



**Town of Port Hedland**

**MINUTES**

**OF THE**

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

**HELD ON**

**WEDNESDAY 23 JANUARY 2008**

**AT 5.35 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.

**TABLE OF CONTENTS**

1.1	OPENING.....	7
<b>ITEM 2</b>	<b>RECORDING OF ATTENDANCE AND APOLOGIES .....</b>	<b>7</b>
2.1	ATTENDANCE .....	7
2.2	APOLOGIES.....	7
2.3	APPROVED LEAVE OF ABSENCE .....	7
<b>ITEM 3</b>	<b>RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>7</b>
<b>ITEM 4</b>	<b>PUBLIC TIME .....</b>	<b>7</b>
4.1	PUBLIC QUESTIONS .....	7
4.1.1	<i>Chris Whalley.....</i>	8
4.1.2	<i>Paul Reibel .....</i>	8
4.2	PUBLIC STATEMENTS.....	9
<b>ITEM 5</b>	<b>QUESTIONS FROM MEMBERS WITHOUT NOTICE .....</b>	<b>9</b>
5.1	<i>Councillor Jan Gillingham.....</i>	9
5.2	<i>Councillor Grant Bussell.....</i>	9
5.3	<i>Councillor Kelly Howlett.....</i>	9
5.4	<i>Councillor Jan Ford.....</i>	10
5.5	<i>Councillor Stan Martin.....</i>	11
<b>ITEM 6</b>	<b>DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING ....</b>	<b>12</b>
<b>ITEM 7</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>12</b>
<b>ITEM 8</b>	<b>ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION</b>	<b>12</b>
<b>ITEM 9</b>	<b>REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION</b>	<b>12</b>
9.1	<i>Councillor Jan Gillingham.....</i>	12
9.2	<i>Councillor Grant Bussell.....</i>	13
9.3	<i>Councillor Arnold Carter.....</i>	13
<b>ITEM 10</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS.....</b>	<b>13</b>
<b>ITEM 11</b>	<b>REPORTS OF OFFICERS .....</b>	<b>15</b>
<b>11.1</b>	<b>GOVERNANCE .....</b>	<b>15</b>
11.1.1	<i>Status of Council Decisions (File No.: 13/06/0001) .....</i>	15
<b>11.2</b>	<b>REGULATORY AND COMMUNITY SERVICES.....</b>	<b>27</b>
11.2.1	DIRECTOR REGULATORY AND COMMUNITY SERVICES.....	27
11.2.1.1	<i>Monthly Report - Regulatory and Community Services (File No: ADM-091) ...</i>	27
11.2.2	PLANNING SERVICES.....	36
11.2.2.1	<i>Delegated Planning Approvals October 2007 (File No.: 18/07/0002).....</i>	36
11.2.2.2	<i>Proposed Three Grouped Dwellings at Lot 1747 McPherson Street Port Hedland (File No.: 402050G).....</i>	39

11.2.2.3	<i>Request for Comment on the Atlas Iron Pardoo DSO Project Public Environmental Review (File No.: 18/12/0006)</i> .....	46
11.2.2.4	<i>Proposed Office, Weighbridge, Caretaker's Dwelling, Equipment Shed, Bore Water Tanks and Site Works at Lot 842 Great Northern Highway Port Hedland (File No.: 116960G)</i> .....	53
11.2.2.5	<i>Proposed Final Adoption of Town Planning Scheme No. 5 Amendment No. 14 and Endorsement of the Pretty Pool Development Plan (File No.: 18/09/0020)</i> .....	66
11.2.2.6	<i>Proposed Six Grouped Dwellings at Lot 5938 (4-6) Souey Court South Hedland (File No.: 112312G)</i> .....	83
11.2.2.7	<i>Proposed 72 Lot Subdivision at Lot 300 Styles Road and 8 Lot Subdivision of lot 5003 Counihan Crescent Port Hedland (File No.: 18/14/0001)</i> .....	92
11.2.2.8	<i>Proposed Street Names for Subdivision at Lot 2943 Demarchi Road South Hedland (File No's: 130076G, 18/14/0004)</i> .....	97
11.2.2.9	<i>Proposed Readoption of Town Planning Scheme No. 5 Amendment 11 : Lot 501 Byass Street, South Hedland (File No.: 18/09/0017)</i> .....	103
11.2.2.10	<i>Proposed Final Adoption of the Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 15 – Lot 406 Acton Street, Port Hedland (File No.: 18/09/0021)</i> .....	108
11.2.2.11	<i>Proposed Bulk Earthworks Associated With Proposed Subdivision of Land at Pretty Pool (File No.: 18/14/0001)</i> .....	116
<b>11.3</b>	<b>ENGINEERING SERVICES</b> .....	<b>122</b>
11.3.1	DIRECTOR ENGINEERING SERVICES .....	122
11.3.1.1	<i>Monthly Report – Engineering Services (File No.: 13/04/0001)</i> .....	122
11.3.1.2	<i>Approval Sought for Pilbara Regional Council's Pilbara Regional Waste Management Plan (File No.: 31/08/0004)</i> .....	136
11.3.1.3	<i>Street Lighting Expenditure (File No.: 28/11/0001)</i> .....	141
11.3.1.4	<i>Equipment Replacement - Waste Management Facility (File No.23:06/0018)</i>	145
11.3.1.5	<i>Water Licensing and Services: Economics and Industry Standing Committee (File No.14:01/0014)</i> .....	149
11.3.2	RECREATION SERVICES.....	154
11.3.2.1	<i>Tender 06/59: Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One (File No: 26/13/0004)</i> .....	154
11.3.2.2	<i>Responsible Service of Alcohol Training for Sporting Groups (File No.: 26/07/0006)</i> .....	157
11.3.2.3	<i>Tropical Cyclone George Relief Fund Application for Gratwick Aquatic Centre Shade Structure (File No.: 26/08/0002)</i> .....	160
<b>11.4</b>	<b>GOVERNANCE AND ADMINISTRATION</b> .....	<b>163</b>
11.4.1	CORPORATE SERVICES .....	163
11.4.1.1	<i>Financial Reports to Council for Period Ended 30 November 2007 (File Nos: FIN-008, FIN-014 and RAT-009)</i> .....	163
11.4.2	GOVERNANCE .....	169
11.4.2.1	<i>Glass Reduction Strategies (File No. ....)</i> .....	169
11.4.2.2	<i>Council Submission to Review of Liquor Restrictions (File No: 25/10/0003)</i> ..	175
11.4.2.3	<i>Aboriginal Advisory Working Group (File No.: ADM-070)</i> .....	182
<b>ITEM 12</b>	<b>LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL</b>	<b>189</b>
12.1	<i>HOTEL and MOTEL - Redevelopment of Tavern Hotel/Motel Including 59 Additional Accommodation Units and Additional/Upgraded Carparking. Lot 5159 (16-20) Throssell Street, South Hedland (File: 124520G)</i> .....	189
12.2	<i>Land Release and Development</i> .....	212
12.3	<i>Staff Housing Working Group – Items Requiring Council Resolution</i> .....	217
12.4	<i>JD Hardie Centre Concept Design Brief (File No.: 26/05/0014)</i> .....	231
12.5	<i>Lease of Part Reserve 31462 to the Port Hedland Turf Club</i> .....	235
12.6	<i>Town Entry Statement – Artwork Tender (File No.: ....)</i> .....	240
12.7	<i>Proposed 31 Lot Subdivision of Lots 3830, 1399 and 2469 Moore Street Port Hedland (File No.: 18/14/0005)</i> .....	246





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

The Mayor declared the meeting open at 5:35 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 G J Daccache  
Cr J E Ford  
Cr J M Gillingham  
Cr K A Howlett

Mr Chris Adams	Chief Executive Officer
Mr Terry Dodds	Director Engineering Services
Mr Matthew Scott	Directory Corporate Services
Mr Terry Sargent	Director Regulatory and Community Services

Members of Public	Nil
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Members of the Media	Nil
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**2.2            Apologies**

Cr A A Gear

**2.3            Approved Leave of Absence**

Cr S J Coates

**ITEM 3        RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1            Questions from Public at Ordinary Council Meeting held  
Wednesday 12 December 2007**

Nil.

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

5:38 pm        Mayor opened Public Question Time.

**4.1.1 Chris Whalley**

*What policy does Council have regarding abandonment of used vehicles left on the side of main roads?*

Director Engineering Services advised that Council does not have a policy that relates to this matter. Main Roads WA has a contractor responsible for the removal of abandoned vehicles on the side of roads; which is contracted to BGC Contractors. MainRoads WA arrange for the contractors to pick up abandoned vehicles.

*Is there a time limit that is given for the contractor to collect vehicles from the side of the road?*

Director Engineering Services advised that legally the vehicles are to be left for 24 hours, after which time WA Police are informed, and registration details and stolen vehicle information is checked. As the vehicles had been vandalised there was nothing for the WA Police to place a sticker on. Both vehicles were picked up two (2) or three (3) days after they were abandoned. Council is unsure of the reason for this particular delay, a BGC Contracting is usually very quick in removing such vehicles due to public safety.

Abandoned vehicles on main roads are a Main Roads WA and WA Police matter. Abandoned vehicles on Council's roads are the responsibility of Council's Ranger Services.

**4.1.2 Paul Reibel**

*Has the standard of work on the footpaths and drainage at the new hospital subdivision been addressed? If so is there a progress report available?*

*On page 101 of tonight's agenda, it states that practical completion inspections have been completed for Traine Avenue and Dale and Stanley Street developments, does this mean that all the work on the development was done to an acceptable standard and accepted by the Town?*

Director Engineering Services advised architects of the South Hedland Health Campus to be held today was cancelled and moved back to early next month, as contractors had yet to completed defect works to be redone as requested.

Director Engineering Services advised Mr Reibel's second question will be taken on notice, as he will need to get back to the Chair of the meeting for this information.

5:45 pm Mayor closed Public Question Time.



**4.2 Public Statements**

5:45 pm Mayor opened Public Statement Time.

Nil.

5:45 pm Mayor opened Public Statement Time.

**ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE****5.1 Councillor Jan Gillingham**

*After I was at the Airport on Monday, can the improved signage be considered for the intersection where those vehicles exiting from the short term car park are required to give way to vehicles exiting the Terminal Building, as drivers are tending not to give way to the traffic leaving the front of the Terminal Building as required?*

Chief Executive Officer advised the matter can be looked at.

**5.2 Councillor Grant Bussell**

*Is there anything Council can do at the approach to the Red Bank Bridge when heading to South Hedland, in relation to the accumulation of salt on the side of the road? Does Council have any scope to force the company to clean up, or re-instate a tidal flow in the area to flush it?*

Chief Executive Officer advised this question will be taken on notice.

**5.3 Councillor Kelly Howlett**

*In regards to the recently endorsed Verge Policy, is Council able to have some of the trees and signs available?*

Director Engineering confirmed yes, and was reasonably confident that trees are available to those who make application over the front counter reception at Council. I'm unsure about the availability of signs, as this would also require application being made for those orders taken at reception.

*In relation to the ordering of trees, can we actually have someone in attendance at the nursery, as the local gardening club is looking to have an event in late February or early March, and this is a great opportunity for promoting the new policy?*

Director Engineering Services advised that some tree species are kept in stock, but the idea is worthwhile looking into.

*Will Council be able to promote this to the community to ensure that know they can get a tree and sign for their verge?*

Chief Executive Officer advised yes.

*It is acknowledged that Ranger Services are working hard in relation to dog matters, and the 'crack down' on people having more than two (2) dogs which has been upsetting some people; is Council able to revise its approach such as implementing an 'amnesty period' for those that do own more than two (2) dogs as it seems many people are not aware of the requirements of them to own more than two dogs?*

Director Regulatory and Community Services advised it is not uncommon for people to be upset when they receive an infringement notice of any kind, however Council can develop up a education program.

Director Regulatory and Community Services advised he wasn't aware of that particular issue, but if so an education program and accompanying publicity can be undertaken.

*In relation to the redevelopment of the Central Business Districts (CBD) in South Hedland, and acknowledging Chief Executive Officer's liaising with State Government Ministers on the matter, can Council actually write a strong worded letter to the Premier and/or Treasurer explaining that this is a priority for Town of Port Hedland, highlighting the need for State Government budgetary allocations for this project?*

Chief Executive Officer advised that through the BHP Billiton/Town of Port Hedland Sustainability Partnership the Town has been working closely with the State Premier the Hon. Alan Carpenter, MLA and the State Treasurer, the Hon Eric Ripper, MLA. One of the key points of those discussions is an allocation of approximately \$2.5M towards just the streetscaping of the South Hedland CBD. The requests are receiving agreement for need, however no budget allocations have been committed from the government at this stage.

Chief Executive Officer confirmed a letter will be sent to both the Premier and Treasurer in relation to the high priority and need for State Government budgetary commitment to the South Hedland CBD redevelopment.

#### **5.4 Councillor Jan Ford**

In relation to an email from Mr Bob Neville to Councillors over the Christmas break, do elected members need to respond, or are such pieces of correspondence responded to on a staff level?

Chief Executive Officer explained that when correspondence is addressed to the Town of Port Hedland, then it is the Chief Executive Officer or his nominated officer who would respond. If correspondence were addressed to Town of Port Hedland and Councillors, Council's Chief Executive Officer would respond. When correspondence is addressed to Councillor/s only, Council's Chief Executive Officer would not respond.

As the particular letter tabled by Councillor Ford is an 'open letter to Councillors' from Mr Neville, Council's Chief Executive Officer has not responded to it, although he has discussed the matter with the author.

*I am wondering if a response to Mr Neville comes through the Mayor, or if it doesn't?*

Chief Executive Officer advised he is able to forward a response to Mr Neville on Council's behalf if they wish him to. In this particular instance I haven't responded, as it was a letter to Councillors as opposed to the Town's administration.

*So is it the correct protocol that Councillors respond individually?*

Mayor advised if correspondence that is addressed to Councillors, then each member could respond, unless Council wishes to collectively ask Chief Executive Officer to respond on their behalf.

## **5.5 Councillor Stan Martin**

*Are the commemorative plaques for the Cemetery wall available yet?*

Director Engineering Services advised he is unsure if the plaques for the wall at the Cemetery are available yet, but he will follow up on the matter on behalf of Council.

Chief Executive Officer advised that there are sample plaques available.

**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 the late items.*

Cr S R Martin	Cr J E Ford
Cr A A Carter	Cr J M Gillingham
Cr G D Bussell	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 12 December 2007****200708/125 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr J E Ford

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 12 December 2007 be confirmed as a true and correct record of proceedings.**

***CARRIED 7/0***

**ITEM 8      ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Nil.

**ITEM 9      REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION****9.1          *Councillor Jan Gillingham***

Councillor Gillingham advised she met with Council's Engineering staff on Monday to look at footpaths in the Cooke Point area that require corrective maintenance, and also some crossovers in South Hedland. Councillor Gillingham also met with the visiting tree surgeon in relation to the palm trees outside the Port Hedland Visitors Centre and Port Hedland Arts Centre and Gallery.

**9.2            *Councillor Grant Bussell***

Councillor Bussell tabled his report on attendance at the Sister Cities Conference held in Darwin in October 2007. He overviewed his recommendation for Council to ask the community to nominate suggested Sister Cities, and interest in forming an association.

**9.3            *Councillor Arnold Carter***

Councillor Carter also advised his report on attendance at the Australian Airport Association's Conference in Melbourne in November 2007 has been tabled for Council perusal.

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

Nil.





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

**Budget Implications**

Nil

**200708/126 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 23 January 2008 be received.**

***CARRIED 7/0***



ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
Ordinary Council Meeting held 23 May 2007				
11.3.1.4	Tender 06/43 West End Greening Stg 1A Landscape and Irrigation Works	200607/316 Council Decision That: i) Council Reject all tenders that were submitted for Tender 06/43 West End Greening Stage 1a Landscape and Irrigation Works ii) Officers review the designs and specifications with the aim of amending the scope of works to a level whereby the majority of the project can be delivered for the stipulated budget. iii) Council project manage the implementation of the project using subcontractors to undertake specific elements of the works that are identified in the revised scope of works. Note: Quotations for subcontracted works are to be obtained as per Council's procurement policy. iv) Council give consideration in the 2007/08 budget for a project officer for similar projects in the future.	RESPONSIBLE OFFICER: Director Engineering Services Works commenced. Est. completion June 08	June 2008
Special Council Meeting held 30 May 2007				
6.1.1.2	Proposed Adoption from "Other Public Purposes – Energy" to "Tourism" Zone	200607/333 Council Decision That Council: 1) initiate a Town Planning Scheme Amendment to the <i>Town of Port Hedland Town Planning Scheme No. 5</i> by: ... 2) advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority; 3) advise LandCorp that prior to a Development Application being submitted for Lot 406 Acton Street, Port Hedland, that a Structure Plan and supporting documentation be developed, submitted and supported by the Town and its nominated Urban Design Consultant for the Special Design/Use Area as shown in Attachment 3 of this report; 4) advise the applicant of the historical significance of the Tamarind Tree and the general area that surrounds it. The Tamarind Tree appears on the Municipal Heritage Inventory and Council will require its significance to be recognised as part of any future development; and 5) advise the proponent of the environmental significance of Cemetery Beach area and indicate that any development proposal will require consideration of light sensitive design within the proposal (suitable for the turtle nesting season) and the inclusion of other environmentally sensitive design principles.	RESPONSIBLE OFFICER: Manager Planning EPA assessment received. Currently being advertised. Report to September/October Council meeting. Waiting on information from applicant.	
Ordinary Meeting held 27 June 2007				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
11.3.1.3	Don Rhodes Mining Museum Safety Audit	200607/354 Council Decision/Officer's Recommendation That Council: i) implements the following upgrade works: a) installation of fencing around all locomotives and plant b) removal/sealing of items identified as dangerous c) installation of cracker dust around museum pieces d) installation of signage e) removal of lead based paints, including repainting of plant; to the expenditure limit set by current carried forward budget of \$29,200; and ii) pursues additional funding of \$150,000 required to carry out above recommended works.	RESPONSIBLE OFFICER: Director Engineering Services Welding complete & asbestos removed. Ignage ordered. Quotes sources for mesh cover to windows. Ongoing.	
11.4.1.9	Request for Lease Renewal – Air BP at PHIA	200607/366 Council Decision/Officer's Recommendation That Council: i) approves the disposal of land, being a portion of Port Hedland International Airport currently used by Air BP, by way of lease, by private treaty, as per s3.58(3) of the Local Government Act 1995, with the following terms; ... ii) permits the Town of Port Hedland seal be affixed and Major and Chief Executive Officer be authorised to sign the lease documentation, should no submissions be received by Council after the advertising period in accordance with section 3.58 of the Local Government Act 1995.	RESPONSIBLE OFFICER: Director Corporate Services. Valuation received. Draft lease being prepared. Advertised Dec.	
Ordinary Meeting held 26 September 2007				
11.2.2.9	ToPH Park Improvement Plan	200708/014 Council Decision/Officer's Recommendation That Council: 1. notes the Draft Park Improvement Plan for the Town of Port Hedland Town; 2. seeks community feedback on the draft plan by: ... 3. considers a further report regarding this matter at the October Council meeting.	RESPONSIBLE OFFICER: Manager Planning Advertising closes 7.01.08	
11.3.1.3	Cemetery Upgrade Program	200708/017 Council Decision That: i) Council approves the schedule of works based on the approved \$50,000 budget as per Table 2; and ii) Council approves the complete schedule of works based on Table 1, pending successful funding application to the Pilbara Area Consultative Committee.	RESPONSIBLE OFFICER: Manager Technical Services Funding app. Still being processed.	Works est. completion – April 2008

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
11.3.3.4	Tender 06/48 Sewerage Upgrade Port Hedland Airport	200708/030 Council Decision That Council: i) note that no tenders were received during the advertised submission period for the supply and/or installation of the sewerage upgrade infrastructure at Port Hedland International Airport; and ii) authorise the Chief Executive Officer and Airport Manager to enter negotiations with suitably qualified companies for the supply and/or installation of the sewerage upgrade infrastructure as specified in the technical specifications prepared by Connell Wagner Pty Ltd, within Council's existing budget estimate of \$200,000.	RESPONSIBLE OFFICER: Airport Manager One quote received outside budget. Awaiting other companies and reviewing project. DES investigating alternate design to reduce costs. Pending.	
11.3.3.5	Security Screening Operations PHIA	200708/031 Council Decision/Officer's Recommendation That Council: i) advise DOTARS that the Town of Port Hedland as owner and operator of Port Hedland International Airport is planning to become the Screening Authority for Port Hedland International Airport. ii) advise Qantas, as the current Screening Authority, of the above. iii) advise DOTARS that the Town of Port Hedland is willing to participate in the desk top consultancy on the x-ray installation, and iv) a business plan be developed for the undertaking of the screening operations at Port Hedland airport and be presented to the next Council informal briefing session.	RESPONSIBLE OFFICER: Airport Manager Bus. Plan being developed. Will be presented to Council Informal Briefing Session.	January 2008
12.1.1	Sponsorship Request : Asst. Travel to Toronto to Attend the ImagiNative Indigenous Film Festival	200708/037 Council Decision/Officer's Recommendation That Council donates \$1,500 to Ms Sylvia Clarke to enable her to participate in the 8 <sup>th</sup> Annual ImagineNative Indigenous Film Festival being held in Toronto in October 2007.	Letter of congratulations sent. Payment of Council contribution being reimbursed to Wangka Maya.	
Special Meeting held 16 October 2007				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
6.1.1.1	Prop. Adoption of Scheme Amend. from “Res. R12.5/30, Other Public Purp, Other Public Purp – Cemetery, Parks & Rec. & Local Road” to “Res R12.5/50” Zone & “Other Public Purp – Comm Purp”	200708/037 Council Decision/Amended Officer’s Recommendation That Council: 1) requests Koltasz Smith Town Planners to amend the application to reflect the proposed rezoning of lot 1628 from “Other Public Purposes - Cemetery” to “Community - Community”; 2) advertises the proposed closure of the Beart Street road reserve in accordance with section 58 of the Land Administration Act 1997; 3) request the Honourable Minister for Lands to close the whole of the Beart Street road reserve, subject to there being no objections to the road closure during the statutory advertising period. 4) subject to the changes being made as required by resolution 1, initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by: ... 5) advise the applicant accordingly, and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority; 6) authorises the Chief Executive Officer to undertake such process that may be necessary to resolve any issues which may be related to the current reservation and/or vesting of lots affected by this proposal.	RESPONSIBLE OFFICER: Manager Planning  EPA requested more info. Ltr of response sent 04.12.07. Awaiting response from EPA.	
Ordinary Meeting held 31 October 2007				
11.2.1.2	Proposed Scholarship Program	200708/046 Council Decision That Council: i) commences funding an annual scholarship to cover the cost of tuition, up to an equivalent to the cost of undergraduate degree tuition fees and an annual textbook allowance of \$1,000 for qualifying high school students studying in the fields of: ... ii) the Scholarships be made available from the commencement of the 2008 academic year; iii) the Chief Executive Officer be authorised to prepare suitable terms, conditions and selection criteria; iv) authorises a panel comprising the Mayor, Deputy Mayor, Chief Executive Officer and Hedland Senior High School representative, to select the scholarship recipient each year; v) the Scholarship Program be advertised widely; and vi) evaluates the success of program after three (3) years.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	Est Completion – Feb 2008
11.2.2.3	Amendment to Delegation Register	200708/049 Council Decision That Council lay Agenda Item 11.2.2.3 ‘Amendment to Delegation Register’ on table until Councillors have received an updated copy of Delegation Register; and following a proposed workshop with Council's management staff.	RESPONSIBLE OFFICER: Manager Planning	
11.3.1.2	Review of Policy 9/008 Verge Treatments	200708/057 Council Decision/Amended Officer’s Recommendation That Council approve the replacement of existing Policy 9/008 with the new Policy 9/008 as follows:	RESPONSIBLE OFFICER: Manager Technical Services	u COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
11.3.3.1	Tender 06/49 Electrical Services Upgrade Airport Terminal Area	200708/058 Council Decision/Officer's Recommendation That: i) Tender 06/49 for the electrical services upgrade of the Port Hedland International Airport Terminal Area be awarded to O'Donnell Griffin Pty Ltd for the amount of \$475,871 (ex GST) as recommended by Connell Wagner Pty Ltd. ii) the Mayor and Chief Executive Officer be authorised to sign the contract for the works and the Common Seal be affixed.	RESPONSIBLE OFFICER: Airport Manager Tenderer's Advised. Contract being collated. Commenced.	Feb 2008
Ordinary Meeting held 28 November 2007				
11.2.2.7	Proposed Final Adoption of the TPS No. 5 Amend't No. 11	200708/083 Council Decision/Officer's Recommendation That: i) Council direct the Chief Executive Officer, or his nominated representative, to negotiate with the applicant to construct a maximum of thirteen (13) car parking bays in the Byass Street Road reserve in accordance with Drawing No. 0707-C-004/B, pursuant to Policy 12/002; ...	RESPONSIBLE OFFICER: Planning Officer Completed part 3 ii and iii of resolution.	
11.3.2.1	Proposed Multi Purpose Recreation Centre	200708/090 Council Decision/Officer's Recommendation That: i) Council notes the Draft Feasibility study into the Proposed Multi-Purpose Sports Complex; ii) Council undertakes a tender process to develop architectural designs and more details/accurate cost estimates of the multi-purpose recreation centre; iii) The Specifications of the architectural design process be undertaken by the Recreation Facilities Working Group; & iv) The Finucane Island Club be invited to have a representative on the Working Group.	RESPONSIBLE OFFICER: Manager Recreation Services Tender doc. Being created. Mtg invites to be sent.	
11.4.1.2	Lease for the Port Hedland Youth and Family Centre	200708/092 Council Decision/Officer's Recommendation That Council agrees to dispose of the property on part reserve 34334 by way of lease to the Port Hedland Youth and Family Centre Inc as per section 3.58 (3) (private treaty) with the following conditions: i) Annual Rental to be \$200.00 per annum; and ii) Initial term of 3 years, with 2 options to extend the lease by 3 years (Maximum term 9 years); and iii) No material change to the Council's standard facility lease conditions; and iv) Annual rental review equal to any increase in "Perth" CPI, as published by the Australian Bureau of Statistics; and v) Council may utilise part of the facility at no charge, provided there is not significant impact to the Port Hedland Youth and Family Centre operations.	RESPONSIBLE OFFICER: Director Corporate Services Awaiting valuation.	
11.4.1.3	Amendment to Reserves and Foreshore Local Law	200708/093 Council Decision/Officer's Recommendation That Council: 1) recinds Council's Decision 200607/367, ... 2) commences the process of amending Council's Reserve and Foreshore Local Law by replacing Clause 17 with the following, as per section 3.12 of the Local Government Act 1995: "17. The modified penalty for any offence against this Local Law is \$100 during the period 1 <sup>st</sup> May and 31 August of each year, and \$200 during the period of 1 <sup>st</sup> October of each year and 30 April of each year."	RESPONSIBLE OFFICER: Director Corporate Services Awaiting valuation.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
12.1.1	Tender 06/60 Lease and Operation of the Airport Bar and Café PHIA	200708/099 Council Decision/Officer's Recommendation That Council: i) operates the Airport Café operations for a trial period until 30 <sup>th</sup> June 2008; ii) a detailed financial and operational report be presented to Council after three months of Council operation of the service; iii) amends the 2007/08 budget as per the table below, resulting in no net increase in the municipal cash surplus: iv) apply to the Director of Liquor Licensing for a Protection Order in relation to the operation of the liquor license at the Airport Bar and Café, and ... v) the Common Seal be affixed to the Protection Order for the Airport Café and Bar, and the Mayor and Chief Executive Officer be authorised to sign and to execute the Agreement on Council's behalf.	RESPONSIBLE OFFICER: Director Engineering Services Commenced.	30 June 2008
13.1	Request for Report on Proposed Strategy/gies to Address Broken Glass in SH	200708/100 Council Decision That staff prepare a report for Council proposing a strategy or strategies to address the issue of broken glass in South Hedland and specifically addressing mechanisms to place a deposit on single serve glass alcohol containers (stubbies, whether or not they are sold singly or in multiple packs), including voluntary mechanisms (through the Accord process) or mandatory mechanisms (through a local law).	RESPONSIBLE OFFICER: Chief Executive Officer Item to Jan Ord Cl Mtg.	COMPLETE
Ordinary Meeting held 12 December 2007				
11.2.2.2	Proposed Barge Access Jetty at Lot 250 Oyster Point (Reserve 30909)	200708/105 Council Decision/Amended 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) 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: ...	RESPONSIBLE OFFICER: Planning Officer	
11.2.2.3	Proposed 169 Additional Rooms at lot 2 (15) Dempster St, PH	200708/106 Council Decision 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: ...	RESPONSIBLE OFFICER: Planning Officer	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
11.2.2.4	Proposed SUBDIVIS. – Creation of 117 Lots – Lot 3818 Pell St, SH	200708/107 Council Decision/Officer's Recommendation 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: ...	RESPONSIBLE OFFICER: Manager Planning	
11.2.2.5	Final Adoption of the Land Use Master Plan (Local Planning Strategy) for the ToPH	200708/108 Council Decision/Officer's Recommendation 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: ...	RESPONSIBLE OFFICER: Manager Planning	
11.2.3.1	Application to Keep More Than Two Dogs at 20 B Moseley St, PH	200708/109 Council Decision 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: ... 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.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	üCOMPLETE
11.2.4.1	Replacement off Matt Dann Cultural Centre Theatre Speakers	200708/110 Council Decision/Officer's Recommendation 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).	RESPONSIBLE OFFICER: Manager Community and Economic Development	üCOMPLETE
11.3.1.2	Port Hedland Port Access Corridor Review	200708/112 Council Decision 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.	RESPONSIBLE OFFICER: Director Engineering Services Ongoing.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
11.3.2.1	Tender 06/59: Supply & Instal. of Baseball Back Net Structure at Marie Marland Reserve Diamond 1	200708/113 Council Decision 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.	RESPONSIBLE OFFICER: Sports and Recreation Officer Agenda Item to Jan Ord. Cl. Mtg.	ü SUPERSEDED/ COMP.
11.4.1.1	Withdrawal of Caveat Lot 1012 15 Murrena Street, Wedgefield	200708/114 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Senior Rates Officer	ü COMPLETE
11.4.1.2	Request to Write Off Interest Penalty Incorrectly Levied on Underground Power Charges	200708/115 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Senior Rates Officer	ü COMPLETE
11.4.1.3	Transient Workforce Accommodation for Pilbara Meta Maya	200708/116 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services	ü COMPLETE





ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COM P- DATE
12.3.1	The Alliance Small Grants Scheme : Round 7	200708/121 Council Decision/Officer's Recommendation 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	RESPONSIBLE OFFICER: Manager Community and Economic Development	COMPLETED
12.2.1	Reconsider. of Agenda Item: 11.2.2.9 'Prop. USE NOT LISTED – Incidental Additional Storage to Existing "Shop" – Lot 724 (150) Anderson St PH' presented to Council's Ord. Mtg 28.11.07	200708/122 Council Decision 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."  200708/123 Council Decision 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.	RESPONSIBLE OFFICER: Chief Executive Officer	

**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** Nellie Mackay  
Executive Assistant –  
Community and  
Regulatory Services

**Date of Report** 10 January 2008

**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

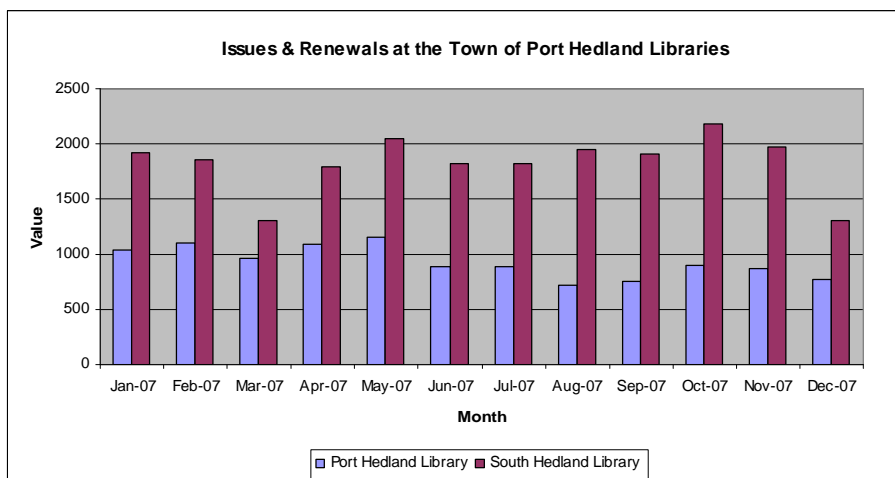
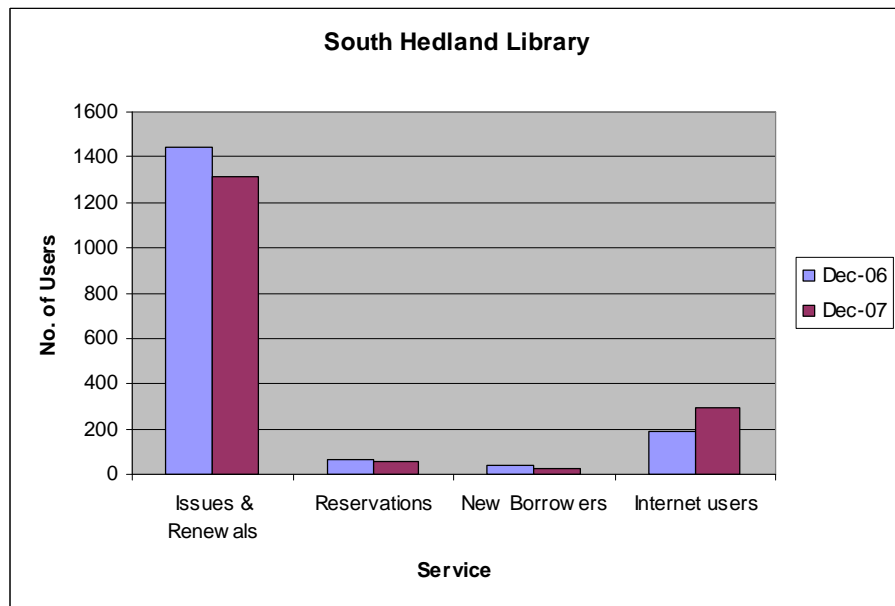
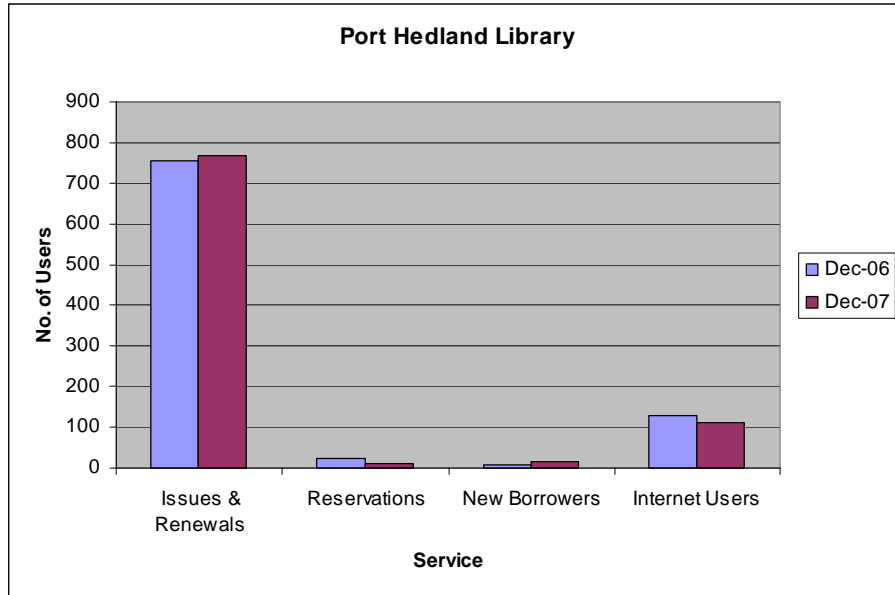
**Strategic Planning Implications** Nil

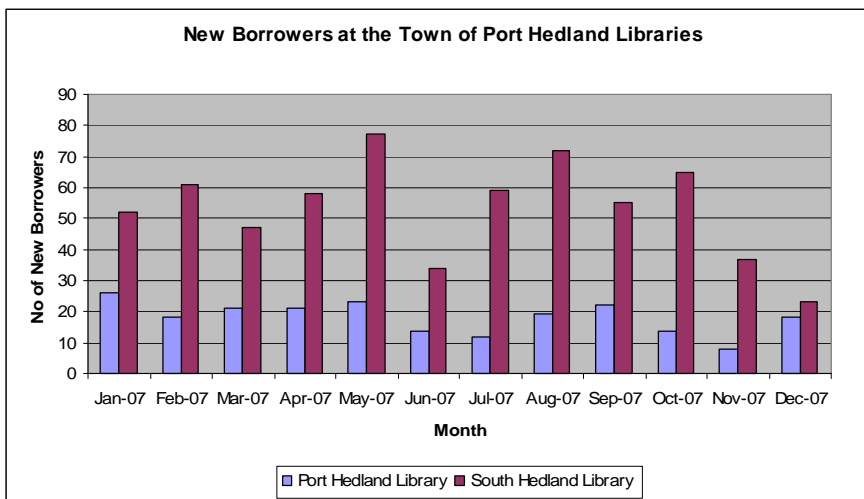
**Budget Implications** Nil

**Officer's Comment*****Library and Information Services***

Port Hedland Library	Aug 2007	Sept 2007	Oct 2007	Nov 2007	Dec 2007
Issues and Renewals	723	759	903	870	768
Reservations	19	14	17	12	14
New Borrowers	19	22	14	8	18
Internet Users	133	105	135	176	111

South Hedland Library	Aug 2007	Sept 2007	Oct 2007	Nov 2007	Dec 2007
Issues and Renewals	1944	1906	2174	1969	1311
Reservations	77	90	115	60	54
New Borrowers	72	55	65	37	23
Internet Users	416	349	445	415	297

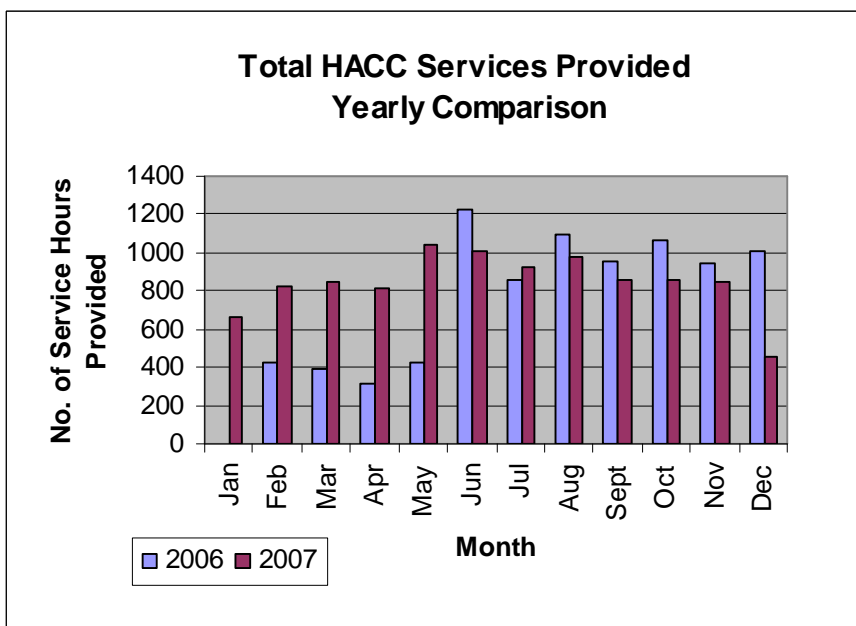


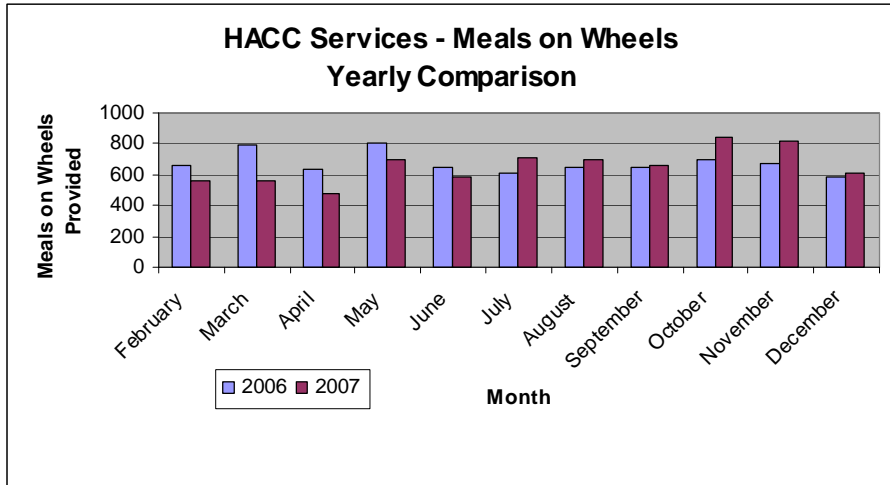


**Human Services**

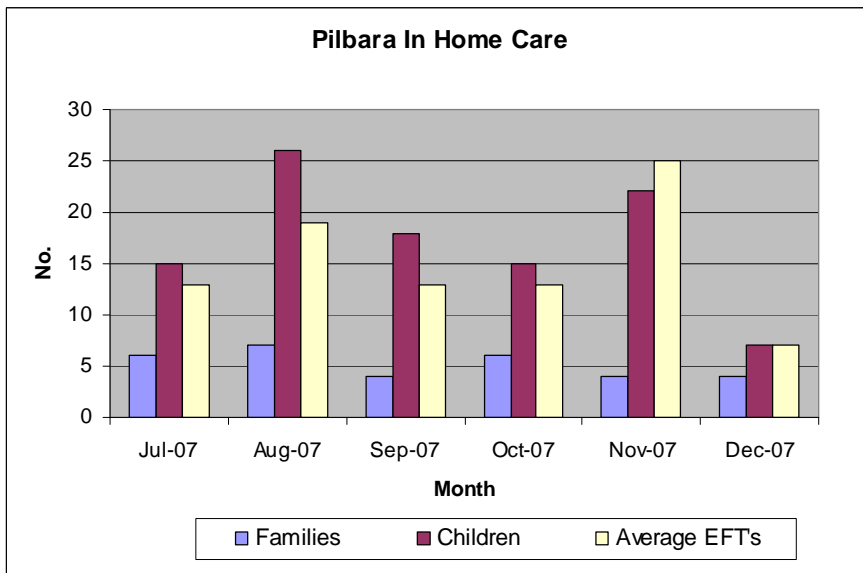
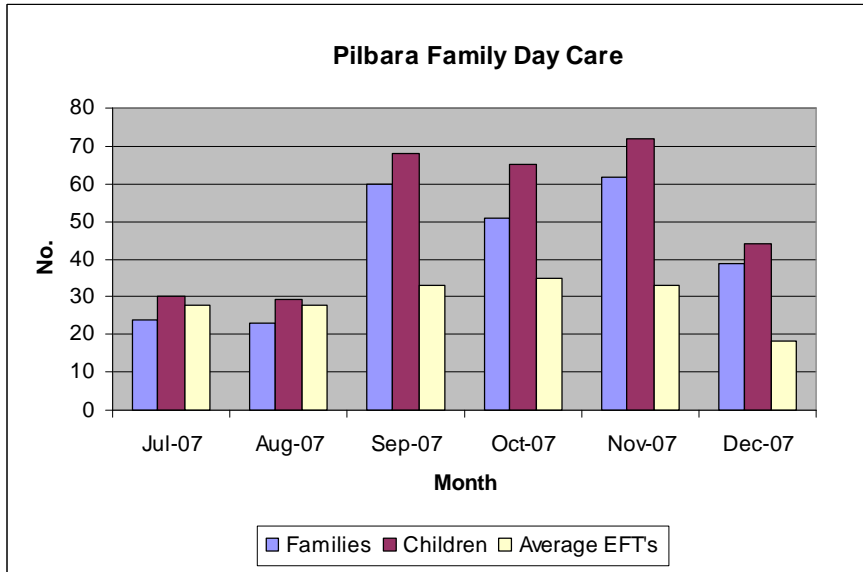
*HACC Programme*

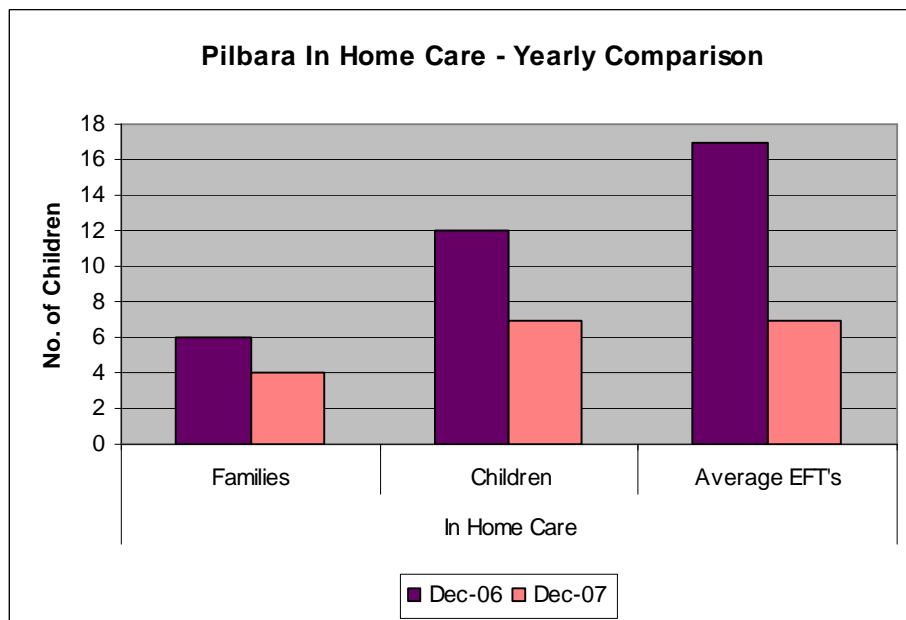
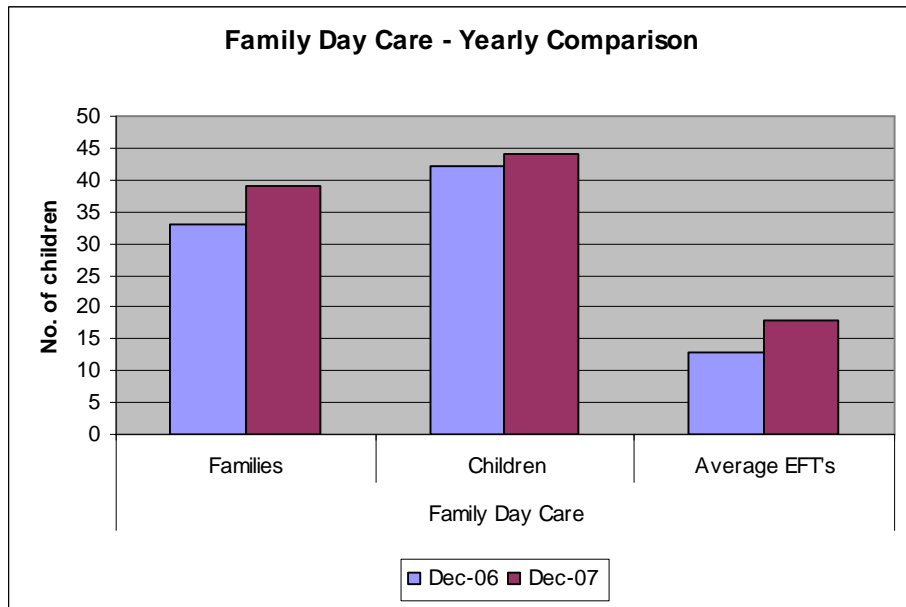
HACC Service Hours for December 2007	
Meals On Wheels	607
Day Centre Attendance (hours)	330
Day Centre Meals	54
Domestic Assistance (hours)	64
Personal Care (hours)	14
Social Support (hours)	26
Transport (one way)	95
Home Maintenance (hours)	25.5
Total HACC service provided (hours)	459.5
Total HACC service provided (hours) YTD	10189
Assessment	0
Accidents/Incidents	1





*Pilbara Family Day Care*





**Explanatory Notes**

*Explanatory Notes*

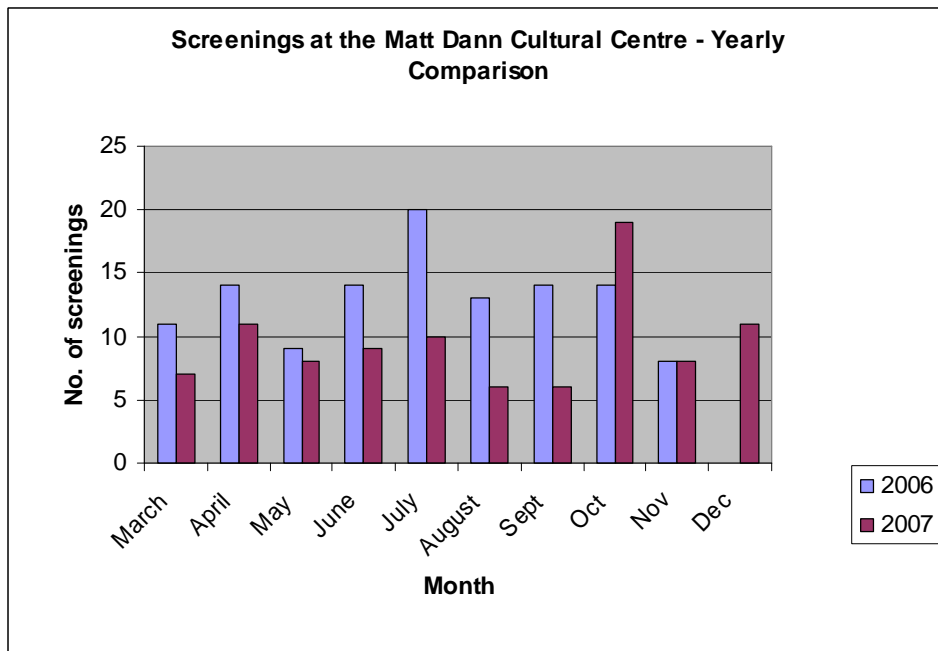
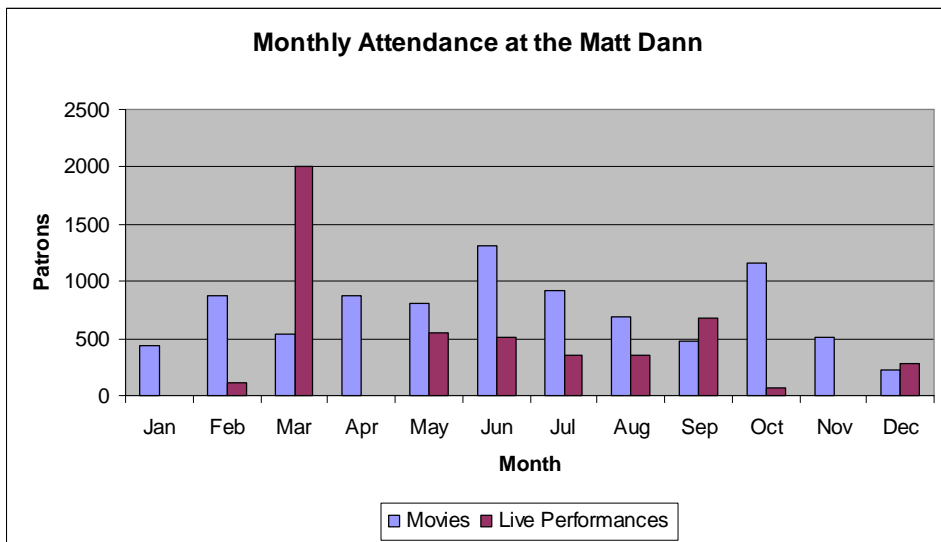
- EFT –Effective Fulltime Place – 1 place = 7 hours of care
- Funding is based on EFTs rate per EFT = \$44.00 per week
- Decline in In Home Care EFTs due to the Pilbara In-Home Care being funded for only 20 EFTs. Pilbara Family Day Care is funded for the number of EFTs used for the year.

*Licence Status*

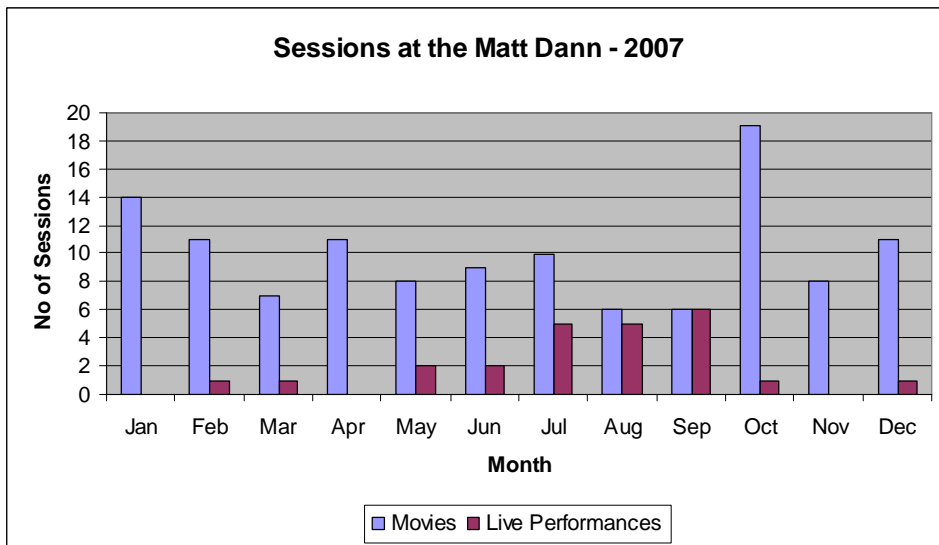
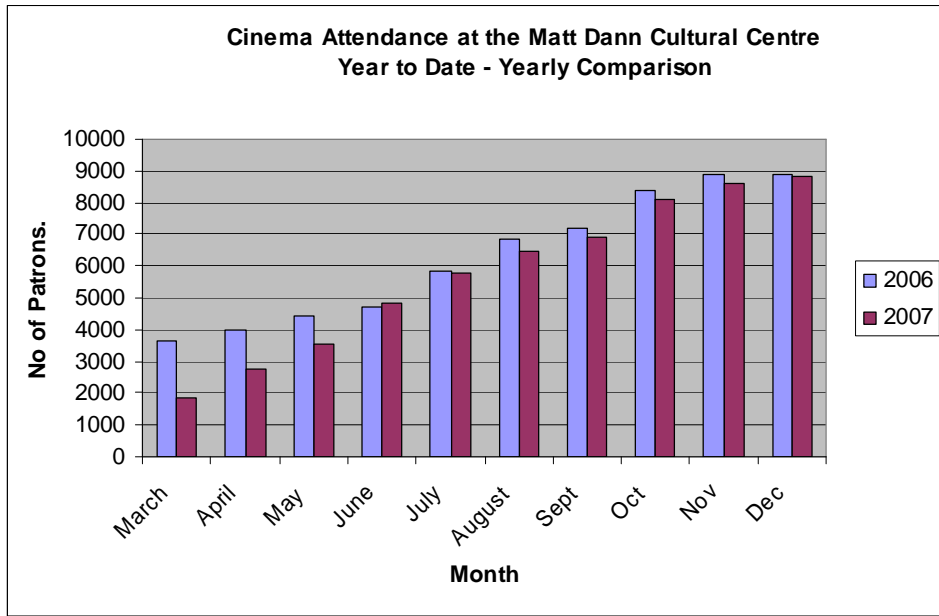
- Current: South Hedland – 2; Wickham – 1; Karratha – 4; Newman – 2
- In process of Licensing: Karratha – 1; Tom Price – 1; Paraburdoo – 1; Newman – 2

This is now the quiet time for Family Day Care. Carers take leave and many families move on or are away on holidays. The next month will see the scheme office relocated to the Youth & Family Centre in Keesing Street. This is a positive move and one that we are confident will increase the number of Carers in Hedland.

*Matt Dann Cultural Centre*



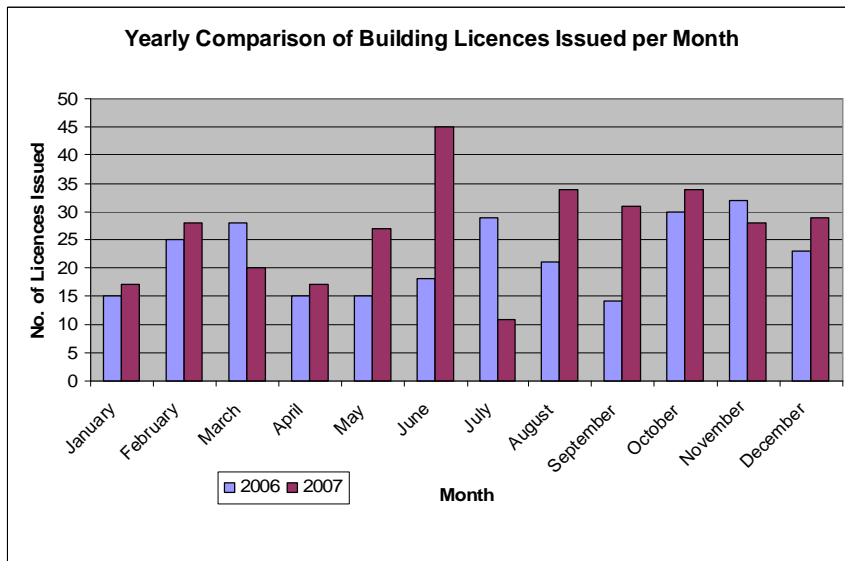
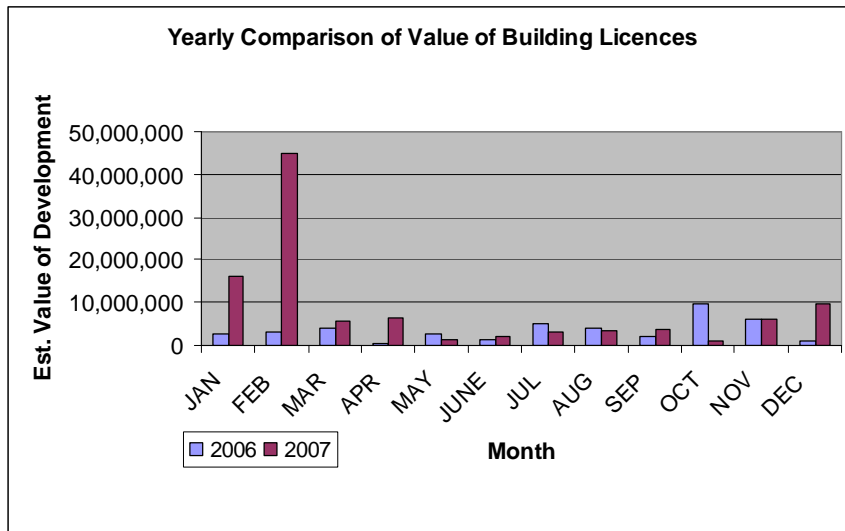




*Courthouse Arts Centre and Gallery*

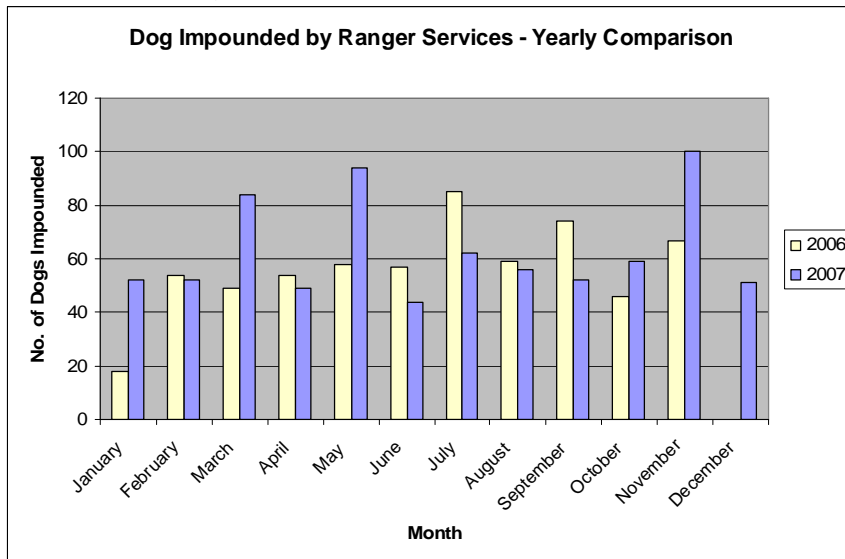
No report available this month for the Courthouse Arts Centre and Gallery.

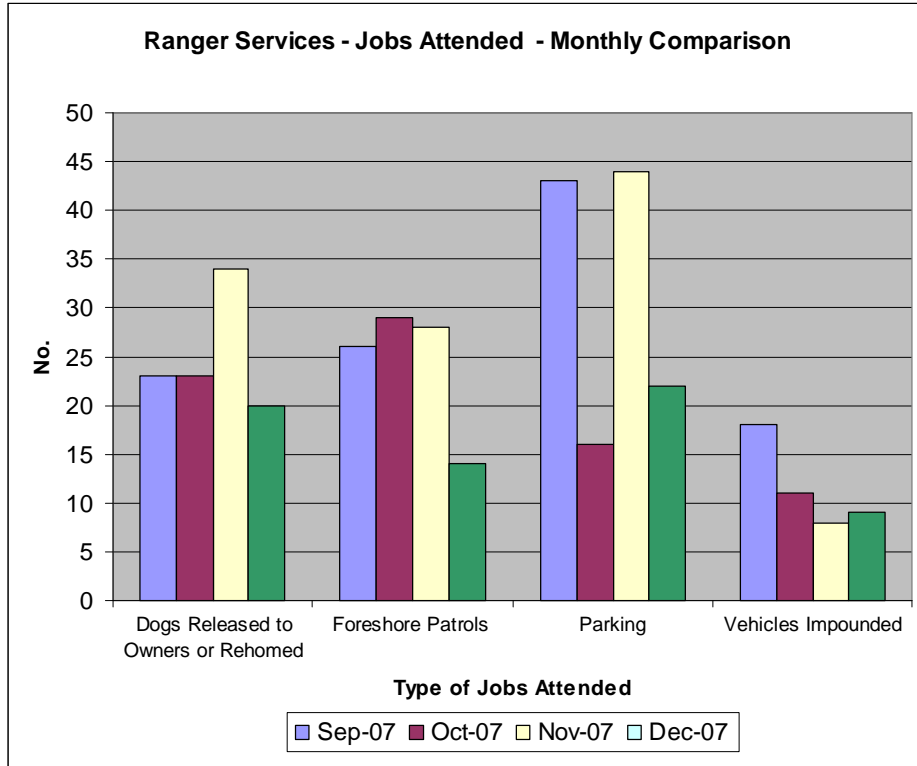
*Building Services*



*Environmental Health Services*

*Ranger Services*





**200708/127 Council Decision/Officer’s Recommendation**

**Moved:** Cr G J Daccache

**Seconded:** Cr A A Carter

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

**CARRIED 7/0**

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

**Officer** Nellie Mackay  
Executive Assistant –  
Community & Regulatory  
Services

**Date of Report** 14 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

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

**Background**

A list of Planning Consents issued by Council's Planning Services under Delegated Authority for the month of December 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

**200708/128 Council Decision/Officer's Recommendation**

**Moved:** Cr G D Bussell                      **Seconded:** Cr A A Carter

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

**CARRIED 7/0**

*ATTACHMENT TO AGENDA ITEM 11.2.2.1*

Applic No	Applic date.	Date Determined	Description	Applicants name.	Owners Name	Address	Deleg
2007/212	12/09/2007	13/12/2007	TRANSIENT WORKFORCE ACCOMMODATION - Retrospective Approval - Existing Wodgina Mining Camp and additions	Jeff Welch - Mc Sweeney Partners	TALISON MINERALS PTY LTD	G45/00029 GENERAL PURPOSE LEASE WODGINA MINE VIA PT HEDLA 6721	No
2007/263	22/10/2007	21/12/2007	STORAGE FACILITY/ DEPOT/ LAYDOWN AREA - Ablution Addition & formalisation of existing structures	Terry Boyington - Downer EDI Engineering	DIANA COWAN	11-13 MUNDA WAY WEDGEFIELD 6724	No
2007/307	06/11/2007	20/12/2007	PRIVATE RECREATION - Bowling & Tennis Club Upgrade	South Hedland Bowling & Tennis Club	TOWN OF PORT HEDLAND	LOT 5471 HEDDITCH STREET LAWSON 6722	No
2007/317	08/11/2007	13/12/2007	SINGLE HOUSE - R Codes Variation - Garage Addition - 10m x 6m x 2.8m	Kristine Baker	KRISTINE MURIEL BAKER	29 LIMPET CRESCENT SHELLBOROUGH 6722	No
2007/326	16/11/2007	06/12/2007	SINGLE HOUSE - R Code Variation - Patio Additions & Alterations - Boundary Setbacks	Macrin Hosman	MACRIN HOSMAN	58 ACACIA WAY CASSIA 6722	No
2007/327	19/11/2007	13/12/2007	GROUPED DWELLING - R Codes Variation - Carport, Patio and Additional Rooms x 2.	Vathjunker Contractors Pty Ltd	DEPARTMENT OF HOUSING AND WORKS	UNIT A & B/ 9 MOSELEY STREET SPINIFEX HILL 6721	No
2007/328	05/11/2007	06/12/2007	SINGLE HOUSE - R Codes Variation - Shed Addition 6m x 4 m x 2.8m (Exceeding Height)	Jessica Vuckovich	JESSICA LOUISE VUCKOVICH	31 OSPREY DRIVE KOOMBANA 6722	No
2007/331	19/11/2007	11/12/2007	SUBDIVISION - Freehold - 1 Lot into 2 Lots	Western Australian Planning Commission	CHRISTOPHER JOSEPH DREW	A&B/ 19 BOOGALLA CRESCENT SOUTH HEDLAND 6722	No
2007/332	19/11/2007	06/12/2007	SINGLE HOUSE - R Codes Variation - Wall Height	David Van Vugt	DAVID CASEY VAN VUGT	11 GASCOYNE COURT SOUTH HEDLAND 6722	No
2007/333	20/11/2007	24/12/2007	CHANGE OF USE - SHOP	Naomi Simper	ANTHONY SCOLARO	5 EDGAR STREET PORT HEDLAND 6721	Yes
2007/334	23/11/2007	14/12/2007	MOTOR VEHICLE AND/OR MARINE REPAIR - Workshop Extension	David Watson	JEVE NNA HOLDINGS PTY LTD	LOT 1440 ANDERSON STREET PORT HEDLAND 6721	No
2007/335	21/11/2007	21/12/2007	CHANGE OF USE - use not listed (Detention Centre)" to RESIDENTIAL BUILDING"	Auzcorp	DEPT OF IMMIGRATION & MULTICULTURAL AFFAIRS	15 DEMPSTER STREET PORT HEDLAND 6721	Yes

2007/344	03/12/2007	13/12/2007	SUBDIVISION - 1 LOT INTO 3 SURVEY STRATA LOTS	Makjap Pty Ltd	JOHN ERICH SAVILLE	118 PATON ROAD SOUTH HEDLAND 6722	No
2007/345	03/12/2007	05/12/2007	SUBDIVISION - 1 LOT INTO 2 STRATA LOTS - ROBINSON ST PH	KIRKLAND PTY LTD	KIRKLAND PTY LTD	20 ROBINSON STREET PORT HEDLAND 6721	No
2007/347	03/12/2007	21/12/2007	CLEARANCE OF DEPOSITED PLAN 58352	MCMullenNolan	CROWN	LOT 5933 DALE STREET SOUTH HEDLAND 6722	No
2007/351	03/12/2007	21/12/2007	CLEARANCE OF DEPOSITED PLAN58351	MuMullen Nolan	CROWN	LOT 5934 DALE STREET SOUTH HEDLAND 6722	No
2007/352	04/12/2007	05/12/2007	SUBDIVISION - S/STRATA 1 LOT INTO 2 LOTS - ROBINSON ST	Kirkland Pty Ltd	JOHN PHILIP SIDNEY RYLANCE	22 ROBINSON STREET PORT HEDLAND 6721	No
2007/357	10/12/2007	13/12/2007	SINGLE HOUSE - Carport & Garage Addition - R-Codes variation, boundary setback reduction	JAMES PATRICK MCLAREN	JAMES PATRICK MCLAREN	17 LIMPET CRESCENT SHELLBOROUGH 6722	No
2007/362	10/12/2007	13/12/2007	INDUSTRY EXTRACTIVE - Retrospective approval for existing Wodgina Mine Site - Processing buildings and replacement of cyclone damaged buildings.	McSweeney Partners	TALISON MINERALS PTY LTD	G45/00029 GENERAL PURPOSE LEASE WODGINA MINE VIA PT HEDLA 6721	No

**11.2.2.2 Proposed Three Grouped Dwellings at Lot 1747  
McPherson Street Port Hedland (File No.: 402050G)**

**Officer** Marion Carter  
Planning Assistant

**Date of Report** 4 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application from Define Creations for planning approval for three (3), 4 bedroom grouped dwellings at former lots 1747 & 1748 (48) McPherson Street Port Hedland. The two lots have recently been amalgamated and the land cleared to enable new development to commence. (Refer Attachments 1 & 2 – Note: aerial photo was taken prior to demolition of houses formerly on site.)

The subject land comprises 1886m<sup>2</sup> and is zoned “Residential R25 in the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5). This item is referred for Council consideration, as delegated officers do not have the authority to determine planning applications for more than two grouped dwellings.

**Background***R Code Assessment*

The application complies with the relevant requirements as determined by the R-Codes of WA for R25 Development.

**Retaining Walls:**

A small retaining wall is proposed for a part section of the rear boundary ranging in height from 350mm to 200mm, with a 1.8m solid sheet fencing to be erected on top of the retaining wall. This has been assessed as acceptable development.

**Street Elevations:**

Two of the units proposed for the development are identical in design with a hip elevation to the carport. The third unit has been modified and presents a gable roofline to the carport. All three units will be clad in ‘Colorbond’ iron with different colours for each dwelling. This effect will present a different streetscape elevation and individuality to each dwelling. Fencing has not been shown on the site plan, but a condition is recommended requiring compliance with the R-Codes. (Refer Attachment 3)

**Consultation**

Neighbour Consultation: The application was referred to 2 neighbouring properties affected by the retaining wall. Comments on the proposal were to be made to Council by 9 January 2008. No comments or objections have been lodged.

Building Services: Have no objection, however advises that a building licence is required.

Environmental Health Services: Have no objection and advises that the development is to be connected to deep sewer.

Engineering Services: Have no objection and requests that 2 conditions be imposed: Crossovers to be in accordance with Policy 9-005, and that prior to a building licence being issued stormwater drainage/retention to be indicated on the site plan as levels do not permit diverting drainage to the road.

Appropriate conditions have been imposed for the development.

**Statutory Implications**

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Residential R25"

**Policy Implications**

9/005 – Crossovers  
9/008 – Verge Treatment Policy

**Strategic Planning Implications** Nil

**Budget Implications**

The applicant has submitted planning fees of \$3,040 into account 1006326 – Town Planning Fees

**Officer's Comment**

As noted in the Background to this report, this application meets all relevant sections of the R Codes and TPS 5, and the proposed development is supported.

Appropriate conditions as requested by Building, Health and Engineering Services have been included.

**Attachments**

Aerial photograph  
Site Plan  
Colour Schemes



**200708/129 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

**That Planning Consent be granted to Define Creations for the construction of GROUPED DWELLINGS – 3 Grouped Dwellings at Lot 1747 (48) McPherson Street Port Hedland as outlined in the Application received 20 November 2007 (Application 2007/343) 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. A detailed landscaping plan to be submitted and approved by the Manager Planning within 30 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.**
- 3. 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.**
- 4. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.**
- 5. The proposed development shall be connected to reticulated mains sewer.**
- 6. Prior to submission of a building licence an amended plan being submitted showing proposed stormwater drainage/retention options (as levels do not permit diverting drainage to the road), to the specification of Council's Engineering Services to the satisfaction of the Manager Planning.**
- 7. The crossovers shall be designed and constructed in accordance with Council Policy 9/005 - Crossovers, to the satisfaction of the Manager Planning, prior to occupation of dwellings.**

**FOOTNOTES:**

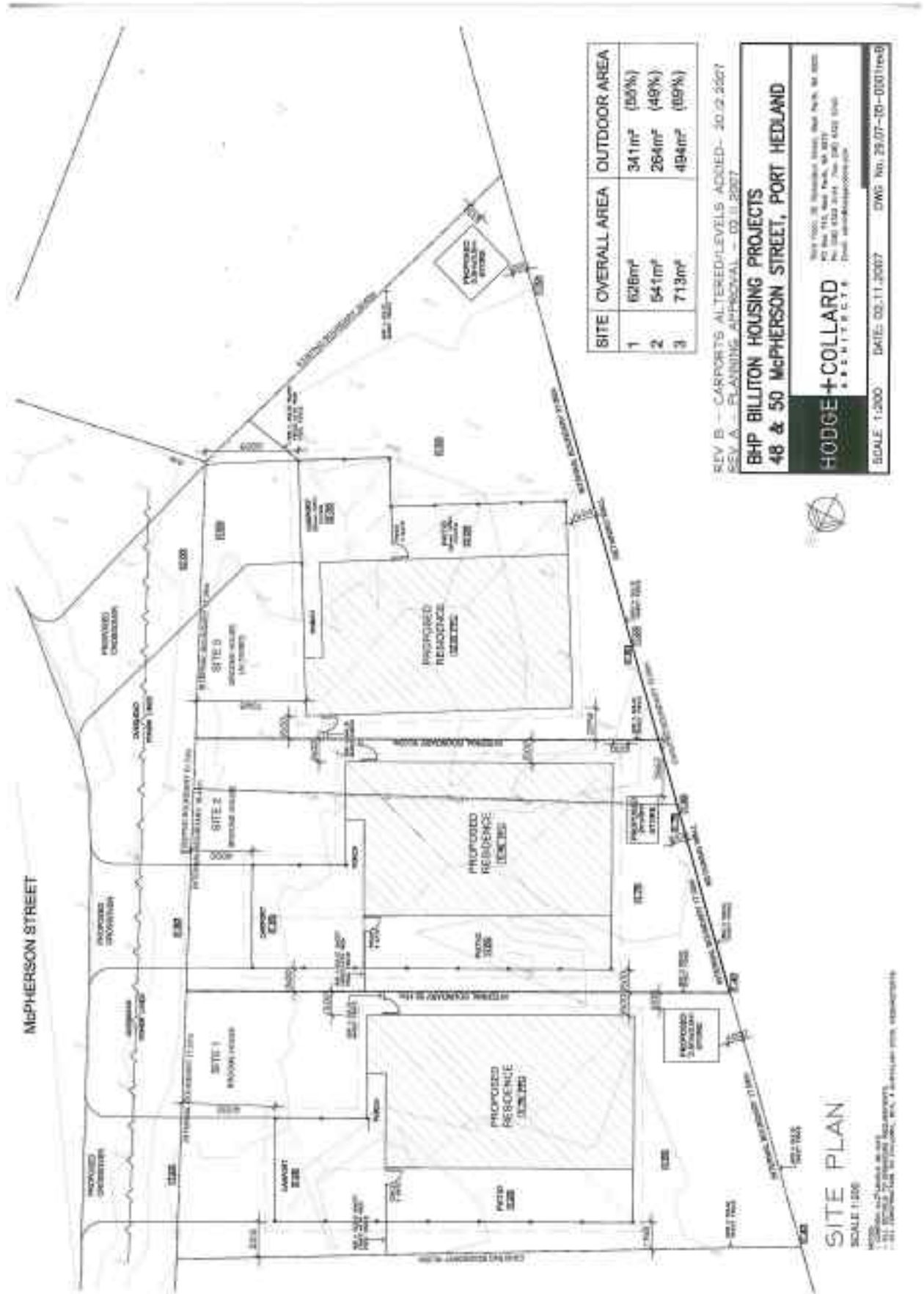
1. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
2. This approval should not be construed that the Town will support a survey strata or green title subdivision application for this lot.
3. 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.
4. Applicant is to comply with the requirements of WorkSafe Western Australia in the carrying out of any works associated with this approval.

***CARRIED 7/0***

*ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2*



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.2



**11.2.2.3 Request for Comment on the Atlas Iron Pardoo DSO Project Public Environmental Review (File No.: 18/12/0006)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 4 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request for comment from the Environmental Protection Agency (EPA) for the Atlas Iron Pardoo DSO (Direct Shipping Ore) project. This request is a statutory component required prior to granting environmental approval to the project, with all comments to be received by the EPA no later than 28 January 2008.

**Background**

*Location*

The mine site comprises eight open pits, four of which extend below the waterline. The mine site location and layout are described in attachment 1. No accommodation is proposed at the mine site and all construction and mining personnel are to be transported daily from Port Hedland with the preference being to access

*Ore Transportation*

At present, the only bulk loading facility available for use by Atlas Iron is the public berth at Nelson Point. It is anticipated that, when alternative stockpiling and loading facilities become available, Atlas Iron will shift to either Utah Point, or, subject to successful negotiations, the FMG berth at Anderson Point.

Two scenarios are proposed in this document, depending on the product destination. The road train movements for the two scenarios are summarised below (figures generated by dividing stockpile size by truck capacity, rounded up):

Scenario	Truck Loads	Truck Movements
Transport to the public access berth		
Two-week transport campaign		
Daily Movements	45	89
Hourly Movements	3	5
Three –week transport campaign		
Daily Movements	30	59
Hourly Movements	2	3
Transport to Utah Point (or FMG berth)		
Daily Movements	40	79
Hourly Movements	2	4

Should transport be via the public berth, the proponent commits to no trucking movements between 1600 – 1800 hrs to reduce impact during peak times.

As identified in the location maps, the location of this mine site would be easily accessible to the existing BHPB Goldsworthy rail line, particularly if the applicant ultimately gains access to the proposed new ship loading berth and stockpiling facilities at Utah Point.

From the Town's perspective, the option of using rail to transport this ore would remove a significant number of road trains from the road network with proportional decreases in traffic congestion, dust and noise generation.

The rail option is not raised in PER documentation and it is acknowledged that BHPB historically resists all attempts for third party access to its existing rail network. Atlas Iron have advised that attempts to negotiate access with BHPB have not met with any success.

#### *Road Access*

As indicated, road access is anticipated to be the most significant impact of this mining operation on the Town of Port Hedland. Each of the two transport options (Nelson or Utah Point) presents different impacts:

Exporting ore from the public access berth at Nelson Point will significantly increase road train traffic along Wilson Street during the proposed transport campaigns. The natural corollary of this increased traffic will be additional dust and noise and an inversely proportional loss of amenity. The applicant intends to mitigate these impacts by:

1. maintaining the transport fleet to appropriate standards,
2. covering all loads
3. limiting use of air brakes in residential areas
4. not transporting during peak hours of 16:00 – 18:00

5. developing a complaints register
6. using bus transport to mine site for employees

The potential use of the proposed Utah Point facility, while reducing the impact on existing urbanised areas, raises the issue of the public access road from Cajarina Road to Finucane Island. While not discussed in this document, the construction of a public access road, constructed to Main Roads Western Australia standards is becoming a significant issue that requires attention prior to or concurrently with the planning for dependant major infrastructure projects.

Clearly the proposed additional road traffic will lead increased maintenance costs, and while Council is not responsible for maintaining the roads concerned, it would be a concern if there was not additional funding available to MRWA and the Port Hedland Port Authority or whichever agency was ultimately responsible for maintenance of the port access road. In the midwest, where there are a number of mining companies proposing ore shipments using road transport companies have entered into agreements with the responsible agencies to pay a levy to be used for the maintenance of public roads. This would seem entirely appropriate in this case also.

#### *Social Impacts*

In addition to those impacts detailed above, the PER recognises there will be a range of social impacts related to the additional workforce requirements for this project.

The company has however stated it “will attempt to house its workforce within Port Hedland and will encourage its contractors to do the same”. This clearly avoids the social disruption of FIFO operations and is recognised as providing an economic benefit or flow on effect to local business. It is recognised that contractors may choose to employ staff on a FIFO basis and there are no measures identified to influence such decisions.

There is no other measure identified to maximise the economic benefits to the Hedland community apart from the stated preference to house the workforce locally. Specific measures such as a “buy local” or procurement policy enacted by the company or its contractors would be beneficial but are not addressed at all.

The length of the working day is capped at 10.5 hours in recognition of the 45 minutes of travelling time (each way) required to travel to and from the site. This will obviously assist in maintaining a safe working environment but will also generate a slight improvement in the work – life balance of the employees and contractors.

**Consultation**

Nil



**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications**

KRA 3 – Community Development

Goal 5 – Health

Strategy 5: Monitor commercial and industrial activities that have potential negative impact on the community, and actively seek Department of Conservation enforcement of regulatory standards.

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** Nil

**Officer's Comment**

As discussed in the body of this report, the major planning consideration relating to this application relate to the transportation of the mining product by road as opposed to rail.

Should Atlas Iron be granted access to the existing Goldsworthy line that, according to the *Draft Utah Point Berth Project Public Environmental Review*, is currently used by 14 trains per day the Town of Port Hedland will benefit significantly through reduced road traffic and subsequent amenity impacts.

It is subsequently recommended that Council support this PER, and strongly recommends that for environmental, safety and amenity reasons that the EPA recommend for the rail transportation of mining ore from the Pardoo Project be actively investigated.

In addressing the social impacts, the PER provides little detail or commitment. While the company is to be commended for its intention to operate with a locally based workforce and encourage its contractors to do likewise, this appears as little more than a vague statement of intent. Similarly the commitment to bringing benefit to the local economy is not specified beyond an assumed benefit that will from having additional people residing in the town. While it has to be recognised there are a number of factors at play, it would be far more desirable to see specific measures proposed to bring about intended benefits to the community.

**Attachments**

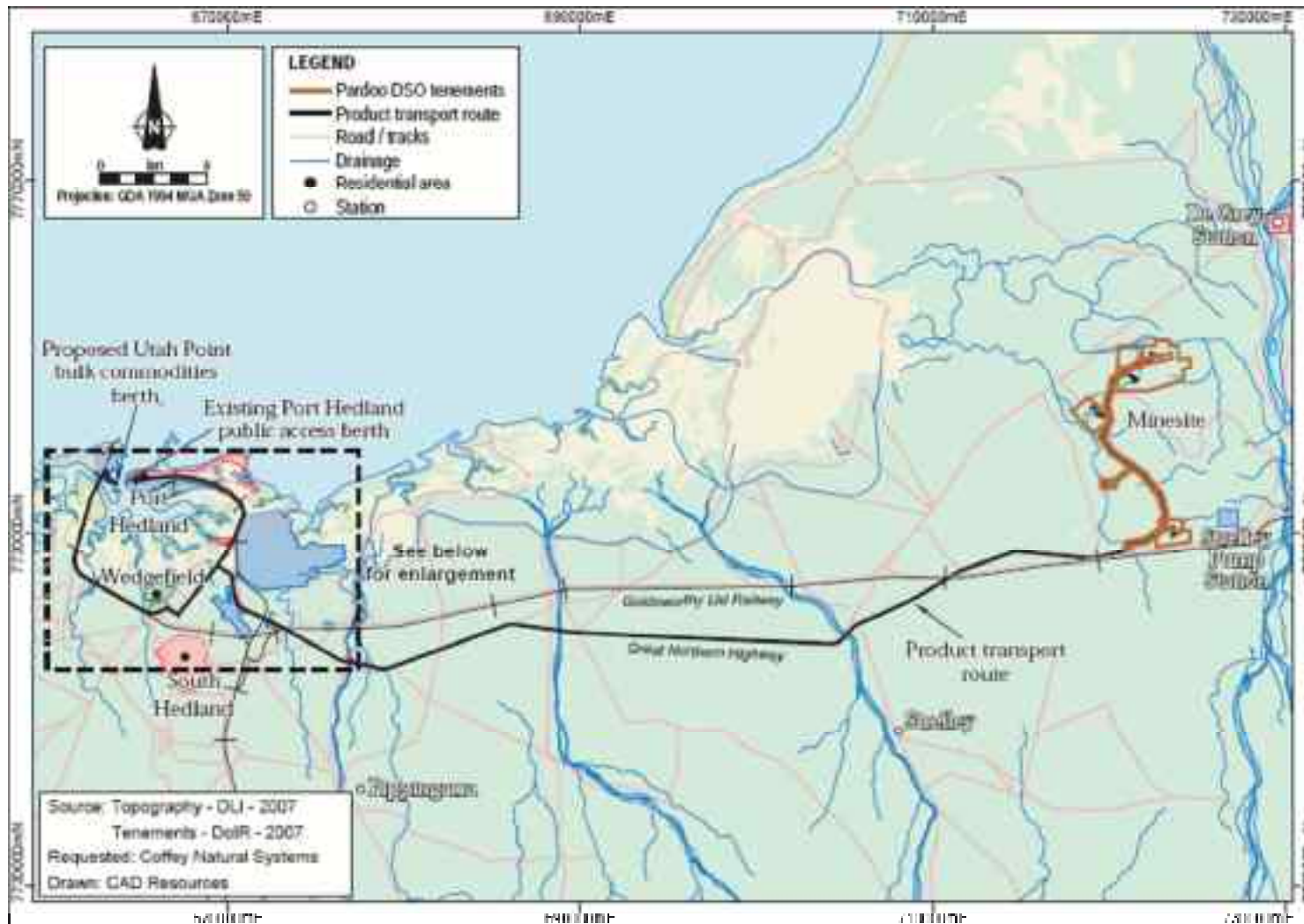
Site Plan and Location Plan.

**200708/130 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr J E Ford

**That Council advise the Environmental Protection Authority that:**

- 1. Council objects to the environmental, safety and amenity cost that increased level of heavy road haulage that this and other future mining ventures will impose on the Town of Port Hedland;**
- 2. in response to this concern, that the Town of Port Hedland requests that the Environmental Protection Authority require the proponent to enter negotiation with the operator of the existing Goldsworthy Rail Line for access to this infrastructure for transportation purposes;**
- 3. should the use of the Goldsworthy rail line prove not be a viable option, the Town of Port Hedland requests that the EPA require the applicant to pursue alternative stockpiling and embarkation sites away from Nelson Point as a matter of priority;**
- 4. the Town of Port Hedland requests that the Environmental Protection Authority require the proponent to prepare a social and economic impact plan, identifying specific measures that will discourage the use workers employed on a fly in fly out basis and policies or other measures that will maximise the flow on economic benefits to the Town; and**
- 5. the Town of Port Hedland further requests that the proponent be required to enter into an agreement or agreements with all relevant agencies, to provide an adequate contribution to the maintenance of all public roads used for the transport of ore from the Pardoo DSO Project**

***CARRIED 7/0***



Source: Enesar Consulting Pty Ltd. 2007. Atlas Iron Limited The Pardoo Project Public Environmental Review. Western Australia.



**11.2.2.4 Proposed Office, Weighbridge, Caretaker's Dwelling, Equipment Shed, Bore Water Tanks and Site Works at Lot 842 Great Northern Highway Port Hedland (File No.: 116960G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 7 January 2008

**Disclosure of Interest by Officer** Nil

### **Summary**

Council has received an application from Process Minerals International Pty Ltd to construct at lot 842 Great Northern Highway:

- A site office
- A road train weigh bridge
- An equipment shed
- A caretaker's dwelling
- Landscaping
- Bore water tanks
- Hardstand and car parking bays

The application for the proposed works is split into two parts, however it is proposed to address each of these parts in this report.

This item is referred for Council consideration, as Delegated Officer's do not have the authority to determine applications for reserved land.

### **Background**

The subject land comprises 4.0479 hectares and is reserved for "Other Purposes – Infrastructure," in the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5). The proposed development will service the ore stockpiling business also located on the subject land.

When considering applications for planning approval on reserved land, Council is to consider TPS 5 clause 2.3:

*"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 for managing and developing the reservation, and*

- c) *Confer with the organisations it consider relevant to the reservation and the proposed use or development.”*

As this land is contained wholly within an infrastructure corridor created for the Great Northern Highway, the appropriate agency requiring consideration is Main Roads Western Australia (MRWA). MRWA has been contacted with regard to this approval and viewed the plans, with their response included in the Consultation section of this report.

#### *Previous Approvals*

The use of this land is the subject of a Deed of Settlement dated 1 March 2007 (the Deed). The relevant sections of the Deed state that:

1. The Town of Port Hedland does not object to the stockpiling of manganese ore on lot 842 subject to:
  - i. Ore stockpiles being relocated to the rear of the lot; and
  - ii. Should the adjacent lot 5909 become available to the applicant, ore stockpiles to be relocated to lot 5909.
2. The applicant will landscape the street frontage to lot 842.
3. All ore stockpiles are to be relocated to land at the new bulk cargo jetty at Finacune Island when the Port Authority makes appropriate land available.
4. Should the Port Authority not make appropriate land available within 3 years, the applicant will seek an alternative acceptable stockpiling site.

This application is in accordance with the Deed and will enable the applicant to relocate ore stockpiles to the rear of lot 842. The additional sealing of the site and the installation of bore water tanks and standpipe will aid in dust suppression, and the landscaping will improve the visual amenity of the site from the highway.

The dwelling, office and shed do not directly relate to the Deed and constitute additional improvements to the land. It should be noted however that the Deed does require the applicant to relocate as soon as suitable alternative sites become available and so this does not necessarily constitute an entrenchment on this lot.

The applicant has applied for planning approval for a caretaker's dwelling as part of this application, however the TPS 5 definition for a caretaker's dwelling limits the building to a maximum floorspace of 50 m<sup>2</sup>, except in Wedgefield. As the proposed dwelling is approximately 79 m<sup>2</sup>, the use for the dwelling is defined as "Single House" as per TPS 5. A condition is included in the Officer's recommendation that requires any resident of this building be a bona fide caretaker for the plant and equipment on site.

At its Ordinary Meeting on 14 December 2005, Council approved the construction of a single dwelling for use by a caretaker at the adjacent lot 2524 Great Northern Highway. While Council has indicated concern about people living close to manganese stockpiling, the Department of Health has previously advised that it does not require referral of matters involving residential development in the vicinity of manganese ore stockpiling.

### **Consultation**

Environmental Health Services: no objection to the proposal subject to the shed not being used for human habitation; all dust and sand being contained on site; appropriate applications being submitted for any sewage treatment apparatus.

Building Services have not objected to the proposal and advised that a building licence is required for the proposed buildings.

Engineering Services have not objected to the proposal and advised that Main Roads approval is required for access to the highway.

Main Roads Western Australia have advised that they do not object to the proposal subject to the applicant being advised that they are required to make formal application for access to the Great Northern Highway.

### **Statutory Implications**

The Town of Port Hedland Town Planning Scheme No. 5 reserves the land for "Other Purposes – Infrastructure."

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Key Result Area 3 – Community Development

Goal 5 – Health

Strategy 5 - Monitor commercial and industrial activities that have potential negative impact on the community, and actively seek Department of Conservation enforcement of regulatory standards.

Key Result Area 4

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 \$462 have been received and deposited into account 1006326 – Town Planning Fees, reflecting a combined development cost of \$200,000.

**Officer's Comment**

The relocation of the weighbridge, site works, water tanks and standpipe are all developments that conform with the requirements of the Deed of Settlement signed by the Town of Port Hedland and Wellard Industries. As such, it is certainly appropriate for these developments to be approved.

While the Caretaker's dwelling, office and equipment shed do not specifically relate to the Deed, they are nonetheless reasonable requests to maintain the security of site and equipment.

Due to the relatively low estimated cost for this development, a condition is included in the Officer's recommendation that the developer satisfy the Town of Port Hedland of the accuracy of this calculation or amend the development cost and adjust the planning fees accordingly.

**Attachments**

1. Location Plan
2. Site Plan No. 1
3. Site Plan No. 2
4. Dwelling Floor Plan
5. Office Elevation
6. Shed Elevation and Floor Plan

**Officer's Recommendation**

That Planning Consent be granted to Process Minerals International Pty Ltd for the construction of a STORAGE FACILITY/DEPOT/LAYDOWN FACILITY – Stage 1 and 2, and including an Incidental SINGLE HOUSE at Lot 842 Great Northern Highway Port Hedland as outlined in the Application received 9 November 2007 (Applications 2007/368 and 2007/369) and indicated on the approved plans, subject to the following conditions:

**GENERAL**

1. The dwelling is only to be used by a person, and associated household, having care of buildings, plant, equipment or land used for the purpose of STORAGE FACILITY/DEPOT/LAYDOWN AREA on the subject lot.
2. 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.



3. Prior to the submission of an application for a building licence, the applicant is to demonstrate the accuracy of the estimated project cost, with adjustment of planning application fees as required, to the satisfaction of the Manager Planning
4. Within 60 days of this approval, the developer is to:
  - i. submit and have approved a waste management plan to the satisfaction of the Manager Planning; and
  - ii. seal the driveway from the lot boundary to the approved weighbridge.  
all to the satisfaction of the Manager Planning;
5. Landscaping and reticulation to be established in accordance with the approved detailed plans within 60 days of this approval and thereafter maintained to the satisfaction Manager Planning.
6. No human habitation is permitted other than in the approved SINGLE HOUSE.
7. All stormwater shall be collected and disposed of to the specification of Council's Engineering Services to the satisfaction of the Manager Planning Services.
8. All dust, sand and stockpiled materials to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
9. A total of seven (7) car-parking bays are to be constructed in accordance with this approval.
10. 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.

#### FOOTNOTES

11. 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.
12. The applicant is advised that all signage erected on the subject land is to comply with the Town of Port Hedland Signs, Hoardings and Bill Postings Local Law.
13. The applicant is advised that any signage to be erected outside the lot boundaries is to be designed, erected and maintained to the satisfaction of Main Roads Western Australia.

14. The applicant is advised that the crossover from the Great Northern Highway is to be designed, constructed and maintained to the satisfaction of Main Road Western Australia.
15. With regard to condition 1, the applicant is advised that the dwelling is approved as a Single House as it exceeds the definition for a "Caretaker's Dwelling" as defined in the Town of Port Hedland Town Planning Scheme No. 5
16. The applicant is advised that, pursuant to the Town of Port Hedland Town Planning Scheme No. 5, section 6.13.6, Council may require the construction of additional car parking bays where it is of the opinion that additional bays are required to maintain appropriate safety, convenience and amenity standards.
17. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the satisfaction of the Manager of Planning and the specification of the Manager of Environmental Health.
18. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
19. 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.

**200708/131 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr G D Bussell**That:**

- i) the Planning Application from Process Minerals International Pty Ltd for the construction of a STORAGE FACILITY/DEPOT/LAYDOWN FACILITY – Stage 1 and 2, at Lot 842 Great Northern Highway Port Hedland as outlined in the Application received 9 November 2007 (Applications 2007/368 and 2007/369), be REFUSED as:
  - a) The development proposed the construction of facilities that are significant in nature, potentially permanent. Given that Council has previously sought and obtained commitment from the lessee of the land that the stockpiling and other operations that are occurring at the site will be relocated in the foreseeable future, granting permission for development of this nature is not desire.
  - b) Council does not support the provision of a Caretaker's Dwelling in such close proximity to Manganese stockpiles;
- ii) That the applicant be advised that Council is willing to consider a further application for development that:
  - a) Meets the terms and previous Deed of Agreement between the Town of Port Hedland and the Lessee of the site relating to materials storage, fencing and landscaping at the site; and
  - b) Provides less permanent structures than those proposed in the current application.

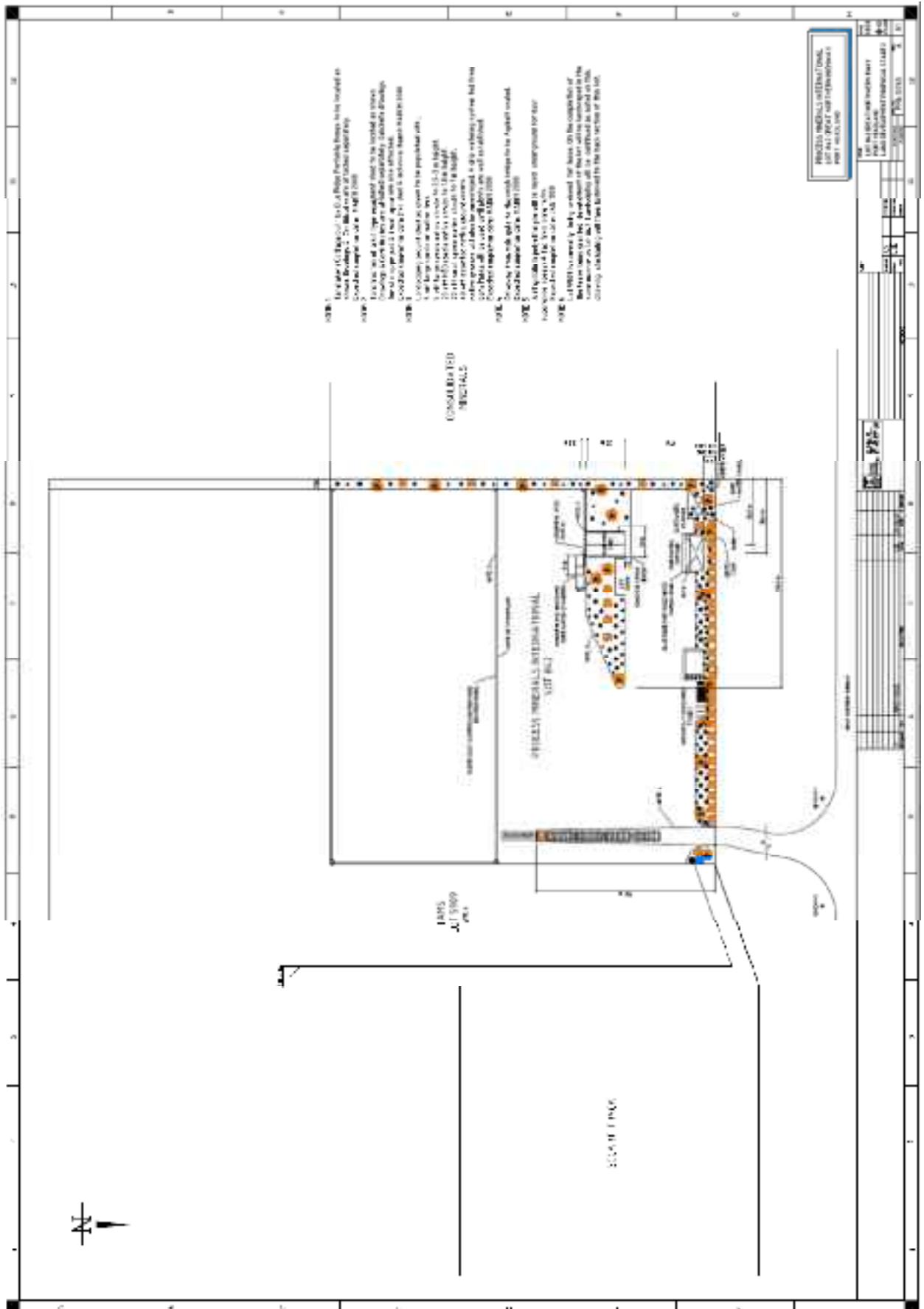
**CARRIED 7/0**

*REASON: Council refused this application as it felt the development would make the stockpiling of ore at the site more permanent, and Council's stated preference is for only temporary use of this site until such time that the Utah Point Common User facilities have been constructed.*

*ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4*



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4













### **11.2.2.5 Proposed Final Adoption of Town Planning Scheme No. 5 Amendment No. 14 and Endorsement of the Pretty Pool Development Plan (File No.: 18/09/0020)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 8 January 2008

**Disclosure of Interest by Officer** Nil

#### **Summary**

This item is submitted for Council to consider final adoption of the Town of Port Hedland Town Planning Scheme No. 5 Amendment 14 and associated Development Plan.

This amendment proposes to rezone land in the vicinity of the existing residential land at Pretty Pool from “Rural” to “Urban Development.”

#### **Background**

Council initiated Amendment 14 at its Ordinary Meeting on 24 April 2007. Following submission to the Environmental Protection Authority (EPA), the applicant modified the amendment in accordance with EPA advice and resubmitted the amendment for Council approval.

At its Special Meeting on 16 October 2007, Council resolved to modify Amendment 14 in accordance with the new submission. The modified Amendment 14 was then resubmitted to the EPA who advised Council on 19 November 2007 that the Amendment need not be assessed under Section 48 of the *Environmental Protection Act 1986*. In assessing this amendment, the EPA provided additional required amendments to the documentation and the amendment text and these textual modifications are included in the Consultation section of this report.

As the EPA included the additional modifications as a condition of not assessing Amendment 14, it is anticipated that, should Council omit or modify these modifications, the WAPC or Minister will require their inclusion.

This amendment has now been advertised for public comment in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

#### **Consultation**

Advertising of the Amendment commenced on 23 November 2007 with a mail-out to 36 nearby residents and service providers.

Newspaper advertising commenced with an advertisement placed in the *North West Telegraph* on 28 November 2007.

In accordance with past practice a request to place a sign on the subject land was submitted to North West Signs on 7 December 2007. A site visit has failed to locate the requested sign, and North West Signs has not been contactable

In recognising that the bulk of the advertising period for this amendment is to occur over the Christmas/New Year break; the submission period has been extended beyond the statutory 42 day period to 56 days for the mail-out and 51 days for newspaper advertising.

In their advice to Council that this amendment need not be assessed, the EPA did so on the condition that additional textual modifications be included in the amendment text. As Council had already initiated the amendment, these required modifications are submitted as a submission, with all textual modifications being included in the Officer's recommendation.

At the time of writing of this report, no additional submission have been received, however, due to report deadlines, should any submission be received prior to 18 January 2008, these submissions will be tabled at the January Ordinary Meeting for consideration.

### **Statutory Implications**

Amendments to a Local Planning Scheme are permitted under section 75 of the *Planning and Development Act 2005* and regulation 25 of the *Town Planning Regulations 1967*.

### **Policy Implications**

Local Planning Policy 4 – Residential Road Reserve Widths.

### **Strategic Planning Implications**

Key Result Area 4

Goal 4

Strategy 1 - Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

### **Budget Implications**

Should Council continue to support this Scheme Amendment, the applicant will be invoiced for \$1,566 in accordance with Council's adopted Fees and Charges.

**Officer's Comment**

This proposed amendment is a long-anticipated outcome of a complex negotiation process involving the Town of Port Hedland, DPI (Coastal Planning), DEC, LandCorp and Koltasz Smith Town Planners. The main issues requiring attention relate to coastal setbacks, particularly with reference to WAPC Coastal Planning Policy, and the environmental concerns of the EPA.

Concessions on the part of the developer, limiting this amendment to the southern portion only of the initial proposed amendment area, and the inclusion of management plans and design guidelines to regulate environmental impacts sufficiently address environmental concerns.

**Attachments**

Amendment Map  
Development Plan

**Officer's Recommendation**

That:

- i) the Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 14 be adopted with the following modifications:

Inserting a new clause 6.4.4 in the Scheme Text to read:

“6.4.4 Lots 5876, 5877 and 300 Counihan Crescent Pretty Pool”

In addition to the requirements of Clause 6.4, and including those of Appendix 6, the following additional provisions shall apply:

“...b) Management Plans shall be prepared and implemented in conjunction with the implementation of the Development Plan to the satisfaction of the Town of Port Hedland on advice from the Department of Environment and Conservation (DEC) as follows:

...iii. Migratory Shorebird Management Plan.”

“...c) For the purpose of 6.4.4 b) *ii*, *iii*, and *viii*, the following shall apply:

- i. Turtle Management Plan – In conjunction with the implementation of the Development Plan, a Turtle Management Plan shall be prepared to the satisfaction of the Department of Environment and Conservation (DEC), to ensure the turtle nesting population within the Pretty Pool Beach are is protected and managed in a an appropriate and sustainable manner.

The Turtle Management Plan shall include but is not limited to the following:

1. Description of the environmental factors relating to marine turtle nesting habitat requirements;
  2. Prediction of impacts on marine turtles from the development, including lighting and human disturbance of nesting females and hatchlings;
  3. Design Guidelines for Reducing Light Emissions;
  4. Protection of turtle populations and turtle habitat areas through measures to restrict disturbance and access;
  5. Monitoring and reporting program for the Pretty Pool nesting population in cooperation with the Care for Hedland Environmental Association;
  6. Details of a community education and awareness program; and
  7. Strategies for collaborating with relevant stakeholders in relation to turtles in the region.
- ii. Migratory Shorebird Management Plan – Multiple Avifauna Surveys shall be undertaken during the migration period (September to April) to the satisfaction fo the Town of Port Hedland on advice from the Department of Environment and Conservation (DEC). In the event that these surveys identify that protected migratory bird species are utilising the development site for foraging, a Shorebird Management Plan shall be prepared. The Management Plan shall be prepared to ensure proper management and protection of specially protected migratory birds within the development area to the satisfaction of the Town of Port Hedland on advice from the DEC;

- iii. Site management and Remediation Action Plan: Prior to submission of an application for subdivision to the Western Australian Planning Commission (WAPC) for any area of the Development Plan identified as contaminated, a Site Management Plan and Remediation Action Plan will be prepared and implemented to the satisfaction of the Town of Port Hedland on advice from the DEC and Department of Health. The Management Plan shall be prepared to ensure that the development site and the risks outside the site will be appropriately managed to meet the requirements of the Contaminated Sites Act 2003 and is compatible with the proposed land use(s).”
- ii) the following Schedule of submissions be submitted to the Western Australian Planning Commission:

Name	Address	Submission	Council Comment
Environmental Protection Authority	The Atrium, Level 8, 168 St Georges Tce, Perth, Western Australia	Modifications required to Management Plan requirement text	All comments included in modified amendment

- iii) Council adopt The Pretty Pool Development Plan;
- iv) The Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council’s seal in the event that the Minister for Planning and Infrastructure approves the Amendment with modifications; and
- v) Council advises the Environmental Protection Authority that it wishes to withdraw the proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment Nos 7 and 10.

**200708/132 Council Decision/Officer's Modified Resolution****Moved:** Cr A A Carter**Seconded:** Cr G J Daccache**That:**

- i) the Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 14 be adopted with the following modifications:

Inserting a new clause 6.4.4 in the Scheme Text to read:

**"6.4.4 Lots 5876, 5877 and 300 Counihan Crescent Pretty Pool"**

In addition to the requirements of Clause 6.4, and including those of Appendix 6, the following additional provisions shall apply:

**"...b)Management Plans shall be prepared and implemented in conjunction with the implementation of the Development Plan to the satisfaction of the Town of Port Hedland on advice form the Department of Environment and Conservation (DEC) as follows:**

**...iii. Migratory Shorebird Management Plan."**

**"...c)For the purpose of 6.4.4 b) ii, iii, and viii, the following shall apply:**

- i. Turtle Management Plan – In conjunction with the implementation of the Development Plan, a Turtle Management Plan shall be prepared to the satisfaction of the Department of Environment and Conservation (DEC), to ensure the turtle nesting population within the Pretty Pool Beach are is protected and managed in a an appropriate and sustainable manner.

The Turtle Management Plan shall include but is not limited to the following:

1. Description of the environmental factors relating to marine turtle nesting habitat requirements;
2. Prediction of impacts on marine turtles from the development, including lighting and human disturbance of nesting females and hatchlings;
3. Design Guidelines for Reducing Light Emissions;
4. Protection of turtle populations and turtle habitat areas through measures to restrict disturbance and access;

5. Monitoring and reporting program for the Pretty Pool nesting population in cooperation with the Care for Hedland Environmental Association;
6. Details of a community education and awareness program; and
7. Strategies for collaborating with relevant stakeholders in relation to turtles in the region.

ii. **Migratory Shorebird Management Plan – Multiple Avifauna Surveys shall be undertaken during the migration period (September to April) to the satisfaction of the Town of Port Hedland on advice from the Department of Environment and Conservation (DEC). In the event that these surveys identify that protected migratory bird species are utilising the development site for foraging, a Shorebird Management Plan shall be prepared. The Management Plan shall be prepared to ensure proper management and protection of specially protected migratory birds within the development area to the satisfaction of the Town of Port Hedland on advice from the DEC;**

iii. **Site management and Remediation Action Plan: Prior to submission of an application for subdivision to the Western Australian Planning Commission (WAPC) for any area of the Development Plan identified as contaminated, a Site Management Plan and Remediation Action Plan will be prepared and implemented to the satisfaction of the Town of Port Hedland on advice from the DEC and Department of Health. The Management Plan shall be prepared to ensure that the development site and the risks outside the site will be appropriately managed to meet the requirements of the Contaminated Sites Act 2003 and is compatible with the proposed land use(s)."**

ii) **the following Schedule of submissions be submitted to the Western Australian Planning Commission:**

<b>Name/Address</b>	<b>Submission</b>	<b>Officer Comment</b>	<b>Action</b>
Care for Hedland Environmental Association – PO Box 436 PORT HEDLAND	"Proposed Development" area not supported due to close proximity of turtle rookery beaches.	As identified on the Development Plan, a separate Amendment and Development Plan is required for this land	No impact on current rezoning – comment noted



Care for Hedland Environmental Association – PO Box 436 PORT HEDLAND	Lighting controls for all direct and indirect line of sight development	This item is addressed through proposed amendment text – see 6.4.4c) Turtle Management Plan	Concerns already addressed through proposed amendment – comment noted
	Destructive impact of vehicular access to the Pretty Pool Beach to be addressed through restricting access and education	Turtle Management Plan required under provisions of Scheme Amendment specifically address these concerns	Concerns already addressed through proposed amendment – comment noted
	Management Plan required for fox control	Fox trapping strategy currently being investigated by Town of Port Hedland. Scheme amendment not considered likely to impact on fox numbers	Concerns to be addressed through existing administrative channels – comment noted
	Increased population in close proximity to turtle rookery beaches will require additional resources to manage interactions – request that Council lobby DEC for resources	Additional DEC resources would benefit the Town with regard to turtle and other environmental issues and it is recommended that Council make this request through appropriate channels.	A Scheme Amendment is not the appropriate tool to lobby for additional resources – comment noted
	Restriction of domestic cats and dogs accessing the rookery beaches identified as a significant issue	Existing legislation and management deal with this issue although Turtle Management Plan may identify additional strategies	Concerns already addressed through proposed amendment – comment noted
	Litter management on beaches requires greater public education	Existing legislation and management address this issue	Concerns to be addressed through existing administrative channels – comment noted
Environmental Protection Authority - The Atrium, Level 8, 168 St Georges Tce, Perth, Western Australia	Modifications required to Management Plan requirement text	Modifications required by DEC as condition of “Scheme Amendment not Assessed – Advice Given”	All comments included in modified amendment

- iii) Council adopt The Pretty Pool Development Plan;
- iv) The Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council’s seal in the event that the Minister for Planning and Infrastructure approves the Amendment with modifications; and
- v) Council advises the Environmental Protection Authority that it wishes to withdraw the proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment Nos 7 and 10.

**CARRIED 5/2**

*REASON: Council amended Clause ii) of its resolution to include the submission received (see Addendum to Report attached) from the Care for Hedland Environment Association which addresses a number of issues including proximity to and impact on turtle rookeries, fox management, litter management and dog/cat management.*

*ADDENDUM TO REPORT : 11.2.2.5  
AMENDMENT 14 PRETTY POOL REZONING*

**Background**

An objection to Amendment 14 – Pretty Pool rezoning has been received from the Care of Hedland Environment Association. The submission addresses a number of issues including proximity to and impact on turtle rookeries, fox management, litter management and dog/cat management.

Planning staff have reviewed the submission and are of the opinion that each of the items that have been raised are adequately addressed within the amendment documentation, are being addressed by other means, or are not statutory planning issues and therefore can not be considered. A full copy of Care for Hedland’s submission has been included for Council’s information.

As the submission has been received and assessed, a summary of the submission must be included in Council’s resolution. Given this, it is recommended that Item ii) of the Officer’s Recommendation be modified as follows:

**Modified Officer’s Resolution**

- ii) The following Schedule of submissions be submitted to the Western Australian Planning Commission:

Name/Address	Submission	Officer Comment	Action
Care for Hedland Environmental Association – PO Box 436 PORT HEDLAND	“Proposed Development” area not supported due to close proximity of turtle rookery beaches.	As identified on the Development Plan, a separate Amendment and Development Plan is required for this land	No impact on current rezoning – comment noted
	Lighting controls for all direct and indirect line of sight development	This item is addressed through proposed amendment text – see 6.4.4c) Turtle Management Plan	Concerns already addressed through proposed amendment – comment noted

<p>Care for Hedland Environmental Association – PO Box 436 PORT HEDLAND</p>	<p>Destructive impact of vehicular access to the Pretty Pool Beach to be addressed through restricting access and education</p>	<p>Turtle Management Plan required under provisions of Scheme Amendment specifically address these concerns</p>	<p>Concerns already addressed through proposed amendment – comment noted</p>
	<p>Management Plan required for fox control</p>	<p>Fox trapping strategy currently being investigated by Town of Port Hedland. Scheme amendment not considered likely to impact on fox numbers</p>	<p>Concerns to be addressed through existing administrative channels – comment noted</p>
	<p>Increased population in close proximity to turtle rookery beaches will require additional resources to manage interactions – request that Council lobby DEC for resources</p>	<p>Additional DEC resources would benefit the Town with regard to turtle and other environmental issues and it is recommended that Council make this request through appropriate channels.</p>	<p>A Scheme Amendment is not the appropriate tool to lobby for additional resources – comment noted</p>
	<p>Restriction of domestic cats and dogs accessing the rookery beaches identified as a significant issue</p>	<p>Existing legislation and management deal with this issue although Turtle Management Plan may identify additional strategies</p>	<p>Concerns already addressed through proposed amendment – comment noted</p>
	<p>Litter management on beaches requires greater public education</p>	<p>Existing legislation and management address this issue</p>	<p>Concerns to be addressed through existing administrative channels – comment noted</p>
	<p></p>	<p></p>	<p></p>

Environmental Protection Authority - The Atrium, Level 8, 168 St Georges Tce, Perth, Western Australia	Modifications required to Management Plan requirement text	Modifications required by DEC as condition of "Scheme Amendment not Assessed – Advice Given"	All comments included in modified amendment
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## Care For Hedland Environmental Association Inc.

A.B.N. 11 879 448 263  
Registered Association Number: 215,19327

PO Box 436,  
Port Hedland, Western Australia 6721

Town of Port Hedland  
Chief Executive Officer  
Attention: Chris Adams  
PO Box 4,  
Port Hedland,  
Western Australia 6721

Attention: Chief Executive Officer

Dear Chris Adams,

### Comments For Stage 2 Pretty Pool Residential Development

The Care For Hedland Environmental Association (now on referred to solely as the Association) is an independent environmental group based in Hedland. The Association has a membership of over 2000 members from Port, South Hedland and Wedgefield and has a diverse demographic of short-term to long-term residents, local business/industry community and indigenous representation. The Association can be considered extremely positive and sees the potential of Hedland and the Port as a really great to do something constructive about it. The protection and ongoing sustainable management of the coastal environment of Hedland and the surrounding area is one of the Association's primary areas of focus. The group also conducts a local volunteer (Habitat) turtle (*Caretta caretta*) monitoring program that includes Pretty Pool Beach and Sanctuary Beach and this program has been developed with the mutual involvement of the Kariyarra people.

After careful consideration of the Stage 2 Pretty Pool Residential Development Proposal, from the point the Association would like to bring to your attention comments regarding the area still termed as "Proposed Future Development" that is directly adjacent to the Flatback turtle nesting area. While it is not included in the Stage 2 development proposal, the Association would like to be on record as still not supporting the development of this area adjacent to the beach for residential development. As this area still remains for development the concern is the proximity of the Pretty Pool land release area to the recognised Pretty Pool Beach Flatback Turtle rookery (between Pretty Pool beach area). The Pretty Pool Beach turtle rookery area has been determined by vehicle, human interference and fox predation to the point where there has been little or no additions to the population for the past 20 years. The Association is extremely concerned that any further proposed residential development in this immediate beach area with addition of lighting pollution, increased human presence, that and local animals in the area will be the last step for the Pretty Pool population.

In light of these concerns, the Association would like to see the following reflected in terms of comments for the Pretty Pool Residential Development Stage 2 proposal:

- *All fixtures within the line of sight of the beach shall utilize a yellow amber or red luminaire or fibre optic luminaire to be used in addition to the use of lower wattage lights and shall not replace the use of lower wattage lights nor justify the use of higher wattage lights*
- *All structures shall utilize a feature that recesses the light into the fixture and directs the light downwards minimizing potential light spill to the turtle rookery area*
- *All internal lights shall utilize the following: low pressure sodium vapour, yellow or orange long lights, red light emitting diode (LED), amber incandescent of less than 10-watts or less or other such lights that have been documented to not cause disruptions to nesting sea turtles or hatchlings as approved by the Town of Port Hedland.*
- *The following are prohibited: pole mounted fixtures, non-directional and flood fixtures and fixtures that do not conform to the design guidelines and/or have not been approved by the Town of Port Hedland*

- *Turtle nesting and hatching season takes place from October to May and during this time all artificial light fixtures within a line of sight of the beach shall be shut off by 10pm. No illumination shall be directly or indirectly visible from the beach during the designated "turtle season". Direct illumination shall include, but not limited to, a line of sight from any angle of a fixture(s) or sources, of illumination from the beach. Indirect illumination shall include, but is not limited to, the spill of fixtures to cast illumination onto adjacent objects and vegetation to creation of "sky glow". This includes Christmas lights during the festive season.*
- *Screening or barriers extended to shield light from man made structures, objects or activities shall be installed in all areas that are within 300m of the mean high water line or line of sight of the beach. All screening or barriers shall be fixed, opaque and hard scape in nature. The planting of vegetation is encouraged and may be added to minimise the appearance of the screening or barriers.*
- *All proposals within 300m of the mean high water line or line of sight of the beach shall submit a lighting plan to be approved by appropriate compliance officer of the Town of Port Hedland prior to issuance of the building permits for the property. A final compliance inspection at night shall be performed by the Town of Port Hedland with the property owner or developer to ensure compliance with the standards set out in the design guidelines and other issues.*

The Flatback turtle is a threatened species and is declared to be vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. They are also declared as a specially protected species under the State Wildlife Conservation Act 1950. Therefore given the potential impact of the proposed Stage 2 Pretty Pool Residential Development it is important to ensure that all measures that are put in place not only ensure there is no light directly or indirectly visible from the nesting beach during the recognised turtle season of 1<sup>st</sup> October 1<sup>st</sup> to 30<sup>th</sup> April. But also those measures are such that they collectively act to minimise the creation of "sky glow" from the cumulative lighting additions to the area. This is important as the net impact of creating a light glow on the beach means over a turtle nesting season has the following impacts:

- Over a period of a generation for the turtles, adult turtles will progressively cease to use beaches with illuminated light horizons. There will be a gradual shifting of nesting away from 1<sup>st</sup> beaches if this is not mitigated appropriately.
- In the short term of an individual season, hatchlings and adult turtles can be disoriented by the changed light patterns and this has the potential to cause increased mortality as hatchlings and adults are unable to find, dehydration, increased chance of predation on land and exhaustion in water.

The Flatback turtle is the only species of marine turtle endemic to Australia. The need to consider impacts to the adjacent Flatback turtle population at Pretty Pool should not be seen as a hindrance. But if done correctly should be seen as an ideal opportunity to showcase to the rest of Australia, and indeed the world, sustainable development in harmony with a threatened fauna species.

The Association is also extremely concerned about the addition of an extra 2,000 people to the area and what this may have in terms of adverse impacts to the turtles. This is in terms of:

- Assisting with the rationalising of vehicular access to the beach area. The balling work that the Association has put in place has been a help, but there are also so many more access points and these really need to be addressed if the threat that vehicles pose to nests and hatchlings is to be addressed. Perhaps even measures with the circulation of educational material to new residents of the area and the need to keep vehicles off this important beach area at that time would be beneficial.
- A management plan needs to be implemented to tackle the fox issue in the Pretty Pool area.
- Assisting with educating people in viewing the turtles and on how to best interact with them. The Association is doing a good job in doing this at Cemetery Beach, but it is now even getting to be at the stage of exceeding the volunteer capabilities of the Association. Therefore the Town of Port Hedland may need to assist in the resourcing of this important part of protective management of this species and additionally assist in lobbying the Departmental Environment & Conservation to take on a more pro-active and hands-on role on this issue.
- Need to seriously look at the issue of cats and dogs in this area. Something needs to be done to ensure that cats and dogs are not allowed to stray and strongly encouraging people to walk their dogs on the nearby beach during October-April 5am-9am & 5pm-9pm on a leash.
- Need to seriously look at litter management in this area. A public education litter campaign needs to be implemented to reduce the potential detrimental impact an increase in litter may have in this public area.

In terms of other issues associated with the Stage 2 Pretty Pool Residential Development:

- Concerned about negative impact of drainage and potential negative impacts on the nearby mangrove community. More needs to happen to protect the nearby mangrove community and its associated fauna. Access needs to be actively managed and signage and educational material developed.

- 2. Concerned about the proximity to the old Port Hedland Tip Site. Concerns about creek health in that area, potential contaminants in nearby creek water, ground water and soil. Rehabilitation of the former landfill site needs to take place as a priority. The Association feels that some written commitment needs to be given that guarantees this will occur, before this development should be allowed to proceed.

The Association opposes the Stage 2 Pretty Pool Residential Development until firm commitments are given to rehabilitate the old Port Hedland Tip Site, manage the fox issue in the area, implement management strategies to protect the mangroves of the area, address drainage issues and commit to full scale education campaigns for Pretty Pool residents on minimizing the impacts of lighting, vehicles, litter and pets on the nearby Estuary and the population of Pretty Pool Beach.

The Association is strong in its belief that measures to rehabilitate the former old landfill site and to protect the Pretty Pool turtle rookery area must be included in the initial planning of the Stage 2 Pretty Pool Residential Development proposal, and are keen to be involved in assistance in anyway possible. If you have any queries regarding the above-mentioned concerns and suggested changes to the draft, please do not hesitate to contact Lisa on 08394 4173 or email [kelly@swelco.org.au](mailto:kelly@swelco.org.au)

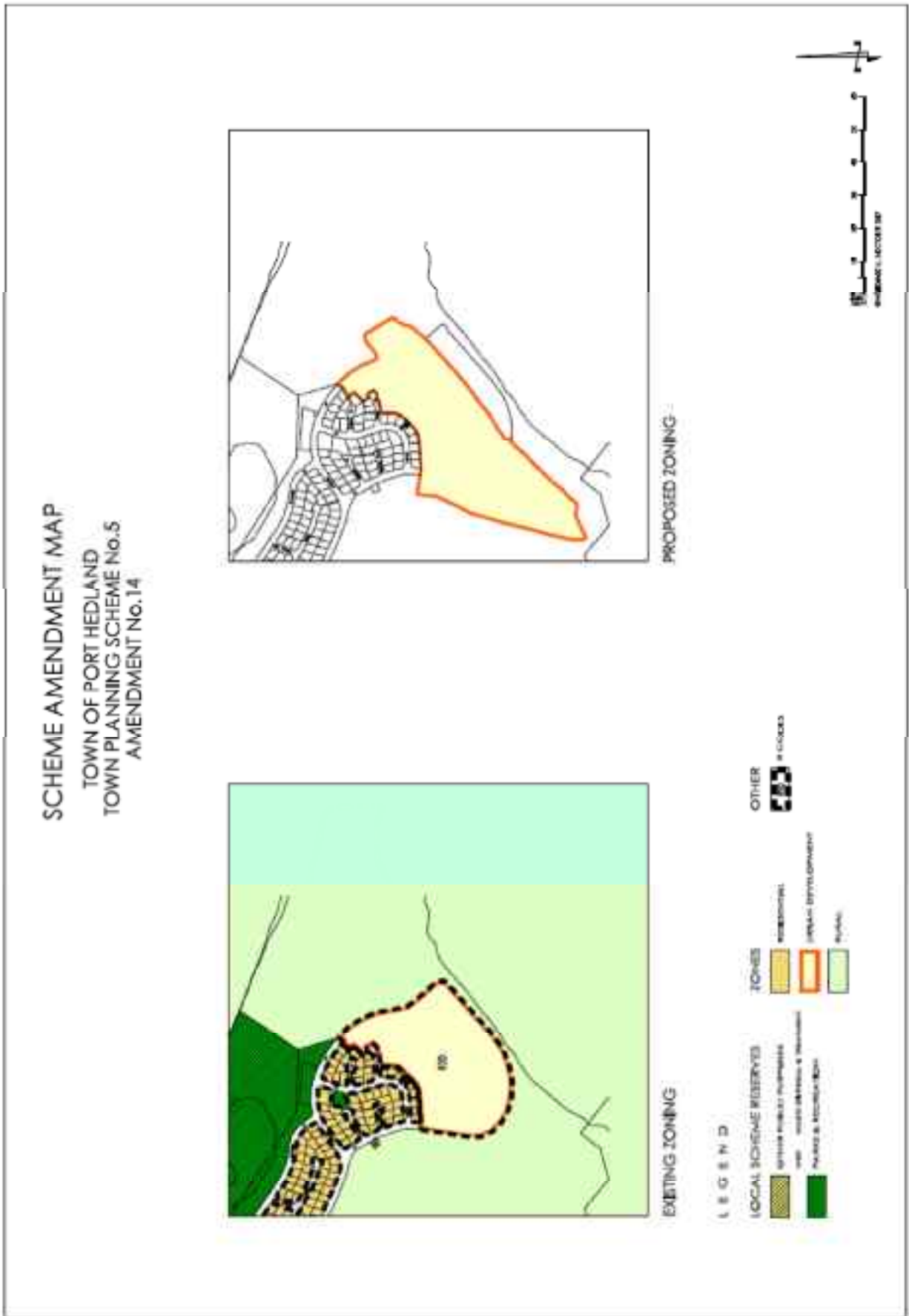
Yours faithfully

Kelly Hawker  
Chairperson  
Care for Hedland Environmental Association Inc.

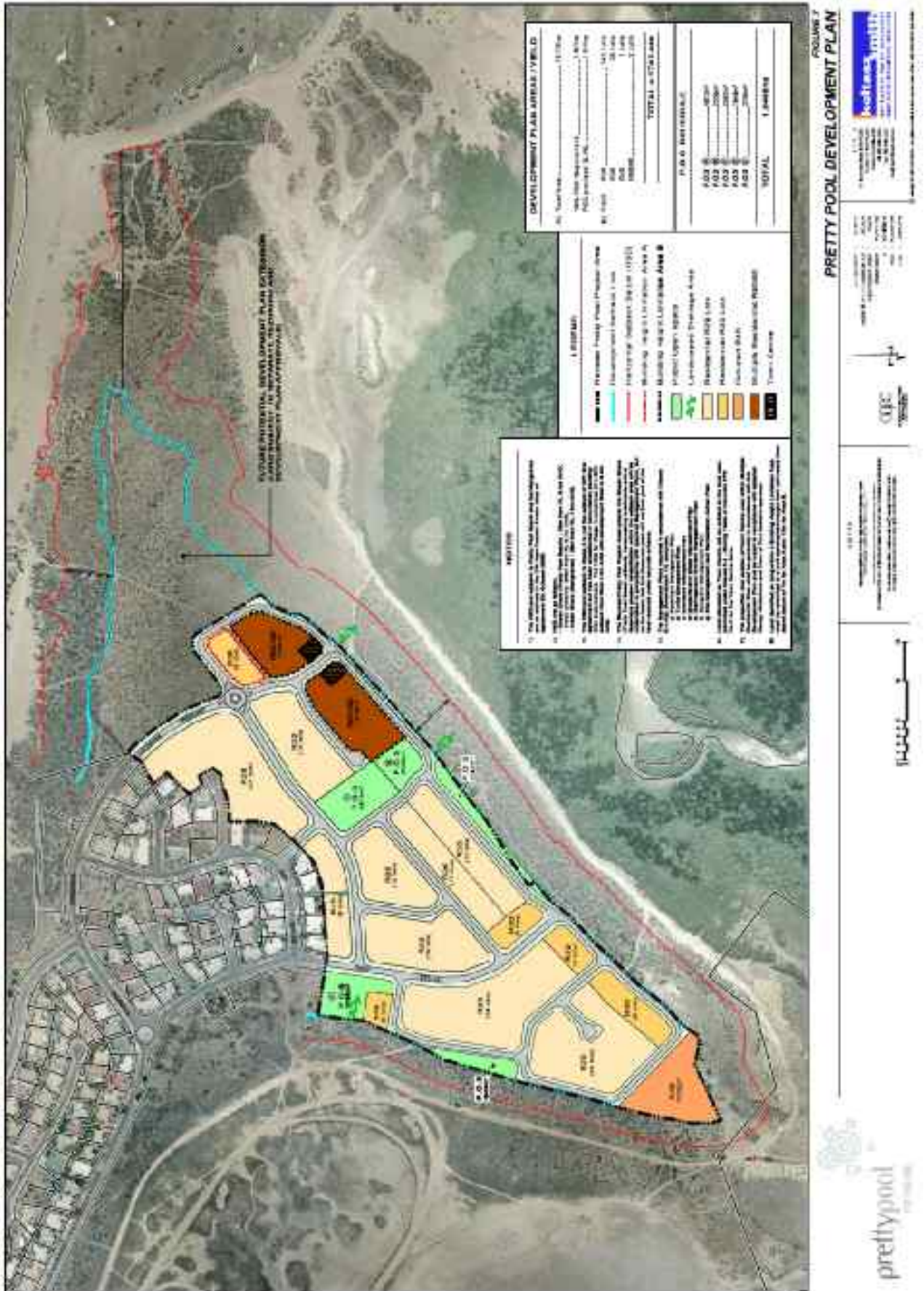
January 2008



ATTACHMENT 1 TO AGENDA ITEM 11.2.2.5



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.5



**11.2.2.6 Proposed Six Grouped Dwellings at Lot 5938 (4-6)  
Souey Court South Hedland (File No.: 112312G)**

**Officer** Marion Carter  
Planning Assistant

**Date of Report** 10 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application for planning approval from Seacrest Homes on behalf of the Developer of Lot 5938 Souey Court, South Hedland on behalf of the owner Majicyl Pty Ltd, to construct six (6) x 3 bedroom grouped dwellings on the land.

This application is submitted for Council consideration, as Delegated Officers do not have the authority to determine applications for more than two grouped dwellings.

**Background**

The subject land consists of 3235m<sup>2</sup> and is zoned "Residential R20" in the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5).

This application meets all the requirements of the Residential Design Codes of Western Australia, TPS 5 and applicable Council Policies.

**Consultation**

Environmental Health Services have not objected to the proposed dwellings connecting to reticulated sewerage and complying with relevant Local Health Laws.

Building Services have not objected to the application and advised that a building licence is required.

Engineering Services do not object to the application and require compliance with Council's Crossover Policy and stormwater drainage to be retained on-site and directed to the street to ensure adequate drainage.

**Statutory Implications**

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Residential R 20."

The Residential Design Codes of Western Australia regulate the design elements for residential development.

**Policy Implications**

9/005 – Crossovers  
9/008 – Verge Treatment Policy

**Strategic Planning Implications** Nil

**Attachments**

1. Aerial plan
2. Locality plan
3. Site Plan
4. Elevation Plan

**Budget Implications**

Planning fees of \$2553 have been deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$185,000.00 per dwelling.

**Officer's Comment**

This application falls well within all required statutory and policy parameters. This proposed development is constrained by the shape of the lot. There is a sewer easement located along the western boundary of the lot.

Adequate car parking and access is provided, and the dwellings and associated outbuildings are adequately set back from all boundaries.

The dwellings are prefabricated, and whilst elevation plans have been provided, no details have been submitted in regards to cladding and finishes to be used. Prior to submission of a building application it is appropriate that colour schemes/cladding information be submitted and approved, to the satisfaction of the Manager Planning.

House No. 1 on the original plans submitted did not adequately address the issue of streetscape. Providing passive surveillance to the street is a requirement of the Residential R-Codes of WA (s3.2.4). Council officers subsequently liaised with the applicants, requesting they address the issue adequately. A revised plan was submitted, re-orienting the carport only, which when assessed was found to be unsuitable. At no detriment to the design of the development, the dwelling could be rotated anti-clockwise 90 degrees and the storeroom to be re-located behind the building line, so as not to detract from the street frontage. This change preserves the private outdoor area of the dwelling, while adequately addressing streetscape and passive surveillance issues. An appropriate condition has been included addressing the orientation of House 1.

As noted in the Budget Implications section of this report, the applicant is proposing to construct 3 x 2 detached dwellings for \$185,000 each. Notwithstanding that these dwellings are prefabricated and constructed in China, this figure represents a dramatic cost reduction in housing provision in the Pilbara. An appropriate is also included in the Officer's recommendation requiring the applicant to demonstrate the costing of this project however, with potential adjustment of planning fees prior to the submission of a building licence.

**200708/133 Council Decision/Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr A A Carter

**That Planning Consent be granted to Seacrest Homes on behalf of Majicyl Pty Ltd for the construction of GROUPED DWELLINGS – 6 x Grouped Dwellings at Lot 5938 (4-6) Souey Court South Hedland as outlined in the Application received 8 November 2007 (Application 2007/324) and indicated on the approved plans, subject to the following conditions:**

**GENERAL**

- 1. Prior to submission of a building licence amended plans to be submitted and approved by the Town showing House No. 1 being reorientated as indicated in red on the approved plans, all to the satisfaction of the Manager Planning.**
- 2. Prior to the submission of an application for a building licence, the applicant is to demonstrate the accuracy of the estimated project cost, with adjustment of planning application fees as required, to the satisfaction of the manager planning.**
- 3. Prior to submission of a building application the applicant is to submit colour schemes/cladding information for approval and to the satisfaction of the Manager, Planning.**
- 4. 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.**
- 5. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.**
- 6. The proposed development shall be connected to reticulated mains sewer.**

- 7. A detailed landscaping plan to be submitted and approved the Manager, Planning within 30 days of the commencement of site works. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- 8. 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.**
- 9. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.**
- 10. The carparking bays and accessway shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8.**
- 11. The crossovers shall be designed and constructed in accordance with Council Policy 9/005 - Crossovers, to the satisfaction of the Manager Planning, prior to occupation of dwellings.**
- 12. All stormwater shall be retained on-site and directed to the street to ensure adequate drainage to the specifications of the Engineering Department and to the satisfaction of the Manager Planning.**

**FOOTNOTES**

- 1. 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.**
- 2. The existing site levels and finished floor levels of all proposed development, including levels at the top of the kerb at the crossover, are to be shown on the building licence submission.**
- 3. It should not be construed from this approval that the Town will support a survey strata or green title subdivision application for this lot.**

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

***CARRIED 7/0***

*ATTACHMENT 1 TO AGENDA ITEM 11.2.2.6*

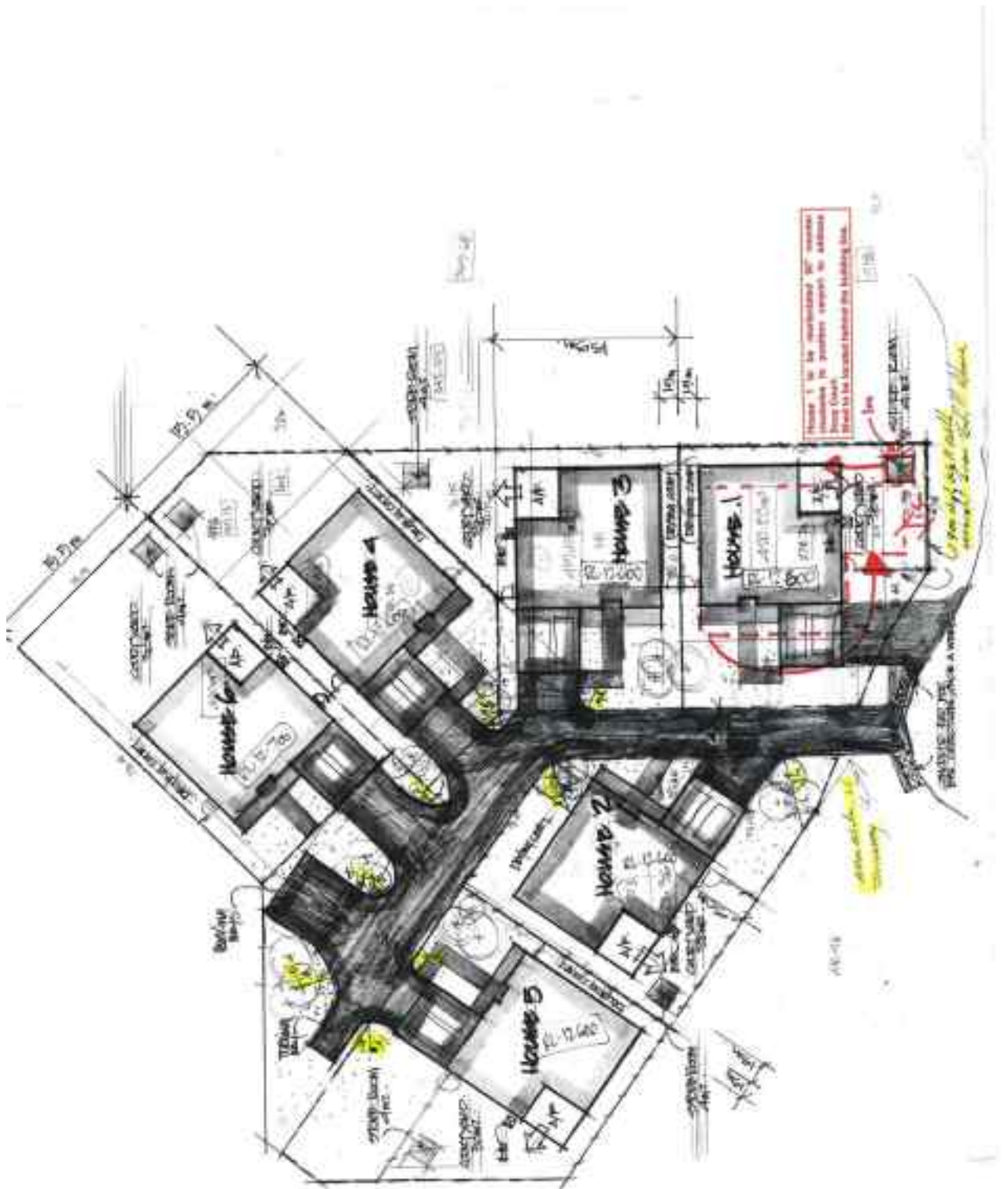




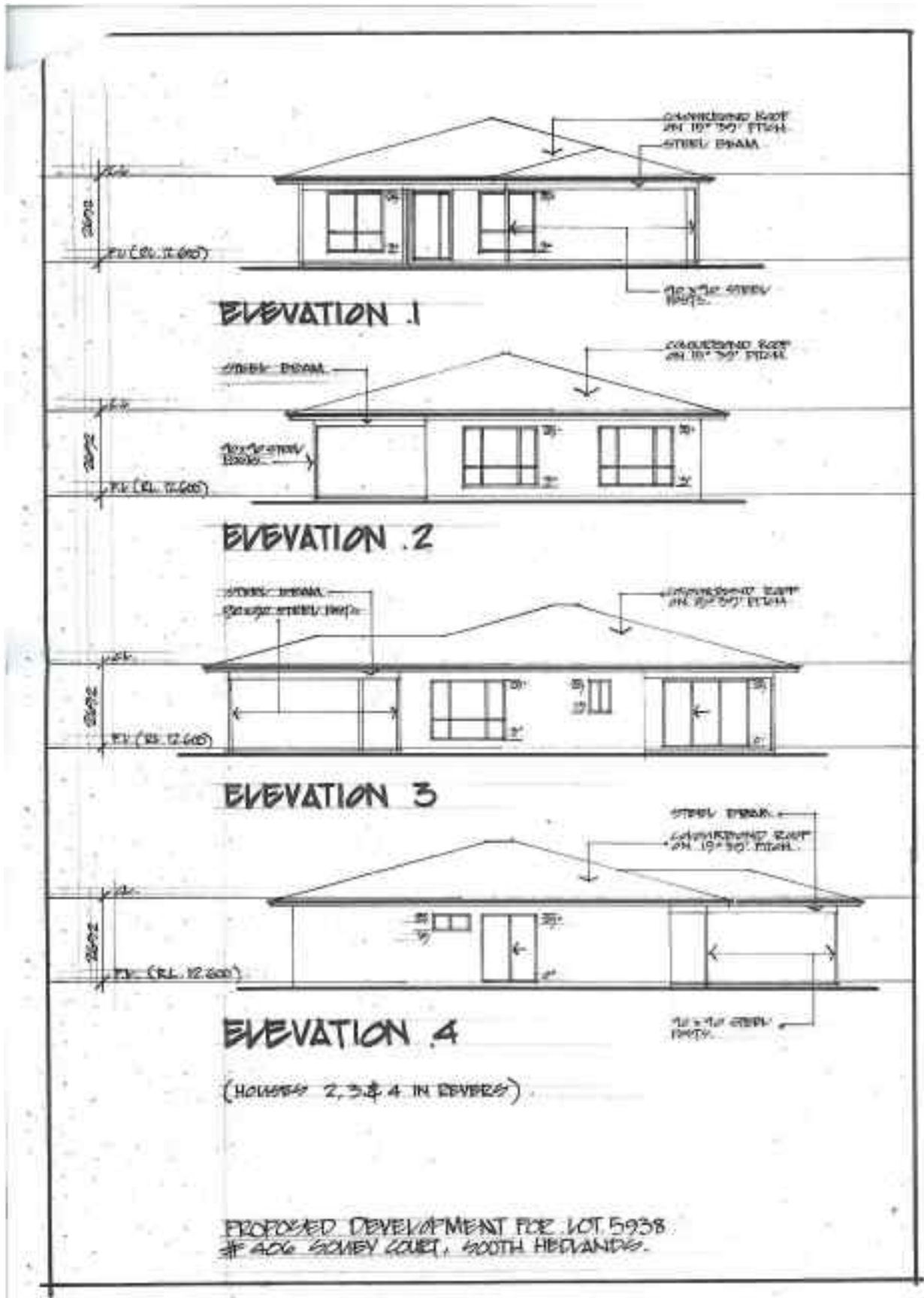
*ATTACHMENT 2 TO AGENDA ITEM 11.2.2.6*



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.6



ATTACHMENT 4 TO AGENDA ITEM 11.2.2.6



**11.2.2.7 Proposed 72 Lot Subdivision at Lot 300 Styles Road and 8 Lot Subdivision of lot 5003 Counihan Crescent Port Hedland (File No.: 18/14/0001)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 8 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received two requests for comment from the Western Australian Planning Commission (WAPC) for residential subdivisions of lots 300, 5001 and 9001 Styles Road and 5003 Counihan Crescent Port Hedland.

Lot 300 and 5003 are zoned "Rural," and the portions of lots 5001 and 9001 subject to this application are zoned "Urban Development – R 20" in the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5).

**Background**

At its Special Meeting on 16 October 2007, Council initiated a modified Scheme Amendment 14 in response to advice from the Environmental Protection Authority (EPA). Following statutory advertising, Amendment 14 is to be considered for final adoption by Council at its Ordinary Meeting on 23 January 2008.

These two applications are to subdivide the land subject to Amendment 14. Both subdivision plans comply with the Development Plan also proposed for adoption by Council at its Ordinary Meeting on 23 January 2008.

Amendment 14 has yet to be considered by and determined by the WAPC and the Minister for Planning and Infrastructure. Therefore, this subdivision may not be approved by the WAPC until the land is appropriately zoned. The Department for Planning and Infrastructure (DPI) has confirmed that determination of these applications will therefore be deferred until such time as Scheme Amendment 14 is determined.

It is understood that the balance lot of lot 5003 (lot 8 in the subdivision plan 4B) is still under investigation for potential rezoning and subdivision. Additional research is required however, prior the EPA considering rezoning this land for urban development.

**Consultation**

Engineering Services have not objected to this application subject to the road reserve and pavement widths being increased to comply with Council's Local Planning Policy 4 – Residential Road Reserves.

**Statutory Implications**

The WAPC determines all applications for subdivision pursuant to Part 10 of the *Planning and Development Act 2005*.

**Policy Implications**

Local Planning Policy 4 – Residential Road Reserve Widths

**Strategic Planning Implications**

Key Result Area 4 – Economic Development  
Goal 4 – Land Development Projects  
Strategy 1: Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

**Budget Implications**

Nil

**Officer's Comment**

Subject to Council adopting Amendment 14 and the associated Pretty Pool Development Plan, it is recommended that the WAPC be advised that the Town of Port Hedland does not object to subdivision proposal.

It is noted that this application fails to achieve the minimum road reserve and pavement widths as defined in the Town of Port Hedland Local Planning Policy 4 – Residential Road Reserve Widths. In assessing this application however, it is noted that the road reserves conform to the existing approved road network and that it would be inconsistent to hold the developer to this newer standard.

**Attachments**

Proposed Subdivision Plan Stage 4.  
Proposed Subdivision Plan Stage 4B

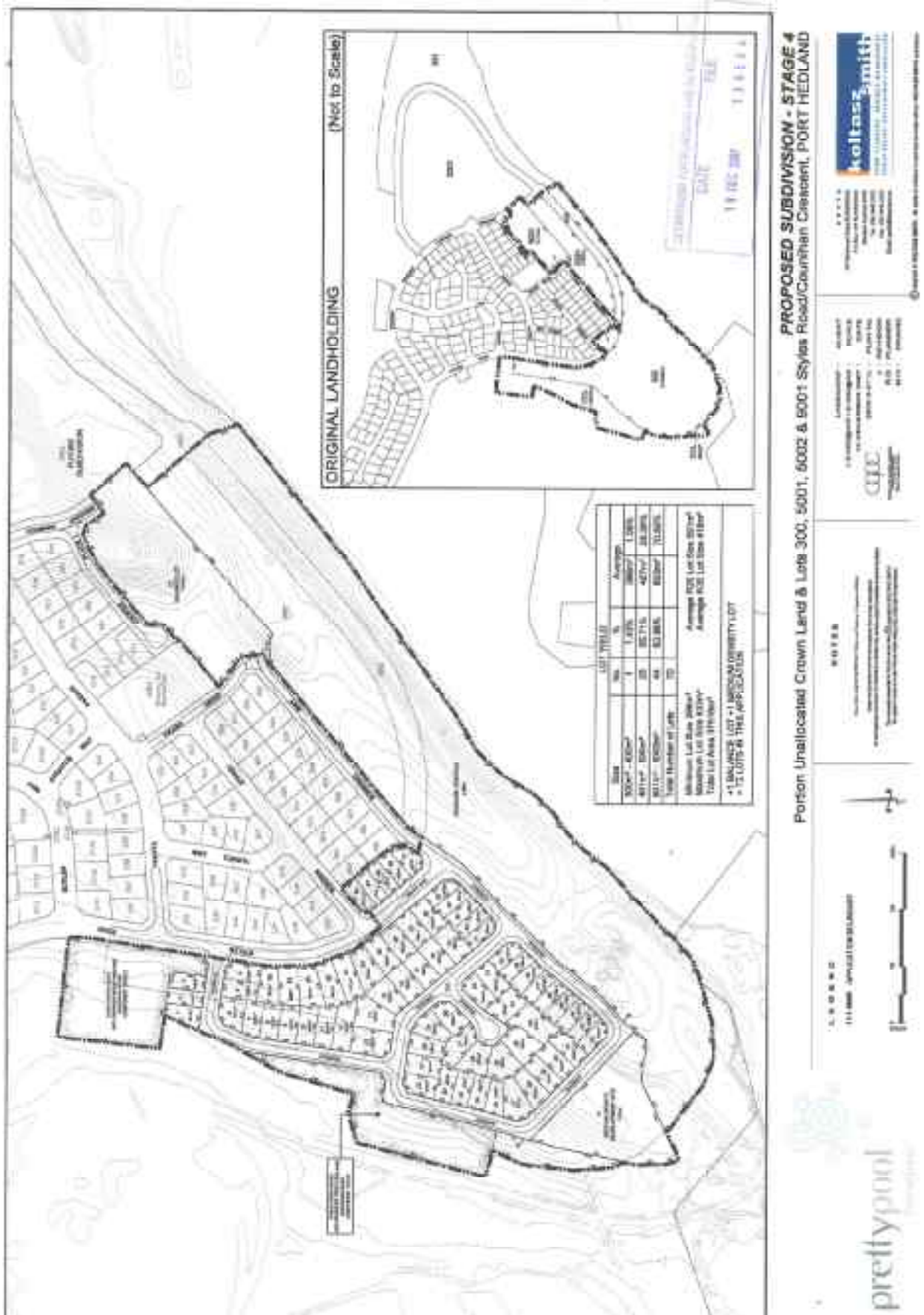
**200708/134 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr J E Ford

**That Council advises the Western Australian Planning Commission that it does not object to the proposed subdivisions dated 2 January 2008 (Application No. 136594) and 10 January 2008 (application 136649) subject to:**

- i) the land being appropriately rezoned;**
- ii) all drainage works constructed as part of this approval to comply with the approved drainage management plan.**

***CARRIED 7/0***

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.7







**11.2.2.8 Proposed Street Names for Subdivision at Lot 2943 Demarchi Road South Hedland (File No's: 130076G, 18/14/0004)**

**Officer** Marion Carter  
Planning Assistant

**Date of Report** 11 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request from Taylor Burrell Barnett for Council approval for proposed street names for new roads created for the subdivision of lot 2943 Demarchi Road South Hedland.

**Background**

The attached maps indicate the location and proposed names of the streets servicing the new subdivision. The names continue a theme of early ships that serviced Port Hedland, both State Shipping and service vessels, or nautical theme already used in this locality:

Bow Brace  
Keel Close  
Compass Avenue  
The Gangway  
Fairlead Bend  
The Mooring

The following names are also provided for Council to approve for future New Living developments within the requiring street names in the future, or as an alternative to the names selected above:

Anchor	Derrick	Cabin	Beacon
Bollard	Funnel	Port	Buoy
Bridge	Galley	Starboard	Channel
Capstan	Propeller	Leeward	
Deck	Winch	Windward	

The above terms are connected to parts of ships, or nautical terms.

**Consultation**

The applicants are currently seeking approval from the Geographic Names Committee.

**Statutory Implications**

Street names are required to be selected prior to titles being issued for a new subdivision, with Council approval required by the Geographic Names Committee prior to the name allocation.

**Policy Implications** Nil

**Strategic Planning Implications**

KRA 2 – COMMUNITY PRIDE

Goal 3 – Townscape : That the central business districts and main thoroughfares of both Port and South Hedland are attractive and well maintained.

Strategy 3 – Work closely with the Department of Housing and Works to implement the South Hedland New Living project.

**Budget Implications** Nil

**Officer's Comment**

If Council agrees with the names selection as proposed by the applicant it is recommended that the selection be approved and the Geographic Names Committee be advised of this decision.

However, should Council not agree with any of the selection, it should submit alternative names from the secondary list provided.

It should be noted that while the suggested names have a consistent theme, the Town of Port Hedland does not currently name any "Roads" as "Braces", "Bends" or name them without reference to the road layout (i.e. we tend to use Close, Road, etc, rather than "The Gangway". Council may wish to consider the appropriateness and precedence of naming the roads in the proposed manual.

It is also appropriate that Council consider the names on the secondary list provided at this time for use for future New Living Developments requiring street names within the locality, to expedite the issuing of titles and the sale and release of future lots.

**Attachments**

Demarchi Road Plan

**Officer's Recommendation**

That Council:

- i) advises the Geographic Names Committee that it requests that the following names be assigned to the subdivision of lot 2943 Demarchi Road South Hedland in accordance with the attached diagrams:

Bow Brace  
 Keel Close  
 Compass Avenue  
 The Gangway  
 Fairlead Bend  
 The Mooring

and;

- ii) advises Taylor Burrell Barnett that it approves the use of the following names for other New Living developments requiring street names in the future, within the locality.

Anchor	Derrick	Cabin	Beacon
Bollard	Funnel	Port	Buoy
Bridge	Galley	Starboard	Channel
Capstan	Propeller	Leeward	
Deck	Winch	Windward	

**200708/135 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That Council:**

- i) **advises the Geographic Names Committee that it requests that the following names be assigned to the subdivision of lot 2943 Demarchi Road South Hedland in accordance with the attached diagrams:**

**Bow Brace  
 Keel Close  
 Margaret Nix Avenue  
 The Gangway  
 Fairlead Bend  
 The Mooring**

and;

- ii) **advises Taylor Burrell Barnett that it approves the use of the following names for other New Living developments requiring street names in the future, within the locality.**

<b>Anchor</b>	<b>Derrick</b>	<b>Cabin</b>	<b>Beacon</b>
<b>Bollard</b>	<b>Funnel</b>	<b>Port</b>	<b>Buoy</b>
<b>Bridge</b>	<b>Galley</b>	<b>Starboard</b>	<b>Channel</b>
<b>Capstan</b>	<b>Propeller</b>	<b>Leeward</b>	
<b>Deck</b>	<b>Winch</b>	<b>Windward</b>	

**CARRIED 7/0**

*REASON: Council resolved to replace Compass Avenue with Margaret Nix Avenue, to commemorate the significant contribution that Mrs Margaret Nix made to the Town of Port Hedland.*

ATTACHMENT TO AGENDA ITEM 11.2.2.8



6:10 pm Mayor Stan Martin declared a financial interest in Agenda Item 11.2.2.9 Proposed Readoption of Town Planning Scheme No. 5 Amendment 11: Lot 501 Byass Street, South Hedland as he is the potential builder for the project.

Mayor Stan Martin left the room.

**11.2.2.9 Proposed Readoption of Town Planning Scheme No. 5 Amendment 11 : Lot 501 Byass Street, South Hedland (File No.: 18/09/0017)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 13 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

At its Ordinary Meeting on 28 November 2007, Council adopted Scheme Amendment 11 to allow additional residential development at Lot 501 Byass Street, South Hedland. The Western Australian Planning Commission (WAPC) has required that Council modify its adoption of Scheme Amendment 11. The WAPC requires Council to “note” the single submission received in response to advertising this amendment.

**Background**

The adoption of Scheme Amendment 11 follows the format of the previous three amendment adoptions submitted by Council to the WAPC (Amendment 8 – adopted 28/03/2007 and Amendments 9 and 12 – adopted 27/06/2007).

The WAPC has advised that the inclusion of the schedule of submissions, and the adoption of the amendment without modification fails to meet the requirements as described in *Planning Bulletin 11 – Town Planning Scheme Amendments*.

**Consultation**

In accordance with the *Town Planning Regulations 1967*, this proposed Scheme Amendment has been advertised by the following means:

- Newspaper advertisement published in the North West Telegraph on 07/03/2007
- Written notification to surrounding landowners
- A notice at the entry to each tenancy on lots 501 and 502 Byass Street 07/03/2007 until 19/04/2007.
- Written notification to Telstra, Horizon Power and the Water Corporation.

This advertising has resulted in the following schedule of submissions:

Author	Address	Comment
Water Corporation	North West Region Regional Office	No comment or objection

### **Statutory Implications**

Amendments to a Local Planning Scheme are permitted under section 75 of the *Planning and Development Act 2005* and regulation 25 of the *Town Planning Regulations 1967*.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### **Budget Implications**

As noted in the 28 November 2007 Agenda, should Council continue to support this Scheme Amendment, the applicant will be invoiced for \$1566 in accordance with Council's adopted Fees and Charges.

### **Officer's Comment**

This item is submitted to fulfill an administrative requirement of the WAPC in order that Amendment 11 be processed in accordance with all relevant legislation and procedures.

The omission from the previous adoption of this and other scheme amendments is now clearly noted and included in Planning Services internal procedures and unlikely to be repeated.

As the Officer's recommendation to this item is substantially identical to Council's resolution of 28 November 2007 – with the inclusion of an additional column under part v of the recommendation, it is recommended that Council follow its previous resolution in adopting Amendment 11 to TPS 5.

**Attachments** Nil

### **Officer's Recommendation**

That:

- i) Council direct the Chief Executive Officer, or his nominated representative, to negotiate with the applicant to construct a maximum of thirteen (13) car parking bays in the Byass Street Road reserve in accordance with Drawing No. 0707-C-004/B, pursuant to Policy 12/002;



- ii) Council adopt the Development Plan for Lot 501 Byass Street for "Proposed Redevelopment Upper Floor Lot 502 Byass Street, South Hedland," dated 4 October 2006;
- iii) The applicant be advised in writing that prior to the occupation of any residential development constructed in accordance with this Scheme Amendment that:
  - a) the landowner shall lodge a notification pursuant to section 70A the *Transfer of Land Act 1893* on the Certificate of Title of the development site. This notification shall alert prospective owners to the possibility that noise, odour and other impacts are likely, due to the location of the subject property within the Mixed Use Development; and
  - b) the landowner shall affix a notice to the inside of the main entry to all dwellings alerting prospective tenants and/or owners to the possibility that noise, odour and other impacts are likely, due to the location of the subject property within the Mixed Use Development;

all at the owner's expense and to the satisfaction of the Manager Planning Services;

- iv) Amendment No. 11 to Town Planning Scheme No. 5 be adopted without modification;
- v) the following Schedule of Submissions and recommendations be forwarded to the Western Australian Planning Commission for the Minister's consideration:

Name	Address	Submission	Council Response
Water Corporation	North West Region Regional Office	No comment or objection	Noted

and

- vi) the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the affixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.

**200708/136 Council Decision**

**Moved:** Cr G J Daccache

**Seconded:** Cr J E Ford

**That:**

- i) Council direct the Chief Executive Officer, or his nominated representative, to negotiate with the applicant to construct up to thirteen (13) car parking bays in the Byass Street Road reserve in accordance with Drawing No. 0707-C-004/B, pursuant to Policy 12/002;
- ii) Council adopt the Development Plan for Lot 501 Byass Street for “Proposed Redevelopment Upper Floor Lot 502 Byass Street, South Hedland,” dated 4 October 2006;
- iii) The applicant be advised in writing that prior to the occupation of any residential development constructed in accordance with this Scheme Amendment that:
  - a) the landowner shall lodge a notification pursuant to section 70A the *Transfer of Land Act 1893* on the Certificate of Title of the development site. This notification shall alert prospective owners to the possibility that noise, odour and other impacts are likely, due to the location of the subject property within the Mixed Use Development; and
  - b) the landowner shall affix a notice to the inside of the main entry to all dwellings alerting prospective tenants and/or owners to the possibility that noise, odour and other impacts are likely, due to the location of the subject property within the Mixed Use Development;

all at the owner’s expense and to the satisfaction of the Manager Planning Services;

- iv) Amendment No.11 to Town Planning Scheme No.5 be adopted without modification;
- v) the following Schedule of Submissions and recommendations be forwarded to the Western Australian Planning Commission for the Minister’s consideration:

Name	Address	Submission	Council Response
Water Corporation	North West Region Regional Office	No comment or objection	Noted

and

- vi) the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the affixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.

**CARRIED 6/0**

*REASON: Council resolved minor amendments to Clause i) to clarify the intent of the clause.*

6:15 pm Councillor S R Martin re-entered the room and assumed the Chair.

Councillor A A Carter advised Councillor advised Councillor S R Martin of Council's decision. Councillor A A Carter resumed his chair

**11.2.2.10 Proposed Final Adoption of the Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 15 – Lot 406 Acton Street, Port Hedland (File No.: 18/09/0021)**

<b>Officer</b>	Richard Bairstow Manager Planning
<b>Date of Report</b>	14 January 2008
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

At its Ordinary Meeting on 30 May 2007, Council initiated an amendment (No. 15) to the Town of Port Hedland Town Planning Scheme No. 5 to permit tourism development at lot 406 Acton Street, Port Hedland (See Attachment No. 1). This item is to report on the completion of all statutory requirements regarding this amendment process and for Council to consider the amendment for final adoption.

**Background**

Referral of this item for Council determination has been significantly delayed due to an expected change to the amendment. The applicant, however, has advised that the current proposal is considered satisfactory, and hence the amendment is forwarded to Council for final adoption.

**Consultation**

In accordance with the *Town Planning Regulations 1967*, this proposed Scheme Amendment has been advertised by the following means:

- Newspaper advertisement published in the North West Telegraph on 11/07/2007;
- Written notification to surrounding landowners; and
- Written notification to Tourism WA, Telstra, Horizon Power and the Water Corporation.

This advertising has resulted in the following schedule of submissions:

Author	Address	Comment
Tourism WA	Perth Office	No comment or objection
Whelans on behalf of BHP Billiton Iron Ore	Perth Office	Summary follows this table

Generally, the BHP Billiton submission didn't object to the proposed rezoning and development of Lot 406 for tourism purposes, however provided some suggestions as to the detail and mechanics of the scheme amendment, which are set out as follows, with an officer's comment following each point:

*Inconsistency with Other Initiatives*

The submission suggests that the proposed amendment is inconsistent with the Land Use Master Plan and the tender documentation issued by LandCorp.

Officer's Comment: The Land Use Master Plan refers to a larger area than just Lot 406 and only provides concepts for the possible development of areas/locations. Any development would require the completion of structure plan and compliance with any requirements associated with the structure plan.

The actual hotel/residential development endorsed by Land Corp is considered consistent with the amendment and Land Use Master Plan.

*Amendment Mechanics*

The submission recommends that the zoning becomes a restricted zone rather than a tourism zone given that a tourism zone allows aged persons development that is considered undesirable given potential impacts by dust. Further, the tourism zone will allow an element of permanent residential development in the form of Multiple Dwellings which the submissions suggest may be undesirable given the development's location to the recreational facilities to be provided for on the Spoilbank.

Officer's Comment:: The location is outside the dust impact zone, which is currently to the West of Howe Street, and permanent residential activities are not considered to be inconsistent with the lot or surrounding area.

*Residential Density Clarification*

The submission has noted that, currently, the amendment doesn't detail a Residential Density Code for the lot, but recognises that this will be dealt with as part of a development plan/structure plan.

Officer's Comment:: The initiation report detailed the requirement for LandCorp to produce a Structure Plan for this lot, and other land that surrounds it (See Attachment No. 2), prior to a Development Application being lodged for the site.

To date, no application has been lodged, however, an advice note has been included in the recommendation to advise LandCorp of its obligation.

*Memorials on Titles*

The submission recommends that memorials be put on titles regarding the potential impact of dust on the subject lot, or any development that may be undertaken on the lot.

Officer's Comment:: Any option would be considered at the Development Application stage. Council decision to impose or not impose a memorial or Section 70A on the title will be reflective on one of two positions.

- a) To impose a memorial or Section 70A would be an acknowledgement that there is a likely impact on amenity from the dust generated by near by industries. A decision would have to be made as to where memorial or Section 70A were required; or
- b) Not recognise the potential amenity impacts of either dust or other impacts from nearby industry and not impose any memorial or Section 70A on titles on the basis that the site is outside of the identified 'west end'. Given that this matter will be considered at the development application stage, it does not need to be included in the rezoning assessment..

**Statutory Implications**

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* outline the process required to amend a Town Planning Scheme.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

Should Council resolve to adopt this scheme amendment, the applicant will be liable for a fee of \$1,500 in accordance with Council's adopted fees and charges.

**Officer's Comment**

The amendment is consistent with the Land Use Master Plan and the proposed Hotel/Residential development that has been endorsed by the Western Australian Government.

Two conditions have been included to deal with the matter of the requirement for a Structure Plan for the Spoil Bank and surrounding area, as defined in Attachment No. 2, and the protection of the Tamarind tree.

The amendment is supported subject to those conditions detailed within the recommendation.

**Attachments**

Attachment 1: Location plan and aerial photograph  
Attachment 2: Future Structure Plan Area.

**Officer’s Recommendation**

That:

- i) the Town of Port Hedland’s Town Planning Scheme Amendment No. 15 to Town Planning Scheme No. 5 be adopted without modification;
- ii) the following Schedule of Submissions and recommendations be forwarded to the Western Australian Planning Commission for the Minister’s consideration:

Author	Address	Comment
Tourism WA	Perth Office	Submission of no objection noted
Whelans on behalf of BHP Billiton Iron Ore	Perth Office	Submission noted, however no implications for the amendment

- iii) the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents, in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council’s seal, in the event that the Minister for Planning and Infrastructure approves the Amendment without modification;
- iv) that LandCorp be reminded of its obligation, under condition 3 of the adoption report dated 30 May 2007, which states; *“That LandCorp be advised that prior to a Development Application being submitted for Lot 406 Acton Street, Port Hedland, that a Structure Plan and supporting documentation be developed, submitted and supported by the Town and its nominated Urban Design Consultant for the Special Design/Use Area as shown in Attachment No. 2 of this report.”; and*
- v) Furthermore, LandCorp and Mirvac Fini are reminded of the historical significance of the Tamarind Tree and the general area that surrounds it. The Tamarind Tree appears on the Municipal Heritage Inventory and Council will require its significance to be recognised as part of any future development. Special recognition is required to be made of it in the Structure plan.

**200708/137 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That:**

- i) the Town of Port Hedland’s Town Planning Scheme Amendment No.15 to Town Planning Scheme No.5 be adopted without modification;**
- ii) the following Schedule of Submissions and recommendations be forwarded to the Western Australian Planning Commission for the Minister’s consideration:**

<b>Author</b>	<b>Address</b>	<b>Comment</b>
<b>Tourism WA</b>	<b>Perth Office</b>	<b>Submission of no objection noted</b>
<b>Whelans on behalf of BHP Billiton Iron Ore</b>	<b>Perth Office</b>	<b>Submission noted, however no implications for the amendment</b>

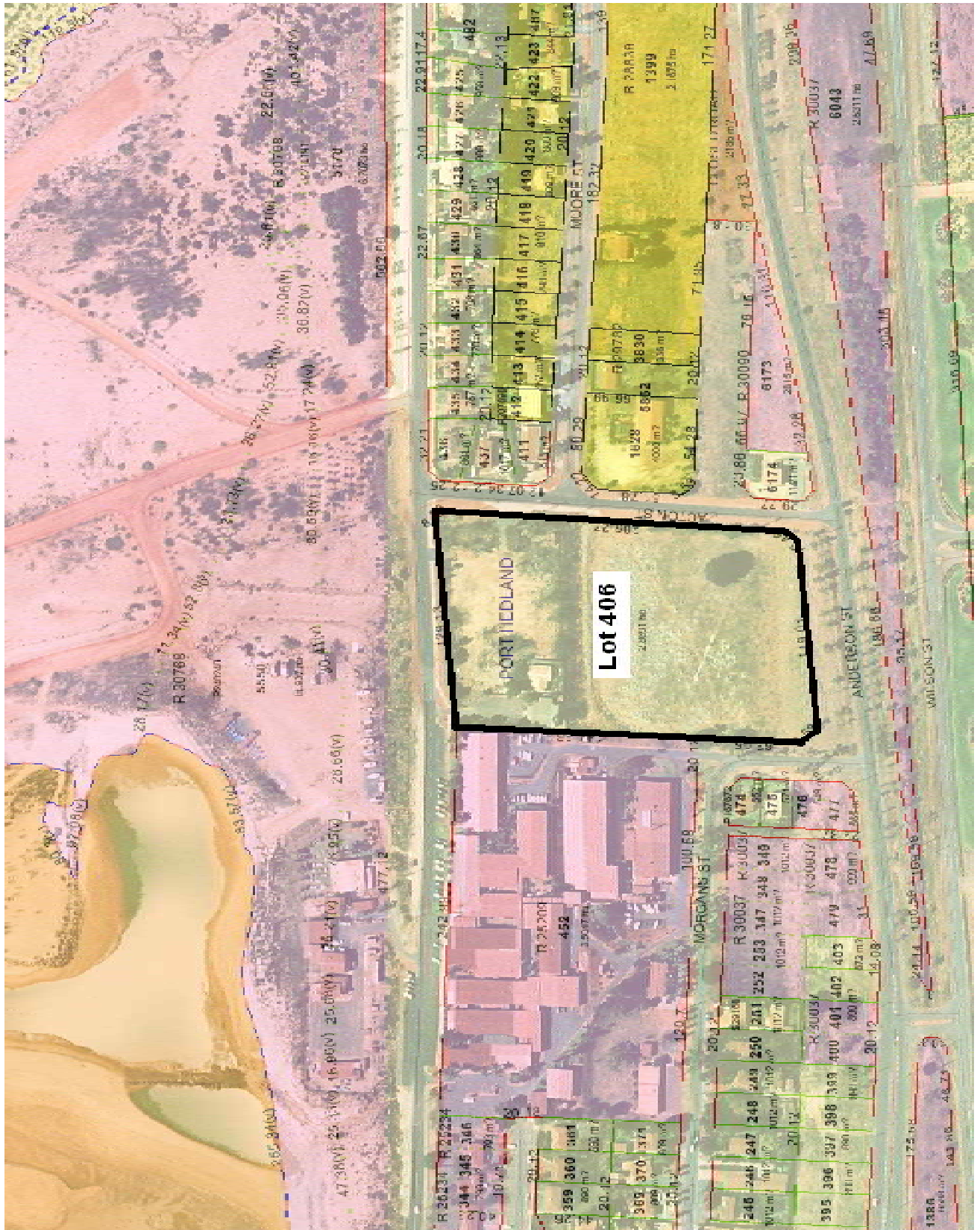
- iii) the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents, in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council’s seal, in the event that the Minister for Planning and Infrastructure approves the Amendment without modification;**
- iv) that LandCorp be reminded of its obligation, under condition 3 of the adoption report dated 30 May 2007, which states;  
“That LandCorp be advised that prior to a Development Application being submitted for Lot 406 Acton Street, Port Hedland, that a Structure Plan and supporting documentation be developed, submitted and supported by the Town and its nominated Urban Design Consultant for the Special Design/Use Area as shown in Attachment No. 2 of this report.”;**
- v) furthermore, LandCorp and Mirvac Fini are reminded of the historical significance of the Tamarind Tree and the general area that surrounds it. The Tamarind Tree appears on the Municipal Heritage Inventory and Council will require its significance to be recognised as part of any future development. Special recognition is required to be made of it in the Structure plan; and**
- vi) that LandCorp be reminded of the requirement for turtle friendly lighting given the significance of the nearby Cemetery Beach Flatback turtle rookery.**

**CARRIED 7/0**



*REASON: Council added Point vi) as it felt that it was important to include reference to turtle sensitive design in Council's resolution.*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.10



*ATTACHMENT 2 TO AGENDA ITEM 11.2.2.10*



**11.2.2.11 Proposed Bulk Earthworks Associated With Proposed Subdivision of Land at Pretty Pool (File No.: 18/14/0001)**

**Officer** Andrew Patterson  
Planning Officer  
Richard Bairstow  
Manager Planning

**Date of Report** 13 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application from LandCorp to commence bulk earthworks in association with the anticipated residential subdivision of land adjacent to existing developed land.

This application is submitted for Council consideration, as Delegated Officers do not have the authority to determine this application under the Delegation Register.

The subject land comprises "Pretty Pool Stage 4" that is the subject of Scheme Amendment 14, as previously addressed by Council in item 11.2.2.6 of this Agenda.

**Background**

Subdivision earthworks generally do not require separate planning approval as they are considered as part of the subdivision application. As the subject land has yet to receive subdivision approval however, with this approval in turn dependent on the pending rezoning, separate planning approval is required

This application refers only to land described as "Pretty Pool Stage 4," and seeks Council approval to fill the subject land to a level of approximately 8.5 AHD. While not stated in the application, it is assumed that the purpose of this application is to effectively coordinate available resources in order to progress this development in as efficient manner as possible.

This land subject to this approval is currently unallocated Crown land and subject to the administrative care of the Department for Planning and Infrastructure (State Land Services). State Land Services has signed the application form and so are known to be aware of, and consent to the application.

In correspondence relating to this application from State Land Services to the project manager, DPI advise that the land outside lot 300, being unallocated Crown land is not yet cleared of Native Title, and subsequently that no approval is given by DPI for the development of this land prior to appropriate agreements being in place. A condition is included in the Officer's recommendation that planning approval for site works is granted subject to the applicant achieving appropriate tenure for the land prior to commencing works.

As this application is seeking to commence development on land that is currently inappropriately zoned, it is recommended that approval is granted subject to approval of rezoning.

### **Consultation**

Engineering Services have not objected to the application, subject to the applicant submitting traffic management and dust management plans.

The Department of Conservation and Environment has been consulted with regard to this application and not responded with any comment, advice or objection.

### **Statutory Implications**

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Rural."

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Key Result Area 4

Goal 4

Strategy 1 - Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

### **Budget Implications**

Planning fees of \$1,801 have been received and deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$750,000.

### **Officer's Comment**

While this application for works is an attempt to pre-empt a rezoning and subdivision approval, the extensive negotiation required to bring the amendment process to this point suggest that both these applications are likely to be approved in the near future.

In the unlikely event that either the rezoning or the subdivision are refused or significantly modified to the extent that the boundaries of this application are significantly exceeded, the condition requiring the developer to reinstate the land protects from long-term physical impacts.

**Attachments**

Bulk Earthworks Plan

**200708/138 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr Cr G J Daccache

**That subject to approval of Town Planning Scheme No. 5 Amendment No 14 being approved, and outstanding native title issues being resolved, Planning Consent be granted to LandCorp on behalf of the Department for Planning and Infrastructure (State Land Services) for USE NOT LISTED – Bulk Earthworks at lot 300, Styles Road and adjacent unallocated Crown land as outlined in the Application received 7 December 2007 (Application No. 2007/359) and indicated on the approved plans, subject to the following conditions:**

- i) prior to the commencement of any site works, the applicant to submit and have approved by the Town of Port Hedland:
  - a) A dust management plan; and**
  - b) A traffic management plan**relating to all works conducted pursuant to this approval;**
- ii) this approval relates only to the bulk earthworks, as hatched in red on the approved plans. No retaining walls or any other structures shall be constructed without prior approval of the Town;**
- iii) all works shall be in accordance with the Town's Design Guidelines for the Development and Subdivision of Land;**
- iv) all works shall be conducted in accordance with Council's Policy Standards and specifications pertaining to earthworks;**
- v) the applicant/owner shall be responsible for any alterations to the clearing or bulk earthworks designs of the project as a result of further assessment by the Town to the satisfaction of the Manager Planning;**

- vi) prior to the commencement of any clearing or earthworks, the consultant shall ensure that there are no sites of Aboriginal significance, heritage-listed structures, monuments or protected vegetation that will be affected by the proposed works to the satisfaction of the Manager Planning;
- vii) any sites of aboriginal significance, heritage-listed structures, monuments or protected vegetation identified under Condition vi, including any vegetation identified by the Town for retention shall be protected during the work and assessed by a suitably qualified professional (arboriculturalist for vegetation) for status and management to the satisfaction of the Manager Planning:

Hours of work shall be limited to the following:

Monday to Friday.....0700-1700

Saturday.....0730-1700

Sunday and Public Holidays.....WORK NOT PERMITTED without the prior approval of the Town;

- viii) the applicant/owner shall submit a survey of existing trees and an aerial photograph with the purposed earthworks superimposed, prior to any works commencing, to the satisfaction of the Manager Planning.
- ix) no earthworks (including batters), plant or materials shall intrude onto adjacent land or road reserves;
- x) no construction work, plant, materials or earthworks, shall intrude onto any public road reserve or public open space without the prior approval of the Town.
- xi) all levels of the site shall integrate with adjoining sites to the satisfaction of the Manager Planning;
- xii) the applicant shall be responsible for any changes and alterations to earthworks on-site, resulting from any changes required by the Town on future development approvals;
- xiii) all stormwater shall be contained on-site, to the satisfaction of the Manager Planning Services. Erosion shall be controlled so as not to result in sand runoff into the road reserve;
- xiv) the proponent and the contractor shall be responsible for the dust and sand drift control in accordance with Department of Environmental Protection (DEP) guidelines. Disturbed areas shall be stabilised on completion and thereafter maintained to the satisfaction of the Manager Planning;

- xv) any damage or removal of a Town asset (including vegetation) by the contractor shall be replaced or repaired at the cost of the applicant/owner, to the satisfaction of the Manager Planning;
- xvi) no burning of cleared vegetation shall be allowed without prior, written approval of the Town. The applicant shall refer to DEP guidelines for alternative methods of treating cleared vegetation;
- xvii) compaction and stabilisation must be carried out to the satisfaction of the Manager Planning. Only clean fill shall be used on site;
- xviii) the proponent shall be responsible for any alterations to the engineering design of the project as a result of the Town's review of the engineering submission;

**FOOTNOTES:**

- xix) the applicant is reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements;
- xx) 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;
- xxi) applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval;
- xxii) the applicant is advised to obtain appropriate tenure to all land subject to this approval; and
- xxiii) the applicant is advised that the proposed works may require a Clearing Permit to be issued by the Department of Environment and Conservation.

***CARRIED 7/0***





**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** 19 November 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***

PROJECT	STATUS
Black Spot Funding	Throssell Road Widening continues from Hawke Place to Post Office Entrance Driveway – Footpath poured from Hamilton Roundabout to Hawke Place – contractors are currently moving old light poles and installing new light poles on Southern Side of roadway. Once this has been completed next stage of project will commence. Completion date dependent on external service providers: likely 6/08

Landfill	Washdown Bay Design issued to Contractor for Quotes. Separator purchased and awaiting installation. Project completion likely 4/08
Wedgfield Upgrades R2R	Culvert extension in Yanana and Moorambine Streets have been commenced. Project completion likely 6/08.
Yarrie Road, Rural Estate	Shoulder and Rock Protection completed along floodway.
Flood Gate Pumps	Testing commenced
Road Safety Audit	Road Safety Audit for South Hedland, Port Hedland and Wedgfield has been forwarded to Main Roads.
Shade Sails	Shade sails at Pretty Pool and Cemetery Beach Parks were removed due to the Cyclone Melanie threat and after advice from SES regarding cyclone status. They have since been reinstalled; it is likely that except for immediate threat they will be left in situ.
De Grey Station	Grader working at De Grey Station completed interim drainage diversion works as required – after meeting with DES.
Heavy Plant Equipment	All Heavy Equipment has been ordered – not anticipated to arrived until later in the year. The process of completing of investigations into options for the TTL at the Waste Management Facility has commenced.

***Parks & Gardens***

PROJECT	STATUS
Tree Reinstatement	Several Trees still to be removed and replaced after damage from Cyclone George
Garden Maintenance	Garden Maintenance crews are continuing with programmed works
Park Maintenance	Park maintenance crews are maintaining park programme on a fortnight basis. (This information will be used to help create an in-depth asset management plan for all of council’s parks.)
Sportsground Maintenance	Lawn Doctor has completed aeration levelling and report to be issued w/e 25/1/08. Investigation into alternative water supply/filtering for Col Matheson Oval commenced.

Training	Staff continued with the 'Growing and Propagating Native Plants' training.
Litter Crew	Only working Monday – Friday no weekend cleanup until further advised: budget constraints.

***Technical Services/Projects***

PROJECT	STATUS
Drainage Construction	Construction of an overflow drain along Tinder street has been completed. Schillaman street drainage works have been quoted and are in excess of budget. Project will be considered in 2008/09 budget.
Boat Ramp upgrades	Maunsell have been awarded the design stage of the upgrade of the Finucane Island boat ramp. Information has been forwarded to them regarding the temporary barge access proposed to enable environmental impact studies to commence. This will determine whether the barge access can be constructed as a permanent structure.
Footpath construction	Contractors have commenced footpath construction in Moore street, Port Hedland
Playground development	Designs are being finalised for the development of Kevin Scott Oval playground. Tenders to be called end of January for the design and installation of permanent shade structures to Kevin Scott and Colin Matheson playground areas. Funding has been approved for \$105,000 from Lotterywest. Original funding submission was \$25,000 however an additional \$80,000 was requested due to the unsuccessful Pilbara Fund application
West End Greening	Work has commenced including surveying the site, tree removal and preliminary earthworks. Tree planting will include a combination of Naylor's Blue Cypress, Eucalypts and Poinciana to create a greening strip along Anderson street. Contractors to commence early February with construction period of approximately 3-4 months. Alternative water supplies are being investigated; as for Colin Matheson Oval.

Don Rhodes Mining Museum	Total Corrosion Control have removed all asbestos materials at no cost to Council. Contractors have commenced sealing of openings to prevent access to the exhibits
Cemetery Upgrade	Quotes are being sourced for the installation of a shade structure over the entrance hardstand. Commencement of works is pending notification of funding application
Foreshore Parks lighting	Lighting has been installed at Cemetery Beach park, Civic Centre and Pretty Pool park, with standard white lights installed but not yet operational due to the current turtle nesting season. Dept of Environment and Conservation have been requested to support modifications to the specifications of turtle friendly HPS lights that include the deletion of the band pass filter due to non-compliance with Australian Standards
Turtle Boardwalk	Further works for the construction of the turtle boardwalk are delayed until the completion of the turtle nesting season. Funding for stage 1 of the project (footpath) of \$200,000 has been received from PDC
Road Safety Audits	Traffic data is being collated to ensure RSA are accurate. Audits anticipated to be undertaken in July with Main Roads auditors
Light Fleet Replacement	Approximately 70% of Council's replacement vehicles have arrived. Some vehicles require radio installation prior to handover to staff. An auction will be held in the coming months (March) to sell redundant vehicles.
Boulevard Tree Planting	Designs and specifications are being finalised for street tree planting along Cottier drive and Stanley street prior to tender of project
Sutherland Street Nodes	Epcad are finalising final design drawings for the construction of two nodes on Sutherland street opposite Jacoby Street and Simpson Street. The nodes are designed to provide a rest area for pedestrians and cyclists with feature landscaping, seating, shade and minor play area

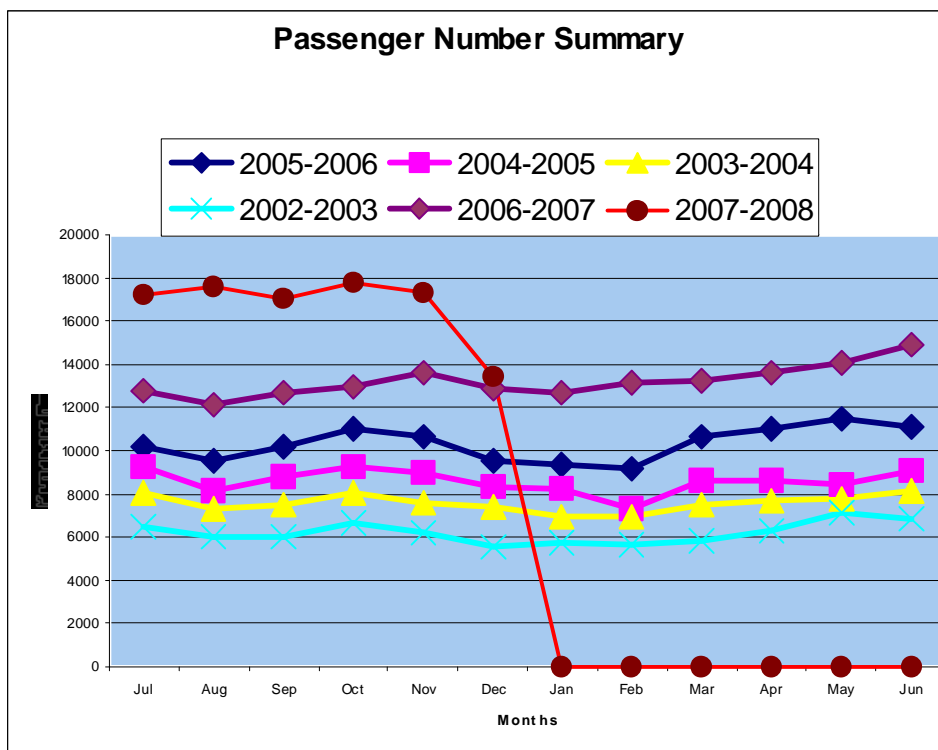
<p>South Hedland New Living subdivision developments</p>	<p>Practical completion inspections have been completed for Traine/Dale and Stanley/Dale developments (civil works). Practical completion inspections have been completed for landscaping works at Traine, Cone and Acacia developments. Ertech have installed temporary signage at Dale/Stanley intersection (4 way) until Main Roads approve the installation of a give way signage and line marking. Temporary pedestrian access has been installed on Captains way as the existing path is within the Steamer Ave construction site</p>
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***Port Hedland International Airport***

PROJECT	STATUS
Sewerage Upgrade	Project under review in consultation with DES. Currently investigating new 'pipe-expanding' technique and re-lining to reduce or remove the need to excavate collapsed gravity sewer line.
Apron Lighting Upgrade	Awaiting Quote from Air Services Australia and final engineering. Works to be undertaken at end of cyclone season.
Precision Approach Path Indicator Installation (Lighting)	All equipment received. Method of Working Plan to be developed and parties consulted as to timing of works.
Front Reserve Drainage	Works at airport entrance completed. Works from service road to Air BP to be completed when engineering crew back to full levels at completion of leave.
Master Plan	Draft nearing completion. Awaiting quotes from consultants for development feasibilities. A decision will then be made on the validity of completing concept stage in-house.
Airport Revaluation	Draft report received 28/12/07. Final report by w/e 25/1/08. Consultant has offered to speak to explain answers to any questions.
Runway End Safety Area Extensions	Ongoing. Works to be undertaken at end of cyclone season.
4 Lot development	Refer to sewerage upgrade works.
Boundary Fencing	Tender advertised.
Air-conditioning	Works underway, as per consultant's report, to bring current machines to appropriate standard.

*Passenger Numbers*

Passenger Numbers for month ending December 2007. At time of writing Skywest figures not available.



The Bureau of Transport & Regional Economics (BTRE) published the following official on time performance information for October 2007 for Port Hedland. A total of 96 flights occurred (84 Qantaslink, 12 Skywest)

Airline	On time Departures	On Time Arrivals
Skywest	10 (83.3%)	9 (75%)
Qantaslink	72 (85.7%)	70 (83.3%)

*Itinerant International Movements*

Challenger 604 Inbound from Singapore 8 January 2008.

Gulfstream IV Medium Size Long Range Corporate Jet inbound from India 9 January 2008.

There were also a number of private charter corporate jets departing Australia from Port Hedland to destinations in Indonesia, Denpasar, Singapore and the Maldives.

*BALI International Service*

Extra services have been put on for the holiday period due to demand.

*Airport Bar & Cafe*

The Town commenced operating the Airport Bar and Café on 1 January 2008. The flights at the moment are fairly quite as many industries are not yet back to full operation following shutdown over Christmas and New Year period. Recruitment for staff is nearing completion with few issues. Staff at the Café are already receiving positive feedback from patrons regarding the operation and level of service provided.

**Recreation Services**

*Projects 2007/08*

PROJECT	STATUS
Multi-Purpose Sports Feasibility Study	Completed.
Recreation Facility Design	Initial quotes received and tender document being created for the next stage of planning. Tender due to be advertised in February 2008.
Port Hedland Skatepark	Construction complete. Additional structures to be installed including shade, seating, synthetic turf, bollards. Due to be completed end of February. Grand Opening scheduled for February 22 <sup>nd</sup>
South Hedland Skatepark	Construction complete. Additional structures to be installed including shade, seating, landscaping and other miscellaneous items. Due to be completed end of February. Grand Opening scheduled for February 21 <sup>st</sup> .
Town Cycle Plan	Project commenced. First Working Group Meeting scheduled for January 30 <sup>th</sup> , with a community forum planned for January 29 <sup>th</sup> . Draft plans for Port and South Hedland to be distributed in January. Scheduled completion date is March 2008.
JD Hardie Centre Facility Upgrade	Works commenced. JD Hardie Centre closed during January for renovations and upgrades, with painting, change room and foyer alterations, shade and seating all to be installed. All major and minor works to be completed by June 2008.
Gratwick Aquatic Centre Gym	Commenced. Strength equipment purchased with the cardiovascular equipment soon to be purchased (under lease agreement). Fit-out due to be completed in March 2008.



Aquatic Centre Lighting Audit	Commenced. Audit due to Council early February 2008, with recommendations on the priority works at each Aquatic Centre, with indicative costs. Program to be used as part of a proposed five-year upgrade plan.
McGregor Street Carpark	Completed.
McGregor Street Oval Redevelopment	Recreation Reserve Redevelopment Master Plan commenced. Final report due to Council in March 2008. Consultants have met with the Working Group, Council staff and the community in a series of meetings and forums, and expect to have a draft to Council in February.
Colin Matheson Oval Redevelopment	This project is being undertaken in conjunction with McGregor Street Reserve Master Plan. Additional works are being scheduled for the reserve to ensure its integrity, with research being undertaken for permanent turf improvements. Currently investigating alternative water supply and new filtering system to alleviate continual water supply problems, and sprinkler blockages.
Sports Facility Upgrade Program	All components commenced. Shade structures at various reserves have been purchased, with construction due to be completed February 2008. Shared structures currently being constructed off-site, with first shed to be completed February 2008, second shed in March 2008. Kevin Scott Oval viewing area is awaiting one final quote to be received, and seats have been purchased. Construction due to be completed May 2008.
Recreation Upgrades	All recreation upgrades are near complete, with the Diamond 1 backnet and the Hawks demolition the remaining items. An Agenda Item in regards to the Hawks clubrooms is being presented to Council this month.

Walk It Hedland	A new joint project between the Town of Port Hedland and Pilbara Population Health. To fund the program grant applications were submitted to BHP Billiton Iron Ore and Healthways. BHP Billiton Iron Ore have approved the initial funding, with a decision from Healthways still pending.
Diamond 1 Back-Net	Further information was sought from the tenderer SRB Security Solutions as per Council's request. Additional information has now come to hand in regards to the tender and is being presented to Council this month.

*Events*

EVENT	STATUS
Australia Day Sports Awards	Nominations closed on Friday 22 <sup>nd</sup> December 2007. Winners have been selected and will be announced at the Soroptimist's Australia Day breakfast at the All Seasons Hotel. All nominees have been given double passes to the breakfast.
Presidents Breakfast	The next Presidents Breakfast is scheduled for February 2008.

*Facility Report*

FACILITY	DAMAGE
JD Hardie Centre	2 x windows smashed, water fountain cord cut

*Education / Training / Certifications*

NAME	REPORT
Professional Development	Recreation Programmer currently attending the National Basketball Championships for Professional Development.

*Other*

*Post – Cyclone Repairs*

Remaining items:

- Diamond 1 Backnet – agenda item this month

- Gratwick Aquatic Centre shade – insurers have confirmed payment for half the total cost of replacement, and a request to the Tropical Cyclone George Relief Fund has been lodged for the remaining funds.

#### *Aquatic Centres*

The second Aquatic Advisory Committee meeting is scheduled to occur on 31 January this month. Two community members have requested their involvement in this committee, and have been invited to attend.

The monthly reports in full from the YMCA can be obtained by contacting the Manager Recreation Services.

#### *South Hedland Aquatic Centre*

##### *YMCA Update*

*“South Hedland Aquatic Centre has seen a drop in attendances on the previous month this is predominantly due to term 4 programs finishing early in the month, cooler than normal weather conditions and school holidays being very quiet as many people have taken vacation. However there have been many functions booked for December the largest being the second of the BHP functions which attracted 320 people the centre was exclusively booked from 4pm -10pm highlights included entertainers from Perth, various catering and a giant inflatable cinema screen...”*

*“Although total attendances are down on the projected target it is pleasing to note that function attendance is 267 above the previous month.*

*“Throughout the school holidays staff have been pro-active in keeping the patrons entertained with dive ring races, bomby comps, mats placed in the pools and the volleyball net set up in the middle-sized pool...”*

*“The YMCA released a survey in Dec to gauge feedback on services, programs, opening hours etc, this will provide us with important feedback currently around 40 surveys have been completed...”*

#### *Financials*

Month	Actual	Budget	Variance
Income	16,656	17,144	(488)
Expenditure	52,487	53,344	(857)
Net	(35,831)	(36,200)	(369)

Year to date	Actual	Budget	Variance
Income	101,564	128,812	(27,248)
Expenditure	508,805	546,261	37,456
Net	(407,242)	(417,449)	10,207

### Attendances

	Swim	Aqua/ Ed	School	Aqua	Prog.	Misc.	TOTAL
Jan	2,064	0	326	15	0	2,472	4,877
Feb	1,311	411	581	34	0	1,811	4,148
Mar	301	45	649	14	0	626	1,635
Apr	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0
Jun	0	0	0	0	0	0	0
Jul	0	0	0	0	0	0	0
Aug	0	0	0	0	0	0	0
Sep	0	0	0	0	0	0	0
Oct	1,518	71	0	8	0	1,456	3,053
Nov	3,022	8	501	6	0	1,758	5,295
Dec	1,258	0	44	0	16	2,100	3,418
TOTAL	9,474	535	2,101	77	16	10,223	22,426

### Gratwick Aquatic Centre

A break-in was reported last month, where damage to the ride-on lawn mower occurred. The mower will be repaired or replaced through the YMCA's insurers.

### YMCA Update

*"Income was over \$8,000 lower than forecast throughout December, which was partially improved by expenditure being \$4,000 lower than budget. Overall, Gratwick performed shy of \$6,500 worse than budget for the first year of new contract.*

*"Attendances were lower than anticipated throughout December. The school based Aquatic Education program has not gone ahead throughout Term 4 due to a shortage of Instructors. At this stage, lessons will not be carried out in Term 1 either.*

*"Vacswim were also forced to cancel Aquatic Education lessons scheduled for the holiday period due to a shortage of local Instructors. This heavily impacted the forecast attendances as the occupancy was by far better than recent years, according to Vacswim..."*

*Financials*

Month	Actual	Budget	Variance
Income	\$13,373	\$21,769	(\$8,396)
Expenditure	\$47,623	\$51,994	\$4,371
Net	(\$34,250)	(\$30,225)	(\$4,025)
Year to date	Actual	Budget	Variance
Income	\$134,240	\$174,529	(\$40,289)
Expenditure	\$522,134	\$556,006	(\$33,827)
Net	(\$387,849)	(\$381,478)	(\$6,416)

*Attendances*

	Swim	F/ Room	Aqua/ Ed	School	Aqua	Prog.	Misc.	TOTAL
Jan	3,608	0	179	204	31	0	508	4,530
Feb	3,027	81	416	157	59	16	416	4,173
Mar	746	21	70	0	14	12	89	952
Apr	1,185	32	84	350	0	46	1,125	2,822
May	668	35	17	130	23	0	127	1,000
Jun	134	0	0	0	0	0	5	139
Jul	106	110	0	0	0	0	4	220
Aug	309	133	0	0	0	0	8	450
Sep	1,102	117	0	34	0	46	37	1,336
Oct	5,467	75	252	0	38	261	644	6,737
Nov	3,717	87	574	0	12	21	671	5,082
Dec	2,725	147	247	0	26	0	310	3,455
TOTAL	22,786	838	1,839	874	402	402	3,944	30,896

*JD Hardie Centre*

*Promotion:*

Promotion used for the month of October was as follows:

- Pamphlet distribution around Port and South Hedland
- Email to all JD Hardie Centre contacts advising of the Holiday Program
- The Holiday Program went to all Primary School Newsletters
- Advertisement in the North West Telegraph advising that the JD Hardie Centre would be closed for renovations
- Posters distributed around Port and South Hedland to advise about the Kids Club end of year Christmas party
- Posters distributed around Port and South Hedland advising about the combined all Junior Program End of Year Christmas Party

*Programs:*

All Programs concluded the month of November, with an end of year party for the Kids Club participants with all three classes combined and a visit from Santa. The remaining term programs combined for an inaugural End of Year Christmas which was hugely successful with over 80 participants.

*Facility Hire*

The Following Facility Hire took place at the JD Hardie Centre in December:

- 21<sup>st</sup> Birthday Party (Portion of Bond retained due to state of the centre being returned)
- South Hedland Primary School Concert
- Baler Primary School Concert
- Cassia Primary School Concert
- Cooke Point Play Group End of year Christmas party
- Hedland Senior High School Regular Booking

*Other*

The JD Hardie Centre will be closed from the 23<sup>rd</sup> December 2007 to the 4<sup>th</sup> February due to the Centre receiving some capital and cosmetic upgrades. Upgrades include Toilet and Changeroom renovations, redesigned entrance, and interior and exterior painting.

*Attendances:*

Term Programs	Jul	Aug	Sep	Oct	Nov	Dec
Kids Club	53	177	159	121	105	62
Jr Dodgeball	47	38	77	29	35	32
Jr Gym	23	25	20	0	0	0
All Sports	20	55	43	22	33	35
X-Pression	0	0	0	0	0	0
GR8 SK8	13	0	0	0	0	0
Boxing	82	109	38	72	80	28
Jr Indoor Footy		37	37	14	32	10
Jr Indoor Soccer				12	40	5
Jr Indoor Basketball				12	12	5
Sports Comp.						
Netball Participants	15	315	385	282	197	0
Volleyball Participants	30	210	228	138	170	0
Social Soccer	23	35	96	70	125	0
Basketball Participants	135	252	294	34	0	0
Badminton	10	14	0	0	0	0
Miscellaneous						
Birthday Parties (2)	45	35	36	37	37	35
Facility Hire	910	912	885	955	1140	3600
Holiday Program	315	0	0	374	0	270
Dodgeball Competition	0	0	0	50	0	0
Disco		0	196	0	0	0
Gym Visits (2)		14	50	51	43	5
Total	1721	2228	2544	2273	2046	4087

**Attachments**

Nil

**200708/139 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

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

***CARRIED 7/0***

**11.3.1.2 Approval Sought for Pilbara Regional Council's  
Pilbara Regional Waste Management Plan (File No.:  
31/08/0004)**

<b>Officer</b>	Terry Dodds Director Engineering Services and Adrian Ellson, Executive Officer Pilbara Regional Council
<b>Date of Report</b>	14 January 2008
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Cardno BSD presented the Pilbara Regional Council (PRC) with the final version of the Pilbara Regional Waste Management Plan at its Council Meeting held on 24 September 2007. The PRC Council resolved to:

- accept the Regional Waste Management Plan
- endorse the Regional Waste Management Plan; and
- to distribute the Plan to key Stakeholders for their approval of the Plan and commitment to implement the Plan.

Council is being asked to consider, approve as appropriate and commit to the implementation of the Regional Waste Management Plan.

**Background**

Waste management is a significant cost for each of the four Pilbara local governments. Currently there is no regional planning or regional resource sharing undertaken between the local government authorities regarding waste minimisation, recycling and/or landfill reduction. While it is acknowledged that in the remote north west of Western Australia waste management primarily needs to be undertaken on a local level, the Pilbara Regional Council (PRC) was tasked to explore opportunities to minimise costs, extend landfill site life spans and decrease environmental harm by undertaking sustainable, regional based waste management initiatives. These may include:

- recycling/re-use opportunities;
- waste to landfill reduction; and
- regional waste planning and policy.



The impetus for developing a Regional Waste Management Plan has primarily been driven by the following factors:

- The need to better plan for the management and development of each of the four Council's landfill sites
- The need to identify opportunities for the sustainable recycling and/or re-use of materials within the Pilbara region.
- The recognition that local authorities have a growing role to play in reducing the quantity of waste to landfill.
- The desire by the public to see a higher level of recycling; as identified in the results of Council's Community Survey 2007.

The PRC engaged Cardno BSD to:

- Produce a document that compares and contrasts current waste management practices across the Pilbara region.
- Provide clear direction in relation to current (and potential future) recycling and re-use opportunities that exist on both a local, sub-regional and regional basis within the Pilbara.
- Recommend the most appropriate manner in which to progress recycling and re-use initiatives across the Pilbara region.
- Identify sustainable policy positions and management actions relating to waste management across the Pilbara Region.

Cardno BSD presented the final version of the Pilbara Regional Waste Management Plan to the PRC on 24 September 2007. The PRC Council resolved to:

- Accept the Regional Waste Management Plan;
- Endorse the Regional Waste Management Plan; and
- To distribute the Plan to key Stakeholders for their approval of the Plan and commitment to implement the Plan.

There are four main points that a regional strategy will achieve for the Town of Port Hedland:

1. Economies of scale to be gained by sharing establishment/mobilisation costs of the specialist plant providers ('round-robin' scenario versus mobilisation from Perth, an example being a tub-grinder).
2. The actual recycled product will be more attractive in larger, concentrated quantities to potential recipients and/or purchasers.
3. Sharing intelligence will expand the expertise and knowledge base between the PRC member councils. There are also potential efficiencies to be gained by sharing the management resources/intelligence.
4. Plant purchased specifically for operations will have the capacity to be hired to neighbouring councils, reducing the overall quantity and increasing the machine hours per annum, reducing the hourly rates.

Council is being asked to consider, approve as appropriate and commit to the implementation of the Regional Waste Management Plan.

**Consultation**

The Department of Environment and Conservation (DEC), industry, community and WALGA have been consulted during the development of this Regional Waste Management Plan; the Plan to date has been well received.

The PRC is seeking stakeholder approval and commitment from DEC, industry, community groups, and WALGA.

**Statutory Implications**

The proposed Regional Waste Management Plan complies with all legislative requirements.

**Policy Implications**

Approval of the Regional Waste Management Plan establishes commitment to the Plan and may require the implementation of supporting policies and practices to implement the Plan.

**Strategic Planning Implications**

Key Result Area 2- Community Pride

Goal 1-Litter: Strategy 2 - Develop community programs and initiatives that are aimed at reducing litter and improving the appearance of Port and South Hedland

**Budget Implications**

Approval of the Regional Waste Management Plan establishes commitment to the Plan and may require funding from the Member Councils where grant money cannot be obtained to cover all costs. However, the Regional Waste Management Plan has identified that the socio-economic benefits outweigh the costs of implementing the Plan.

**Officer's Comment**

The PRC requested that the recommendations be refined by grouping recommendations, as they are applicable to each Member Council. The PRC Executive Officer has reviewed the recommendations and found that:

- Two recommendations applied only to the PRC, one of which still requires the support of each Member Council;
- Two further recommendations applied only to the Shires of Ashburton, East Pilbara and Roebourne; and

- All other recommendations applied to all Member Councils.

On this basis, the requested regrouping of recommendations has not been undertaken.

The Regional Waste Management Plan is only doable if all the community properly participates. Community in this context implies local government, industry (all sectors), residents and visitors to the region, and the State Government.

The Pilbara Regional Waste Management Plan is considered to be a good prototype of the DEC proposed 'Towards Zero Waste Plan'; however, more work is required in some areas to prove or confirm the economic viability of some options. Accordingly, DEC invited the PRC to participate in its 'Towards Zero Waste' presentation given at the September 2007 State Conference on Waste and Recycling. The PRC presentation was well received.

The way forward is for the PRC to seek all stakeholders' approval as appropriate and commitment to implement the Regional Waste Management Plan.

It is noted that each Stakeholder may need to make minor modification or not accept some recommendations due to other commitments and priorities. Providing these do not compromise the Plan or the efforts of other stakeholders, an addendum explaining the modifications and/or non-acceptances will be developed. Otherwise, an explanation of void will be put to the PRC for its consideration and determination regarding the way forward.

The PRC secured from DEC \$20,000 to complete the Toward Zero Waste survey for all Member Councils. This was done as part of the Waste Management Project by Cardno BSD and enabled the PRC to secure a small refund off the original contracted work. The PRC is now eligible for a further to \$60,000 from DEC to refine and implement the Regional Waste Management Plan. How this money will be spent will be determined after stakeholder consideration, approval and commitment to the Plan.

The Plan should not be considered to be static. The Regional Waste Management Plan has already led to:

- a proposal regarding the recycling and use of recycled glass in the Pilbara being submitted to the Hon. David Templeman, MLA, Minister for the Environment; Climate Change: Peel; and
- a proposal linking recycling to regional tourism, where Community Groups can get grants from DEC to install recycling facilities that include effluent ezi-dump facilities from motor-homes and large camping trailers and caravans or to promote recycling within local communities – the PRC will be pursuing both opportunities.

The Town of Port Hedland has an opportunity to take a leadership role, in what will become an even more important and popular public endeavour as our landfill site inevitably fills and the general public become more sensitive to waste treatment.

At present our Waste Management Facility presents an opportunity to supply council a further revenue stream through:

- mining of metals
- re-cycling concrete
- general recycling

As well as an additional income stream, by value adding to some of the recyclables council will gain resources otherwise not economically justifiable.

The Town's ability to achieve this will only be enhanced by the potential cost offset and income, through hiring equipment to neighbouring councils, should we act decisively.

#### **Attachments**

The Regional Waste Management Plan

#### **200708/140 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr K A Howlett

**That Council endorse the Regional Waste Management Plan and consider undertaking specific initiative listed within the plan through normal business operations and as a component of the 2008/09 budget process.**

***CARRIED 7/0***

**11.3.1.3 Street Lighting Expenditure (File No.: 28/11/0001)**

**Officer** Jenella Voitkevich  
Manager Technical Service

**Date of Report** 2 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

The purpose of this report is to seek Council approval for the Street Lighting Upgrade program being contracted to Horizon Power without following the standard tender process.

**Background**

Street lighting upgrades are programmed for various locations in South Hedland including Paton Road, Bottlebrush Crescent, Kennedy Street, Trumpet Way, Traine Crescent, Brodie Crescent, Stanley Street and Greene Place. The upgrades will include the installation of additional light poles where necessary; improve the luminosity of existing lights and the upgrade of network cabling. All upgrades will ensure that street lighting in these locations is compliant with current Australian Standards. The 2007/08 budget for these upgrades is \$615,000.

Horizon Power is the responsible authority for street lighting assets and will be implementing an upgrade program also. Council's street lighting upgrade program is designed to fast-track the current lighting upgrades in South Hedland in conjunction with Horizon Power's program.

Horizon Power completed similar projects on behalf of Council for street and walkway lighting in 2006/07. This was undertaken outside of normal tendering conditions following the Ordinary Council Meeting held on 22 November 2006 where Council resolved as follows:

*"That the 2006/07 Walkway Lighting Upgrade contract be awarded to Horizon Power for the programmed works up to the budget allocation of \$180,000."*

Horizon Power have received purchase orders from Council to undertake the 2007/08 street lighting upgrade program, however concerns have been raised regarding compliance with Council's procurement policy.

**Consultation**

Horizon Power

**Statutory Implications**

Tenders would normally be called in accordance to the Local Government Act (1995):

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

However, the Local Government (Functions and General) Regulations 1996 states:

- “11. Tenders to be invited for certain contracts*
- (2) Tenders do not have to be publicly invited according to the requirements of this Part if - ...*
    - (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier ...”*

**Policy Implications**

Council’s Procurement Policy 2/007 states that:

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

<i>Purchase Value</i>	<i>Quotes Required (minimum)</i>
<i>Less than \$1,000</i>	<i>1 Verbal Quote</i>
<i>\$1,000 to \$4,999</i>	<i>2 Written Quotes</i>
<i>\$5,000 to \$49,999</i>	<i>3 Written Quotes</i>
<i>\$50,000 to \$99,999</i>	<i>3 Detailed Quotes, Authorised by CEO &amp; Mayor</i>
<i>\$100,000 and over</i>	<i>Tender</i>

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

The legislation listed in the Statutory Implications section above outlines that this policy could be overwritten for goods or services provided by a sole supplier.

**Strategic Planning Implications**

Key Result Area 1 - Infrastructure

Goal 4 – Lighting. To have a well lit community that people feel safe to walk around during the evening hours.

Strategy 2 – Work with key stakeholders to fast track the implementation of projects listed within the Council's Walkway Lighting program and the Street Lighting upgrade programs.

### **Budget Implications**

Nil – 2007/08 budget has allocated \$615,000 for street lighting upgrades (Account Number 1201487).

### **Officer's Comment**

The 2007/08 budget for street lighting upgrades is \$615,000. In accordance with Council's procurement policy this would require that a tender be called for the project, however Horizon Power have demonstrated that they are the sole authorized supplier of this service as detailed below.

Council's Engineering staff have consulted with Horizon Power regarding the appropriate procedures for implementing upgrade works on Horizon Power assets such as street lighting. The following is an extract of correspondence received from Horizon Power's Network Manager Brett Hovingh:

*"In response to your questions, Council cannot award a contract for the retrospective upgrade of Horizon Power assets (including street lighting), but can approach Horizon Power to upgrade the assets. The awarding of a contract is the responsibility of Horizon Power. However, Council can award a contract for the installation of new street lights to a third party but will need to ensure that if they wish for Horizon Power to operate the assets, they will need to meet Horizon Power's standards. In addition, Horizon Power will need to undertake the head works to connect the new street lights."*

Council's street lighting upgrade program involves the upgrade of existing Horizon Power assets. There are some areas that require the installation of new streetlights in order to comply with Australian Standards, however it would be beneficial to Council if Horizon Power undertake the entire project as a whole. As they are the consent authority it would only delay and complicate both Council's and Horizon Power's operations should a third party become involved. Furthermore it is likely that a third party would be highly profit motivated, whereas discussions with Horizon Power have indicated that their pricing policy is neither predatory nor indulgent in makeup.

Council has developed an excellent working relationship with Horizon Power. They have regularly altered their construction program to accommodate Council's requests without complaint or additional charges. Their service has been exceptional and they have been transparent with all business dealings with the Town of Port Hedland.

Street lighting upgrades undertaken by Horizon Power will effectively increase the budget allocation to the actual works, as they require minimal administration and no surveillance or project management. These costs would normally be borne by the project budget. Furthermore, Horizon Power harbors their own risk during project design and construction, eliminating the responsibility of Council in the event of an incident.

It is therefore recommended to set aside the provisions in Council's Procurement Policy 2/007 and authorise the contract to be awarded in accordance with the Local Government (Functions and General) Regulations 1996 part 11 (2) (f).

**200708/141 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr G D Bussell

**That Council set aside the provisions in Council's Procurement Policy 2/007 and authorise street lighting upgrade projects to be undertaken by Horizon Power in accordance with the Local Government (Functions and General) Regulations 1996 part 11 (2) (f).**

**CARRIED 7/0**



**11.3.1.4 Equipment Replacement - Waste Management Facility  
(File No.23:06/0018)**

**Officer** Terry Dodds  
Director Engineering Services

**Date of Report** 14 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

As presented to Council at its Informal Briefing Session in November 2007, Council's Caterpillar 963B Track Type Loader (TTL), which is predominantly used at the Waste Management Facility is overdue for replacement. Since November investigations have been undertaken as to how the TTL should be replaced and by what machine.

Since the purchase of the 963B TTL there have been technological and reliability gains to other machines that would provide greater flexibility, value and more importantly allow Council to recycle more effectively.

**Background**

The Waste Management Facility, by its very nature, is hard on machinery that regularly operates in that environment. This shows on the TTL, which is now beyond its economic life cycle and requires replacement.

When purchased for use at the Town's Waste Management Facility the Track Type Loader (or Drott) would have been the most historically common machine seen at waste facilities. Other very common machines would have included compactors and dozers. The TTL completed the same type of work that had been completed since the inception of that type of machine.

Since then the public view of why, how and what can and should be recycled has matured, as reflected on a local level in the results of the Town's Community Survey undertaken in 2007. With this change of community attitude, and a change in the demand-driven economy of scale, plant manufactures have designed and improved attachments that have made the excavator the machine of choice.

Excavators are much more efficient in handling and processing recyclable materials due to their versatility. This is offered through the use of hydraulic quick-hitches and the fact they don't require a forward and reverse movement for every function, resulting in less wearing of the tracks than a TTL.

*Waste Management Requirements*

Waste Management Facilities in Australia were managed, up until recently, with the philosophy of getting waste in as quickly as possible then covering with granular material in preparation for the next load.

The requirements have changed, and still have a way to go (see Regional Waste Management Plan).

The Town's Waste Management Facility has a huge storage of materials that shouldn't be classified as waste, rather recyclable resources, such as:

- Green waste, with steel rubbish mixed amongst it making it difficult to shred.
- Reinforced concrete in very large sections
- Car bodies
- Industrial waste
- Domestic waste
- Steel and other metals

A steel tracked excavator of sufficient size, with the following attachments would be able to handle all of the Town's processing requirements:

- Hydraulic HD Grab; car bodies, steel and concrete processing, green waste handling/processing
- Hydraulic breaker; concrete recycling
- Pulveriser; concrete recycling
- Rake bucket; cover spreading
- GP Bucket; winning material
- Magnet (existing); steel recycling
- Single tyne ripper; ripping

Regardless of whether or not the landfill is seen as a income source, liability or just something else Council needs to manage all efforts must be made to significantly reduce the speed at which the facility is filling. In fact, should our plans eventuate the Town may even be able to mine the recyclables from certain areas.

**Consultation**

Works Manager  
Works Supervisor  
Senior Mechanic

**Statutory Implications**

Technically there are no statutory implications concerning Council's decision about plant purchases.

However, our ability to adapt to ever changing environmental waste management laws will partly depend on the decisions made regarding capital purchases. Therefore reference to the Waste Avoidance and Resource Recovery Levy Act 2007 (WARR) is provided as a reference only.

Waste Avoidance & Resource Recovery Levy Act 2007: WASTE 2020 policy Document, 'Towards Zero Waste'.

### **Policy Implications**

As the proposed replacement machine differs to the current arrangement and the replacement strategy, Council's approval is sought.

### **Strategic Planning Implications**

#### KEY RESULT AREA 5 – ENVIRONMENT

##### Goal 1 – Waste Management

That the Town of Port Hedland is managing waste at a level commensurate with Best Practice for Local Governments of similar size and nature.

1. Progressively develop the South Hedland Landfill Facility in accordance with the Landfill Strategic Plan.
2. In conjunction with other Pilbara Regional Council, undertake the Pilbara Regional Waste Management Strategy with a particular focus on opportunities for the development of sustainable reuse and/or recycling of waste materials.
3. Support the development of independent proposals that reduce the level of waste to landfill.

#### Measurements

- A comprehensive, sustainable reuse and recycling service is operating from Council's refuse facility.
- 30% less waste is being buried at the Landfill site with an aim of meeting Zero Waste to Landfill by 2020 Strategy.
- Significant works have been undertaken at the Council Tip to improve the user-friendliness and environmental compliance of the service.

### **Budget Implications**

The TTL will not be purchased until the 2008/2009 Financial Year. For the process to occur Council will be required to pre-commit to the \$600,000 in capital expenditure of for next financial year now.

(Timeline: Adopt recommendation 01/08, advertise tender 02/08, review tenders/report to Council 03/08, order 03/08, delivery 07/08.)

**Officer's Comment**

To replace the TTL with a similar machine will cost \$600,000 and take six months to deliver from placement of order.

To replace the TTL with a 30 tonne excavator is in the vicinity of \$350,000, with just over half the waiting time.

The cost of all attachments should be less than the differential of \$250, 000 between the TTL and excavator.

**200708/142 Council Decision/Officer's Recommendation**

**Moved:** Cr G J Daccache

**Seconded:** Cr J E Ford

**That Council request tenders for the replacement of the Caterpillar 963B TTL with a '30 tonne class' Hydraulic Excavator and attachments.**

***CARRIED 7/0***

**11.3.1.5 Water Licensing and Services: Economics and Industry Standing Committee (File No.14:01/0014)**

**Officer** Terry Dodds  
Director Engineering Services

**Date of Report** 14 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

On 27 November 2007 the Chair, Hon. R.C. Kucera, of the Economics and Industry Standing Committee on behalf of the Legislative Assembly WA, wrote to council requesting council make a submission in relation to Water Licensing and Services.

The Western Australian Local Government Association (WALGA) has produced an interim submission on behalf of member councils.

Mr. Adrian Ellson, Executive Officer PRC, has offered to accept responses requested comments by the 29<sup>th</sup> January for consideration by the PRC and endorsement.

**Background**

The Chair stated that the Committee is required to review and report to the Legislative Assembly on:

1. The benefits to, cost to and imposts on irrigators, industry, community and environment of a licensing system for the taking of water from groundwater or stream flow;
2. The full cost incurred by the Department of Water for administration of the current water licence system;
3. The extent to which the water licence administration fees meet cost recovery requirements the National Water Initiative (NWI) places on the State with respect to services delivered to water users;
4. The penalty or cost that might be applied to Western Australia by the Commonwealth under the NWI, if there was minimal or no cost recovery for services provided to water users by the Department of Water;
5. Whether water licences and/or licence administration fees should be required for taking water under arrangements that are currently exempt; for example, residential bores drawing from an unconfined aquifer;
6. What recognition needs to be given to the cost incurred by landholders in harvesting water, including dam construction costs; and
7. The extent to which the NWI provides for a range of different licensing systems.

*WALGA's Initial Response*

WALGA have produced a response, copy attached, the main points in direct relation to the Town of Port Hedland being:

6. Water license charges are waived or concessions applied where water drawn from a groundwater source or stream flow is for public benefit outcomes.
7. Water sourced from storm-water run-off or re-use of waste-water should not be licensed as stream flow.

Indirectly there are ramifications to the resources sector and residents living in communities more sensitive to changes, such as those where the proposed scheme would be new (outside of the Perth and some other metropolitan areas).

WALGA intend writing a final submission, including a response into the potential economic impact: specifically the resources sector.

The PRC are also intending to write a submission, as there are some issues uniquely related to the Pilbara.

**Consultation**

Pilbara Regional Council  
Western Australian Local Government Association

**Statutory Implications**

Water Corporations Act 1995  
Water Conservation Act 1976 and Regulations  
Soil & Land Conservation Act 1945 and Regulations

**Policy Implications** Nil

**Strategic Planning Implications**

Any impact on the Town's strategic planning depends largely on whether Council is granted a concession under the public benefit definition, and only then, if WALGA's final submission is successful in it's endeavors.

If unsuccessful, there are implications to the following:

KRA 1 - Infrastructure

Goal 1 - Roads, Footpaths and Drainage : To have developed network of road, footpaths and verges that are well maintained.

Strategy : Implement projects that are listed in the following Council Five-Year programs:

- Footpath development program
- Resealing program

- Kerb development/replacement program
- Drainage Maintenance Program

Goal 2 - Parks & Gardens : To have a variety of well maintained and well utilised Parks and Gardens that meet the various needs of park users

Strategy 1. - In conjunction with the South Hedland New Living Project and the Land Use Master Plan, develop a Park Improvement Program that identifies which parks should be more intensively developed and which parks could potential be surplus to community requirements.

Strategy 2. - Develop a five-year verge development and street tree planting program and progressively implement the projects that are identified as being the highest priorities.

Goal 3 – Airport : To have an International Airport that has high passenger numbers and positive customer feedback.

Strategy - Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising and any other means.

KRA 2 – Community Pride

Goal 3 – Townscape : That the central business districts and main thoroughfares of both Port and South Hedland are attractive and well maintained.

Strategy - Provide additional shade through the installation of trees and formal shade structures in strategic locations.

KRA 3 – 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

Strategy 5. - Improve maintenance standard of the ovals and sports facilities in accordance with the recommendations within the Sports Facility Audit and recommendations from Turf experts.

KRA 4 – Economic Development

Goal 2 – Mining : That the Town has developed strong working relationships with the mining industry that are achieving sustainable outcomes for the local community.

Strategy 2. - Actively seek contributions from mining companies towards the sustainable, development and operation of municipal services and infrastructure.

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**

At this stage as no fees have been made public it is not possible to predict any budget implications. However, any adverse change, of any size, will directly affect Council.

**Officer's Comment***Parks and Ovals*

The Town of Port Hedland uses recycled water extensively; as it stands we use more recycled water than the Water Corporation has the ability to supply. To help overcome the supply issue the Town is applying for two bore licenses, Colin Matheson oval and West End Greening projects. Any fee would severely impede council's aims to provide a quality service to our community in many areas, including the two examples mentioned.

*Dust*

In addition, industry uses potable water in Port Hedland for suppression of dust. Any change in fee structure that would impact on industry could be detrimental to the public amenity if that industry attempted to reduce their water demand.

*Camps*

Bore water is used in line track camps and other mining sites. If bore water was more expensive to obtain less water may be utilized thus adding to dust problems of inhabitants. There may also be an expectation that water would be of a sufficient quality for intended use with a minimum of treatment.

Most camps use a reverse osmosis process, of which 50% of the water is discarded (as it doesn't quite meet the Australian Drinking Water Guidelines). The next level of treatment (Nano filtration), only wastes 5% of the product, making it tempting for companies of lesser financial capability to lower their standards.

*Geography*

Due to the general economy of scale, geographic location, time of rainfall events and distances between communities the Pilbara has it's own unique set of problems. It is already an expensive proposition to even try to mimic the level of services metropolitan ratepayers take for granted, any increase in any 'tax' will either further erode our ability to provide a sustainable existence, or make the same prohibitively expensive.

*Efficient Water Use*

Living in the Pilbara already means coping with 80% of the year having little or no rain, which hones peoples skill in frugal use of what is already a valuable and limited resource: water. I feel to place a further 'tax' on such users will not significantly lower the volume of water used, just penalize the users.



**200708/143 Council Decision/Officer's Recommendation****Moved:** Cr G D Bussell**Seconded:** Cr A A Carter

**That Council advises the Pilbara Regional Council in writing that it support of the Regional submission to the Economics and Industry Standing Committee regarding the introduction of any water levy, and problems in relation to:**

- i) Public infrastructure development and maintenance;**
- ii) Dust suppression and the relationship to town amenity and public health;**
- iii) Health of persons residing in workers camps;**
- iv) Geographic constraints; and**
- v) Current water use characteristics**

***CARRIED 7/0***

**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**

Tenders were called for Tender 06/59 Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One in November 2007 and considered by Council at its Ordinary Meeting in December. The matter was laid on the table by Council pending further information.

**Background**

Council considered this item at its Ordinary Council Meeting held in December 2007. At that meeting Council sought further information relating to the product proposed to be installed by SRB Security Solutions, and resolved as follows:

*“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.”*

Since the December Ordinary Council Meeting, the Sports and Recreation Officer has received another quote from a separate contractor below the \$100,000 tender limit. T.D & E.M Compagnoni requested to quote on the job after noticing that the tender submissions were well above what their company would have submitted (quote attached). The quote submitted equates to \$83, 757.00 excl. GST.

SRB Security Solutions have also provided Council with further information regarding their recommended product, (refer to attachment 2).

**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 will be paid to the Town of Port Hedland for the replacement of the backnet. 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, with the remaining funds to be made up from an application to the Cyclone George Relief Fund.

### **Officer’s Comment**

This new quotation for the price of the Diamond 1 Back-Net Structure by T.D & E.M Compagnoni is significantly less than quotes received during the tender process, and is based on the scope of works outlined in Tender 06/59. If Council were to reject all tender applications and accept this quote, lesser funds will be required from the Tropical Cyclone George Relief Fund.

If Council were to reject all tender submissions and re-invite applications to tender, the structure would not be completed within the time frame required. Due to the new quote being below the tender limit, Council is not required to call on invitations to tender a second time.

**Officer's Recommendation**

That Council:

- i) rejects all tender submissions received for Tender 06/59 Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One; and
- ii) authorises the Chief Executive Officer or his nominated representative to negotiate with the contractors to determine the most advantageous price for Council to complete this project at a total budget not exceeding \$90,000.

**200708/144 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That:**

- i) **Council rejects all tender submissions received for Tender 06/59 Supply and Installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One;**
- ii) **Council authorises the Chief Executive Officer or his nominated representative to negotiate with all contractors to determine the most advantageous price for Council to complete this project at a total budget not exceeding \$77,460; and**
- iii) **engineering specifications for supply and installation of Baseball Back Net Structure at Marie Marland Reserve Diamond One be supplied by Council prior to seeking quotes.**

**CARRIED 7/0**

*REASON: Council added point iii) as it seeks Council to supply the engineering specification of the supply and installation of Baseball Back Net Structure at Marie Marland Reserve (Diamond One) prior to seeking quotes for the work.*

**11.3.2.2 Responsible Service of Alcohol Training for Sporting Groups (File No.: 26/07/0006)**

**Officer** Bec Pianta  
Manager Recreation Services

**Date of Report** 11 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

As part of Council Policy, the Town of Port Hedland is obliged to provide accredited Liquor Licensing training twice per year to sporting groups. This report is to request an amendment to policy 6/006-11. The alteration will allow for the Town of Port Hedland to support an abridged, non-accredited course, currently offered by the Pilbara Population Health Services Team. This course is recognised within the state of WA for occasional liquor licenses and is deemed appropriate for the type of liquor licenses requested by the majority of sporting users within the Town.

**Background**

Council Policy 6/006 Occasional Licences and Consumption of Liquor on Recreation Reserves or Council Owned or Managed Facilities states in part:

*“11. Council will provide accredited Liquor Licensing training for club members on two occasions each calendar year. Club/ Associations must have two representatives with accredited training or application to consume alcohol will not be considered. (Effective September 2003)”*

In accordance with the Department of Racing, Gaming and Liquor Policy on Mandatory Training, for the provision of occasional licenses, the licensee (the person who will be in charge of the function) and any person engaged in the sale, supply and service of liquor under an occasional license are required to demonstrate that they have successfully completed a course of training in the responsible service of alcohol. The predominant liquor license requested for sporting clubs within Port Hedland is the occasional license (for the temporary sale of liquor).

The Town of Port Hedland has used Aragon Education and Training to undertake the courses in the past. Pilbara Population Health has indicated that they provide an abridged, non-accredited course which is recognised by Racing Gaming and Liquor within the state of WA.

Pilbara Population Health aim to host a minimum of two (2) courses per year, which will be free for all participants (at this stage).

**Consultation**

Recreation Services  
Director Engineering  
Pilbara Population Health Drug Services Team

**Statutory Implications** Nil

**Policy Implications**

Policy 6/006 Occasional Licences and Consumption of Liquor on Recreation Reserves or Council Owned or Managed Facilities, currently states:

*“11. Council will provide accredited Liquor Licensing training for club members on two occasions each calendar year. Club/Associations must have two representatives with accredited training or application to consume alcohol will not be considered.”*

The adoption of this policy would amend Clause 11 Policy 6/006 to read:

*“11. Council will support Liquor Licensing training offered by a relevant body, on a minimum of two occasions each calendar year. In accordance with the Drug and Alcohol Office, an approved manager must apply for the liquor license for the request to be considered.”*

**Strategic Planning Implications** Nil

**Budget Implications**

Council currently has \$5,800 available for Liquor Training. Should Council accept the Officer's Recommendation, Council will be able to utilise some of these funds to support the Pilbara Population Health courses, and absorb the remaining funds.

**Officer's Comment**

In the 2006/07 financial year, Council spent \$7,190 on the provision of accredited courses within Hedland. Due to occasional licenses having different regulations to occasional or restricted licenses, it is not deemed essential for this level of training to be offered. The training currently offered by the Town of Port Hedland allows participant to become accredited bar managers; a requirement currently not required for occasional licenses.

Council therefore has two (2) options:

- Accept the proposed changes to the policy
- Dismiss the suggested changes and provide training as per the existing Council policy.

**Attachments**

Nil

**Officer's Recommendation**

That Council adopts the following amendment to Clause 11 of Policy 6/006 Occasional Licences and Consumption of Liquor on Recreation Reserves or Council Owned or Managed Facilities as follows:

“Council will support Liquor Licensing training offered by a relevant body, on a minimum of two occasions each calendar year. In accordance with the Drug and Alcohol Office, an approved manager must apply for the liquor license for the request to be considered.”

**200708/145 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr D J Daccache

**That Agenda Item 11.3.2.2 ‘Responsible Service of Alcohol Training for Sporting Groups’ lay on the table pending further clarification.**

**CARRIED 7/0**

*REASON: Council seeks further clarification in relation to who is able to undertake Responsible Service of Alcohol Training from Sporting Groups.*

**11.3.2.3 Tropical Cyclone George Relief Fund Application for Gratwick Aquatic Centre Shade Structure (File No.: 26/08/0002)**

**Officer** Matthew Jackson  
Sports and Recreation Officer

**Date of Report** 14 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

The Town of Port Hedland has applied to the Tropical Cyclone George Relief Fund to assist in funding the costs of repairing the Gratwick Aquatic Centre shade structure that was damaged during Tropical Cyclone George in March 2007.

**Background**

Following Tropical Cyclone George, it was discovered that the shade structure at Gratwick Aquatic Centre had been severely damaged. Quotes were sourced for repair/replacement, and forwarded to the Town's insurance company. The insurers requested an independent engineers report to determine the condition of the structure prior to the cyclone.

After receiving the report, the insurers deemed that they would cover half the costs of replacing the structure as per the quote submitted by P & A Concrete Contractors for \$29,007 (inc. GST).

At its Ordinary Council Meeting held 26 September 2007, Council resolved as follows:

*"That Council:*

- i) endorse the Chief Executive Officer, on behalf Cyclone George Relief Fund Committee, to be granted delegated authority to make binding decisions on the expenditure of external funding obtained for the Cyclone George Relief Fund received after the 31 July 2007; and*
- ii) the Cyclone George Relief Committee is to be disbanded; and*
- iii) create a Reserve Account 'Cyclone Emergency Support' for the purpose of emergency relief support only."*

Since the Town of Port Hedland is applying for the funding from it's own fund, the Chief Executive Officer is of the opinion that Council should make the decision if this funding is granted.



The Town of Port Hedland is therefore requesting funds totaling \$14,503.50 (inc GST) from the Tropical Cyclone George Relief Fund to assist in replacing the shade structure at Gratwick Aquatic Centre.

**Consultation**

Chief Executive Officer  
Manager Recreation Services  
Manager Finance  
Director Engineering Services  
Emergency Services Officer

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

As at 21 December 2007, the Cyclone George Relief Fund has \$322,477 remaining. Of these funds, approximately \$160,000 has already been allocated, therefore \$162,477 remains. The Town of Port Hedland is requesting \$14,503.50 (inc GST) from these funds.

**Officer's Comment**

The Gratwick Aquatic Centre shade structure that was damaged during Tropical Cyclone George is an important aspect of the Aquatic Centre. Replacement of this structure is important, to provide adequate protection for patrons from the sun. Patrons used the shade structure regularly and concerns have been voiced to the Aquatic Centre staff as to if and when it will be repaired.

**Officer's Recommendation**

That Council approves the Town of Port Hedland's Cyclone George Relief Fund application for \$14,503.50 (inc GST) to contributed towards the costs of replacing the shade structure at Gratwick Aquatic Centre.

**200708/146 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G D Bussell

**That Council approves the payment of \$14,503.50 (inc GST) to replace the shade structure at Gratwick Aquatic Centre from surplus funds that are indentified in the mid year budget revision.**

**CARRIED 7/0**

*REASON: Council resolved to approve the payment for replacement of the shade structure at Gratwick Aquatic Centre from its current budget as opposed to funding the amount from the remaining Cyclone George Relief Fund.*

**11.4 GOVERNANCE AND ADMINISTRATION****11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 30 November 2007 (File Nos: FIN-008, FIN-014 and RAT-009)***

**Officer** Stephen Carstairs  
Manager Finance

**Date of Report** 16 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

The objective of this item is to present a summary of the financial activities of the Town to 30 November 2007, and to compare this with that budgeted for the period. With regard to the Town's Utility Costs and Fuel Costs, a comparison is made with 2006/07.

**Background**

Presented (see attachments) in this report for the financial period ended 30 November 2007, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 November 2007;
- Review of Transaction Activity.

Note: Interest Rates for investments are based on the best rate given by the National Australia Bank, BankWest, Commonwealth Bank of Australia and the Australian and New Zealand Bank.

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

Presented in graph form (see attached), is the 2007/08 cumulative monthly water, power and fuel costs compared with 2006/07.

**3. *Schedule of Accounts Paid***

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 23 January 2008 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costings.

Voucher No's			Pages		Fund No	Fund Name	Description
From	To	Value	From	To			
CHQ17795	17816	\$24,436.20	1	4	1	Municipal Fund	Cancelled
17817	17817	\$0	4	4	1	Municipal Fund	
17818	17845	\$22,605.99	4	8	1	Municipal Fund	Cancelled
17846	17847	\$0	8	8	1	Municipal Fund	
EFT20216	20428	\$1,224,470.88	8	75	1	Municipal Fund	
PAY 061107		\$201,109.27	75	75	1	Municipal Fund	
PAY 201107		\$193,153.23	75	75	1	Municipal Fund	
	Municipal Total	\$1,666,776.32					
3001405	3001409	\$4,130.00	75	758	3	Trust Fund	
	Trust Total	\$4,130.00					
	TOTAL	\$1,670,906.32					

**Consultation**

Nil

**Statutory Implications**

*Financial Statements*

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

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) budget estimates to the end of the month to which the statement relates;*
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing:*
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*

- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown:*
  - (a) *according to nature and type classification;*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
  - (a) *presented to the council:*
    - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
    - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*  
*and*
      - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*

*In this regulation:*

*“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;*

*“restricted assets” has the same meaning as in AAS 27.”*

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

- “(1) Subject to subsection (2) and any other written law, a local government may –*
  - (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) *wave or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

### **Policy Implications**

2/003 Financial Statements – Copies for Councillors

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

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

Quarterly Quarterly Budget Review  
Report on all Budgeted Grants of \$50,000 or more.

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

### **Strategic Planning Implications**

Point one of Goal 2 (Natural Resources) in Key Results Area 5 (Environment) of the Strategic Plan 2007-2012, requires that the Town's energy and water use is monitored and reported to Council.

### **Budget Implications**

At its 25 July 2007 Ordinary Meeting Council resolved to adopted item 11.4.1.2 2007/08 Budget Adoption, which included Recommendation 12 as follows:

*"Recommendation 12*

*That Council adopts the following percentage or dollar value for determining and reporting material variances as follows:*

1. *10% of the Function amended budget; or*
2. *\$100,000 of the Function amended budget*

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

- a. *Operating Revenue*
- b. *Operating Expenditure*
- c. *Non Operating Revenue*
- d. *Non Operating Expenditure"*

### **Officer's Comment**

For the purpose of explaining Material Variance (Expense/Revenue Up or Down, and see attachment Schedule 2) a three-part approach was taken:

*Period Variation*

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

*Primary Reason*

Identifies the primary reasons for the period Variance. As the report is aimed at the higher-level analysis, minor contributing factors are not reported.

*Budget Impact*

Forecasts the likely \$ impact on the Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

It is requested that the reader note, that given the December 2007 Financial Reports have not been presented at this meeting for Council's consideration as required by Financial Management Regulation 34 (4), they will be presented at the February 2008 ordinary meeting.

**Attachments**

- Page 1-3 of 12. Schedule 2 being a Statement of Financial Activity
- Pages 4 to 12. Notes 3 to 9, which form part of the Statements of Financial Activity. Also Note 10 – November 2007 Bank Reconciliations.
- Pages 1 to 47. Detailed Financial Activity by Program.
- November 2007 Accounts for Payment
- Comparison Between 2006/07:2007/08 Utility and Fuel Costs.

**200708/147 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That:**

- i) **the:**
  - **Statements of Financial Activity (represented by Schedules 2 to 14);**
  - **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 November 2007; and**
  - **Review of Transaction Activity, as attached and/or presented be received;**
- ii) **graphic representation of the Town's energy, water and fuel use as attached be received; and**

- iii) the list of Accounts paid to during November 2007 under Delegated Authority, as presented and/or attached be received.

***CARRIED 7/0***



**11.4.2 Governance****11.4.2.1 Glass Reduction Strategies (File No. ...)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 19 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

At the October Ordinary Council meeting the following resolution was passed:

*“That staff prepare a report for Council proposing a strategy or strategies to address the issue of broken glass in South Hedland and specifically addressing mechanisms to place a deposit on single serve glass alcohol containers (stubbies, whether or not they are sold singly or in multiple packs), including voluntary mechanisms (through the Accord process) or mandatory mechanisms (through a local law).”*

**Background**

Broken glass is a significant issue in many local government authorities. A range of strategies are implemented to attempt to address this situation including:

- Community based initiatives;
- Increased municipal service delivery (litter collection and street sweeping); and/or
- Enforcement regimes.

Effective campaigns include elements of all three strategies.

Prior to reviewing/pursuing additional alternatives to address the issue of glass and/or litter, it is prudent to consider some of the strategies that are currently being undertaken. These have been briefly summarised below:

*Streetsweeping*

Council has a streetsweeper operating at least 76 hours per fortnight (usually more). The streetsweeper aims to get through all town streets at least fortnightly. The South CBD streets are swept daily and areas that have been identified as ‘hot spots’ for glass are swept more regularly. Sweeping is also undertaken at the shopping centres on a contract basis and works are undertaken in specific locations when the public raises complaints. This level of service is far higher than many other local government authorities.

The 'Green Machine Streetsweeper' focuses in Port Hedland CBD. Periodically a broom sweeper is attached to a tractor or bobcat to sweep all paths. A new vacuum style machine is currently on order and is expected to arrive in January. It is expected that this machine will significantly assist in addressing the issue of glass and litter.

#### *Litter Collection*

Council has a full-time litter collection crew of three people. This crew focuses its efforts on parks and open spaces (cleaned at least daily) and major thoroughfares. While attempts are made to address other areas, resource constraints mean that efforts tend to focus on main public thoroughfares as opposed to local streets and drainage reserves.

#### *Bin Provision*

Additional bins have been installed throughout Port and South Hedland over the past two years. These have been well received.

#### *Community Initiatives*

Council supports a range of community initiatives to address litter including the Tidy Towns Committee, the Street Blitz Competition and others. Council has a standing initiative of offering \$2 per bag of rubbish collected for community groups as a fund-raising initiative. This initiative is currently not well advertised or known and rarely used.

#### *Enforcement*

The Town Rangers enforce the Litter Act and do give out fines to individuals/companies who are observed littering. Primarily these fines have been for unsecured loads, whereby rubbish is blowing from trailers/utes onto the road.

#### *Legislative Options to Address this Issue*

The Council resolution calls for review of legislative options available to address this issue. Listed below are four alternate approaches that could be considered to address this matter.

#### *Container Deposit System*

The concept of a container deposit system similar to that that exists within South Australia has been mooted in Western Australia for several years. Similar systems operate in America (11 states), throughout Canada and within some European countries. Despite lobbying from various areas and a number of reviews, the WA State Government has yet to endorse container deposit legislation. Research from South Australia demonstrates that the system has been successful in improving recycling and street amenity.

It should be noted that packaging industry representatives object to the proposal are prefer additional focus on recycling plants rather than container deposit legislation.

#### *Liquor Accord*

The Port Hedland Liquor Accord (the Accord) meets bi-monthly to discuss liquor licensing issues and current trends/issues in alcohol use and abuse within the Town of Port Hedland. The Accord has developed a voluntary accord agreement that all licensees have agreed to abide by. The accord includes statements regarding various items including:

- Responsible Serving 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
- Licensees to close within 2hrs of Cyclone Yellow Alert

A further voluntary restriction regarding the limitation of the sale of glass could potentially be included within the voluntary accord if the licensees and other stakeholders supported the concept. It should be noted that the existing restrictions are not mandatory. Voluntary restrictions regarding the sale of glass products would only work with the support of all licensees.

#### *Mandated Liquor Restrictions*

The Director of Liquor Licensing is currently undertaking a review of the existing liquor restrictions that are imposed on all licensees within the Town. The existing restrictions are aimed at reducing alcohol related harm – particularly violence, crime and hospitalisation rates. Restrictions on glass aimed at improving street amenity do not directly relate to these aims and are therefore unlikely to be made mandatory without extensive, broad scale community support. Given that the issue has not been raised by others in the current review, it is unlikely that restrictions on the sale of glass will be included in the restrictions that are due to be handed down shortly.

#### *Local Law Review*

The Towns Reserves and Foreshores Local Law (adopted in 1999) includes the following provision.

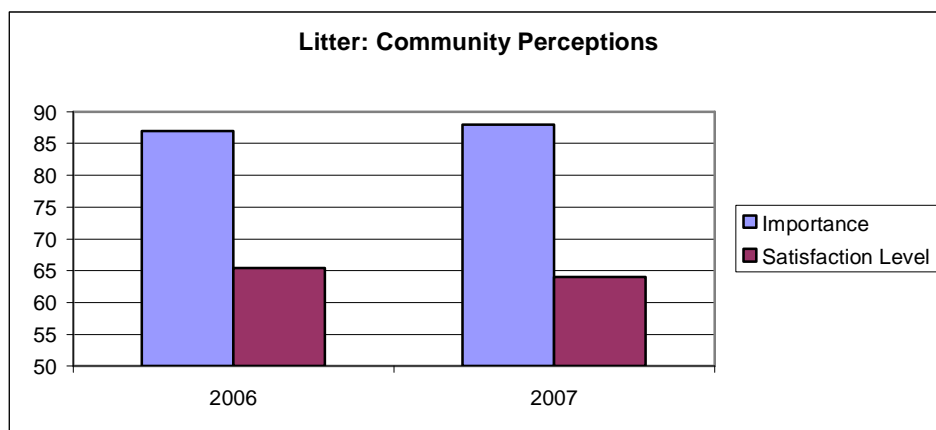
*“4(i) On a reserve or a foreshore a person other than an employee of the Council executing his/her normal duties, shall not deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for the purpose. (Modified Penalty = \$100)”*

This clause and penalty is rarely invoked as previous experience has demonstrated that is very difficult, time consuming and/or costly to implement. Issues regarding enforcing this law include:

- Rangers do not have the power to compel individuals to provide their name and/or address making issuing a fine difficult. Note: This is not a problem with parking or dogs, as registration exists.
- To record an offence, officers need to have evidence that the rubbish was placed there by a specific person. While this sounds simple, getting sufficient evidence to legally prove that the rubbish was left by a specific individual can be problematic.
- Many people who receive litter infringement fines fail to pay them. This leads to a lengthy legal and/or fines collection process that often fails to achieve the desired outcome.

### Consultation

For the past two years the issue of litter has been rated as one of the key issues for Council and the community to address. The following graph illustrates the level of importance placed on litter and the level of community satisfaction.



The graph shows that, despite a significant increase in resources into this area, the gap between importance and satisfaction is not reducing.

A range of comments were received from the public re this issue in the recent community survey. These included:

- 56 comments regarding rubbish
- 68 comments regarding crime and anti-social behaviour
- 8 comments specifically about glass

In general the comments can be summarised into the key themes of more Council resources/attention on this issue, greater enforcement by police and/or rangers and identification of specific hotspots where rubbish/glass is prevalent.

Positive comments were also received complimenting Council and/or staff on their attempts to address this issue.

**Statutory Implications** Nil

**Policy Implications** Nil

### **Strategic Planning Implications**

The following strategies from the Litter Goal area within the Town's Strategic Plan are directly related to this issue:

Strategy - Review and report on legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town.

Strategy - Work with key stakeholders to develop plans and strategies to significantly improve the appearance and vitality of the South Hedland Town Centre area.

### **Budget Implications**

Council's 2007/08 budget included the following allocations specifically related to litter/glass:

Litter collection crew	\$290,000
Street Sweeping & Footpath Sweeping	<u>\$229,800</u>
TOTAL	\$519,800

In addition, a portion of the Rangers time is spent on this matter along with contributions from Council's community services area towards community activities/events.

The imminent arrival of the new vacuum street sweeper (costing approx \$100,000) is likely to lead to an increase in operation costs as this machine is deployed to attempt to address some of the hotspot areas of litter and rubbish.

### **Officer's Comment**

As mentioned earlier in the report, the issue of glass reduction in public places will require a multi-faceted approach if any impact is going to be made. In the area of enforcement three clear alternatives are available to Council being voluntary restrictions under the Liquor Accord, mandated restrictions under the Liquor Licensing Act or via modifications to the Towns Reserves and Foreshores Local Law.

**Officer's Recommendation**

That Council:

- i) raises the issue of container deposit legislation at the next Pilbara Regional Council (PRC) meeting seeking consent from that Council to develop a concerted, co-ordinated lobbying campaign with other interested groups on the introduction of container deposit legislation within Western Australia;
- ii) actively promotes its \$2 per rubbish bag collected as a fundraising initiative to local schools and community groups; and
- iii) raises the issue of potential voluntary restrictions on the sale of glass with licensees at the next Port Hedland Liquor Accord meeting with a further report on this matter be presented to Council after these discussions have been held.

**200708/148 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That Agenda Item 11.4.2.1 'Glass Reduction Strategies' lay on the table to enable further discussion on the matter by Councillors.**

**CARRIED 7/0**

*REASON: Council seeks further time to discuss the matter.*

**200708/149 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That Standing Orders be suspended.**

**CARRIED 7/0**

7:00 pm Mayor advised that Standing Orders were suspended.

**200708/150 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That Standing Orders be resumed.**

**CARRIED 7/0**

7:15 pm Mayor advised that Standing Orders were resumed.

**11.4.2.2 Council Submission to Review of Liquor Restrictions  
(File No: 25/10/0003)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 16 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

At its Ordinary Meeting held 12 December 2007 Council considered a report on the current review of Liquor Restrictions that are imposed on licensees within the Town by the Office of Racing Gaming and Liquor. At that meeting Council resolved to defer formalising its position until it received additional data pertaining to policing and hospitalisation statistics. This information has been received and is summarised in this report.

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 11 years. While these were initially voluntary restrictions, in Jan 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 to initiate public consultation to determine the community's 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 following table 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

\* 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	√	√	√	

*Statistics*

Updated statistical data has been requested from both the WA Country Health Service and WA Police.

Information received from the WA Country Health Service is attached and includes:

- statistics presented by WA Police representative to a Liquor Accord meeting in 2007; and
- some excerpts from 'An Evaluation of Liquor Licensing Restrictions in the Western Australian Community of Port Hedland' (2005) from the National Drug Research Institute.

*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 the item is supported by community groups.
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/... Council Decision**

**Moved:** Cr G D Bussell

**Seconded:** Cr J E Ford

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) support be requested for Council’s efforts in the enforcement of existing laws relating to street drinking.

*LOST 3/4*

**200708/151 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That Council writes to the Director of Liquor Licensing to:**

- i) **advise of Council’s support in principle of liquor restrictions in the Town of Port Hedland aimed to reduce alcohol related harm, but not necessarily the variety of liquor restrictions currently in place; and**
- ii) **request the Director of Liquor Licensing to meet with the PUBLIC to discuss an appropriate mix of restrictions, and actively seek community input to the current review process being undertaken of Liquor Restrictions in the Town.**

***CARRIED 7/0***

REASON: Council supports in principle liquor restrictions in the Town of Port Hedland that are aimed to reduce alcohol related harm; and urges the Director of Liquor Licensing to seek public and community input when reviewing restrictions.

**11.4.2.3 Aboriginal Advisory Working Group (File No.: ADM-070)**

**Officer** Gaye Stephens  
Executive Assistant

**Date of Report** 11 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

To establish an Aboriginal Advisory Working Group and appoint elected members to represent Council on this Group.

**Background**

At its Ordinary Meeting held 31 October 2007, Council resolved to nominate representatives on its Audit and Finance Committee, a variety of Working Groups and external organisations, following the Local Government elections. It was noted at that meeting that a report will be presented to Council's Ordinary Meeting to be held in November to consider the establishment of additional working groups, including an Aboriginal Advisory Working Group.

The establishment of this Working Group was delayed until Councillors George Daccache and Arthur Gear, together with Director Regulatory and Community Services attended the Local Government Manager's Association's (LGMA) Functional Communities: Local Government & Discrete Indigenous Communities held from 5 to 7 December 2007.

The conference provided a greater understanding of the roles and responsibilities in terms of service delivery to Indigenous Communities, to participants from remote Indigenous communities, Local Government, Commonwealth Government, and State Government Agencies. The conference covered best practice models within Western Australia and Interstate; and also looked at opportunities for Local Government authorities to work together for improvement.

**Consultation**

Chief Executive Officer  
Director Regulatory and Community Services

**Statutory Implications**

There is no requirement for Local Government to establish and/or operate committees of Council other than its Audit and Finance Committee.

**Policy Implications**

7/004 'The Town of Port Hedland Affirms Its Commitment to Maintaining a Culturally Diverse, Tolerant and Open Society, United by an Overriding Commitment to Our Nation, and its Democratic Institutions and Values'

**Strategic Planning Implications**

KRA 6 Governance, Goal 2 – Traditional Owners and Aboriginal People - That traditional owners and aboriginal are informed about, and involved with, the provision of Council services and facilities

Strategy 1. - Establish mechanisms to ensure that appropriate input is received from Traditional Owners and Aboriginal people Town of Port Hedland issues.

Strategy 2. - Work with the State and Federal Government to implement the 2006 Regional Partnership Agreement.

Strategy 3. - Work with relevant agencies to implement an appropriate action plan to address community visitors.

**Budget Implications**

Operating committees under the requirements of the Local Government Act tends to be more time consuming and expensive for Councils to run due to the strict record keeping and administrative procedures that need to operate. The administration of these procedures is more labour intensive than less formal arrangements of Working Groups.

**Officer's Comment***Working Groups*

A Working Group is not a formal Committee established under section 5.8 of the Local Government Act. A working group is to meet as and when required, and membership is to vary dependent on the issues to be addressed. The Officer responsible for the working group will report any outcomes and/or recommendations from working group meetings direct to Council via an Officer's Report.

While not specifically referred to in the Local Government Act, the operation of working groups, advisory groups and other similar structures is commonplace in Local Government authorities. These structures are used to allow input into discussions and debate regarding community issues in a less formal setting.

*The Bilateral Agreement on Indigenous Affairs*

The Bilateral Agreement on Indigenous Affairs (attached) was signed by the State of Western Australia and the Commonwealth of Australia in July 2006. The Agreement has six key outcome areas being:

- Law and Order and Safe Places for People
- Skills, Jobs and Opportunities
- Healthy and Strong People
- Sustainable Environmental Health and Infrastructure
- Land, Sea and Culture
- Strong Leadership and Governance.

The Agreement contains a number of specific joint initiatives as well as establishing processes for further work on key issues such as community governance, responding to communities in crisis and future service delivery to remote communities.

*Regional Partnership Agreement: Port Hedland  
Working Arrangements for Intergovernmental Co-operation*

The attached 'Regional Partnership Agreement: Port Hedland' (RPA) is an agreement for shared responsibility and partnerships at local and regional levels. The Agreement –

- provides a mechanism for all levels of government, in conjunction with Indigenous communities and others, to work co-operatively to meet identified priorities for the region; and
- promotes co-ordinated effort and the elimination of overlaps or gaps in service provision.

As it is the primary responsibility of the State Government's Department of Indigenous Affairs to –

- support the roll-out of interim justice forum as part of the Bilateral Agreement;
- facilitate the Regional Partnership Agreement, Shared Responsibility Agreements and Memorandums of Understanding (MOU) to improve services to communities;
- develop and strengthen partnerships to respond to local needs and enhance co-ordinated service delivery to Aboriginal people and communities; and
- facilitate local inter-agency committees and provide advice for selected regional forums and working groups.

it is recommended that an Aboriginal Affairs Working Group be established with the purpose/aim including the following strategies in Council's Strategic Plan 2007-2012:

1. Establish mechanisms to ensure that appropriate input is received from Traditional Owners and Aboriginal people Town of Port Hedland issues.
2. Work with the State and Federal Government to implement the 2006 Regional Partnership Agreement.
3. Work with relevant agencies to implement an appropriate action plan to address community visitors.



**Officer's Recommendation**

That Council establishes an Aboriginal Affairs Working Group and appoints elected member representation as follows:

Aboriginal Affairs Working Group

Aim/Purpose

To:

- a. Establish mechanisms to ensure that appropriate input is received from Traditional Owners and Aboriginal people Town of Port Hedland issues;
- b. Work with the State and Federal Government to implement the 2006 Regional Partnership Agreement;
- c. Work with relevant agencies to implement an appropriate action plan to address community visitors;

Tenure

To be determined by the Working Group

Membership

Cr \_\_\_\_\_

Cr \_\_\_\_\_

Cr \_\_\_\_\_

Director Regulatory and Community Services

Manager Community and Economic Development

Community/Agency Representatives to be invited by the Working Group:

- . Aboriginal Representatives
- . Representative(s) of the Native Title applicants in the Port Hedland Area
- . Pilbara Native Title Service Representative
- . Department of Indigenous Affairs Representative

Delegation

Nil.

**200708/152 Council Decision****Moved:** Cr G D Bussell**Seconded:** Cr A A Carter

**That Council establishes an Aboriginal Affairs Working Group and appoints elected member representation as follows:**

**Aboriginal Affairs Working Group****Aim/Purpose****To:**

- a. Establish mechanisms to ensure that appropriate input is received from Traditional Owners and Aboriginal people Town of Port Hedland issues;
- b. Work with the State and Federal Government to implement the 2006 Regional Partnership Agreement;
- c. Work with relevant agencies to implement an appropriate action plan to address community visitors;

**Tenure****To be determined by the Working Group****Membership****Cr G D Bussell****Cr G J Daccache****Cr J E Ford****Cr A A Gear****Director Regulatory and Community Services****Manager Community and Economic Development****Community/Agency Representatives to be invited by the Working Group:**

- . **Aboriginal Representatives**
- . **Representative(s) of the Native Title applicants in the Port Hedland Area**
- . **Pilbara Native Title Service Representative**
- . **Department of Indigenous Affairs Representative**
- . **Indigenous Co-ordination Centre Representative**

**The establishment of the Aboriginal Advisory Working Group be advertised and the interested members of the community invited to attend.**

**Delegation****Nil.****CARRIED 7/0**

*REASON: Council nominated representatives on the Working group and sought for comprehensive advertising to be undertaken for additional members.*

**200708/153 Council Decision**

**Moved:** Cr G D Bussell

**Seconded:** Cr J E Ford

**That the meeting be adjourned for ten (10) minutes.**

**CARRIED 7/0**

7:21 pm Mayor advised the meeting be adjourned.

**200708/154 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr G D Bussell

**That the meeting be resumed.**

**CARRIED 7/0**

7:34 pm Mayor advised the meeting be adjourned.



## ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

**12.1 HOTEL and MOTEL - Redevelopment of Tavern Hotel/Motel Including 59 Additional Accommodation Units and Additional/Upgraded Carparking. Lot 5159 (16-20) Throssell Street, South Hedland (File: 124520G)**

**Officer** Richard Bairstow  
Manager Planning

**Date of Report** 17 December 2007

**Disclosure of Interest by Officer** Nil

**Summary**

An application has been received for the redevelopment of the South Hotel, formerly the 'Last Chance Tavern', situated on the corner of Tonkin Street and Throssell Road in South Hedland. (Refer Attachment 1)

The application is referred to Council, as the development is considered significant, and an equally significant carparking relaxation has been requested.

**Background***The Proposal*

The proposal incorporates redevelopment of the entire complex, including restaurant, café and alfresco dining areas, in addition to the increase in size of the larger function room, sport bar, and TAB. It is also proposed to construct accommodation facilities for the caretaker and staff on-site, at a new first floor level, and an additional 42 units, proposed to be leased to a mining company.

The applicant is requesting a significant reduction in the requirement for 254 carparking bays to be provided for the entire development. The applicant is also requesting Council approve 22 tandem parking bays which will be constructed partially on the road reserve fronting Court Place, and an additional 14 tandem parking bays proposed to be constructed partially on the road reserve fronting Tonkin Street. (Refer Attachments 2 and 3).

*The Site*

The site is zoned Town Centre under the Town of Port Hedland Planning Scheme No. 5 (TPS5) and has a total area of 5.606ha. The site is located on the corner of Throssell & Tonkin Street and Court Place. (Refer attachments 1 and 4).

*Approvals History*

A Building license was issued in 1977 approving the erection of a concrete block tavern. Alterations to the tavern were undertaken in 1978. Further alterations and additions were undertaken in 1988.

*Existing Development Versus Proposed.*

Whilst the current carparking area is largely unmarked, it has been calculated that there is a capability for 89 bays to be provided on site for the existing Tavern building. (Refer attachments 4 & 5) The proposed redevelopment (Refer Attachments 2 & 3) will significantly increase the building area whilst adding accommodation and reducing the availability of on-site carparking.

**Statutory Implications**

In accordance with the TPS5, Council shall consider the planning implications of any changes to the development.

The development is considered to be an extension of the existing hotel/motel, defined by TPS5 as follows:

**Hotel** - any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor.

**Motel** – any land or buildings providing accommodation in a manner similar to a hotel but in which special provision is made for patrons with motor vehicles and may include an entertainment venue, restaurant or sell liquor.

A hotel or motel is an AA use under TPS5 and is not permitted unless Council has granted planning approval.

Sections 6.13.5 and 6.14.7 of TPS5 provide Council with the ability to permit development with number of carparking spaces to that would otherwise required by the Scheme.

*Applicant's Justification and Implementation to Variations of Parking Requirements*

The submission outlines the applicant's view and it should not be assumed the development complies with the requirements of TPS 5 or that the numbers provided by the applicant are correct. The differences are discussed under the 'Officer's Comment' section and as a conclusion to this section.

It should be noted that the onus is on the developer to demonstrate compliance with statutory requirements and, after assessment of plans submitted it is clear that the parking component of the proposal is deficient in a number of areas.

Assessment of the proposed development against the relevant provisions TPS 5 identifies carparking as the primary issue relating to further development of the site.

The applicant has applied parking requirements as specified by TPS5 carparking requirements as follows:

*Restaurant, TAB, Office, Caretakers Residence, Function Room, Sports Bar and Carparking*

- 'Restaurant,' at a rate of 1 space per 5m<sup>2</sup> of seating area has been applied to the function room, restaurant, sports bar and outdoor courtyard;
- 'Public Recreation' at a rate of 1 space per 20m<sup>2</sup> has been applied to the TAB;
- 'Caretakers Residence' at '2' spaces; and
- No criteria has been specified for the Office but has been calculated at '3'.
- The administration's assessment of the existing and proposed carparking and building areas is provided as Attachment No. 6.

*Accommodation Units and Carparking*

The applicant has made no allowance for carparking for the 42 units of accommodation proposed for the eastern corner of the allotment as they state 'they will be leased to a Mining Company.... these occupants will be transported to and from the mini sites by mini bus'.

Staff, select customers, and the caretaker, will occupy the 17 residential units to be constructed above the Hotel. A total of 17 bays will be provided on-site. These will be the tandem parking bays on the Tonkin Street frontage, with the office workers and caretaker occupying the four bays on the eastern side of the Hotel. The applicant has provided two options for addressing the location and provision of carparking spaces to meet the parking requirements proposed for the Development, as outlined below:

1. *Option 1*

There are 94 parking bays shown in the design. This will accommodate the parking demand for the staff and caretakers (4 bays on the west site), the 67 parking bays required for the restaurant, and have an allowance of 10 bays for the reciprocal use of the sports bar, TAB and function room.

The 42 bays for the residential accommodation are not provided on-site. This is the shortfall in the parking demand for the site. The Developer can be made to lodge a "Bank Guarantee" for the cost of providing the 42 bays at another site, and the Council can require that these be constructed if, for any reason, the lease arrangement fails with the particular mining company.

Transportation to and from the parking facility and to and from the Hotel will be provided by mini-bus.

2. *Option 2*

The 22 parking bays backing onto Court Place will be a 'formalisation' of the existing parking on asphalt surface. The construction of these bays on the road verge has been included in the number of bays being provided by the developer.

If the 14 tandem parking bays proposed, fronting Tonkin Street (partially on road reserve), are disallowed by Council, there will be a shortfall of an additional 14 bays. The amount of the 'Bank Guarantee' could be increased to cover this development. A survey of the parking demand can be conducted when the South Hotel is fully occupied and operational. The Council has the option of providing any shortfall of parking with on-street parking bays on Tonkin Street or at another location, if this is necessary.

*Officer's Response*

There are many options available to both the applicant and the Town in assessing the provision of carparking, both within, and adjoining, the site. The current justification and proposed provisions by the applicant are considered insufficient and not in accordance with the interests of proper and orderly planning. In saying this, however, there are grounds on which the development may be supported, subject to the applicant meeting the desired requirements. These requirements are discussed within the officer's comments, and conditioned and/or footnoted within the recommendation.

**Policy Implications**

There are no policy implications posed by the proposed development.

**Strategic Planning Implications**

KRA 2 – Community Pride

Goal Number 1 – Litter

Strategy 7 – "Work with key stakeholders to develop plans and strategies to significantly improve the appearance and vitality of the South Hedland Town Centre area."

Goal Number 3 – Town Scape

Strategy 1 – "Implement planned upgrade works for:  
Edgar and Wedge Streets  
Throssell Rd."

KRA 2 – Economic Development

Goal Number 1 – Tourism



Strategy 3 – “In conjunction with key stakeholders, identify and report on strategies that may assist in providing accommodation options for visitors during the period when accommodation is at a premium due to the construction phase of many resource projects.”

### **Consultation**

#### *Internal Comments*

The application was circulated to Environmental Health Services, Building Services, and Engineering Services, for comment.

Environmental Health Services have requested a number of conditions and advice notes.

Building Services advise that a building license is required.

Engineering Services have advised that:

- Pedestrian crossing indicated on site plan is not planned for construction and was not indicated in Council’s Throssell Road designs.
- Court place is not a private road as indicated on the applicant’s plans.
- Access to proposed tandem parking bays is an issue.

#### *External Comments*

The application has not been referred to any external agency for comment.

### **Budget Implications**

The applicant has submitted planning fees of \$8,578 into account 1006326 – Town Planning Fees, reflecting the proposed cost of development at \$4.5m.

If a Cash-In-Lieu arrangement is undertaken with the applicant a trust fund will be required to be set up for management of funds.

### **Attachments**

Attachment 1 - Location Plan

Attachment 2 & 3 - Proposed Site Plan

Attachment 4 - Aerial Plan

Attachment 5 - Existing Site Plan

Attachment 6 - Carparking and building area assessment – existing and proposed

Attachment 7 - Potential Reciprocal Parking Available

**Officer's Comment**

The redevelopment of the "Last Chance Tavern", or "The South Hotel" as it is now referred to, is considered an important step in the revitalisation of the South Hedland Town Centre. The proposal, as submitted, represents a development of a standard commensurate with any capital city in both design and facilities.

However, detailed assessment has revealed that the proposed development is an overdevelopment of the site, with a substantial shortfall in the provision of on site carparking.

*Carparking*

The applicant has calculated the number of carparking spaces required under TPS5 for the proposed development at 254 spaces. Council's planning officers have determined a need for 345 parking spaces. The substantial difference in the calculation is due to the applicant seeking to interpret the scheme to gain maximum benefit, but inconsistent to the assessment of other developments which have been approved. (See applicant's justification detailed in the Statutory Implications section).

Further, whilst the applicant has suggested that a total of 94 parking bays, have been supplied for the development, the administration's assessment has revealed only 60 of those bays can be considered compliant under the current design. The difference between the estimates is the result of the applicant's reliance on tandem bays, and the sizing or location of the bays has been assessed as non-compliant with TPS No. 5 requirements.

The applicant has proposed a total of 36 tandem-parking bays. Twenty-two (22) of the bays are located on the northern boundary, with the bays situated on the Road Reserve fronting onto a gazetted public road (Court Place). The impact of vehicles backing directly onto Court Place, and potentially into oncoming traffic, has not been adequately addressed. A condition has been included to address this matter.

Fourteen (14) tandem bays are proposed on the western boundary fronting Tonkin Street. These bays also intrude into the Road Reserve. The issue of access/egress into these tandem bays has not been adequately addressed. A condition has been included to address this matter.

The amount of tandem parking proposed for the development is not supported. It is considered that the amount of tandem bays onsite be limited to a maximum of 10 tandem bays (20 bays in total) for use by staff, caretaker and the 17 single room accommodation units.

There is also a potential to increase the number of bays on-site by developing a one-way angled bay layout. This option could not be discussed with the applicant who has been unavailable until 21 January 2008. This alternative would remove the need for tandem bays. But still require access to the road reserve.

Whilst parking within the Road Reserve for any development is not generally supported, Council has previously exercised such discretion in the interests of creating a desirable development.

The proposal has made no provision for disabled parking bays. A condition has been included to address this matter.

The proposal is located within the CBD of South Hedland. Located within the immediate vicinity are a number of private businesses with car parking facilities, which are largely unoccupied outside of normal business hours. It is recommended that, in the first instance, the applicant be required to demonstrate to Council that they have negotiated with relevant landowners within a 300m radius of the lot, to secure the agreement of the relevant landowners for reciprocal use of the parking bays outside of their respective business hours, for reciprocal use by the Tavern/Restaurant patrons. (Refer Attachment 7)

Should the applicants fail to achieve agreement with the various landowners, and/or provide additional bays onsite, Council may then choose to investigate the cash-in-lieu option available for the under-provision of parking and/or a potential land swap arrangement.

Based on the current information the reciprocal use or offset arrangements that can be considered at this time are:

- A 100% offset for the 10 bays required for the TAB;
- A 100% offset for the 59 on-site rooms;
- A 50% offset for the 107 rooms or 53 people at the Budget Motel;
- A 25% offset for the 135 rooms or 34 people at the Lodge Motel;

Given this, and an assumption (as endorsed by Council in considering proposed additions to the Walkabout Tavern) that 3 persons visiting from off site equates to one car parking space; then 247 car parking bays are deemed to be required. It is recognised that this number could be further reduced if a "maximum occupancy" calculation was used to limit the number of persons attending the venue but this would be dependent on further negotiations with the applicant.

The recommendation contains a number of conditions and footnotes which allow Council the opportunity to approve the development whilst ensuring that, if developed, it is done in a sustainable way, with regard to its provision and/or access to carparking, with both the applicant and Town given additional opportunities to determine what is a suitable level of carparking provision and access. Some of the options to be investigated:

- Carparking for the site being calculated at a maximum occupancy rate. This was the principle adopted with the 'Walkabout Motel'. This option has not been discussed with the applicant at this stage and would largely depend on the applicant accepting a negotiated maximum occupancy.
- An additional reciprocal or offset for customers visiting from the shopping centre.
- Court Place closure and conversion to a large car park (public or private) with bays potentially on both sides of the street.
- Redesign of internal car park with one way lane system, which maximises parking bay yield.

#### *Accommodation Units*

The applicants have advised that 42 of the units proposed for the eastern side of the allotment will be leased to a Mining Company, and the occupants will be transported to and from the mine sites by mini-bus. Staff, select customers, and the caretaker, will occupy the 17 residential units to be constructed above the hotel.

The 'accommodation units' are 4m x 6m in size. The applicant has advised that the unit accommodation will be utilised by 'mining staff' but has not addressed the future use of the units, when the requirement for such mining accommodation such as these very small units has eased, in light of the increased housing and development being undertaken within the locality, or the ending of the 'mining boom' within the region.

If the units are not utilised for the resource sector in the long term, the small size of the units does not offer an appropriate choice of premium accommodation for visitors to the region. The rooms would be most suited to a 'backpacker' style of traveller. Increasingly, the 'backpacker' tourists move around with their own transport rather than by public bus/plane, which can be limited, and therefore the issue of parking availability within close proximity to the site remains.

Additionally, the proposed operation of the rooms requires further explanation given the proposed laundry location at the southern end of the unit block, and its appropriateness (location and size) to provide the proposed services. No drying facilities have been detailed in the application.

As with the issue of carparking, the recommendation contains conditions that ensure the development is undertaken and operated in a sustainable manner.

The proposal has made no provision for disabled accommodation. A condition has been included to address this matter.

Whilst a planning approval would not normally be considered appropriate at this early stage of the development process, it is considered that the conditions and footnotes ensure that the interests of the community and Town are sufficiently protected. The application is recommended for approval subject to those conditions, and footnotes detailed within the officer's recommendation.

### **200708/155 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

**That Council:**

- 1) **Grants Planning Consent for the redevelopment of HOTEL and MOTEL – redevelopment of the Last Chance Tavern and addition of 59 Unit Accommodation Rooms comprising 1 bedroom accommodation units & 1 x caretakers residence at Lot 5159 Throssell Road South Hedland in accordance with the approved plans and subject to the following conditions:**
  - a) **A sign in accordance with the attached specification being placed on site within fourteen days of the date of this approval, stating that approval has been granted; such sign to remain until the development is completed.**
  - b) **Prior to the submission of a Building Licence, revised plans and/or additional information being submitted to, and approved by, the Town, incorporating the following amendments:**
    - i) **A carparking access and location plan, associated access agreements and other supporting information which demonstrates the development can access 247 carparking bays at anyone time and those bays are to be provided in accordance with Appendix 7 and 8 of Council's Town Planning Scheme No.5;**
    - ii) **In regard to condition b(i) the following points shall be addressed by the applicant;**
      - aa) **A traffic safety audit or alternative solution to the probable event of vehicles backing directly onto Court Place;**

- bb) Management solutions to the likely access/egress issues associated with the operation of the proposed tandem bays;
  - cc) Disable carparking being provided in sufficient numbers and location to comply with the relevant legislative requirements. These bays are to be provided on the site with one (1) being located adjacent to each disabled unit and any remaining bays shall be located convenient to the main entrance and with a minimum width of 3.8 metres;
  - iii) An operational management plan for the staff and public units in regard to the provision of rooms services (washing, cleaning, etc) and how these are proposed to be accommodated on-site, given the location and size of the proposed laundry and lack of other facilities;
  - iv) A Rubbish Collection Strategy/Management Plan. The strategy/plan shall consider bin locations, sizes, and numbers, and consider service vehicle manoeuvring on the internal roads of the development. 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;
  - v) Demonstrating the turning radii for all corners and intersections to be used by the waste vehicles is acceptable to the Town's Engineering Technical Services; and  
all to the satisfaction of the Manager Planning.
- c) 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.
- d) The development must only be used for purposes, which are related to the operation of a "Hotel" and "Motel" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 a "Hotel" is defined as:
- "any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor."
- and a "Motel" is defined as:

**“any land or buildings providing accommodation in a manner similar to a hotel but in which special provision is made for patrons with motor vehicles and may include an entertainment venue, restaurant or sell liquor.”**

- e) A maximum of 382 people (including staff and patrons can be accommodated on the site at anyone time.**
- f) The Motel development shall have a maximum of 59 rooms.**
- g) A minimum of 1 rooms shall be allocated to disabled persons and these rooms are to be uniformly distributed around the site to the satisfaction of the Manager Planning.**
- h) Access ways, shall be constructed, drained and sealed; to be line marked in accordance with Appendix 8 of Council's Town Planning Scheme No.5.**
- i) A detailed landscaping plan for the development site and the adjoining road verge(s) shall be submitted to, and approved by, the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- j) In regard to condition i, the detailed landscaping plan provide a visual buffer by the use of appropriate vegetation, in density and/or height, to break up the development to Tonkin Street and Court Place all to the satisfaction of the Manager Planning.**
- k) In regard to conditions I and j, the 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.**
- l) The crossovers to be designed in accordance with the Town of Port Hedland's Standard Specification for the Construction of Vehicle Crossovers unless otherwise specified by this approval.**
- m) 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.**

- n) Installation of lighting in carparking areas and pedestrian accessways to deter theft and anti social behaviour, to the satisfaction of Manager Planning.**
- o) An overall signage strategy for the motel shall be submitted for approval to the satisfaction Manager Planning.**
- p) Visitor and Disabled car parking area(s) to be marked as being for the exclusive use of visitors, and signage directing visitors to the parking area(s), to be erected to the satisfaction of the Manager Planning.**
- q) Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents or businesses, 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.**
- r) The development shall be connected to the Water Corporation deep sewerage service.**
- s) All stormwater shall be retained on-site and disposed of to the specifications of the Engineering Department, and to the satisfaction of the Manager Planning.**
- t) The pedestrian accessways, landscaping areas, parking areas, and/or associated accessways, shall not be used for storage (temporary or permanent) and/or be obstructed in any way at any time, without the prior approval of the Town.**
- u) All storage/service areas shall be suitably screened and access doors/gates closed other than when in use, to the satisfaction of Manager Planning.**
- v) All dust and sand to be contained on site with the use of suitable dust suppression techniques, to the satisfaction of the Manager Planning.**
- w) 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:**



- 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; and**
  - vi) Other matters likely to impact on the surrounding businesses;**
- to the satisfaction Manager Planning.**

#### **FOOTNOTES**

- a) You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- b) In regard to condition b(i), the applicant is advised that Council may consider a reduction in the number of bays required subject to the following matters and/or points being addressed by the submission unless suitable justification to the satisfaction of the Manager Planning can be provided:**
  - i) Only staff carparking (10 tandem bays) will be permitted to be considered in tandem bays;**
  - ii) Reversing traffic flows within the site with the main (potentially only) entry off Court Place. This may involve the deletion of the Tonkin Street entry or an exit only design;**
  - iii) Using one way angle parking and/or parallel parking in Court Place and internally within the site; and**
  - iv) Potential partial or total closure of Court Place.**

**Alternatively, the Council may consider a cash in lieu of car parking contribution subject to a written request including a justification and negotiation with Council's Director Community and Regulatory Services is required in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5.**

- c) A Building Licence to be issued prior to the commencement of any on site works.**
- d) Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325.**

- i) Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999, and to the satisfaction of Manager Planning.**
  - ii) The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
  - iii) It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations.**
  - iv) The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993.**
  - v) Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services;**
  - vi) Be advised that all lodging houses are required be registered under the Health Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Laws 1999.**
  - vii) The development is to comply with the Health (Public Buildings) Regulations 1992.**
  - viii) Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for the Town to assess compliance with the Health (Public Buildings) Regulations 1992.**
- e) 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.**
- f) Applicant is to comply with the requirements of WorkSafe Western Australia in the carrying out of any works associated with this approval.**

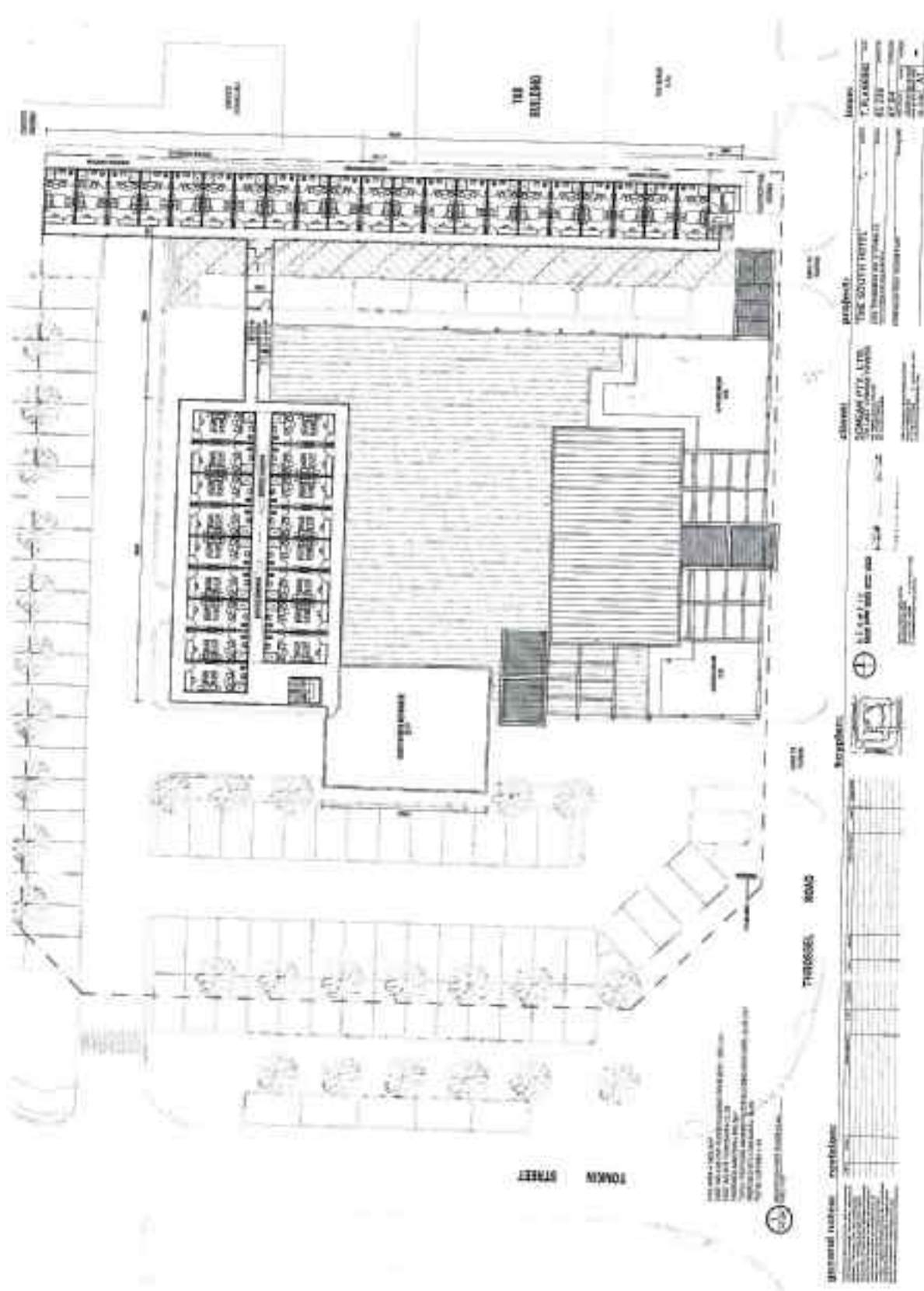
- 2) Delegates to the Chief Executive Officer or his nominated representative the ability to negotiate and approve any revised plans or requirements without the requirement for these plans to be represented to Council
- 3) The applicant is advised that Council supports the proposed redevelopment of the “Last Chance Tavern” or “The South Hotel” however notes the development as proposed is significantly deficient in car parking provisions which will need to be resolved prior to submission of a building licence application.

***CARRIED 7/0***

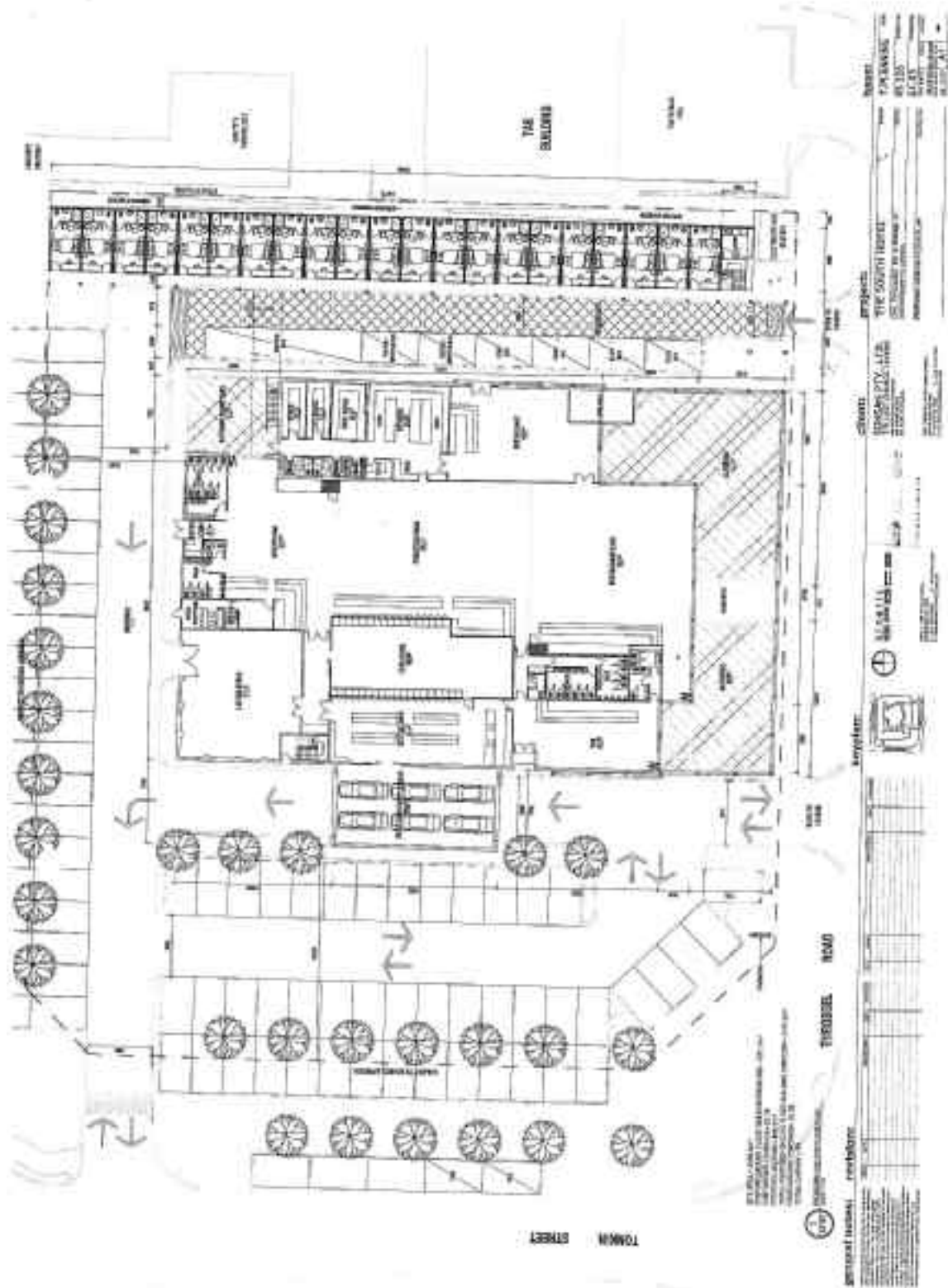
*ATTACHMENT 1 TO AGENDA ITEM 12.1*



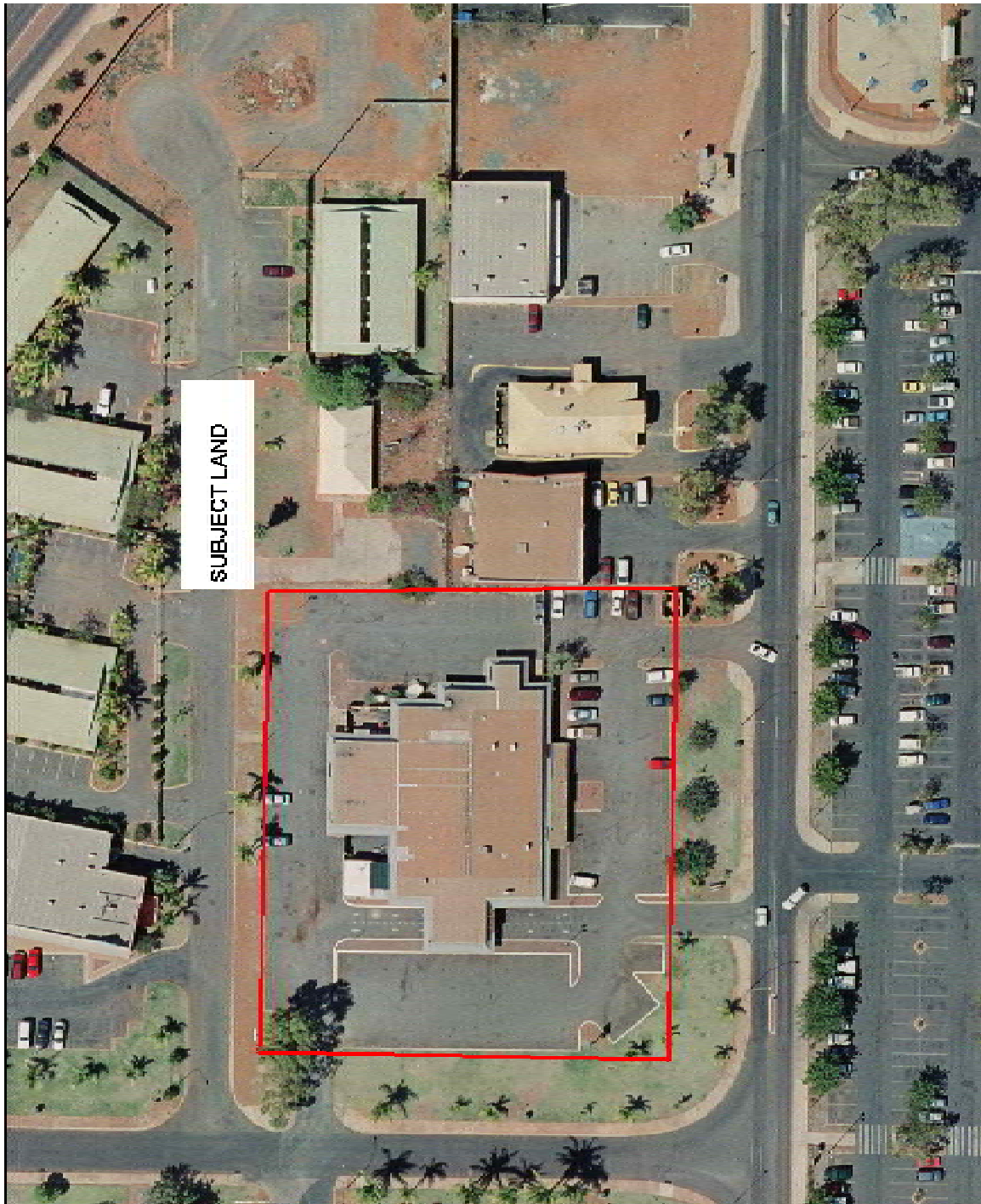
ATTACHMENT 2 TO AGENDA ITEM 12.1



ATTACHMENT 3 TO AGENDA ITEM 12.1



ATTACHMENT 4 TO AGENDA ITEM 12.1



ATTACHMENT 5 TO AGENDA ITEM 12.1



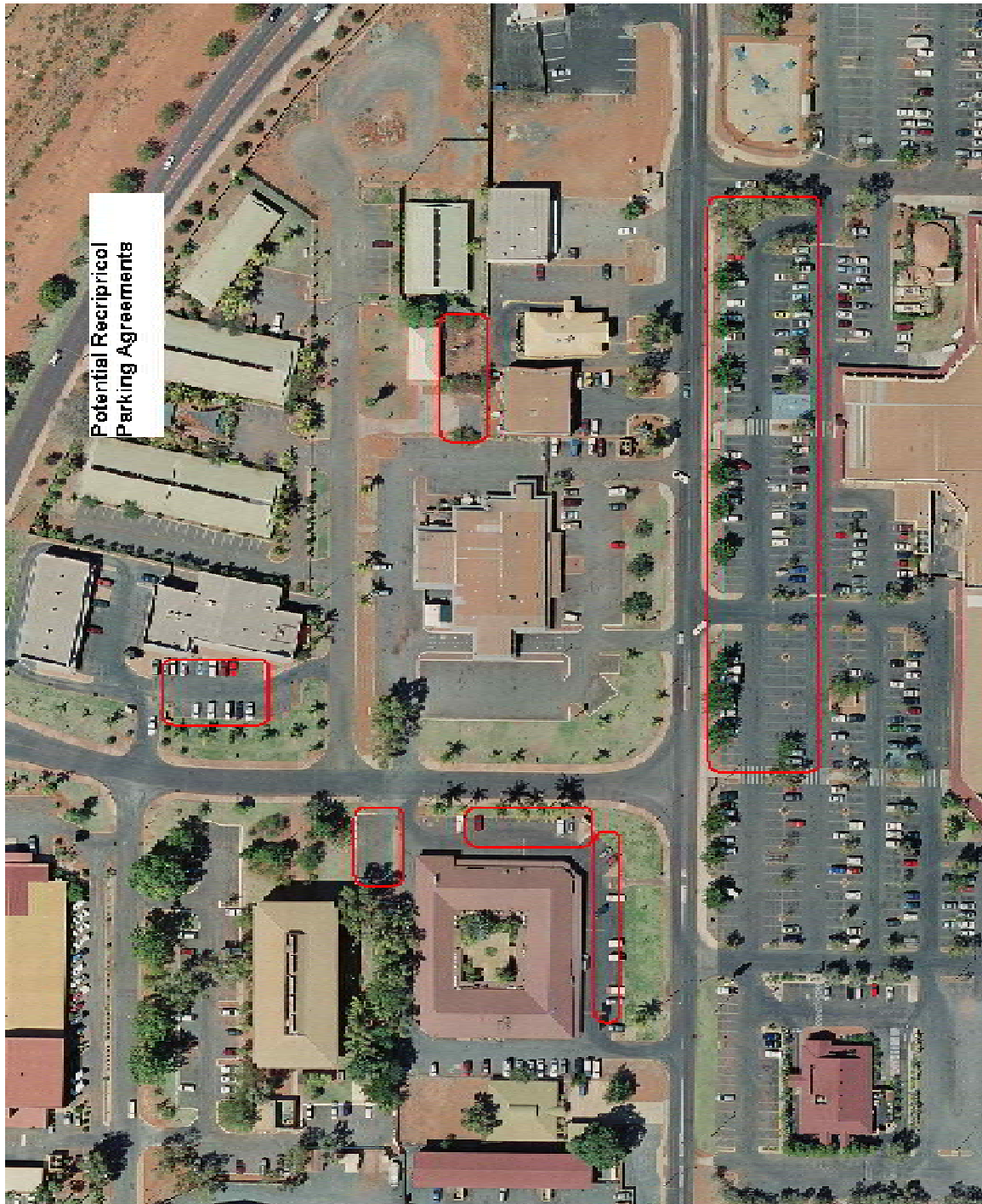


*ATTACHMENT 6 TO AGENDA ITEM 12.1*

Carparking Assessment	Existing Area (GFA in m <sup>2</sup> )	Proposed Area (GFA in m <sup>2</sup> )	Difference (GFA in m <sup>2</sup> )	TPS5 standard	TPS5 requirement	Provided
Bottle Shop	70	97	27	Shop	5	?
Liquor Store	152	132	-20	Warehouse	1	?
Coolroom	63	115	52	Warehouse	1	?
Sports Bar	133	115	-18	Restaurant (includes café)	23	?
Outdoor Courtyard	59	59	0	Entertainment Venue	30	?
Function Room	228	169	-59	Entertainment Venue	85	?
Restaurant/Café	0	221	221	Restaurant (includes café)	44	?
Restaurant	105	114	9	Restaurant (includes café)	23	?
Alfresco	0	314	314	Restaurant (includes café)	63	?
TAB	120	53	67	Entertainment Venue	10	?
Accommodation (Public)	0	18 rooms		Transient Workforce Accommodation	42	?
Accommodation (Staff)	0	42 rooms		Transient Workforce Accommodation	18	?
	930	1389	593		345	
Areas not included:						
Kitchen	38	64				
Store	9.2	11				
Dry Store	9.2	11				
Kitchen Cool room	7	16				
Toilets						
Office	25	25				
Bottle shop covered driveway	65	111				
Maximum Occupancy	384 people currently approved	? (1200 is possible)		Walkabout	128 (384 is possible)	

Carparking Use class description and applicable TPS No. 5 requirement						
Hotel/Motel	1 bay for every accomodation unit					
	1 bay for every 5 units for visitors and					
	1 bay for every staff member present at anyone time					
Transient Workforce Accommodation	1 bay bedroom unit and					
	1 oversized vehicle parking bay per every 10 beds (minimum 2 bays)					
Caretakers Dwelling	2 bays					
Reception Centre	1 bay for every 4 seats or 1 bay for every 4 persons the facility is designed to accommodate or 1 bay for every 5m <sup>2</sup> dining area, whichever is greater					
Restaurant (includes café)	1 bay for every 4 seats or 1 bay for every 5m <sup>2</sup> dining area, whichever is greater					
Entertainment Venue	1 bay for every 2m <sup>2</sup> of open floor area					
	1 bay for every 5m <sup>2</sup> of tables and/or chairs and					
	1 bay for every 4 spectator/audience seats in rows					
	All other areas and facilities at Council's discretion					
Shop	1 bay per 20m <sup>2</sup> of NLA					
Warehouse	1 bay for every 100m <sup>2</sup> of enclosed or unenclosed space and 1 for each employee					
Walkabout	1 bay for every 3 persons accommodated.					
Reciprocal Rights	Number of rooms	Offset % and No. rooms	Bay offset			
On-site	59	100% @ 59	59			
Budget	107	50% @ 53				
Lodge	135	25% @ 34	29			
Shopping Centre						
Reciprocal Rights	Number of bays	Offset % and No. bays				
Sports Bar v/s TAB	10	10	10			
Other oportunties internally may exist						
			98			

ATTACHMENT 7 TO AGENDA ITEM 12.1



**11.2 Land Release and Development**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 21 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

While significant progress has been made in land release and development within Port Hedland, a major accommodation shortfall remains. This report outlines the short and longer-term initiatives that have been done, are being done or potentially could be done to alleviate this current shortage.

**Background**

The various initiatives that have been developed to remediate the current accommodation shortage are tabled below.

*Permanent Residential*

Project	Description	Residential Dwelling Yield
South Hedland New Living	Multi-faceted urban renewal project that includes the construction of new blocks. Approvals have now been obtained and works commenced	695
Pretty Pool Development	Project proposes the development of 385 dwellings. 95 have been completed to date.	385
Moore St Development	Using underutilised Crown land for residential development.	150
Lot 406 Hotel Development	Development of ex-school land for hotel purposes with associated development of multiple dwellings	84
South Hedland CBD Development	Development of CBD area into a more vibrant mixed use development incorporating residential, retail, commercial and office developments	At least 400
Catamore Court Redevelopment	Joint residential development between TOPH and DHW on previous kindergarten site	28
	<b>TOTAL</b>	<b>1742</b>

Council currently has 4171 residentially zoned properties. The implementation of the above developments represents a **42%** increase in residential properties within the Town. This number excludes other smaller developments and re-developments being undertaken by industry and private landowners.

*Temporary Accommodation*

Project	Description	Dwelling Yield
Detention Centre Redevelopment	The Port Hedland immigration centre is being re-opened as temporary accommodation in March 2008	385
Airport Transient Workforce Accommodation	Planning is well progressed for the development of a TWA camp at this site. Awaiting service connection costs from providers	1200
Temporary Caravan Parks	Council assisted with the use of Black Rock Caravan park and the Port Hedland Race Course as temporary overflow areas for tourists during the 2007 tourist season. Discussions are progressing	Approx 40

*Other Planning Initiatives/Projects Underway*

Project	Description
Land Use Master Plan	This plan outlines the land use and development options for the Town for the next 15-20 years.
Land Developments – <i>Next Wave</i>	Staff are progressing with discussions/negotiations with government and various stakeholders of the ‘next wave’ of residential land developments such as the Port Hedland Hospital Redevelopment, Proposed Canal/Lake Development, Athol St Development and others and further South Hedland residential infill development.
Caravan Park Study	Feasibility studies and business models are being developed for the development of a caravan park on the Spoil Bank. Other caravan park development sites/opportunities are also being explored as a component of this research.

*New Initiative*

In recent months there has been discussions about Council and/or other developers 'getting their hands on' larger parcels of land to facilitate development. To progress this concept, Town of Port Hedland staff successfully applied for funding from the DPI's Local Government Planning Assistance Program (\$60,000) to undertake a 'Public Land Rationalisation Program'.

It is anticipated that the project will deliver:

- an inventory of land in the public domain that would be capable of sustaining residential and associated uses; and,
- an Action Plan for Council to implement required processes to achieve these uses in a timely manner.

The project/plan is scheduled to be completed by June 2008.

**Consultation**

The Council and community has been extensively consulted about land use and development initiatives through the LUMP process and as a component of various development initiatives. There is now common agreement on where land should be released. More detailed planning work is now required to bring these concepts to fruition.

**Statutory Implications**

The release of land in West Australia is a lengthy, complex and bureaucratic process. A range approvals are required prior to land being developed. Typically, it is taking 18-24 months to go through the variety of approvals processes required before land development commences.

**Policy Implications** Nil

**Strategic Planning Implications**

Council's Strategic Plan includes a variety of strategies that relate to this matter including:

- In conjunction with key stakeholders, identify and report on strategies that may assist in providing accommodation options for visitors during the period when accommodation is at a premium due to the construction phase of many resource projects.
- Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.
- 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.
- Facilitate the release of more industrial land.

- Commence the development of marina and caravan park facilities on the Port Hedland Spoil Bank.
- Complete the development of the Land Use Master Plan.
- Work closely with the State Government and Resource Companies to ensure that key projects/action identified with the Land use Master Plan are acted upon in a timely manner.

**Budget Implications**

Council is investing a significant amount of staff time and resources into fast-tracking major land developments. The vast majority of planning staff time and a high percentage of the CEO and Director Regulatory and Community Services time is spent working with various stakeholders on the critical community issue of housing and accommodation.

In addition to staff time, Council is considering entering into the development market through partnerships with DHW on the Catamore Court site and the proposed partnership with LandCorp on the Moore Street site.

**Officer's Comment**

While the Town clearly has a chronic housing shortage, there are a number of developments that are happening now that should assist in alleviating some of the current pressure. Due to regulatory and statutory approvals processes and lengthy design and construction phases, some of these developments have taken longer to proceed than is desirable but movement is now happening on many fronts. Many new houses will be available within the next 12-18 months with a significant number of more scheduled to be completed within the next three years.

In addition to the current wave of developments, prior planning and developer/government negotiations are proceeding on a variety of future residential development opportunities. While work is proceeding at a rate at or above the rate of development in other areas of the State, supply of land and accommodation is not currently keeping pace with demand.

The release of land in Port Hedland is not operating in a truly deregulated market as almost all undeveloped land is owned by the State Government. There are limited opportunities for the private sector (or local government) to access large parcels of land from the State for development as current State policy is to give government based land development agencies (like LandCorp and DHW) 'first right of refusal' for the land development. While some criticism is levelled at these agencies at the pace of their developments, private sector developers are indicating that they are experiencing similar delays due to skill shortages and regulatory approvals delays.

While LandCorp and Minister MacTiernan's office are working very hard on developing and releasing land in Port Hedland in a timely manner, an argument exists that land release could potentially be sped up if multiple developers were working concurrently on land release projects, as opposed to all developments being controlled by the State. The Public Land Rationalisation project aims to progress this argument by specifically identifying government land that is a) surplus to requirement and b) developable in a sustainable manner in a quick time period. Once this land has been identified, specific action plans will be developed for each site to facilitate timely release of land.

**Officer's Recommendation**

That Council:

- 1) Notes the current state of land release and development projects within the Town.
- 2) Works closely with Department of Planning and Infrastructure and other stakeholders to develop the Port Hedland Public Land Rationalisation Plan in a timely manner.

**200708/156 Council Decision/Officer's Recommendation**

**Moved:** Cr G D Bussell

**Seconded:** Cr J E Ford

**That Council:**

- 1) notes the current state of land release and development projects within the Town;**
- 2) works closely with Department of Planning and Infrastructure and other stakeholders to develop the Port Hedland Public Land Rationalisation Plan in a timely manner; and**
- 3) considers the employment of a Land Development Manager at its next budget review.**

***CARRIED 7/0***

*REASON: Council added Point 3) as it felt that additional Council resources may be required to adequately address this matter.*



### 12.3 **Staff Housing Working Group – Items Requiring Council Resolution**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 21 January 2008

#### **Disclosure of Interest by Officer**

Report author rents a house from the Town of Port Hedland at a subsidised rate as a component of employment contract.

#### **Summary**

Council's Staff Housing Working Group met on Monday 21 January 2008 to discuss the current status of Staff Housing Development initiatives. As a result of these discussions, some decisions from Council are required.

#### **Background**

Council's staff housing committee was formed to develop and implement a coordinated plan for the upgrade, development and management of Council's housing assets

Council has considered reports on various projects involved with Council's Staff housing at their February and May 2007 meetings and considered funding for various staff housing initiatives as a component of the 2007/08 budget process. In summary Council's current position is:

- General
  - Council is not planning to sell any of its houses.
  - Plan to progressively increase housing stock
  - Aim for self-sustainability of housing through a combination of staff and private rental of Council housing stock.
- Development Opportunities
  - Pretty Pool (Counihan Cres): Develop an executive style house. (\$600K within 07/08 Budget)
  - Catamore Crt: Develop in partnership with South Hedland New Living (\$550K Loan within 07/08 budget)
  - Moore St: Seek freehold ownership and develop ourselves. This decision was superseded by a decision in May 2007 to relinquish vesting of the land to Landcorp in exchange for 5% of the freehold lots. (No financial contribution within 07/08 Budget)

The current status of the various projects is listed below:

*Counihan Crescent*

- Construction tender let to Goldman Constructions at June Council meeting (\$534,545)
- Planning permit issued in October 2007 and building permit issued in November 2007.
- Site works commenced December 2007. Scheduled completion date is May 2008.
- Original budget was \$650,000 with a \$50,000 grant from CHA, which is no longer available. Budget reduced as component of Sept Budget review.
- Project remains on budget
- No Council action required at this time.

*Catamore Court*

- Development plan (inc costings) has been prepared by South Hedland New Living (Attachment 1)
- Plan produces 28 lots with 10 being provided to TOPH.
- Potential to use Permeability Reserve Fund to defray small portion of costs (approx \$75,000)
- Council initiated road closure via June 07 Council resolution. Yet to be finalised by State Land Services. Follow up occurred on 13/12/07.
- Demolition of previous building undertaken in November 2007.
- Due to rezoning requirements, unlikely to commence civil works until Q3 2008.
- Development Budget

Expenditure

TOPH contribution	943,320
Demolition cost	35,200
Road Reserve Acquisition (est)	<u>100,000</u>
Total	\$1,078,520

Income

07/08 Budget Contribution	550,000
Permeability Reserve	75,000
08/09 Budget Contribution	<u>453,520</u>
Total	\$1,078,520

*Actions/Decisions Required*

- Council decision required regarding participation (or otherwise) in proposed joint venture.
- Budget consideration/commitment required in 2008/09 if proposal is to proceed.
- Construction cost commitment for 2009/10 unknown.
- Need to determine how many blocks Council will keep and sell and how many houses Council will develop.

Issues/actions required were discussed at the January Staff Housing Working Group. While there was acknowledgment that this development would assist in improving the permeability and amenity of the Catamore Court area, there was some concern about the return to Council given the relatively high development costs. As a result of these discussions the Working Group recommended:

- 1) That Council proceed with the negotiations to acquire a portion of the Catamore Court road reserve. This is recommended as freehold tenure of the area is required prior to anyone (Council or otherwise) could undertake a reasonable subdivision of the land.
- 2) That once the acquisition process is complete, Council staff prepare detailed financial models on the options of developing the land in partnership with SHNL or selling the lot as subdivision site to another developer.

#### *Moore Street*

- May 2007 - Council agreement in principal to '5% deal' with State Government. Planning Scheme amendment initiated on 16/11/07. Scheme amendment objected to by EPA on grounds of dust and health. Additional information provided to DEC in late Nov. DEC response (verbal only) is that they're awaiting further response from DoH prior to responding.
- Issue raised with Minister McTiernan at December meeting. Agreed plan of action is to lodge subdivision application as R30 development (as opposed to R50) and develop all parcels except large superlot. Once position is determined re rezoning superlot can be released.
- Development/subdivision has been plan prepared and lodged with DPI. 42 day assessment period in progress (Attachment II). Application being considered by Council at January 2008 meeting
- Draft legal documentation prepared and circulated to Staff Housing Working Group. (Attachment III). Some confusion whether agreement is with Landcorp or DPI-SLS. Issue to be confirmed.
- Under the agreement Council gets 5% of land freehold. Equates to 1,526m<sup>2</sup>. This could potentially be:  
5 x unit sites;  
House site (531m<sup>2</sup>) and a Duplex site (983m<sup>2</sup>);  
House site (531m<sup>2</sup>) and 4 x unit sites; or  
Duplex site and 2 x unit sites

#### *Issues/Actions Required*

- Need Council decision to relinquish vesting of reserve to DPI – SLS. Should be done concurrently with proposed legal agreement. Item to February 2008 meeting

- Feedback required on which blocks Council wishes to purchase

The Staff Housing Working Group discussed the various issues and has recommended that Council:

- 1) Actively pursue the completion of legal documentation for the transfer of reserve land to DPI/Landcorp in return for 5% of the developed blocks being provided freehold to the Town at no cost.
- 2) Advise DPI-SLS and/or Landcorp that Council's preference is to use its 5% contribution to acquire as many of the small lots on the north-eastern edge of the development as possible

#### *Morgan Street*

In addition to the above developments, a further opportunity has been identified in Morgan's St Port Hedland. Reserve 26774 (Lots 364 & 365) are residential zoned land that is currently vested in the Town of Port Hedland by DPI - State Land Services for the purposes of Community Playground. This 1600m<sup>2</sup> site is vacant and undeveloped.

Council's Park Improvement Program identifies the location and development standards for proposed parks within Port and South Hedland. This reserve is surplus to our requirements as other, suitably developed open space is located within close proximity to this site.

The following three options to progress the development of this land for staff housing/residential purposes have been discussed with DPI - SLS:

Option 1: Council Purchase from DPI.

Issue: Landcorp has 1<sup>st</sup> right of refusal and would want land. Purchase price negotiations and land acquisition process will take time due to lengthy valuation process.

Option 2: Contra deal.

Council purchases land under Section 20A agreement with SLS. Similar agreements done elsewhere include the possibility of purchasing the land at 5% of market value on the proviso that the land is sold on private market with all of the nett profit of proceeds of sale being directed towards specified community projects (would need to be parks/playgrounds in this instance). Council could progress down this path but it is a lengthy process and may not be supported given current priorities of Ministers Office, DPI and Landcorp.

Option 3: Seek change in purpose of reserve from 'Community Playground' to 'Council Staff and Other Essential Services Housing'.

Change can be made quickly upon request from Council. Issue remains that Council would not have freehold title but could develop on the block and seek freehold title at a later date. DPI – SLS have recommended this course of action.

This development opportunity was discussed at the Staff Housing Working Group meeting with the following recommendations being made:

- 1) That Council request that DPI-SLS change the vesting of Reserve 26774, Morgans St from 'Community Playground' to 'Council Staff and Other Essential Services Housing'
- 2) Subsequent to changing the changing of the vesting of the reserve, Council advise DPI –SLS that Council is interested developing housing at this site on the proviso that Council is given the opportunity to purchase the land freehold either prior to or after the development has occurred.

### **Consultation**

The Staff Housing Working Group includes representation from Council and the Council's Executive team.

### **Statutory Implications**

The Moore Street and Catamore Court developments are subject to planning approvals that are yet to be granted.

**Policy Implications** Nil

### **Strategic Planning Implications**

The following strategy from the Town's Strategic Plan relates to this matter:

Develop and progress implementation of the Town of Port Hedland Staff Housing Strategy with the aim of making staff housing more self-supporting.

### **Budget Implications**

The Budget Implications are largely dependant on the Council's decision on which options to develop and how many of the developed properties will be retained and how many will be disposed. A summary of the estimated development costs for each Option is placed below. Costs assume Council undertakes land development and building construction at all sites.

Catamore Crt (10 Houses)	
Land Acquisition Costs	\$ 100,000
Land Development Costs	\$ 978,520
Building Construction Costs	<u>\$5,000,000</u>
TOTAL	\$6,078,520
Moore St (4 dwellings)	
Land Acquisition Costs	\$ 0
Land Development Costs	\$ 0
Building Construction Costs	<u>\$2,000,000</u>
TOTAL	\$2,000,000
Morgans St (8 Units)	
Land Acquisition Costs	\$ 0
Land Development Costs	\$ 0
Building Construction Costs	\$3,200,000
TOTAL	
TOTAL COST OF ALL DEVELOPMENTS =	\$11,278,520
TOTAL DWELLING YIELD TO COUNCIL =	22 dwellings (14 freehold)

**Officer's Comment**

Appropriate quantum and quality of staff housing is becoming increasingly important for the attraction and retention of quality local government officers. Over the past few years the Town has invested in upgrades to existing housing stock to bring the vast majority of the houses to a reasonable standard.

With a growing population and growing level of responsibility of the Town, an increase in staffing levels is inevitable. This will require an increase in housing stock.

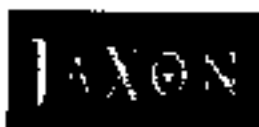
Council has previously indicated a desire to develop its staff housing stock in a more financially sustainable manner.

**200708/157 Council Decision/Officer's/Working Group's  
Recommendation****Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham**That:**

- 1) in relation to Catamore Court:
  - a) Council proceed with the negotiations to acquire a portion of the Catamore Court road reserve. This is recommended as freehold tenure of the area is required prior to anyone (Council or otherwise) could undertake a reasonable subdivision of the land.
  - b) once the acquisition process is complete, Council staff prepare detailed financial models on the options of developing the land in partnership with South Hedland New Living or selling the lot as subdivision site to another developer.
  
- 2) in relation to Moore Street:
  - a) Council actively pursue the completion of legal documentation for the transfer of the Moore St reserve land to Department for Planning and Infrastructure/LandCorp in return for 5% of the developed blocks being provided freehold to the Town at no cost.
  - b) advise Department for Planning and Infrastructure-State Land Services and/or LandCorp that Council's preference is to acquire as many of the small lots on the north-eastern edge of the development as possible with the 5% of freehold land that is available to the Town at no charge.
  
- 3) in relation to Morgans Street:
  - a) request that Department for Planning and Infrastructure-State Land Services change the vesting of Reserve 26774, Morgans Street from 'Community Playground' to 'Council Staff and Other Essential Services Housing'; and
  - b) Subsequent to changing the changing of the vesting of the reserve, Council advise Department for Planning and Infrastructure-State Land Services that Council it is interested in developing housing at this site on the proviso that Council is given the opportunity to freehold purchase the land either prior to or after the development has occurred.

**CARRIED 7/0**

## ATTACHMENT 1 TO AGENDA ITEM 12.3



Town Of Port Hedland  
 ATTENTION: Chris Adams  
 Chief Executive Officer  
 PO BOX 11  
 Port Hedland WA 6721

RECORD No.	06-13500
OFFICER	CEC/LL
17 DEC 2007	
FILE No.	111080G
ACTION DATE	11/1

Dear Chris,

RE: Catamore Court Proposal

I am seeking confirmation that council is willing to enter into a proposed joint venture for the development of adjacent land holdings in Catamore Court, between Department of Housing and Works and Town of Port Hedland.

The attached plan details the proposed required outcomes and an estimated financial breakdown in both parties.

In summary, costs to develop the land will be apportioned 35% Town of Port Hedland and 65% Department of Housing and Works. It is estimated this will equate to a commitment of \$943,320 for Town of Port Hedland and \$1,211,500 for Department of Housing and Works. These estimates exclude GST and allow a landscaping budget of \$100,000. The net result would be council obtaining 10 lots and Department of Housing and Works, 18.

The level is fair and reasonable for the total development costs to be apportioned per lot over the entire development.

If you agree in principle, please confirm to Mr. Cecil Stapleton, Manager Urban Renewal and Redevelopment, Department of Housing & Works, 99 Plain Street East Perth, WA 6004.

Should you have any queries or require any alterations to this proposal please contact me on (08) 9368 9993

Kind Regards,

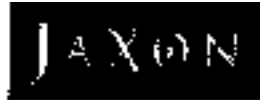
Peter Markham  
 Project Manager  
 South Hedland New Living

7<sup>th</sup> December 2007

CC: Mr. Cecil Stapleton, Manager Urban Renewal and Redevelopment, Department Housing and Works.

Jaxon Pty Ltd ABN 63 117 411 114  
 4 Gwerymed Road, South Perth WA 6151 GPO Box U190E, Perth WA 6004  
 Telephone: (08) 9368 8888 Facsimile: (08) 9367 8999  
 Email: info@jaxon.net.au





**PROPOSED PROJECT PLAN**

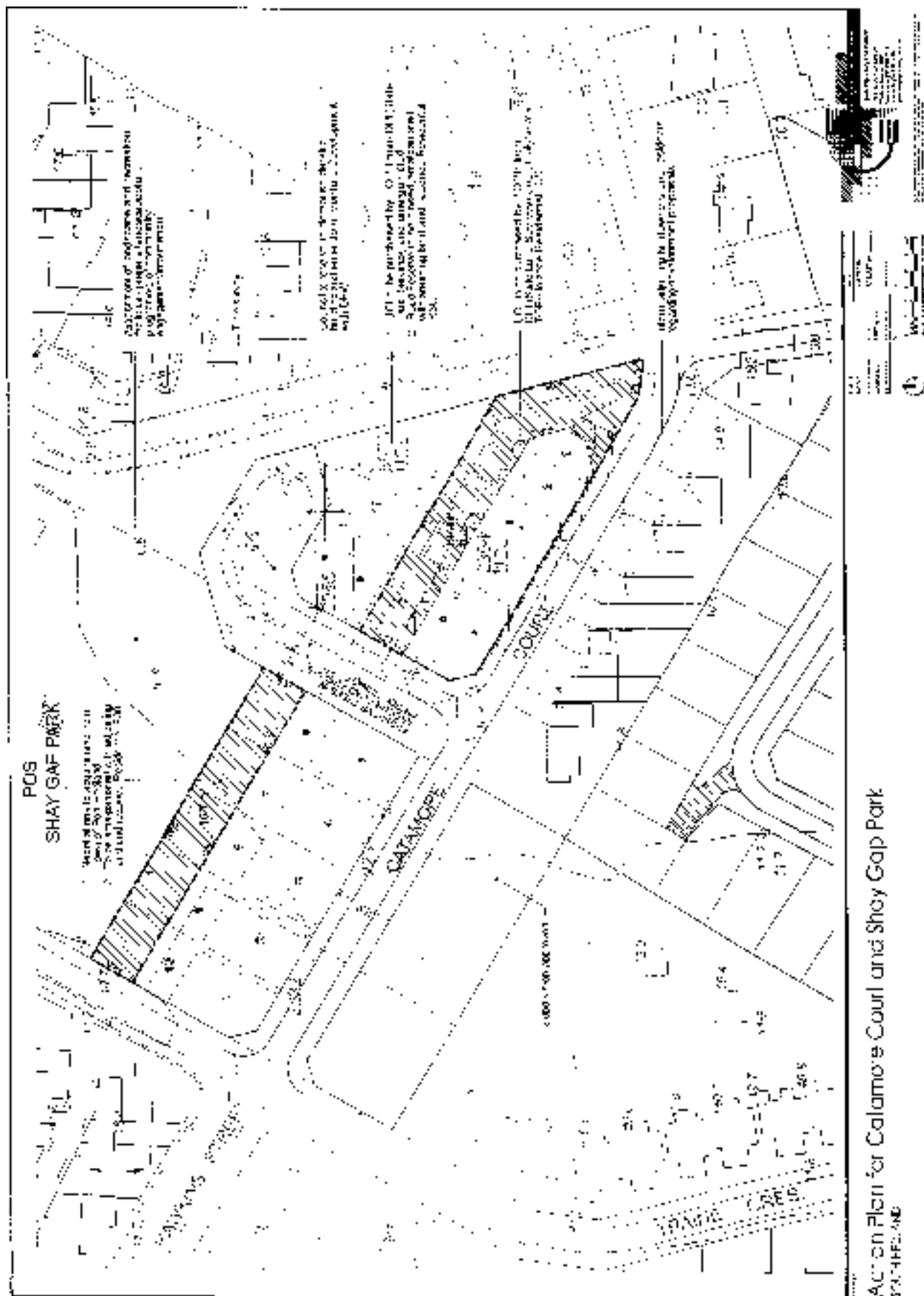
(Please see attached plan)

- 1 – Council sells Department of Housing and Works the portion of land adjacent to Shay Gap Park for a nominal amount.
- 2 – UCL s to be acquired by council
- 3 – Road reserve to be closed and rezoned to R30 by council then acquired by council
- 4 – Demolition of the existing dwellings on council land to be completed by council.
- 5 – Demolition of the Department of Housing and Works duplex at 12 Casamore Court to be completed by South Hedland New Living.
- 6 – South Hedland New Living completes the land development and landscaping works through to the issue of titles.

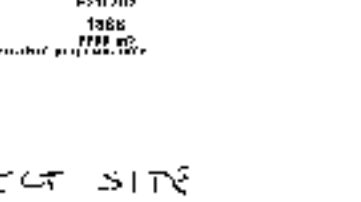
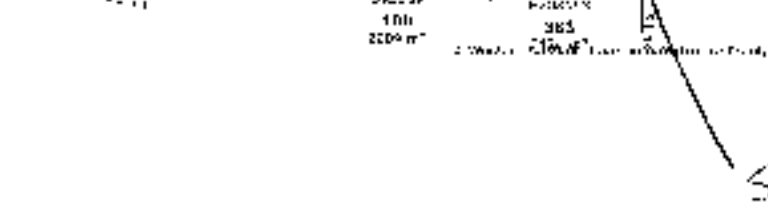
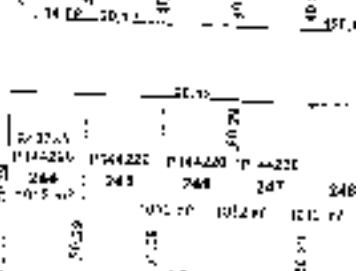
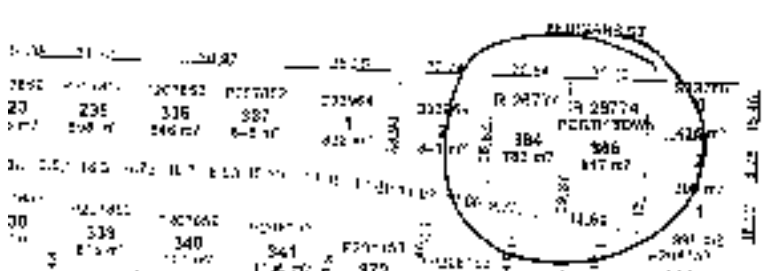
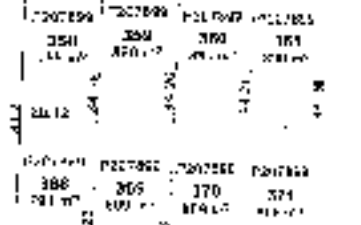
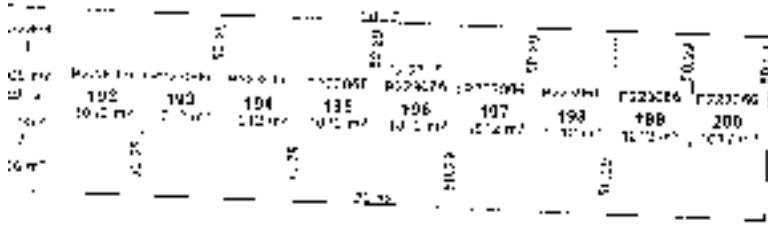
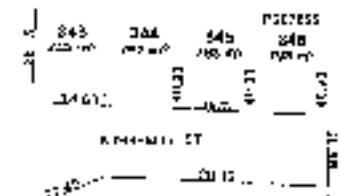
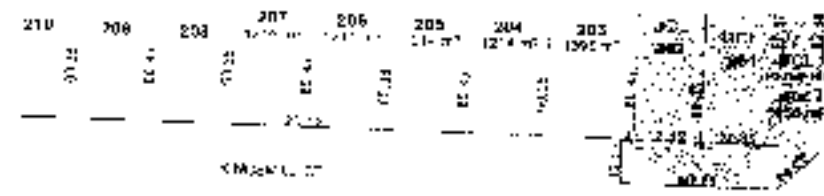
Jaxon Pty Ltd ABN 68 117 411 124  
4 Gwynfrid Road, South Perth WA 6151 GPO Box U 900, Perth WA 6000  
Telephone: (08) 9358 8988 Facsimile: (08) 9357 8939  
Email: [info@jaxon.nsw.au](mailto:info@jaxon.nsw.au)



Otago District Council Finance Committee 2007/08 Financial Year 2007/08 Financial Year 2007/08 Financial Year		Otago District Council Finance Committee 2007/08 Financial Year 2007/08 Financial Year 2007/08 Financial Year	
1. Capital & Assets	50,000	1. Capital & Assets	50,000
2. Finance	52,162	2. Finance	52,162
3. Assets	5,000	3. Assets	5,000
4. General	52	4. General	52
5. Special	52	5. Special	52
6. Other	20,000	6. Other	20,000
7. Total	117,214	7. Total	117,214
8. Finance	52,162	8. Finance	52,162
9. Assets	5,000	9. Assets	5,000
10. General	52	10. General	52
11. Special	52	11. Special	52
12. Other	20,000	12. Other	20,000
13. Total	117,214	13. Total	117,214
14. Finance	52,162	14. Finance	52,162
15. Assets	5,000	15. Assets	5,000
16. General	52	16. General	52
17. Special	52	17. Special	52
18. Other	20,000	18. Other	20,000
19. Total	117,214	19. Total	117,214
20. Finance	52,162	20. Finance	52,162
21. Assets	5,000	21. Assets	5,000
22. General	52	22. General	52
23. Special	52	23. Special	52
24. Other	20,000	24. Other	20,000
25. Total	117,214	25. Total	117,214
26. Finance	52,162	26. Finance	52,162
27. Assets	5,000	27. Assets	5,000
28. General	52	28. General	52
29. Special	52	29. Special	52
30. Other	20,000	30. Other	20,000
31. Total	117,214	31. Total	117,214
32. Finance	52,162	32. Finance	52,162
33. Assets	5,000	33. Assets	5,000
34. General	52	34. General	52
35. Special	52	35. Special	52
36. Other	20,000	36. Other	20,000
37. Total	117,214	37. Total	117,214
38. Finance	52,162	38. Finance	52,162
39. Assets	5,000	39. Assets	5,000
40. General	52	40. General	52
41. Special	52	41. Special	52
42. Other	20,000	42. Other	20,000
43. Total	117,214	43. Total	117,214
44. Finance	52,162	44. Finance	52,162
45. Assets	5,000	45. Assets	5,000
46. General	52	46. General	52
47. Special	52	47. Special	52
48. Other	20,000	48. Other	20,000
49. Total	117,214	49. Total	117,214
50. Finance	52,162	50. Finance	52,162
51. Assets	5,000	51. Assets	5,000
52. General	52	52. General	52
53. Special	52	53. Special	52
54. Other	20,000	54. Other	20,000
55. Total	117,214	55. Total	117,214
56. Finance	52,162	56. Finance	52,162
57. Assets	5,000	57. Assets	5,000
58. General	52	58. General	52
59. Special	52	59. Special	52
60. Other	20,000	60. Other	20,000
61. Total	117,214	61. Total	117,214
62. Finance	52,162	62. Finance	52,162
63. Assets	5,000	63. Assets	5,000
64. General	52	64. General	52
65. Special	52	65. Special	52
66. Other	20,000	66. Other	20,000
67. Total	117,214	67. Total	117,214
68. Finance	52,162	68. Finance	52,162
69. Assets	5,000	69. Assets	5,000
70. General	52	70. General	52
71. Special	52	71. Special	52
72. Other	20,000	72. Other	20,000
73. Total	117,214	73. Total	117,214
74. Finance	52,162	74. Finance	52,162
75. Assets	5,000	75. Assets	5,000
76. General	52	76. General	52
77. Special	52	77. Special	52
78. Other	20,000	78. Other	20,000
79. Total	117,214	79. Total	117,214
80. Finance	52,162	80. Finance	52,162
81. Assets	5,000	81. Assets	5,000
82. General	52	82. General	52
83. Special	52	83. Special	52
84. Other	20,000	84. Other	20,000
85. Total	117,214	85. Total	117,214
86. Finance	52,162	86. Finance	52,162
87. Assets	5,000	87. Assets	5,000
88. General	52	88. General	52
89. Special	52	89. Special	52
90. Other	20,000	90. Other	20,000
91. Total	117,214	91. Total	117,214
92. Finance	52,162	92. Finance	52,162
93. Assets	5,000	93. Assets	5,000
94. General	52	94. General	52
95. Special	52	95. Special	52
96. Other	20,000	96. Other	20,000
97. Total	117,214	97. Total	117,214
98. Finance	52,162	98. Finance	52,162
99. Assets	5,000	99. Assets	5,000
100. General	52	100. General	52
101. Special	52	101. Special	52
102. Other	20,000	102. Other	20,000
103. Total	117,214	103. Total	117,214
104. Finance	52,162	104. Finance	52,162
105. Assets	5,000	105. Assets	5,000
106. General	52	106. General	52
107. Special	52	107. Special	52
108. Other	20,000	108. Other	20,000
109. Total	117,214	109. Total	117,214
110. Finance	52,162	110. Finance	52,162
111. Assets	5,000	111. Assets	5,000
112. General	52	112. General	52
113. Special	52	113. Special	52
114. Other	20,000	114. Other	20,000
115. Total	117,214	115. Total	117,214
116. Finance	52,162	116. Finance	52,162
117. Assets	5,000	117. Assets	5,000
118. General	52	118. General	52
119. Special	52	119. Special	52
120. Other	20,000	120. Other	20,000
121. Total	117,214	121. Total	117,214
122. Finance	52,162	122. Finance	52,162
123. Assets	5,000	123. Assets	5,000
124. General	52	124. General	52
125. Special	52	125. Special	52
126. Other	20,000	126. Other	20,000
127. Total	117,214	127. Total	117,214
128. Finance	52,162	128. Finance	52,162
129. Assets	5,000	129. Assets	5,000
130. General	52	130. General	52
131. Special	52	131. Special	52
132. Other	20,000	132. Other	20,000
133. Total	117,214	133. Total	117,214
134. Finance	52,162	134. Finance	52,162
135. Assets	5,000	135. Assets	5,000
136. General	52	136. General	52
137. Special	52	137. Special	52
138. Other	20,000	138. Other	20,000
139. Total	117,214	139. Total	117,214
140. Finance	52,162	140. Finance	52,162
141. Assets	5,000	141. Assets	5,000
142. General	52	142. General	52
143. Special	52	143. Special	52
144. Other	20,000	144. Other	20,000
145. Total	117,214	145. Total	117,214
146. Finance	52,162	146. Finance	52,162
147. Assets	5,000	147. Assets	5,000
148. General	52	148. General	52
149. Special	52	149. Special	52
150. Other	20,000	150. Other	20,000
151. Total	117,214	151. Total	117,214
152. Finance	52,162	152. Finance	52,162
153. Assets	5,000	153. Assets	5,000
154. General	52	154. General	52
155. Special	52	155. Special	52
156. Other	20,000	156. Other	20,000
157. Total	117,214	157. Total	117,214
158. Finance	52,162	158. Finance	52,162
159. Assets	5,000	159. Assets	5,000
160. General	52	160. General	52
161. Special	52	161. Special	52
162. Other	20,000	162. Other	20,000
163. Total	117,214	163. Total	117,214
164. Finance	52,162	164. Finance	52,162
165. Assets	5,000	165. Assets	5,000
166. General	52	166. General	52
167. Special	52	167. Special	52
168. Other	20,000	168. Other	20,000
169. Total	117,214	169. Total	117,214
170. Finance	52,162	170. Finance	52,162
171. Assets	5,000	171. Assets	5,000
172. General	52	172. General	52
173. Special	52	173. Special	52
174. Other	20,000	174. Other	20,000
175. Total	117,214	175. Total	117,214
176. Finance	52,162	176. Finance	52,162
177. Assets	5,000	177. Assets	5,000
178. General	52	178. General	52
179. Special	52	179. Special	52
180. Other	20,000	180. Other	20,000
181. Total	117,214	181. Total	117,214
182. Finance	52,162	182. Finance	52,162
183. Assets	5,000	183. Assets	5,000
184. General	52	184. General	52
185. Special	52	185. Special	52
186. Other	20,000	186. Other	20,000
187. Total	117,214	187. Total	117,214
188. Finance	52,162	188. Finance	52,162
189. Assets	5,000	189. Assets	5,000
190. General	52	190. General	52
191. Special	52	191. Special	52
192. Other	20,000	192. Other	20,000
193. Total	117,214	193. Total	117,214
194. Finance	52,162	194. Finance	52,162
195. Assets	5,000	195. Assets	5,000
196. General	52	196. General	52
197. Special	52	197. Special	52
198. Other	20,000	198. Other	20,000
199. Total	117,214	199. Total	117,214
200. Finance	52,162	200. Finance	52,162
201. Assets	5,000	201. Assets	5,000
202. General	52	202. General	52
203. Special	52	203. Special	52
204. Other	20,000	204. Other	20,000
205. Total	117,214	205. Total	117,214
206. Finance	52,162	206. Finance	52,162
207. Assets	5,000	207. Assets	5,000
208. General	52	208. General	52
209. Special	52	209. Special	52
210. Other	20,000	210. Other	20,000
211. Total	117,214	211. Total	117,214
212. Finance	52,162	212. Finance	52,162
213. Assets	5,000	213. Assets	5,000
214. General	52	214. General	52
215. Special	52	215. Special	52
216. Other	20,000	216. Other	20,000
217. Total	117,214	217. Total	117,214
218. Finance	52,162	218. Finance	52,162
219. Assets	5,000	219. Assets	5,000
220. General	52	220. General	52
221. Special	52	221. Special	52
222. Other	20,000	222. Other	20,000
223. Total	117,214	223. Total	117,214
224. Finance	52,162	224. Finance	52,162
225. Assets	5,000	225. Assets	5,000
226. General	52	226. General	52
227. Special	52	227. Special	52
228. Other	20,000	228. Other	20,000
229. Total	117,214	229. Total	117,214
230. Finance	52,162	230. Finance	52,162
231. Assets	5,000	231. Assets	5,000
232. General	52	232. General	52
233. Special	52	233. Special	52
234. Other	20,000	234. Other	20,000
235. Total	117,214	235. Total	117,214
236. Finance	52,162	236. Finance	52,162
237. Assets	5,000	237. Assets	5,000
238. General	52	238. General	52
239. Special	52	239. Special	52
240. Other	20,000	240. Other	20,000
241. Total	117,214	241. Total	117,214
242. Finance	52,162	242. Finance	52,162
243. Assets	5,000	243. Assets	5,000
244. General	52	244. General	52
245. Special	52	245. Special	







SUBJECT SITE

**12.4 JD Hardie Centre Concept Design Brief (File No.: 26/05/0014)**

**Officer** Bec Pianta  
Manager Recreation Services

**Date of Report** 11 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received the final draft concept design brief created by South Hedland New Living, in conjunction with the JD Hardie Centre Working Group. Council has been briefed on the concept and various other stakeholders have provided input and feedback into the document.

**Background**

The JD Hardie Working Group was established at the Ordinary Council Meeting in February 2006, with the aim to determine the future use of the centre, with a primary focus on youth. At the Ordinary Council Meeting in November 2006 and again in February 2007, the Town of Port Hedland resolved that the JD Hardie Centre would eventually become a dedicated youth facility, once a suitable alternative for recreational pursuits was found.

In order to achieve an integrated approach to the long-term provision of youth facilities and services, the Town of Port Hedland and the joint venture developers of the South Hedland New Living Project established a Project Control Group (PCG) to progress the JD Hardie Centre Project. Through community, stakeholder and PCG consultation, the most appropriate function, design, management arrangements and options for staging construction has been developed, to enable the long-term transformation of the JD Hardie Centre into a dedicated youth centre.

The Draft Concept Design Brief outlines the final concepts for the proposed youth centre. It details the expected uses, proposed management strategies, required facility components and features for the redevelopment of the JD Hardie Centre into a primary youth precinct.

It is expected that a business plan will be developed to ensure all stakeholders have an understanding of the roles and responsibilities of each, and a sound management strategy can be selected. This will be completed within Phase Two of the project (Youth Precinct Planning), by South Hedland New Living. This will be undertaken once this draft has been adopted.

The Draft Concept Brief was presented at the Information Council Briefing in December 2007, where two changes were recommended. These changes were:

- Internal and external access to enable out of hours access to the:
  - Performing arts room
  - Community Radio station
  - Art and Design Workshop
- Addition of two (2) additional service offices that could be used for other agencies or as a 'hot desk' set up

These have since been added.

### **Consultation**

Relevant Town of Port Hedland staff including:

- Chief Executive Officer
- Director Engineering
- Director Regulatory and Community Services
- Manager Recreation Services
- Manager Community and Economic Development
- Councillors

South Hedland New Living

Youth Involvement Council

Indigenous Coordination Centre

Community groups and organisations

Various non government organisations

Various state and federal government organisations

**Statutory Implications** Nil

**Policy Implications** Nil

### **Strategic Planning Implications**

KRA – 3, Goal 1 – Youth and Children

Strategy 3: Redevelop services and facilities at the JD Hardie Centre to create an increased focus on youth services and activities.

### **Budget Implications**

To continue with Phase 2 of the project, South Hedland New Living have submitted a proposal fee of \$49,995 (excl. GST). This sum has been set aside from the BHP Sustainability funds for the JD Hardie Centre upgrade. Should Council endorse the Officer's Recommendation, Phase 2 will commence.

### **Officer's Comment**

The Concept Design Brief is the culmination of almost two (2) years' of consultation and effort by the JD Hardie Centre Working Group.



The draft brief has been available for feedback from community members, the Project Control Group, Councillors and various other government and non-government organisations. Adoption of this report will allow the second stage of development at the JD Hardie Centre site to commence: the Youth Precinct Planning. This includes the preparation of business plans (short, medium and long term), development of architectural concept plans, preliminary capital cost estimates and the creation of a feasibility study for Council. This will eventually lead to the Centre becoming youth focused and orientated, one of Council's previous resolutions.

**Officer's Recommendation**

That Council:

- i) Endorse the Draft Concept Design Brief for the JD Hardie Centre Youth Precinct; and,
- ii) Contract South Hedland New Living to commence design and business planning for the Youth Precinct Planning Stage, in consultation with the JD Hardie Working Group and various stakeholders, using \$49,995 (excl. GST) from the BHP Sustainability Fund.

**200708/... Council Decision**

**Moved:** Cr G D Bussell

**Seconded:**

That Council:

- i) Endorse the Draft Concept Design Brief for the JD Hardie Centre Youth Precinct;
- ii) Contract South Hedland New Living to commence design and business planning for the Youth Precinct Planning Stage, in consultation with the JD Hardie Working Group and various stakeholders, using \$49,995 (excl. GST) from the BHP Sustainability Fund; and
- iii) the Chief Executive Officer or his nominated officer prepare a report that reconsiders the option of co-location of youth and sporting facilities at the JD Hardie Centre.

*MOTION LAPSED FOR WANT OF SECONDER*

**200708/158 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That Council:**

- i) endorse the Draft Concept Design Brief for the JD Hardie Centre Youth Precinct; and,**
- ii) contract South Hedland New Living to commence design and business planning for the Youth Precinct Planning Stage, in consultation with the JD Hardie Working Group and various stakeholders, using \$49,995 (excl. GST) from the BHP Sustainability Fund.**

***CARRIED 7/0***

7:36 pm Councillor Arnold Carter declared an impartiality interest in Agenda Item '12.5 Lease of Part Reserve 31462 to the Port Hedland Turf Club' as he is a Port Hedland Turf Club Committee member. Councillor Arnold Carter did not leave the room.

**12.5 Lease of Part Reserve 31462 to the Port Hedland Turf Club**

<b>Officer</b>	Matthew Scott Director Corporate Service
<b>Date of Report</b>	22 January 2008
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

The Port Hedland Turf Club has requested a lease an area of 1,070m<sup>2</sup> of reserve 31462, which is currently vested in Council for Equestrian purposes.

**Background**

On the 25 November 2007 the Port Hedland Turf Club (PHTC) wrote to Council requesting:

*"We wish to make application for the vacant block of land indicated on plan for reserve 31562 lot 5770, it is adjacent to lease No.1 with an area of [1,070m<sup>2</sup>].*

*We wish to establish further stabling facilities if the application is successful."*

Prior to presenting this application to Council additional information was requested on what "further stabling facilities" meant, to ensure it was permitted under both the vesting order and Town Planning Scheme No. 5.

The PHTC responded on the 7 January 2008, advising Council the proposed development would be:

*"Stabling facilities would include the construction of 7 Stables, feed shed, day yards, toilet facilities and the provision of temporary accommodation..."*

In this letter the PHTC requested Council's "urgent attention" to their request as the facility is required for the 2008 racing season.

Currently there are six leases on Reserve 31462, locally known as the "Pretty Pool Stables". The PHTC currently leases areas 2 and 6 for \$945 and \$1,252 pa respectively. The proposed lease area is adjacent to area 1 (see attachment 1).

These leases expire on 30 November 2011 with an additional 5 year option.

## Consultation

Though Reserve 31562 is zoned Parks and Recreation (which is consistent with Equestrian activities) under TPS 5, Town Planning has indicated that due to the elevation of the land, this is potentially one of the last areas available for future residential developments in the Pretty Pool area. The Department of Planning and Infrastructure has also advised Council informally it will not permit the development of Accommodation Facilities on land reserved for recreational activities. This is currently an issue for the South Hedland Owners and Trainers Association.

## Statutory Implications

Local Government Act 1995 states (in part):

*"3.58. Disposing of property*

*(1) In this section*

*\*dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

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

*(2) Except as stated in this section, a local government can only dispose of property to -*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

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

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

*(i) describing the property concerned;*

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

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

*and*

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

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

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

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

*(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition. "*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### **Budget Implications**

It is recommended that Council only charge a lease rental similar to that being charged on the adjoining leases. Currently the existing leases are paying \$0.82 per m<sup>2</sup>. Since issuing these leases on the 1 December 2006, Perth CPI was risen by 2.2% (based on the Sept'07 CPI), resulting in a similar valuation, accounting for inflation of \$0.84 per m<sup>2</sup>, which equates to \$900 pa (\$0.84 x 1070m<sup>2</sup>). Such a nominal amount would not have a significant impact on the Council overall budget position.

### **Officer's Comment**

Approving the lease request from the PHTC seem reasonably straightforward from the outset. There already exist similar stabling facilities on the reserve and the proposed facility would greatly assist a local community Organisation. However prior to approving the lease Council should consider the following issues:

Recommendation from the Town Planning Department of the potential for the land to be used for future residential development; and

The current refusal from the Department of Planning and Infrastructure to allow accommodation facilities on similar reserved land.

Though neither issue will kill the project, they do present certain risks that may restrict the proposal and are not absolutely controllable by the Town of Port Hedland.

Should the PHTC be permitted to lease the land, like any other potential land developer, planning and building approval will need to be obtained before any development could occur. This would allow Council and other stakeholders to make sure the proposed development is consistent with other similar developments.

The PHTC has not indicated their preferred term, rental or other specific lease conditions, and therefore it is recommended consider the following lease terms and conditions:

1. Annual Rental to be \$900 per annum; and
2. A initial term terminating on the 30 November 2011 years, with a 5 year extension option; and
3. No material change to the Council's standard facility lease conditions; and
4. Annum rental review equal to any increase in "Perth" CPI, as published by the Australian Bureau of Statistics; and
5. That all improvements be removed at the end of the lease

This would bring the lease inline with the other existing leases on the reserve.

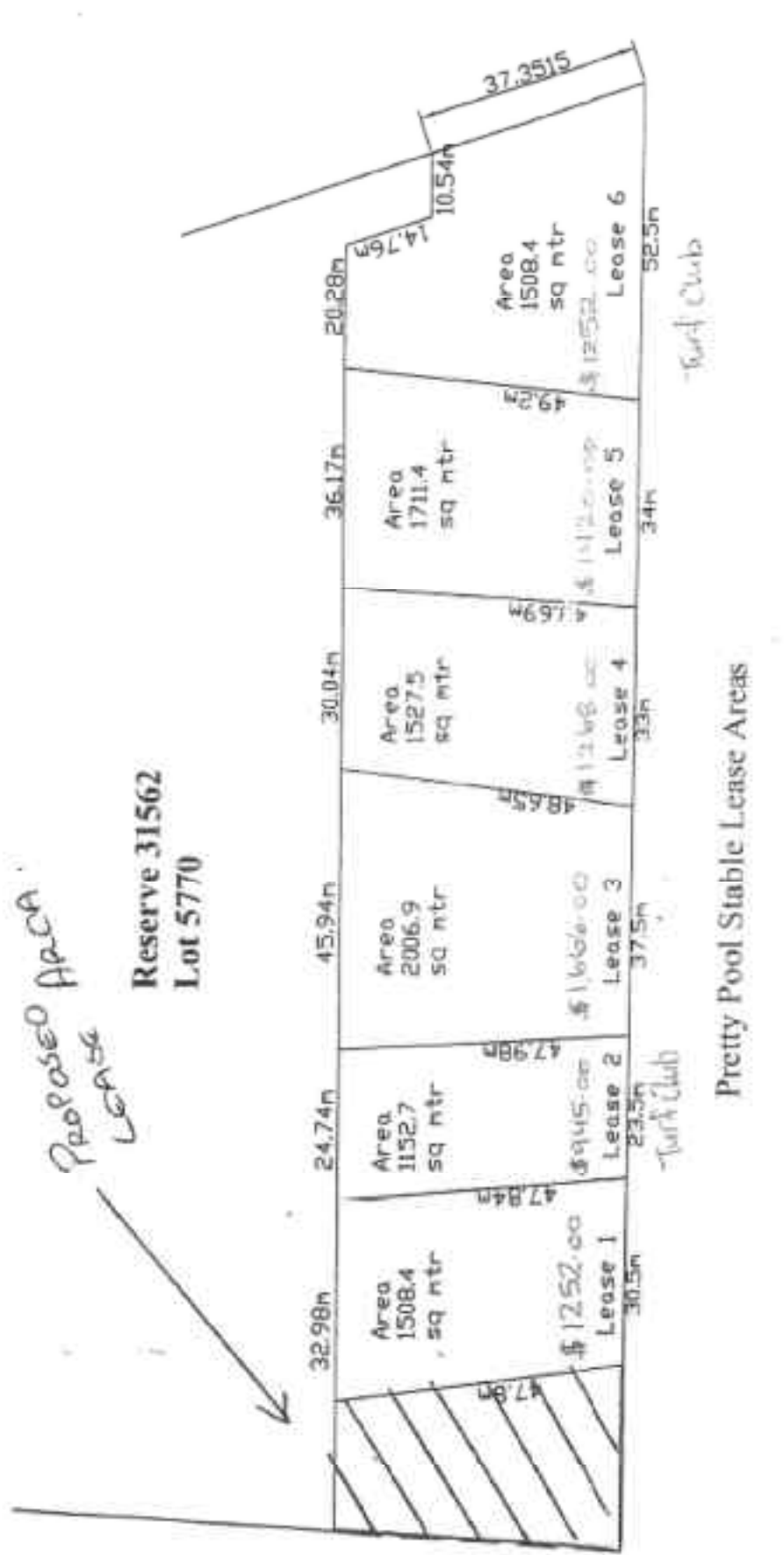
Given the pending 2008 racing season and usual timeframe to finally execute a lease due to the Local Government Act 1995 requirements, Council is also requested to permit access to the lease area so possible site works can commence prior to the lease being executed. Obviously this creates some risk for the club, however without early access to the site, the possibility that the facility is not ready on time is acute. Again Council will have some surety given the need for the appropriate planning and building approvals.

**200708/160 Council Decision/Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr J E Ford**That:**

- a) **Council agrees to dispose of the property on part reserve 31462 by way of lease to the Port Hedland Turf Club as per section 3.58 (3) (private treaty) with the following conditions:**
  - “6) Annual Rental to be \$900 per annum; and**
  - 7) A initial term terminating on the 30 November 2011 years, with a 5 year extension option; and**
  - 8) No material change to the Council's standard facility lease conditions; and**
  - 9) Annum rental review equal to any increase in “Perth” CPI, as published by the Australian Bureau of Statistitics; and**
  - 10) That all improvements be removed at the end of the lease.”**
- b) **Council permits the Port Hedland Turf Club access to proposed lease area prior to the lease being executed to commence primarily site works, subject on receiving the appropriate planning and building approval and at no cost to Council, to prepare for the 2008 racing season.**
- c) **should no lease agreement be executed by all relevant parties within 12 months that all improvements made to the lease area be removed at no cost to Council.**

**CARRIED 7/0**

ATTACHMENT TO AGENDA ITEM 12.5



**12.6 Town Entry Statement – Artwork Tender (File No.: ...)**

**Officer** Terry Sargent  
Director Regulatory and  
Community Services

**Date of Report** 22 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has provided funds in the 2007/08 budget for the installation of an iconic artwork to form part of the town's entry statement. This report is presented to enable endorsement of the site, proposed project specifications and proposed selection process.

**Background**

Council made provision in the current financial year's budget to use \$125,000 from the BHP Billiton – ToPH sustainability partnership for the installation of a major artwork to form part of an entry statement to the town.

In conjunction with FORM Contemporary Craft and Design Inc. (FORM) a working party has been established to consider the location, proposed project scope, budget and selection process.

The advice provided by FORM was that the initial budget of \$125,000 was insufficient to obtain the sort of signature work that was being sought. FORM have succeeded in obtaining a commitment from BHP Billiton to provide an additional \$80,000 to enable the project to proceed with a \$205,000 budget at no direct cost to Council. The proposed project budget is as follows:

**Document Preparation**

Public Art Policy	\$5,000
Written piece (Ruth Durack) + Briefing Session	\$5,000

**Administrative Costs**

Advertising (North West Telegraph, West Australian and Australian Newspapers)	\$1,500
Printing	\$1,000
Postage	\$1,000
Planning approvals/licenses	\$ 500

**Artists Costs**

Tender Process	
Airfares (5 return airfares from any point in Australia approx \$1600 p/p inc tax)	\$8,000



Accommodation (5 rooms for 1 night @ \$200 per room)	\$1,000
Marquette Piece (5 pieces at \$2000 per piece)	\$10,000
Successful Artists Costs	
Charge for work, including freight and installation	\$172,000
Total	\$205,000

The working party has recommended the fenced visitor bay site on Lot 2444 (the Airport) Great Northern Highway, as the preferred site as it already has the best exposure, is readily accessed and will be an advantage to the Visitors Centre's proposed upgrade of the visitor information bay

FORM have produced a detailed policy and procedure document which will be considered by Council as a separate policy review matter, but in relation to this particular project it is proposed call tenders for the design and installation of the artwork and have tenders reviewed by an independent assessment panel.

It is suggested the panel comprise local representation with an invited delegate from HARTZ, Ms Kathy Donnelly (if available) the Mayor or his deputy, Richard O'Connell from BHP Billiton and representatives with extensive experience in public art and knowledge of the town being Lynda Dorrington and Laura Taska from FORM, Ruth Durack (Urban Design Centre) and Chris Maher (Mirvac).

The tender will be a "design and construct" tender based on the merits of the proposal rather than on cost. The project scope will be 1) "to design and install a public art work within the defined visitor information bay on lot 2444 Great Northern Highway Port Hedland, which will reflect and celebrate the region's unique culture and sense of place as an historical town built on industry, passion and creativity" 2) provide interpretive information for use in interpretive signage and education programmes which may be undertaken as a separate project.

The scope is intentionally broad so as not to limit creative effort but the assessment and awarding of the tender will comply strictly with legislative requirements.

It is intended that once tenders close they will be reviewed by the independent assessment panel to make recommendations to Council based on the merits of each proposal. Giving regard to those recommendations Council will then select a short list of 5 artists to prepare a marquette piece or similar representation of their concept. From these presentations (again with the advice of the independent panel) Council will select a successful artist who will be awarded the contract.

**Consultation**

The matter is referred for consideration from the Port Hedland Entry Statement Working Party

**Statutory Implications**

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

*“3.57. Tenders for providing goods or services*

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

**Policy Implications**

This tender will be called in accordance with Council's Procurement Policy 2/015.

**Strategic Planning Implications**

KRA 3 Community Development  
Goal 7 Arts & Culture  
Strategy 3 Develop a unique entry statement to the Town

**Budget Implications**

The current budget provides (A/C 1201461) for expenditure of \$125,000 for "Town Entry Statement" which is funded from the BHP reserve (A/C 1201397)

**Officer's Comment**

The site and process recommended by the working party investigating this project are very sensible and should enable the town to be provided with a magnificent signature piece to form the core of the town's entry statement.

The additional funding made available by BHP Billiton to complete the project within the increased budget at no additional cost to Council is also a huge benefit to the community.

**Attachments**

Site Map

**Officer's Recommendation**

That Council:

- i) amend the budget to reflect an increase in revenue and expenditure to permit the construction of "Town Entry Statement" at a cost of \$205,000 at no net increase in cost to Council;
- ii) invites Tenders to -
  - 1) "to design and install a public art work within the defined visitor information bay on lot 2444 Great Northern Highway Port Hedland, which will reflect and celebrate the region's unique culture and sense of place as an historical town built on industry, passion and creativity"; and
  - 2) provide interpretive information for use in interpretive signage and education programmes which may be undertaken as a separate project;
- iii) establishes an independent advisory committee to provide advice on the submissions received.
- iv) invites
  - a) a delegate from HARTZ;
  - b) Ms Kathy Donnelly;
  - c) the Mayor or his Deputy;
  - d) Richard O'Connell from BHP Billiton;
  - e) Ms Lynda Dorrington;
  - f) Ms Laura Taska;
  - g) Ms Ruth Durack; and
  - h) Mr Chris Maherto participate in that independent advisory committee.

**200708/161 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr J E Ford

**That Council:**

- i) **amend the budget to reflect an increase in revenue and expenditure to permit the construction of "Town Entry Statement" at a cost of \$205,000 at no net increase in cost to Council;**
- ii) **invites Tenders to -**
  - 1) **"to design and install a public art work within the defined visitor information bay on lot 2444 Great Northern Highway Port Hedland, which will reflect and celebrate the region's unique culture and sense of place as an historical town built on industry, passion and creativity"; and**

- 2) provide interpretive information for use in interpretive signage and education programmes which may be undertaken as a separate project;
- iii) establishes an independent advisory committee to provide advice on the submissions received; and advertise the committee seeking interested member/s of the community to participate in the group;
- iv) invites
  - a) a delegate from HARTZ;
  - b) Ms Kathy Donnelly;
  - c) the Mayor or his Deputy;
  - d) Richard O'Connell from BHP Billiton;
  - e) Ms Lynda Dorrington;'
  - f) Ms Laura Taska;
  - g) Ms Ruth Durack; and
  - h) Mr Chris Maherto participate in that independent advisory committee.

***CARRIED BY ABSOLUTE MAJORITY 7/0***

*REASON: Council sought the independent advisory committee to also include other interested members of the community.*



**12.7 Proposed 31 Lot Subdivision of Lots 3830, 1399 and 2469 Moore Street Port Hedland (File No.: 18/14/0005)**

**Officer** Chris Adams  
Planning Officer

**Date of Report** 23 January 2008

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request for comment from the Western Australian Planning Commission (WAPC) for the proposed 31 lot subdivision of lots 3830, 1399 and 2469 Moore Street Port Hedland. Comment is required by the 28/1/07 to meet the statutory timeframe.

This item is referred for Council as officers do not have the delegated authority to comment on subdivisions that create greater than 10 lots.

**Background**

The subject land comprises:

Land ID	Area	Zoning
Lot 3830	1338 m <sup>2</sup>	Other Public Purposes - Cemetery
Lot 1399	21675 m <sup>2</sup>	R 12.5/30
Lot 2469	4048 m <sup>2</sup>	R 12.5/30
Road Reserve (closed)	2185 m <sup>2</sup>	Parks and Recreation
Beart Street Road Reserve	3385 m <sup>2</sup>	Local Road

*Rezoning*

This land is currently the subject of a scheme amendment, initiated by the Town of Port Hedland at its Special Meeting on 17 October 2007. The amendment is to rezone all of the subject land R 12.5/50.

Following statutory referral of this amendment to the Environmental Protection Authority (EPA), the Town of Port Hedland has been advised that additional information relating to dust-related health impacts is required from the applicant (via the Department of Health) prior to the EPA completing its assessment.

It is anticipated that the Department for Health will object to this proposal unless the applicant provides adequate evidence that the health of future residents will not be adversely affected by dust.

*Roadworks*

This proposal contains a four-way intersection of Moore Street with an extended Jacoby Street. This road configuration is not supported by Council's Engineering Services for safety reasons. Further details of these objections are included in the comments section of this report.

When advised of staff objections to the proposed roadworks, that applicant has replied with the following justifications:

- the Jacoby Street extension width is designed to be consistent with the existing road reserve;
- appropriate signage and surface treatment (e.g. paving) may be used to control traffic at the 4-way intersection.

The Urban Design Centre (UDC) drafted the original development plan for this land and have also offered comment on the Jacoby Street extension. Notwithstanding Engineering objections, the UDC emphasise the importance of traffic and visual permeability, particularly with regard to access to the foreshore reserve, and stressed that this should be the determining factor in including the proposed road reserve.

In response to the UDC comment, it is noted that the existing road network travels a maximum of approximately 800 metres without direct access from Anderson to Sutherland Streets. This cross street would reduce this maximum distance to less than 500 metres.

*Reticulated Sewerage*

The subject land is not currently serviced by reticulated sewer. The Water Corporation has advised that the expected completion date for the infill project is most likely late 2010.

The lack of reticulated sewerage triggers the Health Department of Western Australia Draft Country Sewerage Policy that restricts the subdivision of residential land into lots less than 2000m<sup>2</sup>. It is therefore anticipated that the Department of Health will require the provision of a reticulated sewerage service prior to the provision of reticulated sewerage service.

*Urban Design*

The existing examples of medium density residential development (R30 – R60) in the Town of Port Hedland are not particularly good examples of high quality urban design, and this site presents an opportunity to construct high quality dwellings.

Town Planning Scheme No. 5 (TPS5) excludes the requirement for planning approval for single dwellings on a residential zoned lot, and so development of the land between Jacoby and Frewer Streets may be exempt from planning approval, subject to compliance with the Residential Design Codes. In order to retain control over the built form of this land therefore, it is recommended that, should Council support this proposal, the developer be required to submit and have approved a development plan indicating the type and form of dwellings to be constructed on this land.

**Consultation**

Council's Engineering Services do not support the proposed road layout of the subdivision for the following reasons:

1. 4-way intersection at Moore/Jacoby is a potentially a road safety hazard and any new road should to be offset;
2. the proposed road is unlikely to be required.
3. proposed new road running parallel to Anderson Street is unacceptable as proposed due to vehicle stacking and visibility hazards created when entering of exiting new road;
4. six metre road reserve not supported as this fails to comply with Local Planning Policy 4 – Residential Road Reserve Widths

The applicant and the Urban Design Centre have argued that the road is required and is good urban design.

**Statutory Implications**

The WAPC determines all applications for subdivision pursuant to Part 10 of the *Planning and Development Act 2005*.

**Policy Implications**

Local Planning Policy 4 – Residential Road Reserve Widths

**Strategic Planning Implications**

Project is directly related to Goal 4 - Land Development Projects within the Town's Strategic Plan that states that it is Council to ensure "That land is being released and developed to meet the needs of a growing community."



**Budget Implications**

Nil

**Officer's Comment**

The primary issue of concern with this subdivision is the need for and location of a proposed extension of Jacoby Street. Council has the options of providing one of the following three responses to the DPI's request for comment on the Moore St subdivision application:

- Option 1: Support the subdivision application as proposed
- Option 2: Oppose the subdivision application on the grounds that, in the opinion of Council, the proposed street layout is not good urban design
- Option 3: Support the subdivision application subject to appropriate modifications being made to the street layout.

*Liveable Neighbourhoods Street Layout, Design and Traffic Management Guidelines*, published by the WAPC recommends that four-way intersections of neighbourhood connectors be avoided, recommending either multiple T-junctions, or the installation of traffic controls such as roundabouts or median strips. As noted in the body of this report, the extension of Jacoby Street is not supported for safety reasons, and it is not considered that the applicant has satisfactorily justified the need for this road.

An alternative to the proposed road extension is to delete the extension of the road reserve and move the southern lots directly on to Anderson Street, constructing an access lane from Frewer to Jacoby Street. In this scenario, the Jacoby Street extension would not need to connect through to Moore Street and would only need to service local traffic needs.

**Attachments**

Subdivision Plan  
Proposed Scheme Amendment Map  
Proposed Development Plan

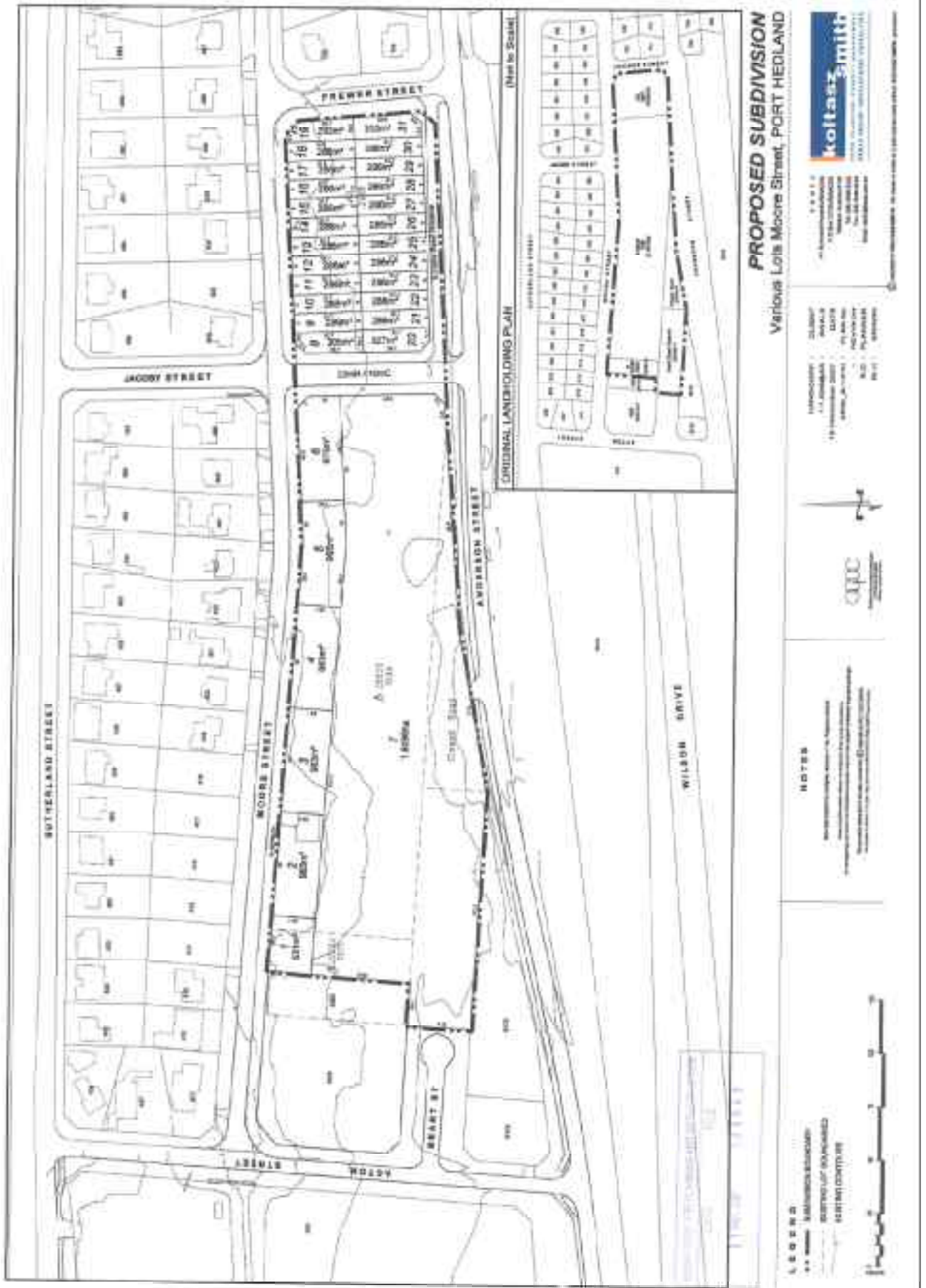
**200708/162 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

**That Council advise the Western Australian Planning Commission that it supports the subdivision of lots 3830, 1399 and 2469 Moore Street Port Hedland (WAPC Application No. 136648) subject to:**

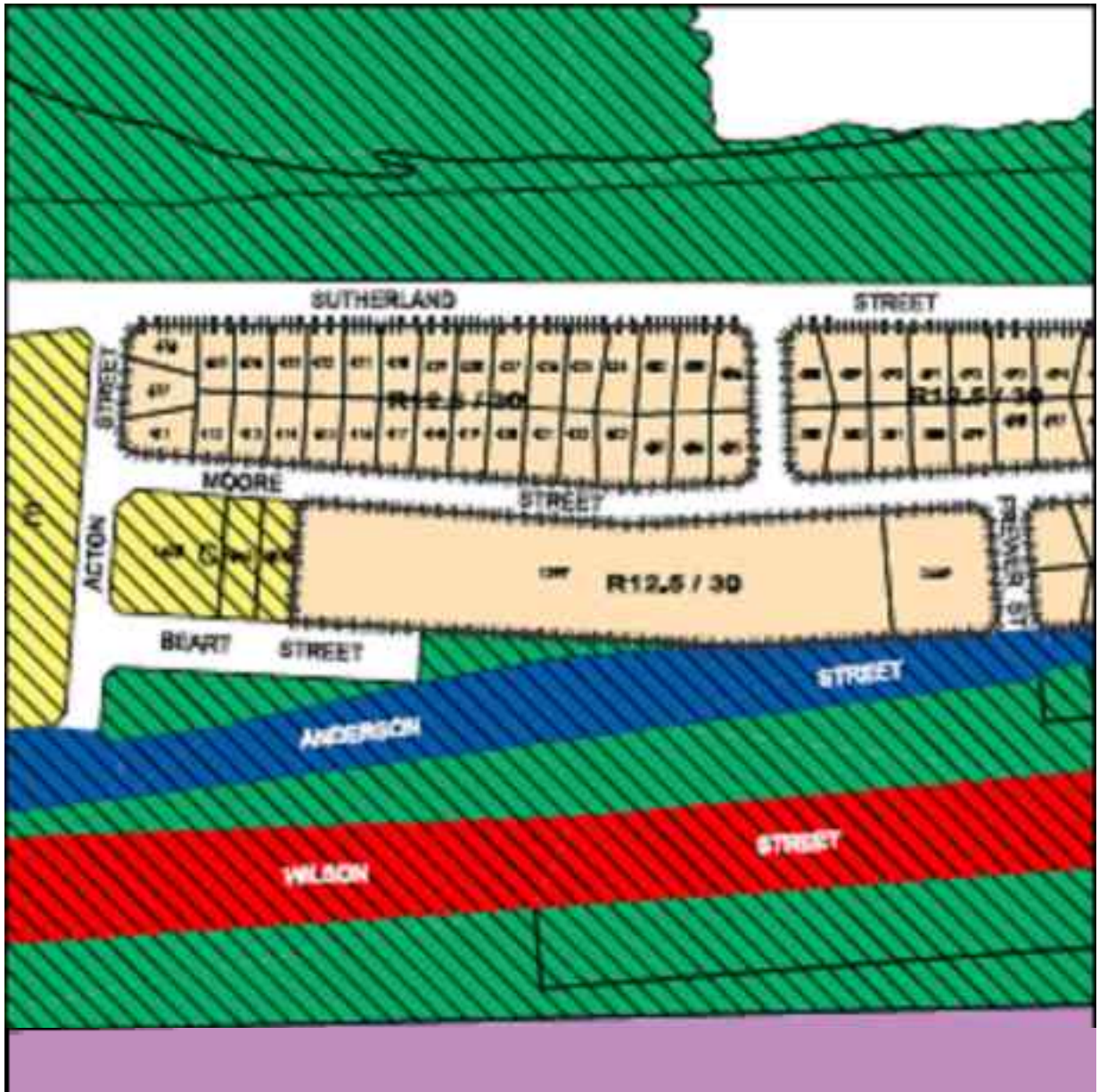
- 1) changes to the road layout to ensure that the subdivision design complies with the *Liveable Neighbourhoods Street Layout, Design and Traffic Management Guidelines* and the Town of Port Hedland Local Planning Policy No. 4 – Residential Road Reserves; and**
- 2) the applicant submitting a Development Plan indicating, but not limited to, the proposed built form of the residential development for the site.**

**CARRIED 7/0**

ATTACHMENT 1 TO AGENDA ITEM 12.7



ATTACHMENT 2 TO AGENDA ITEM 12.7



*ATTACHMENT 3 TO AGENDA ITEM 12.7*



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

Nil.

**ITEM 14      CONFIDENTIAL ITEMS**

**200708/162 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (c) and (d) of the Local Government Act 1995, to enable Council to consider Agenda Item 14.1 'Confidential Item - Legal Matter : Mirtanya Maya Aged Care Facility: Dispute With Commonwealth Department of Health and Ageing'.**

**CARRIED 7/0**

*NOTE: Section 5.23 (2) of the Local Government Act 1995 states:*

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

*...(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

*...(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; ...”*

7:54 pm      Members of the public left the room.

**14.1.1 *Confidential Item - Legal Matter* : Mirtanya Maya Aged Care Facility: Dispute With Commonwealth Department of Health and Ageing**

**200708/163 Council Decision/Officer's Recommendation**

**Moved:** Cr G D Bussell

**Seconded:** Cr G J Daccache

**That Council takes no further action on the Commonwealth Governments request for partial repayment of the 1995 Mirtanya Maya Capital Grant until:**

- i) meetings to discuss this issue have been held between the Federal Department of Health and Ageing, WA Country Health Service and the Town of Port Hedland; and**
- ii) a formal response has been received from the Hon. Nicola Roxon, Federal Minister for Health on this issue.**

**200708/164 Council Decision**

**Moved:** Cr G D Bussell

**Seconded:** Cr J M Gillingham

**That the Meeting be opened to members of the public.**

***CARRIED 7/0***

7:55 pm Members of the public were invited to reenter the room.

**ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**

**200708/165 Council Decision**

**Moved:** Cr G J Daccache

**Seconded:** Cr J E Ford

**That the following Application for Leave of Absence by elected members be approved:**

- i) Councillor J M Gillingham – from 2 – 9 February 2008, inclusive.**

***CARRIED 7/0***

**ITEM 16 CLOSURE**

**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 February 2008, commencing at 5.30 pm.

**16.2 Closure**

There being no further business, the Chairman declared the meeting closed at 8:00 pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 27 February 2008.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE