefield (A116530).

**Background**

Council lodged a caveat on the property on 29<sup>th</sup> of November 2002 to protect outstanding account applicable to the property. Until the 2007/08 Rating period, the accounts have all been paid in full. The owner requires that the caveat be lifted in order to proceed with the sale of the property without any encumbrance at any time.

**Consultation** Nil

**Statutory Implications**

Local Government Act 1995

*“6.43. Rates and service charges are a charge on land*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, rates and service charges imposed under this Act, together with the costs of proceedings, if any, for the recovery of the rates or service charges, are a charge on the land rated or in relation to which the service charge is imposed.”*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer’s Comment**

Council has previously resolved that all items requiring the use of the Seal be put to Council prior to the Seal being used. (Council Decision 200506/297).

As with all land transfers, all rates and charges must be paid as part of the settlement process. Given that local government rates are a secured debt on any property (by law), the use of caveats to protect Council's interest in this instant is superfluous. Like in this instance, having to remove the caveat, and therefore seek Council's permission to do so, actually delays the sale process, and therefore delays the clearing of any outstanding rates balance.

Though it is understandable that Council should be aware when the Town's seal is used, seeking Council's approval to remove a caveat so a property can be sold, seems highly bureaucratic, especially as Council will benefit by way of payment of rates. It is therefore requested that Council permits the use of the seal in similar circumstances without prior approval. Council can still be made aware of its use, at a following ordinary meeting of Council, without delaying the sale of the property.

**200708/114 Council Decision/Officer's Recommendation****Moved:** Cr A A Gear**Seconded:** Cr J E Ford**That Council:**

- i) authorises the Common Seal to be affixed to the WITHDRAWAL OF CAVEAT Form W1 and signed and sealed by the Mayor and the Chief Executive Officer; and**
- ii) permits the Mayor and Chief Executive Officer to sign and seal the future Withdrawal of Caveat (form W1) without an item coming to Council in similar future circumstances; and**
- iii) receives a summary report from the Chief Executive Officer, or his nominated officer, each time the seal is used to remove a caveat at the next subsequent Ordinary Meeting of Council following its use.**

***CARRIED 9/0***

**11.4.1.2 Request to Write Off Interest Penalty Incorrectly Levied on Underground Power Charges (File No; A406920)**

<b>Officer</b>	Brie Holland Senior Rates Officer
<b>Date of Report</b>	3 December 2007
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council's Rates Department requests that Council write off the penalty interest accrued through Underground Power charges levied in error on the account of Pilbara Arts & Crafts Aboriginal Co (Assessment A406920 at 16 Edgar Street Port Hedland).

**Background**

The 2006/2007 Rates notice issued to the Pilbara Arts & Crafts Aboriginal Co, a non-profit organisation, included Underground Power charges amounting to \$4,207.74 (not including \$388.86 general rebate). On 31 August 2007 it was determined that this property eligible for the "not for profit" rebate and the Underground Power charge was reversed. Given that the Underground Power Charges had remained outstanding for some eleven months, penalty interest (\$349.00) for non-payment of Rates had been accruing.

Given that the majority of this interest charge relates to the previous financial year, Council now needs to approve the writeoff that remaining debt of the \$349.00.

**Consultation** Nil

**Statutory Implications**

Local Government Act states (in part):

- "6.12. Power to defer, grant discounts, waive or write off debts*
- (1) Subject to subsection (2) and any other written law, a local government may-*
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) waive or grant concessions in relation to any amount of money; or*
  - (c) write off any amount of money, which is owed to the local government.*
- \* Absolute majority required."*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

Should Council determine to write off the penalty interest, Council will forgo \$349 in income, which is not expected to have a significant effect on the budget.

**Officer's Comment**

When making its determination as to whether to write off the charges or not, Council should consider that the Pilbara Arts & Crafts Aboriginal Co's 16 Edgar Street property is classified as Non-Ratable, and that the Underground Power charges and subsequent Penalty interest were levied in error.

**Attachment**

Nil.

**200708/115 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That Council approves to write off Underground Power related accrued interest charges totalling \$349, for the 2006/2007 rating period, for the Pilbara Arts & Crafts Aboriginal Co's 16 Edgar Street property.**

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

**11.4.1.3 Transient Workforce Accommodation for Pilbara Meta Maya (File No.: / )**

<b>Officer</b>	Matthew Scott Director Corporate Services
<b>Date of Report</b>	6 December 2007
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

For Council to consider a new proposal from Pilbara Meta Maya regarding the use of the Port Hedland International Airport land for a Transient Workforce Accommodation (TWA) Camp.

**Background**

At its Ordinary Meeting held in November, Council considered a proposal from Pilbara Meta Maya to construct a Factory and onsite accommodation on either Reserve 41351 (Diggers Rest) or on Lot 2444, the Port Hedland International Airport. At this meeting Council resolved:

*“That:*

- i) Council advises Pilbara Meta Maya that while it is supportive of the proposed development of a modular building component enterprise to employ, train and accommodate long term unemployed workers, Council cannot support the use of Lot 2444 or Reserve 41351 for that purpose.*
- ii) the Minister for Planning and Infrastructure be requested to expedite the availability of land for light industry development; and*
- iii) a Copy of letter from Meta Maya to Council seeking approval to construct a factory and associated accommodation to enable the employment of long term unemployed aboriginal people, be forwarded to the Minister for Planning and Infrastructure, and to the Regional Manager – Pilbara Region for LandCorp.”*

Subsequent to this decision Pilbara Meta Maya has developed a new proposal to only build the accommodation camp at the Airport and locate the factory at a still unknown, but appropriate site, away from the accommodation camp (Proposal attached).

Also, since the meeting, Council Officers have revisited the concept of creating a TWA of approximately 1,200 persons at the Airport at the December Briefing Session. From this meeting Councilors gave direction that Council would consider the staff proposal once additional information on costs and design were developed.

**Consultation** Nil

### **Statutory Implications**

Transient Workforce Accommodation is a permissible of Airport Land under Town Planning Scheme 5.

**Policy Implications** Nil

### **Strategic Planning Implications**

KRA 1 Infrastructure, Goal 3 Airport  
Strategy 2 - Develop a comprehensive Master Plan for the development of the Port Hedland International Airport as the precursor to determining long-term development and management alternatives for the facility.

**Budget Implications** Nil

### **Officer's Comment**

From Council's November decision it is clear that Council supports the concept proposed by Pilbara Meta Maya to provide training to local indigenous people. The failure of the concept is the inability of a substantial factory and workforce accommodation camp to be located at the same location under Town Planning Scheme 5. This new proposal recognises this problem by developing the factory and accommodation on different sites.

In discussions with Pilbara Meta Maya representatives, the need to firstly construct and operate the accommodation camp is the current priority. The construction of the factory at a more suitable location is secondary to the overall project. Providing a central location to house the proposed indigenous workforce/trainees while providing basic construction training at TAFE must occur before the Factory can be made operational.

Given the limited supply of light industrial zoning, it is likely the factory will be located in or around Wedgefield, which then makes locating the accommodation camp close by, i.e. the Port Hedland International Airport.

Despite Pilbara Meta Maya's proposal, Council is now recognizing the need for it to take a leading role in addressing the accommodation shortage in the district, as current private and government efforts are not enough to cater for demand.



At Council's Informal Briefing session held on 5 December 2007, Councillors seemed supportive of the idea that developing a TWA camp at the Airport may provide the short term accommodation needed to enable to proposed growth to occur over the next 5-10 years. Cautiously though, Councillors wanted more details on the proposed camp especially in the area of costs, before willing to consider the proposal formally at Council.

This being the case, though Council may support Pilbara Meta Maya's proposal, any further consideration should wait until Council has formally considered the detailed costing of the Port Hedland International Airport TWA proposal. Pilbara Meta Maya representatives are prepared to accept the proposed recommendation, which would provide some security to develop detailed plans for Council's further consideration.

**200708/116 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr A A Gear**That Council:**

- i) **supports in principle the Pilbara Meta Maya proposal to build a Transient Workforce Accommodation Camp at the Port Hedland International Airport (Lot 2444); and**
- ii) **considers the proposal from Pilbara Meta Maya further, once Council has received a report that details the estimated costs of the Airport Transient Workforce Accommodation camp from the Chief Executive Officer or his nominated officer.**

**CARRIED 7/2***NOTE : Cr K A Howlett requested the votes be recorded.**Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr G D Bussell
C A A Carter	Cr K A Howlett
Cr S J Coates	
Cr G J Daccache	
Cr J Ford	
Cr A A Gear	
Cr J M Gillingham	

**11.4.2 Governance****11.4.2.1 BHP Sustainability Partnership Projects: Funding Allocations (File No. ...)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 30 November 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Report summarises the recommendations from the BHP Billiton/Town of Port Hedland Sustainability Partnership Working Group Meeting held on 23 November 2007, and seeks Council endorsement of the proposed changes to project priorities/expenditure.

**Background**

The Town of Port Hedland has entered into a partnership agreement with BHP Billiton whereby BHP Billiton partners Council in capital related projects within the community. The financial contribution from BHP Billiton is used to fund capital projects that are listed within the Town's Strategic Plan. This partnership agreement has facilitated the development of a number of projects.

A Working Group has been established to oversee the management and operation of the partnership agreement. This group meets approximately four times per annum to review the status of projects and make recommendations to Council on potential projects. Council's current representatives on the Working Group are Councillors Martin, Daccache and Carter.

At the most recent meeting (23 November 2007) the Working Group reviewed the status of projects that were not fully completed in 2006/07, and discussed the progress of implementation of the 2007/08 partnership program. As a result of these discussions, the Working Group is recommending that the following changes to Sustainability Partnership Funding to be endorsed by Council.

*Additional Funding*

- Port & South Hedland Skate Ramps

Construction of project is nearing completion. \$110,000 expenditure is currently remaining to complete the landscaping, shade, water fountains refuge areas, bike racks and bollards. This amount is unlikely to sufficient to complete works to a very high standard.

Working Group recommends the allocation of a further \$100,000 towards this project to ensure that the facilities are completed to an appropriate standard.

- Sports Facility Upgrade Program

Planned projects within this program are McGregor Street car park (completed for \$40,000), 4 x shade structures at sports grounds (\$96,000), shared storage facilities at McGregor St and Baseball (\$84,000) and Kevin Scott Oval tiered viewing area (\$80,000). The \$300,000 program was to equally funded by Town of Port Hedland, BHPB and the Pilbara Fund but Pilbara Fund application was not successful leaving the program \$100,000 short. Working group recommends that an additional \$100,000 Sustainability Partnership funding be provided to ensure that all projects can be completed in 2007/08.

- Port Hedland Youth & Family Centre

\$480,000 project aimed to significantly upgrade facilities at the centre extension to main hall, air-conditioning replacement, re-tiling, landscaping/fencing and lighting. Unsuccessful \$160,000 application for Pilbara Fund means reduction in scope of work unless other funds can be found. Working Group recommends allocation of further \$160,000 towards this project to ensure that all works can be done.

*Reduced Funding*

- Community Billboard Project.

\$20,000 has been allocated towards the installation of a community billboard between Port and South Hedland that advertised community events. Preliminary advice from Main Roads was not supportive of the proposal and investigations revealed that the \$20,000 allocation was not sufficient to construct a quality facility. Working Group recommends deletion of project at this time.

- Multipurpose Sports Facility Design

\$480,000 project aimed to undertake architectural design, detailed design and contract documentation for the new Multi-Purpose Sports facility program. Program was to be equally funded by three partners but applications for \$160,000 funding from various areas have not been successful as few agencies are willing to fund design (they are more interested in funding construction).

Working group recommends reducing project budget from \$320,000 to \$200,000 with works to focus primarily on architectural design and the development of more detailed plans and costing so that additional funds for project construction can be sought from external sources.

- Colin Matheson Oval Redevelopment

\$250,000 project aimed to develop Master Plan for upgrade of facilities and commence construction works. Master Plan works have commenced but it is unlikely that any significant construction works will be undertaken in 2007/08. Working Group recommends reducing project budget by \$90,000.

- McGregor Street Oval Redevelopment

\$270,000 aimed developing quality multi-purpose facilities for McGregor Street Oval. Funding was to be jointly provided by the Town BHPB and Pilbara Fund but Pilbara Fund application was not successful. Prior to any works commencing, agreement on the long-term location of sports and their associated facilities needs to be determined by Master Plan (currently being undertaken). Capital works unlikely to be undertaken in 2007/08 Working Group recommends BHPB Sustainability Partnership contribution in 2007/08 reduces by \$130,000.

### *Summary*

#### Additions

Skate Parks Additional Funds	\$100,000
Sports Facility Upgrade Program	\$100,000
Port Hedland Youth & Family Centre	<u>\$160,000</u>
TOTAL	<u>\$360,000</u>

#### Deletions

Community Billboard Project	\$ 20,000
Multi-Purpose Sports Facility Design	\$120,000
Colin Matheson Oval	\$ 90,000
McGregor St Oval Redevelopment	<u>\$130,000</u>
TOTAL	<u>\$360,000</u>

### **Consultation**

The recommended allocations come from the Sustainability Partnership Working Group, which includes representatives from Council and BHP Billiton.

The recommended projects are all listed within the Town's Strategic Plan, which was developed after extensive consultation with the public.

**Statutory Implications** Nil

**Policy Implications** Nil

### **Strategic Planning Implications**

To be eligible for funding from the Sustainability Partnership Fund projects must be listed with the Town's Strategic Plan. Each of the newly recommended projects meets this criterion.

### **Budget Implications**

In 2007/08 Council will receive \$2,000,000 in sponsorship from BHP for Sustainability Partnership Projects. This money is matched with ratepayers' funds with other contributions coming from South Hedland New Living, Country Pathways, Lotteries and sources. Council unsuccessfully applied for \$1,450,000 from the Pilbara Fund. This has meant a reduction in the scope of some of the proposed projects (i.e. less footpath construction, fewer park/playground developments, etc.). The modifications proposed are aimed at delivering the maximum 'on-ground' benefit to the community in the shortest time period available.

Assuming that the changes recommended by the Working Group are approved, the Town budget will need to be modified. These modifications can be made as a component of the January Mid-Year Budget Review process.

### **Officer's Comment**

The additional project funding that has been recommended is essentially about undertaking projects that were previously planned and/or additional money to finish the projects to an appropriate standard. The reduction of funds is primarily focused on activities/expenditure that were unlikely to be fully utilised in 2007/08.

From an administrative perspective, there is support for extending existing projects rather than adding new ones at this stage of the financial year as Council's staffing resources are focused on the delivery of existing projects. Adding new projects that would need to be planned, designed and implemented by June 30<sup>th</sup> is likely to prove problematic.

**200708/117 Council Decision/Officer's Recommendation****Moved:** Cr G D Bussell**Seconded:** Cr A A Carter**That Council:**

- i) **accepts the recommendations of the BHP Billiton/Town of Port Hedland Sustainability Partnerships Working Group and re-allocates partnership funds in the following manner:**

**Additions**

<b>Skate Parks Additional Funds</b>	<b>\$100,000</b>
<b>Sports Facility Upgrade Program</b>	<b>\$100,000</b>
<b>Port Hedland Youth &amp; Family Centre</b>	<b><u>\$160,000</u></b>
<b>TOTAL</b>	<b><u>\$360,000</u></b>

**Deletions**

<b>Community Billboard Project</b>	<b>\$ 20,000</b>
<b>Multi-Purpose Sports Facility Design</b>	<b>\$120,000</b>
<b>Colin Matheson Oval</b>	<b>\$ 90,000</b>
<b>McGregor Street Oval Redevelopment</b>	<b><u>\$130,000</u></b>
<b>TOTAL</b>	<b><u>\$360,000</u></b>

- ii) **makes the appropriate modification to its 2007/08 Budget as a component of the Mid-Year Budget review process**

***CARRIED 9/0***

### 11.4.2.2 Council Submission to Review of Liquor Restrictions (File No. ...)

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 6 December 2007

**Disclosure of Interest by Officer** Nil

#### Summary

The Director of Liquor Licensing is awaiting a formal submission from the Town of Port Hedland prior to handing down his decision on any changes from the current review of the Port Hedland Liquor restrictions.

#### Background

The Town of Port Hedland has had liquor restrictions, in one format or another for 11years. While these were initially voluntary restrictions, in January 2004 the Department of Racing, Gaming and Liquor mandated liquor restrictions through powers available to it under the Liquor Act. The January 2004 restrictions were reviewed in late 2005 with the Director of Liquor Licensing confirming liquor restrictions in November 2005.

Based on feedback from the public, in February 2006 Council resolved an initiate public consultation to determine the communities opinion on liquor restrictions. The consultation determined that, in the main, the community did not support the liquor restrictions and did not think that they were assisting in reducing alcohol related harm. The table below summarises the survey responses.

Restriction (Summarised)	% of respondents saying that restriction is helping reduce alcohol related harm*	% of respondents saying that they support the restriction remaining *
No take-aways on Sunday	37%	41%
No wine in over 2lt casks	49%	48%
No spirits in over 750ml	37%	34%
No external promotions	31%	27%
No linking of alcohol purchase to competitions	34%	35%
Bar staff must attend cultural awareness training	Not surveyed	Not surveyed

Note: Includes people who strongly agreed, agreed or were neutral when asked the question.

Council considered this feedback in April 2006 and resolved the following:

*“That:*

- i) Council writes to the Director of Liquor Licensing seeking the immediate revocation of the following restrictions on the basis that they are not supported by the Port Hedland community and are not assisting in reducing alcohol related harm:
 
  - a) the restriction that prohibits any external promotion of which advertises the price of full strength “mainstream” packaged beer (i.e. regular beer with over 3.5% ethanol by volume); Ready to Drink spirit mixes; 2 litre wine casks; or spirits) whether the price is discounted or not; and*
  - b) the restriction that prohibits the link of the sale of full strength beer, Ready to Drink spirit mixes; 2 litre wine casks; or spirits with prizes, contests or customer incentives; and**
  
- ii) the Director of Liquor Licensing be invited to the Town of Port Hedland to discuss alternatives to the existing liquor restrictions with the Town Council, licensees and the general community.”*

The Director of Liquor Licensing did not revoke the restrictions as requested but did commit to undertaking a review of the restrictions. This review was delayed somewhat but commenced in October 2007.

For information, the following table briefly compares the mandated liquor restrictions that exist in Port Hedland as compared to other Pilbara and Kimberley towns.

	Newman	Derby	Halls Creek	Pt Hedland
No takeaway on Sunday		√ (12- 8 at hotels only)	√	√
No wine over 2ltrs	√ (No Port Wed - Sat)	√ (Max one 2lt cask per person per day)	√ (Max one 2lt cask per person per day)	√
No spirits over 750ml				√
No external promotion		√ (No advertising full strength beer)		√
No alcohol competition		√		√
Opening times	√ (12-8pm all week. 10am - 10pm low strength beer)	√ (12-8pm all week. No alcohol sales prior to 12noon without a meal)	√ (12-6pm Mon - Sat. Low alcohol takeaways. Sale before 12noon with meal only.	√
No 750 ml beer	√	√	√	



**Consultation**

The Director of Liquor Licensing has visited the Town of Port Hedland to discuss the liquor restrictions with interested stakeholders including licensees, government agencies, community organisations and Councillors.

An advertisement was also placed requesting submissions/ feedback. Council's response to the advertisement was as per the April 2006 Council resolution.

Advice from the Director of Liquor Licensing is that the majority of feedback that he has received strongly supports the liquor restrictions. Furthermore he advises that police data and hospital data seems to indicate that the alcohol restrictions may be working with a reduction in alcohol related crime and a reduction in alcohol related hospital admissions (particularly on Sundays). Given this feedback he has indicated that he is unlikely to make wholesale changes to the existing restrictions but may be interested in making minor modifications if he believes they assist in reducing alcohol related harm

**Statutory Implications**

Council has no statutory role in the setting of Liquor Restrictions. Liquor restrictions are controlled under the Liquor Licensing Act (1988).

In addition to the mandatory restrictions imposed under the Act, voluntary restrictions are also in place. These restrictions are determined by the Port Hedland Liquor Accord (which Council is a member of) and include:

- Responsible service of alcohol training for bar staff
- No drinking competitions
- No free drinks or 'two for one' promotions
- No happy hours
- Food and non-alcoholic beverages to be available.
- No shooters
- Close liquor outlets within 2 hours of Cyclone Yellow Alert

**Policy Implications**

Nil

**Strategic Planning Implications**

This issue is not listed within the Town's Strategic Plan

**Budget Implications**

Nil

**Officer’s Comment**

The issue of liquor restrictions is one of those issues in which everyone has an opinion. There are polarised views within the community about the need for liquor restrictions and the effectiveness of existing restrictions. While some argue that the restrictions are a ‘breach of their civil liberties’ others argue that they are ‘necessary to address the scourge that alcohol has become on our community’.

The reality is that Port Hedland has got liquor restrictions and, based on feedback from the Director of Liquor Licensing, will continue to liquor restrictions for the foreseeable future. Given that restrictions will be in place it is imperative that Council makes every effort to ensure that the restrictions are targeted at achieving their stated aim of reducing alcohol related harm.

The following comments/suggestions have been made regarding possible deletions, modifications and/or additions to liquor restrictions within the Town.

*Deletions*

Item	Comment
Restrictions on advertising and competitions	Issue is least supported item by the community but advice from Director of Liquor Licensing is that community groups support the item.
Cultural Awareness Training	Given broad diversity of Port Hedland community, it has been argued that cultural awareness training focused specifically on indigenous people may not be wholly relevant.
No greater than 750ml spirits	It is argued that given is possible to buy two or more 750ml bottles of spirits, why shouldn't Port Hedland people be able to buy 1.125lt bottles?
Sunday trading	Argument is that it damages tourism Given feedback from other stakeholders, it is highly unlikely that this item will be modified.

*Modifications*

No wine in greater than 2lt casks	As with 750ml spirits restriction, argument is that people can buy two or more 2ltr wine casks. Suggestion to allow maximum of 1 x 4ltr cask or 2 x 2 ltr cask per purchase.
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*Additions*

Opening hours change	Currently pubs can open at 10am and take-away outlets can open at 11am. Several other mandated liquor restrictions throughout other WA towns ban the sale of packaged liquor prior to 12noon and/or restrict the opening hours of pubs until later than 11am or 12noon. Argument is that later opening allows increased time for agencies to interact with alcohol dependant people in the morning prior to them being able to access alcohol. Counter is that it adversely impacts on shift workers.
Glass restrictions	Issue raised in October 2007 question time by Cr Coates and raised as Notice of Motion by Cr Bussell in November 2007. Possible restrictions on the sale of glass alcohol containers may assist in keeping streets clean. Counter argument is that while street amenity is a major issue, the potential restriction is not necessarily targeting the aim of reducing alcohol related harm

Given the Director of Liquor Licensing’s position on this matter, a balance of additions, deletions and modifications will need to be provided if Council’s position is going to gather any level of support from the Department of Racing Gaming and Liquor. (i.e. If Council’s position is solely to abolish restrictions it is highly likely that its submission will not be considered favourably)

Council needs to be playing a civic leadership role in this matter and needs to be united in its voice on what it believes should be done on this issue. Ideally its position should reflect the community’s wishes but Council also needs to take a leadership role on this matter, as clearly alcohol is problem in some sections of the community.

**Officer's Recommendation**

For Council's consideration.

**200708/118 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr S J Coates

**That Item 11.4.2.2 'Council Submission to Review of Liquor Restrictions' lay on the table, pending receipt of further statistical data being received.**

**CARRIED 9/0**

*REASON: Council seeks further statistical data, particularly relating to health and policing to be presented, to ensure that any changes to liquor restrictions to the Director of Liquor Licensing could be substantiated.*

**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL****12.1 Engineering Services****12.1.1 *Quality of Public Infrastructure Provision (File No.: ...)***

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 11 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Action is required to address the quality of some of the public infrastructure that is being constructed by external contractors working on subdivisions and major public works.

**Background**

A significant amount of civil works are currently being undertaken within the Town of Port Hedland with new subdivisions being constructed and extensive government capital works projects being built. While this growth and development is very positive, some of the quality of workmanship on some of the public infrastructure is questionable at best and clearly does not meet Council's current policy standards.

The poor quality is a significant concern, as in many cases, the Town will assume ownership, management and maintenance responsibility for the infrastructure. This applies to assets such as roads, drainage, footpaths, and kerbing.

Issues have been raised by Councillors and members of the public regarding the quality of footpath, drainage and kerbing construction at some of the newer subdivisions and at the new South Hedland hospital site. These items are currently being addressed by Council's Engineering Services Department, in conjunction with the relevant government contract manager and the contractor who has or is undertaking the works

Fewer complaints are being raised regarding works that are being managed and paid for by the Town of Port Hedland as (in the main) these works are being completed to an appropriate standard. Where works are not being done to an appropriate standards Council staff are requiring contractors to rectify the issues where appropriate.

**Consultation** Nil

### **Statutory Implications**

In the main, the developments that are being undertaken are required to have planning and building approvals (which have been obtained). These approvals include reference to the need to build infrastructure to the satisfaction of the Town. The conditions contained within these permits are enforceable under law.

More specific conditions may be required that reference Council policy positions and/or relevant Australian Standards. This issue will be reviewed by relevant Council Departments with changes being made to future planning conditions where appropriate.

### **Policy Implications**

Council has a range of Policies and standards pertaining the installation of engineering, street and verge treatments. It is imperative that developers and contractors are aware of these standards and develop infrastructure accordingly.

### **Strategic Planning Implications**

KRA 1 – Infrastructure

Goal 1 - Roads, Footpaths and Drainage

To have developed network of road, footpaths and verges that are well maintained.

KRA 4 – Economic Development

Goal 4 - Land Development Projects

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

- Strategy 1 : Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.
- Strategy 2: Work with the South Hedland New Living Project to ensure that appropriate, attractive development lots are made available within South Hedland within a timely manner.

KRA 3 – Community Development

Goal 5 - Health

- Strategy 1: Work closely with the Department of Health to ensure that the development of the new South Hedland Hospital proceeds in a timely manner

### **Budget Implications**

The vast majority of works that are being completed at a sub-par standard relate to works that are not being managed by Council.

While Council is not incurring any costs for the works (or the potential re-doing of the works), Council is potentially at financial risk should it accept poor quality workmanship as increased maintenance costs are inevitable, as is earlier asset replacement.

Given the scale and magnitude of development planned within the Town over the next three (3) to five (5) years, Council's public asset ownership base will inevitably increase significantly with new public infrastructure being built by developers. Ideally the Town's Engineering Department would be playing an overseeing/quality-checking role on all new works, but given current staffing constraints this is currently not achievable. To address this, Council may need to consider employing a 'Clerk of Works' style staff member in the not to distant future to ensure that we receive high quality public assets from developers.

### **Officer's Comment**

Almost all of the major civil works that are currently being undertaken are being managed under the auspice of a State Government Agency.

These include:

- Hospital Development: Department of Housing and Works
- South Hedland New Living: Department of Housing and Works
- Pretty Pool Subdivision: LandCorp
- Police Station Upgrade (yet to commence): Department of Housing and Works

Given this, it is recommended that Council approach the relevant government departments and the major development companies that are currently undertaking works (or are planning to) to advise them that Council will not accept poor quality workmanship.

### **Officer's Recommendation**

That Council write to the Department of Housing and Works, LandCorp, Jaxons Construction, Works Infrastructure, Ertech and Mirvac advising them that:

- 1) The Town has policies and standard specifications in relation to public, civil works infrastructure provision.
- 2) There has been a recent trend of civil works such as footpaths, roads, drainage, kerbing and roadworks being undertaken within the Town at a level that is not at the standard that the Town of Port Hedland expects.
- 3) The Town is not willing to accept any public infrastructure that does not meet its policy standards and will require works to be re-done that do not meet the required standard prior to assuming control of the assets.

- 4) Developers and contractors are strongly urged to liaise with the Town's Engineering Department both prior to and during the implementation of any road, drainage, footpath, kerbing or streetscape works.

**200708/119 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr J E Ford

**That Council write to the Department of Housing and Works, LandCorp, Jaxons Construction, Works Infrastructure, Ertech, Mirvac and any future developers and their contractors, advising them that:**

- 1) **The Town has policies and standard specifications in relation to public, civil works infrastructure provision.**
- 2) **There has been a recent trend of civil works such as footpaths, roads, drainage, kerbing and roadworks being undertaken within the Town at a level that is not at the standard that the Town of Port Hedland expects.**
- 3) **The Town is not willing to accept any public infrastructure that does not meet its policy standards and will require works to be re-done that do not meet the required standard prior to assuming control of the assets.**
- 4) **Developers and contractors are strongly urged to liaise with the Town's Engineering Department both prior to and during the implementation of any road, drainage, footpath, kerbing or streetscape works.**

**CARRIED 9/0**

*REASON: Council sought for all future developers and their contractors, in addition to the Department of Housing and Works, LandCorp, Jaxons Construction, Works Infrastructure, Ertech and Mirvac to be advised of meeting Council's standard specifications in relation to the construction of public civil works infrastructure.*



**12.1.2 Aquatic Centre Management - YMCA Inc. Request for Contract Variation (File No.: 05/09/0002)**

**Officer** Bec Pianta  
Manager Recreation Services

**Date of Report** 28 November 2007

**Disclosure of Interest by Officer** Nil

**Summary**

The YMCA Inc. have submitted an amended 2008 business plan for consideration by Council, with the proposed 2008 budget indicating an increase of \$31,783 compared with the approved contract budget for 2008.

It is important to note that the Management Contract with the YMCA operates according to the Calendar Year rather than the Financial Year.

**Background**

The YMCA is currently under a two-year Management Agreement with the Town of Port Hedland for the Management and operation of the Gratwick and South Hedland Aquatic Centres. The contract has one month remaining on their first operational year under this Management Agreement, with a current operational surplus of \$35,867. The YMCA have indicated that this surplus is primarily due to the wage savings during the closure period caused by Tropical Cyclone George. As part of the Management Agreement, the YMCA must return 70% of any surplus to the Town of Port Hedland.

At the Ordinary Council Meeting on 13 December 2006, Council resolved that:

*“...a contract between Council and the YMCA Inc. be entered into for the management of the South Hedland Aquatic Centre and Gratwick Aquatic Centre, with the operational budget set at \$799,932 for Calendar Year 1 (1<sup>st</sup> January 2007 – 31<sup>st</sup> December 2007), and \$821,530 for Calendar Year 2 (1<sup>st</sup> December 2008 – 31<sup>st</sup> December 2008)...”*

The current 2008 budget reflects an increase of CPI only. The YMCA have indicated to Council that they have reviewed the submitted budget for 2008 during the Management Plan process, and believe they will be unable to achieve their goals and objectives for the current annual fee. In accordance with Clause 3.4 in the Management Contract, the YMCA has therefore expressed their desire to seek a variation to the operating budget for 2008.

Town of Port Hedland representatives and the YMCA have met to discuss this request to amend the 2008 operational budget, however did not reach a consensus. The YMCA therefore requested the amendment to be presented to Council.

Clause 3.4 within the Management Agreement states that:

*“If at any time, the YMCA or the Town considers that the Approved Budget for that year should be revised by reason of an Unforeseen Cause, then the YMCA shall prepare, and deliver to the Town a further Proposed Operating Budget incorporating the change necessitated by reason of the Unforeseen Cause together with an explanation in writing.*

The YMCA shall take all reasonable steps to achieve approved targets. Not achieving such targets due to unsatisfactory performance on the part of the YMCA should not be deemed an unforeseen cause.

*Within 30 days after the Proposed Operating Budget going to Council, the Town will give notice in writing to the YMCA that the Town either disputes or accepts the Proposed Budget. If the budget is disputed by the Town, then the matter will be referred to arbitration in accordance with the Commercial Arbitration Act 1985 to an arbitrator agreed by the parties and, failing agreement, nominated, at the request of either party, by the President of the Law Society of Western Australia (“the Arbitrator”).”*

The proposed operating budget as submitted by the YMCA indicates an increase of \$31,783, with the following explanations (refer to the Attachment for the complete document):

- Housing costs are the major contributing factor, with an increase of \$23,400 for rent of the Area Manager’s house (total of \$41,600 per annum), and \$18,720 for the Centre Manager’s house (total of \$34,320 per annum).
- The YMCA has attempted to locate cheaper and comparative accommodation, however has been unable to do so.
- It was impossible to predict that the rents would increase by more than 100% rather than just the standard CPI.

The YMCA have further indicated that to demonstrate the long term commitment to the Town of Port Hedland, they will return any share of the surplus to the Town of Port Hedland community.

### **Consultation**

Aquatic Advisory Group  
Chief Executive Officer  
Director Engineering  
Recreation Staff

YMCA

### **Statutory Implications**

In November 2006, the tender for the two-year Management and Operation of the Aquatic Centre's 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 and services.*
- 2. Regulations may make provisions about tenders.”*

Should Council choose to not accept the 2008 amended contract from the YMCA and the YMCA choose to dispute it further, the matter will be referred to arbitration in accordance with the Commercial Arbitration Act (1985) to an arbitrator agreed by the parties.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### **Budget Implications**

Should Council choose to accept the amended contract from the YMCA, the operational deficit for the Aquatic Centres will increase by \$31,783 for the 2008 Calendar Year.

### **Attachments**

Report from YMCA detailing explanations of deficit funding increase.

### **Officer's Comment**

The YMCA and the Town of Port Hedland previously negotiated a two-year contract for the Management and Operation of the Aquatic Centre's. This contract stipulated the annual fee for this service, and was signed by both the Town of Port Hedland and the YMCA.

This contract is due to commence on the 1<sup>st</sup> January 2008, therefore it is considered essential for a resolution of Council to be determined.

Council therefore has three (3) options:

- to accept the amended 2008 Operational Budget as submitted by the YMCA;
- to reject the amended 2008 Operational Budget and continue with the agreed management contract; or

- enter further negotiations with the YMCA to reduce the annual fee for 2008.

**200708/120 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G D Bussell

**That Council:**

- i) **rejects the amended 2008 Operational Budget as submitted by the YMCA;**
- ii) **continues with the operational budget set at \$821,530 for Calendar Year 2 (1<sup>st</sup> December 2008 – 31<sup>st</sup> December 2008; and,**
- iii) **notifies the YMCA in writing of this outcome.**

***CARRIED 9/0***

**ATTACHMENT TO AGENDA ITEM 11.1.2****YMCA Request for Variation to 2008 Operating Budget**

As contained in Clause 3.4 of the Agreement between the Town of Port Hedland and the YMCA Perth (INC) (see below) the YMCA Perth (INC) wishes to exercise the right to seek a variation to the Operating Budget for 2008.

**3.4 Operational Budget**

*If at any time, the YMCA or the Town considers that the Approved Budget for that year should be revised by reason of an Unforeseen Cause, then the YMCA shall prepare, and deliver to the Town a further Proposed Operating Budget incorporating the change necessitated by reason of the Unforeseen Cause together with an explanation in writing.*

The proposed 2008 Budget is attached and was included in the 2008 Business Plan submission. The budget indicates an increase of \$31,783 compared with the approved contract budget for 2008.

Housing costs are the major contributing factor for the increase in expenditure. The rent for the Area Managers dwelling has increased from \$18,200 pa to \$41,600pa and rent for Gratwick Aquatic Centre's Manager in South Hedland has increased from \$15,600pa to \$34,320pa, this equates to a total of \$42,120pa. The YMCA has endeavoured to find comparative, cheaper accommodation in Port Hedland & South Hedland but rents have gone up across the board so this has not been possible. When the YMCA submitted the tender for the pools an estimated increase of 3% CPI was taken in to account for budgeted expenses, it was impossible to predict that rents would have increase by over 100% and hence the YMCA have had to submit the variation to the 2008 budget.

As a concession in the negotiation of the 2008 budget and to demonstrate its long term commitment to the Town of Port Hedland the YMCA will return it's share of any better than budget financial results to the Port Hedland community in the form of health and wellness projects delivered by the YMCA.

Through consultation with council staff and other relevant community organisations the YMCA will develop projects which aim to reduce barriers to participation in physical activity for groups within the community that are currently physically inactive or have limited access to participate in professionally delivered health and wellness programs. These community based initiatives will be delivered separately from the pools operation and as part of this process the YMCA will also seek joint funding to support these outreach projects through various community grant schemes in order to improve their sustainability and effectiveness.

*NOTE: Mayor moved forward to Agenda Item 12.3.1, as he advised that he will be declaring a perceived financial interest in agenda item 11.2.1 'Reconsideration of Agenda Item: 11.2.2.9 'Proposed USE NOT LISTED – Incidental Additional Storage to Existing "Shop" – Lot 724 (150) Anderson Street, Port Hedland' presented to Council's Ordinary Meeting held on 28 November 2007'.*

**12.3 Community and Regulatory Services****12.3.1 *The Alliance Small Grants Scheme : Round 7 (File No.: 15/01/001)***

**Officer** Julie Broad  
Manager Community and  
Economic Development

**Date of Report** 19 November 2007

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider applications received for Round 7 of the Alliance Small Grants Scheme.

**Background**

The Alliance Small Grants Scheme has been developed as a key element of the The Alliance Partnership Agreement between Town of Port Hedland and BHP Billiton Iron Ore. Grants are available to individuals and community groups to encourage and support the creation of a community in which artistic, cultural and heritage aspirations will flourish and be sustained.

*Round Seven*

Requests were received from two applicants for funding round seven. The Alliance Advisory Committee has considered the applications and made the following recommendations:

The Alliance Advisory Committee approves the following applications:

1. Port Hedland Yacht Club  
Painting - Aerial View of Yacht Club  
Amount requested: \$2,000  
Grant amount approved: \$2,000

Total Approved Round Seven: \$2,000

The Committee decided to approve this application on the condition that the applicant name is changed from Melissa North to the Port Hedland Yacht Club, as the Yacht Club will be commissioning Ms North to complete the painting, and displaying it at their premises.

Funding is not recommended for:

- Nunda Dreaming - "Kuchi", a promotional booklet for WA artist Doug Ryder, detailing paintings and stories about the whole WA history and culture.

The application was rejected on the grounds that the cultural focus of the publication was not Hedland, nor the Pilbara, but more so Geraldton and its surrounds. The applicant has been referred to Community Arts Network Western Australia's (CANWA) Sharing Stories grant and to the Geraldton Regional Art Gallery for possible funding.

### **Consultation**

The Alliance Small Grants Scheme: Round 7 was advertised through the North West Telegraph on 7 November 2007.

The Alliance Advisory Committee

**Statutory Implications** Nil

**Policy Implications** Nil

### **Strategic Planning Implications**

Not specifically identified in Council's Strategic Plan.

### **Budget Implications**

With the total of \$2,000 Round Seven Grants approved, the Alliance Small Grants scheme will have approved grants totalling \$23,000 through the Alliance Small Grants Scheme, which commenced with a total of \$55,940 for 2007/08 in funds from the BHPBIO/Town of Port Hedland Alliance.

### **Officer's Comment**

The marketing of the Alliance Small Grants scheme requires review, in order to attract a wider range of applicants. Community development work to build skills in writing grants applications within the community members will be planned, and additional marketing strategies will be developed to promote the Alliance and the Small Grants Scheme.



**200708/121 Council Decision/Officer's Recommendation**

**Moved:** Cr G D Bussell

**Seconded:** Cr A A Carter

**That Council approves the following grants as part of The Alliance Small Grants Scheme: Round Seven (7):**

- 1. Port Hedland Yacht Club  
Painting – Aerial View of Yacht Club  
Amount requested: \$2,000  
Grant amount approved: \$2,000**

**Grant to be made payable to Port Hedland Yacht Club**

***CARRIED 9/0***

7:23 pm Councillor Stan R Martin declared a perceived financial interest in Agenda Item 12.2.1 'Reconsideration of Agenda Item: 11.2.2.9 'Proposed USE NOT LISTED – Incidental Additional Storage to Existing "Shop" – Lot 724 (150) Anderson Street, Port Hedland' presented to Council's Ordinary Meeting held on 28 November 2007', as he has undertaken works for the Applicant on previous occasions.

Councillor Stan R Martin left the room.

Councillor Arnold A Carter assumed the chair.

**12.2 Planning Services****12.2.1 Reconsideration of Agenda Item: 11.2.2.9 'Proposed USE NOT LISTED – Incidental Additional Storage to Existing "Shop" – Lot 724 (150) Anderson Street, Port Hedland' presented to Council's Ordinary Meeting held on 28 November 2007 (File No.: 120510G)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 11 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Councillor Arnold Carter has emailed the CEO requesting that a late item be put to Council that allows reconsideration of the Council planning decision that was made at the November Ordinary Council Meeting pertaining to the request to develop a shed structure at the Boulevard Shopping Centre. With the consent of Council, this matter may be considered as a Late Item at this Council meeting.

**Background**

At its Ordinary Meeting held in November, Council unanimously supported the Officer's Recommendation to refuse the development application to construct a colorbond shed at the proposed site. While supportive of other concept plans to significantly upgrade facilities and buildings at the Boulevard Shopping Centre, Council's planning staff do not support the application for the proposed shed in its current form as in their professional opinion the proposed development:

- Does not present an acceptable frontage to McGregor Street;
- Would require the trafficking of goods across a restricted, high-volume car parking and access corridor;
- Does not comply with the direction contained within the Land Use Master Plan for the site; and
- Is not considered to be good urban planning and design.

**Statutory Implications**

The *Town of Port Hedland Town Planning Scheme No. 5* zones this land "Commercial"

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

The applicant has submitted planning fees of \$138, reflecting a development cost of \$60,000.

**Officer's Comment**

A full copy of the Agenda Item presented to Council in November, is attached to this item.

Should Council wish to change its decision on this matter a rescission motion will be required along with a new motion.

**Officer's Recommendation**

For Council consideration.

*NOTE: to revoke the decision made in accordance with the Local Government (Administration) Regulations 1996:*

*“10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)*

- 1. If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*
  - (a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*
  - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover*
- 2. If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
  - (a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
  - (b) In any other case, by an absolute majority.*
- 3. This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

*Voting Requirements*

1. *To consider – 1/3 of members (3).*
2. *To revoke – absolute majority.*

*NOTE: Deputy Mayor called for a show of hands in favour to consider the revoking of resolution of Item 11.2.2.9 “Proposed USE NOT LISTED – Incidental Additional Storage to Existing “Shop” – Lot 724 (150) Anderson Street, Port Hedland’ presented to Council’s Ordinary Meeting held on 28 November 2007, and recorded on page 102 of those Minutes.*

The following Councillors were in favour to consider the revoking the resolution of Item 11.2.2.9 “Proposed USE NOT LISTED – Incidental Additional Storage to Existing “Shop” – Lot 724 (150) Anderson Street, Port Hedland’ presented to Council’s Ordinary Meeting held on 28 November 2007, and recorded on page 102 of those Minutes.

Councillor S J Coates  
Councillor G J Daccache; and  
Councillor K A Howlett

**200708/122 Council Decision**

**Moved:** Cr K A Howlett

**Seconded:** Cr G J Daccache

**That Council rescinds the following Council Decision 2000708/085 from its Ordinary Meeting held on 28 November 2007, as follows:**

- “i) That Council refuse to grant planning approval to Ken Paterson Architects for the construction of USE NOT LISTED – Incidental Additional Storage to Existing “Shop” for the following reasons:**
- 1. The proposed development does not present an acceptable frontage to the McGregor streetscape;**
  - 2. The proposed development fails to comply with the objectives of the draft Land Use Master Plan; and**
  - 3. This development does not constitute proper and orderly planning.**
- ii) That Council advise the applicant that it is prepared to consider an application:**
- 1) for a similar structure located so as not to significantly impact the streetscape; or**
  - 2) for a structure in this position that adequately addresses amenity and streetscape through the building design.”**

***CARRIED BY ABSOLUTE MAJORITY 6/2***

**PAGE 140**

**200708/123 Council Decision****Moved:** Cr G D Bussell**Seconded:** Cr A A Gear

- i) **That Council refuse to grant planning approval to Ken Paterson Architects for the construction of USE NOT LISTED – Incidental Additional Storage to Existing “Shop” for the following reasons:**
1. **The proposed development does not present an acceptable frontage to the McGregor streetscape;**
  2. **The proposed development fails to comply with the objectives of the draft Land Use Master Plan; and**
  3. **This development does not constitute proper and orderly planning.**
- ii) **That Council advise the applicant that it is prepared to consider an application:**
- 1) **for a similar structure located so as not to significantly impact the streetscape; or**
  - 2) **for a structure in this position that adequately addresses amenity and streetscape through the building design.**

***CARRIED 8/0***

7:46 pm Councillor Stan R Martin re-entered the room and assumed the Chair.

Councillor Arnold A Carter returned resumed his chair, and advised Councillor Martin of Council's decision.

## ATTACHMENT TO AGENDA ITEM 12.2.1

**11.2.2.9 Proposed USE NOT LISTED – Incidental Additional Storage to Existing “Shop” – Lot 724 (150) Anderson Street, Port Hedland (File No.: 120510G)**

<b>Officer</b>	Andrew Patterson Planning Officer
<b>Date of Report</b>	12 November 2007
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received an application from Ken Paterson Architects on behalf of the owners of the Boulevard Shopping Centre, Worrett Property Group, for a storage-shed addition to the existing Shopping Centre.

The land comprises 1.3820 ha and is zoned “Commercial” in the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5).

This application is referred for Council consideration, as the application remains generally similar to a previous application refused under delegated authority on 27 July 2007.

**Background***Grounds for Previous Refusal*

At its Ordinary Meeting on 27 June 2007, Council considered an application for planning approval to construct a vehicle service station at lot 5769 Anderson Street (adjacent to lot 724 – see attached map). The report for this item included the following paragraph:

*“Council has also received an additional application for the construction of a storage shed in the northeast corner of the car park. While this is a separate application, it is discussed briefly in this report due to its impact on parking bay numbers. As there are a number of issues to be addressed by the applicant with regard to the storage shed, this application is not submitted for resolution and is proposed to be determined under delegated authority.”*

This application was subsequently assessed and refused for the following reasons:

1. The proposed development does not present an acceptable frontage to McGregor Street, and
2. The proposed development would require the trafficking of goods across a restricted, high-volume car parking and access corridor.

In consultation with Council Planning staff, the architects for this project submitted a number of modified designs with alternative architectural features and colours. This application fails to reflect these discussions however, and comprises a basic colourbond shed. On the only elevation shown on the submitted plans, a 3 m x 3 m roller door and access door are shown to the west elevation.

With regards to point 2, the applicant has advised that access to the proposed shed would be restricted to low volume traffic times outside normal open hours for the shopping centre.

*Location*

In discussion between Council staff and the applicant, the location for the proposed shed has been identified as a significant consideration. Following extensive discussion, three sites were eventually identified as potential locations for the storage shed (identified attachment 2). These sites, and an identification of the pros and cons for each are listed below.

Option	Pros	Cons
1 and 4	Close to Harvey Norman entrance, Partially shields service yard and air conditioner enclosure, Preferred site by developer	Undesirable frontage to McGregor Street, Accesses shop through high-traffic area, Restricts traffic stacking area for Chicken Treat, reduces number of parking bays in popular parking area.
2	Less impact on visual amenity, Least reduction in parking bays, Good access to Anderson Street,	Not a positive addition to streetscape, Furthest distance to Centre entrances,

3	Least visible from street Less-used car parking area Bulk would be ameliorated by new service station	Furthest access to public road
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*Land Use Master Plan*

The draft Land Use Master Plan identifies the Boulevard Shopping Centre as an important convenience centre however also concludes that the site is inappropriate for development into a town centre.

Two of the three strategic land use options for this area also identify the potential to expand the existing Boulevard Shopping Centre to the east to aid in creating a “main street” entrance to Port Hedland with the additional potential for development on the western end of the race course. The applicant addresses these development options with a future expansion plan (attachment 3) showing expansion towards McGregor Street. It is noted however that this plan is not part of the application and this development is not guaranteed and is submitted only to demonstrate that the currently application does not preclude this strategic land use goal.

This concept plan, while demonstrating that additional commercial space can be made available facing McGregor Street, does so at the cost of creating a large “dead space” as a service yard. This design fails to comply with CPTED principles by creating a space likely to attract anti-social behaviour.

While providing no short-term solution, it is also noted that the draft Land Use Master Plan identifies land between North Circular Road and the Goldsworthy rail line for development as a Mixed Business area. As Harvey Norman is struggling within the constraints of its current location, the long term goal is to locate such showroom retailers in this new mixed business zone where there will be more adequate provision of both space and access.



*Commercial Justification*

In a letter accompanying this application, the applicant advises that the development of additional storage space is required to meet the requirements of Harvey Norman in their intent to remain at the Boulevard

Retaining Harvey Norman is in turn identified as a key component to committing to \$6 to \$7 million in renovations and upgrades at the Boulevard Shopping Centre. These works including a new petrol station, new airlock, landscaping, resurfacing and marking car parking area and internal fit outs.

**Consultation**

Engineering Services have objected to the proposal and advised that additional detail is required regarding dimensions of proposed new traffic islands and travel paths of vehicles entering/exiting the area. Additional detail is also required indicating impact on Chicken Treat drive through and consultation with this business is recommended.

Building Services have not objected to the application and advised that a building licence is required and that the minimum boundary setback to non-fire rated construction is 3 metres.

**Statutory Implications**

The *Town of Port Hedland Town Planning Scheme No. 5* zones this land "Commercial"

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

The applicant has submitted planning fees of \$138, reflecting a development cost of \$60,000.

**Officer's Comment**

Despite extensive discussions with the applicant, this application fails to address the issues raised by Council's planning staff and disregards the options that would achieve a better quality outcome for the Town of Port Hedland

Regardless of the appropriateness of its use, this proposed development comprises a large colourbond shed with its only redeeming amenity value that it partially shields the existing air conditioning condensers.

As noted in the report, and by Engineering Services, this proposal has potentially significant impacts both for car parking and for access to Chicken Treat. The impacted car park is generally one of the most used due to its access to the McGregor Street access and the eastern access to the shopping centre. Due to the existing car park layout, and the width of both the bays and the access corridors this area is often congested, and approving this proposal will lead to additional congestion and shortage of parking bays in this area.

In addition, this proposal will reduce the available area for traffic stacking vehicles accessing the Chicken Treat drive through; with waiting traffic further blocking parking bay access.

While it is acknowledged that this is the most convenient location available for a storage shed servicing Harvey Norman, two other alternative sites are available to meet this need that negate the most significant issues with the proposed site. Alternatively, the applicant could utilise the proposed site, and construct a building that improves the streetscape and is more sympathetic to its immediate surrounds

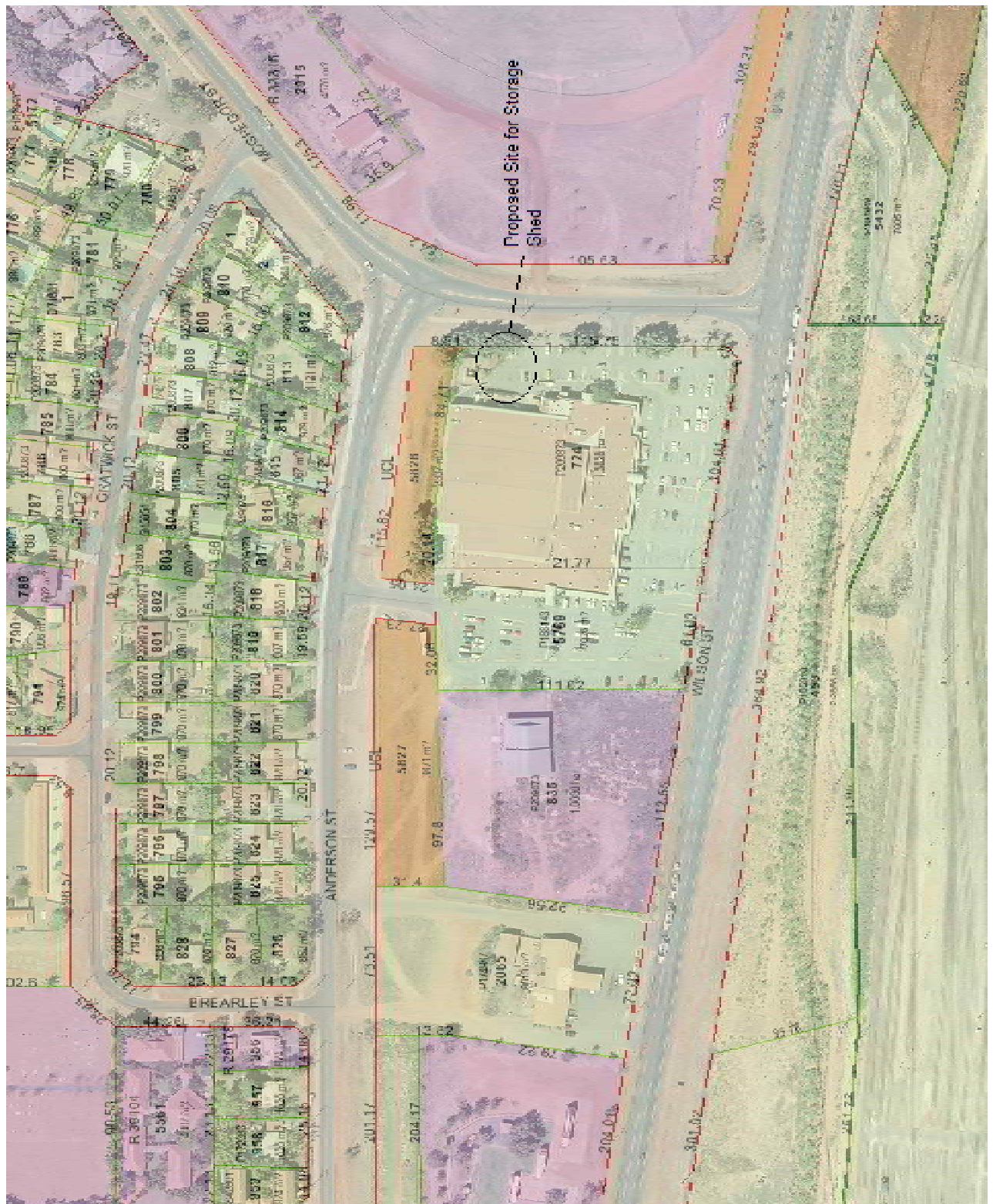
**Officer's Recommendation**

- i) That Council refuse to grant planning approval to Ken Paterson Architects for the construction of USE NOT LISTED Incidental Additional Storage to Existing "Shop" for the following reasons:
  1. The proposed development does not present an acceptable frontage to the McGregor streetscape;
  2. The proposed development fails to comply with the objectives of the draft Land Use Master Plan; and
  3. This development does not constitute proper and orderly planning.

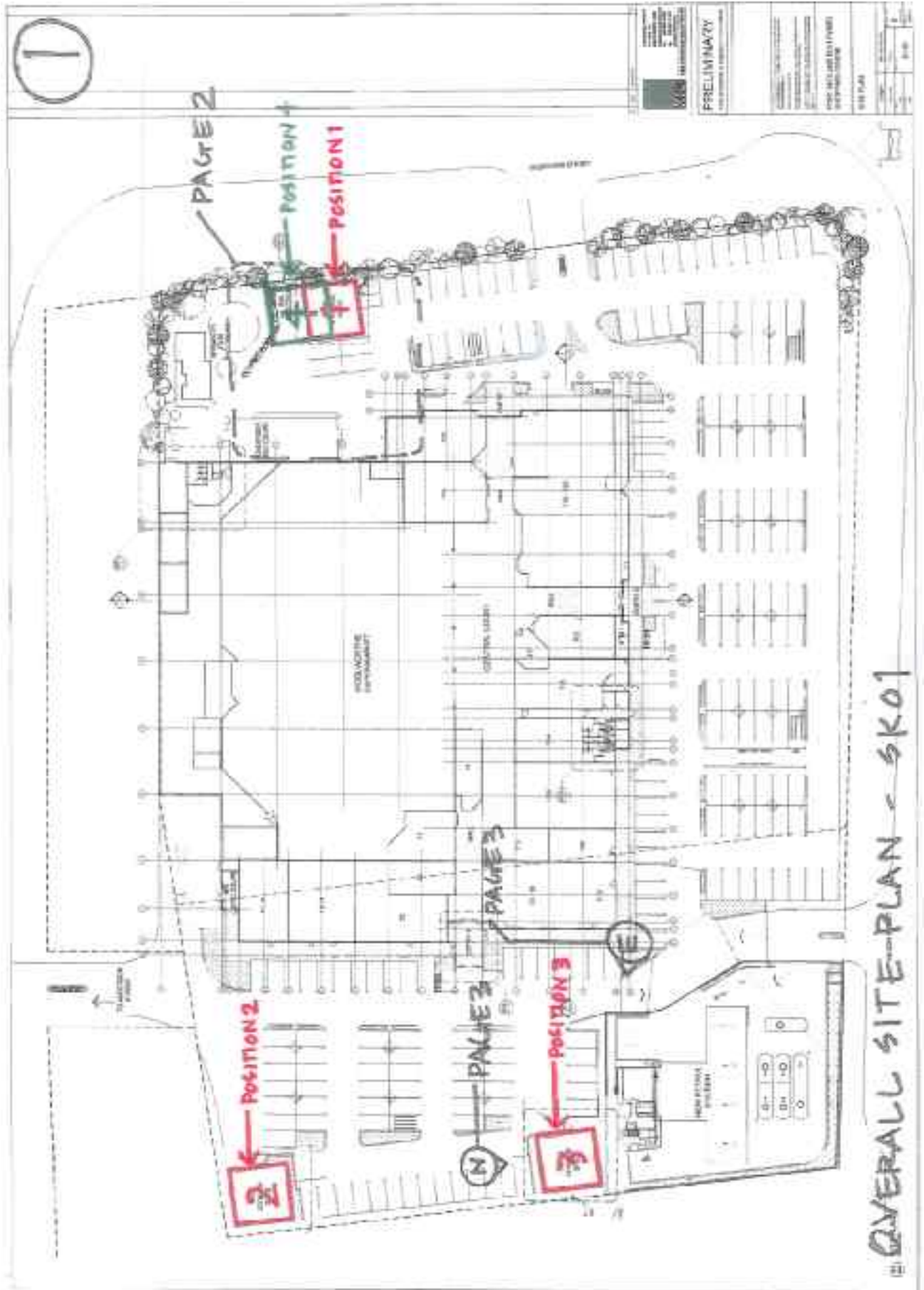
- ii) That Council advise the applicant that it is prepared to consider an application:
  - 1) for a similar structure located so as not to significantly impact the streetscape; or
  - 2) for a structure in this position that adequately addresses amenity and streetscape through the building design.

*NOTE. SIMPLE MAJORITY VOTE REQUIRED*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.9



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.9



OVERALL SITE PLAN - SK01

*ATTACHMENT 3 TO AGENDA ITEM 11.2.2.9*



## ATTACHMENT 4 TO AGENDA ITEM 11.2.2.9




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**KEN PATERSON ARCHITECTS**


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7 BOWMAN STREET  
PO BOX 321  
SOUTH PERTH WA  
WESTERN AUSTRALIA

Telephone: 61 8 9357 5355

Fax: 61 8 9474 1423

Email: [info@kpa.com.au](mailto:info@kpa.com.au)

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21<sup>st</sup> November 2007

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

Attention: Mr. Richard Bairstow

Dear Richard,

**RE: PORT HEDLAND BOULEVARD SHOPPING CENTRE -  
New Storage Facility**

Further to your conversation with Ben Chamaud this morning, please find attached a cost estimate prepared by a Quantity Surveyor for the above. It includes the three different proposals, as submitted to the Town of Port Hedland on 6<sup>th</sup> June 2007, 10<sup>th</sup> September 2007 and 5<sup>th</sup> October 2007, respectively. They have all been reduced to a height of 4 metres internal clearance, as requested.

The estimate for the Coloured Custom Orb clad option is extremely high, listed in the report as \$429,000. For the fibre-cement clad options the figure is even greater. As the base figure is already so high, it becomes very difficult for the owners to justify the expenditure of additional funds on a storage facility.

We acknowledge that commercial viability is not a planning consideration; however the storage facility is a key element in the overall refurbishment of the Shopping Centre and the surrounding site. We believe that the proposed upgrades of the Shopping Centre would assist in creating a pleasant entry to the town and it would be unfortunate if these could not take place.

As discussed in depth on previous occasions, we believe that locating the storage facility in the North East corner of the site, as close to the existing sprinkler tanks as possible, is the best option. This will avoid conflict with the much anticipated Petrol Station development, existing site drainage, viability considerations and the Draft Land Use Master Plan.

Further to our previous discussions and in accordance with our most recent Development Application including the proposal for the Colorbond Custom-Orb clad option, we advise the following:-

#### New Landscaping

Please refer to the plans provided with our recent DA submission on 1<sup>st</sup> November 2007. These drawings show dense vegetation, both existing and new, along the boundary, with additional garden beds and new feature planting proposed along the South and West elevations of the shed and within the new traffic islands.

Please find attached a merged document including our site plan, overlaid on an aerial photo, a partial landscaping plan as prepared by the project Landscape Architect and three key view points from the street. Sight lines from each point show both new and existing vegetation obscuring the visibility of the shed.

We understand that the orange point, representing the position of a car approaching the town and preparing to turn onto McGregor Street, would be your main concern. As is evident in our plan, the shed would be almost completely hidden from sight.

#### Existing Bin Enclosure

At the meeting held at the Town of Port Hedland offices on Monday 22<sup>nd</sup> October 2007, it was agreed by all parties that the existing bin enclosure (currently located in place of the proposed new storage facility) has a negative visual impact. If the storage facility was to be approved the enclosure would be removed and the bins would be re-located within the service yard, hidden from public view.

#### Height

As mentioned above, the height of the storage facility has been reduced by 1 metre in accordance with your request. Along with dense planting, this will further decrease the possibility of the shed being visible from the street.

#### Materials and Colours

As outlined in our DA submission, we have matched the proposed new shed to the new paint colours of the Shopping Centre. The custom-orb profile of the shed corresponds with the existing Shopping Centre fascia, which has the same profile.

#### Traffic

As previously discussed, we have addressed traffic issues by locating the door of the shed as far from the Chicken Treat drive-thru as possible, while providing landscaped screening as a buffer.

As per the traffic plan attached, the cars entering the drive-thru have adequate turning space for straightening prior to reaching the loud speaker and menu



board. There is also ample queuing space for at least six cars before parking bays are blocked.

Draft Land Use Masterplan

In accordance with the Town of Port Hedland's Draft Land Use Master Plan, we have previously submitted a plan showing possible future expansion. Please find enclosed a copy of this plan. We have addressed your concerns regarding the storage facility preventing the future development of the site. This has involved calculating such details as street width, street parking, site access and pedestrian pathways, based on advice from a town planner. We believe these calculations have been generous and allow more than enough space for all elements. The result involves the straightening of McGregor Street, while the existing intersections remain in the same location.

For the reasons listed above we believe this proposal is appropriate for both the present and the future of the Town of Port Hedland. Furthermore, we believe that approval of the storage facility would be of benefit to the town. It will allow for the refurbishment of the Shopping Centre, creating a more pleasant entry statement and shopping experience for residents and tourists alike. It will also make available more retail space for the tenant, increasing the product range available to the people of the town.

We thank you for your time in dealing with this application and ask that you please consider an approval for the storage facility. If you require any further information please don't hesitate to contact us.

Kind Regards,



**Libby Stevenson**  
**Ken Paterson Architects,**  
on behalf of Ben Charnaud

Encl.    Site Plan showing Sight Lines  
          Site Plan showing Traffic Movements  
          Future Expansion Concept Plan  
          Storage Facility Cost Estimate



1 November 2007

Ken Paterson Architects  
4 Bowman Street  
South Perth WA 6151

**Attention: Ms. Elizabeth Stevenson**

Dear Madam

**PORT HEDLAND BOULEVARD SHOPPING CENTRE**

Please find attached our estimate of current construction cost for this project totalling:

Amenities upgrade	\$ 220,000	inclusive of GST
Storage shed	\$ 429,000	inclusive of GST

Costs are based on both facilities being built at the same time by the one builder.

The shed estimate allows for metalwork cladding with a Colorbond finish. If the finishes are upgraded the following additional costs will apply:

- Upgrade to 100% compressed sheet cladding with mouldings \$ 68,000 inclusive of GST
- Upgrade to compressed sheet cladding to 3000 high with mouldings, metal cladding above \$ 51,000 inclusive of GST

Please note that the storage shed does not have any internal protection barrier against the wall insulation.

Please note the exclusions.

Yours faithfully  
**Ralph Beattie Bosworth**

A handwritten signature in black ink, appearing to read 'MC', written over a white background.

**Martin Collins**  
Director

Ralph Beattie Bosworth Pty Ltd

ABN 50 260 502 901

Construction Cost Consultants

G:\Corresp\Rec\2007\6400-5499\64751-mc.doc

12 Kings Park Road West Perth Western Australia 6005  
PO Box 456 West Perth Western Australia 6872  
Telephone 08 9321 2777 Facsimile 08 9481 1783  
Email info@rbb.com.au www.rbb.com.au

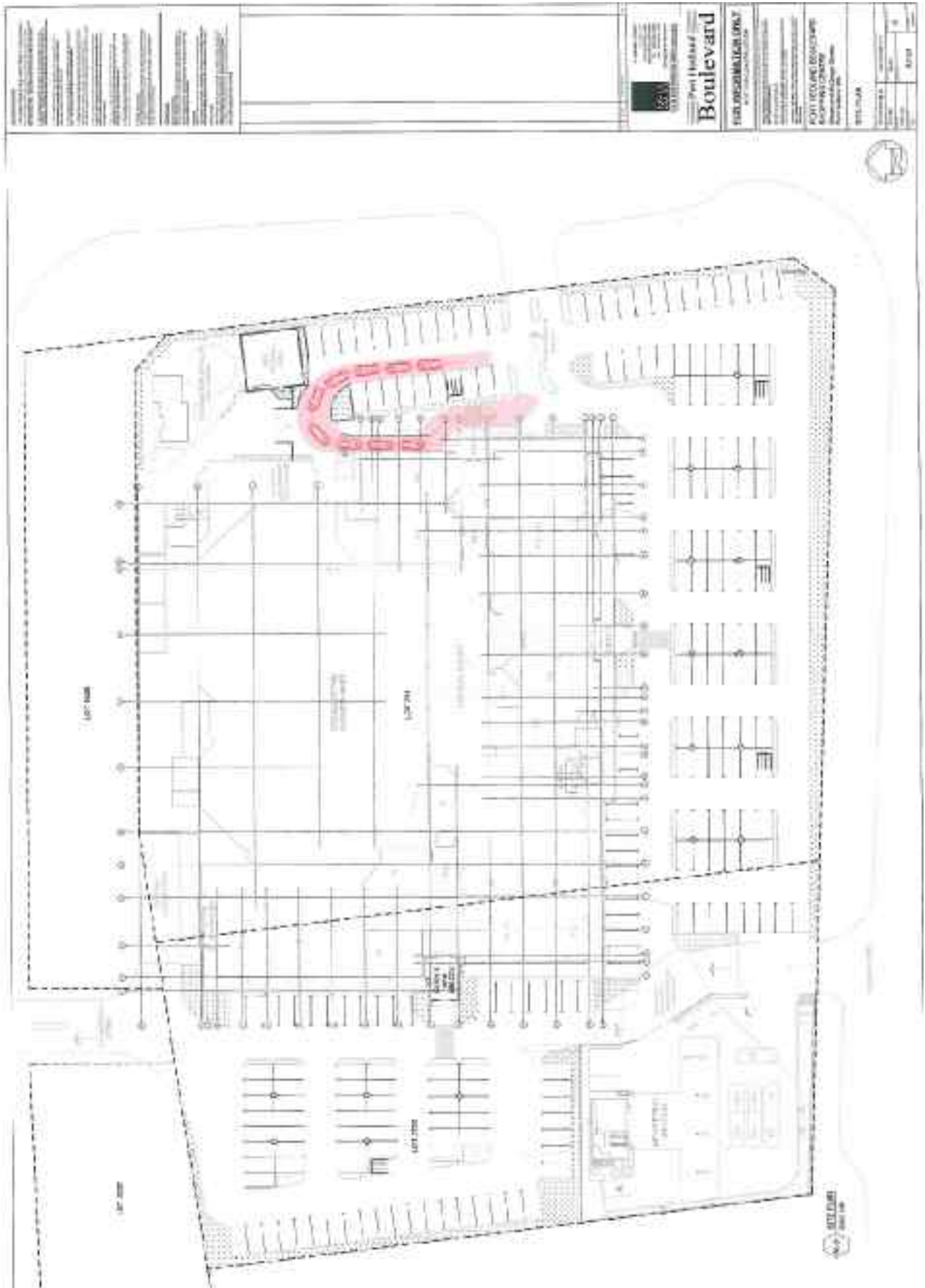
**SUMMARY**AMENITIES UPGRADE

Building works	\$ 80,000
Preliminaries and Margin	25,000
Contingency	15,000
Site loading (70%)	<u>80,000</u>
	\$ 200,000
GST	20,000
	<u><u>\$ 220,000</u></u>

STORAGE SHED

Building works	\$ 170,000
Preliminaries and Margin	35,000
Contingency	25,000
Site loading (70%)	<u>160,000</u>
	\$ 390,000
GST	39,000
	<u><u>\$ 429,000</u></u>







**ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

Nil.

**ITEM 14 CONFIDENTIAL ITEMS**

Nil.

**ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE****200708/124 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr A A Gear

**That the following Applications for Leave of Absence be approved:**

- . **Councillor Steve Coates from 18 December 2007 to 31 January 2008 inclusive;**
- . **Councillor Arthur A Gear from 22 December 2007 to 2 January 2008 inclusive;**
- . **Councillor Jan M Gillingham from 17 December 2007 to 21 January 2008 inclusive;**
- . **Councillor Jan Ford from 29 December 2007 to 10 January 2008 inclusive; and**
- . **Councillor Stan Martin from 15 December 2007 to 7 January 2008 inclusive.**

***CARRIED 9/0***

**ITEM 16 CLOSURE****16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 23 January 2008, commencing at 5.30 pm.

**16.2 Closure**

There being no further business, the Chairman declared the meeting closed at 7:49 pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 23 January 2008.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE