



Town of Port Hedland

MINUTES

OF THE

SPECIAL MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

TUESDAY 19 APRIL 2011

COMMENCING AT 16:30 PM

IN COUNCIL CHAMBERS
MCGREGOR STREET, PORT HEDLAND

Purpose of Meeting: To consider:

Proposed Transient Workforce Accommodation – Temporary Railway Camp 90 Room Expansion and 1 Laundry Building on Lot 00001 L1SA Railway Corridor (Rail Camp 195)

Proposed Transient Workforce Accommodation – 32 room expansion and 3 laundry buildings on Lot 00001 L1SA Railway Corridor (Rail Camp 145)

Reconsideration of Construction of Wallwork Road Bridge over BHP Rail

General Practitioner (GP) Housing Project

Port Hedland Turf Club Structures - Consideration of Buildings and Structural Compliance/Remedial Actions.

DISCLAIMER

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*Paul Martin
Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 4.30pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett
Councillor Arnold A Carter
Councillor Stan R Martin
Councillor George J Daccache
Councillor Steve J Coates
Councillor Michael (Bill) A Dziombak
Councillor David W Hooper

Mr Paul Martin	Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Russell Dyer	Director Engineering Services
Mr Gordon MacMile	Director Community Development
Mr Darryal Eastwell	Acting Director Planning and Development
Mrs Kate Bale	Executive Assistant to Chief Executive Officer (left at 5pm)
Ms Josephine Bianchi	Governance Coordinator (entered at 5pm)
Members of the Public	7

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Councillor Jan M Gillingham

ITEM 3 PUBLIC TIME

4:31pm Mayor opened Public Question time

3.1 Public Questions

Nil

4:31pm Mayor closed Public Question time

4:32pm Mayor opened Public Statements time

3.2 Public Statements

Nil

4:32pm Mayor closed Public Statements time

ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE**4.1 Councillor S J Coates**

Councillor Coates referred to the section of the Agenda of the 13 April 2011 Ordinary Council meeting regarding 'Response to previous questions taken on notice'. Councillor Coates noticed that Councillor Daccache's previous question and answer regarding cattle on the highway was included in this Agenda. However, Councillor Coates also noted that his question raised at the Ordinary Council meeting of 30 March 2011 requesting a meeting to discuss interactive social media policy, Councillors confidential emails and the South Hedland Bowls & Tennis Club where not included. Councillor Coates would like to know why?

Mayor advised that her understanding is that Councillor Coates' question was not reported in the Agenda of 13 April 2011 because it was not taken on notice at the meeting of 30 March 2011 as opposed to Councillor Daccache's. Councillor Coates' question was answered directly at the meeting. Mayor also suggested that the Minutes could be corrected accordingly if necessary.

4.2 Councillor G J Daccache

Councillor Daccache advised that during this meeting he will declare a Financial Interest in two consecutive FMG items. In view of this, Councillor Daccache enquired as to whether he could leave the room once or twice.

Mayor advised Councillor Daccache that he will have to declare his Financial interest twice and therefore leave and re-enter the room twice.

4.2 Councillor D W Hooper

Councillor Hooper advised that the following question has been passed on to him to raise with Council:

Is Council aware of any pollution that is leaching from the Shell Roadhouse/service station into Hedland Christian Church property?

Mayor advised that this question is taken on notice.

ITEM 5 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Mayor K A Howlett	Cr S J Coates
Cr A A Carter	Cr D W Hooper
Cr S R Martin	Cr M (Bill) Dziombak
Cr G J Daccache	

ITEM 6 REPORTS OF OFFICERS**6.1 Planning and Development Services**

4:35pm Councillors G J Daccache and M Dziombak declared a Financial interest in Agenda Item 6.1.1 'Proposed Transient Workforce Accommodation – Temporary Railway Camp 90 Room Expansion and 1 Laundry Building on Lot 00001 L1SA Railway Corridor (Rail Camp 195)' as they are both FMG shareholders with shares that exceed the statutory limit.

Councillors G J Daccache and M Dziombak left the room.

6.1.1 *Proposed Transient Workforce Accommodation – Temporary Railway Camp 90 Room Expansion and 1 Laundry Building on Lot 00001 L1SA Railway Corridor (Rail Camp 195) (File No.: 803540G)*

Officer Ryan Djanegara
Planning Officer

Date of Report 21 March 2011

Application No. 2011/36

Disclosure of Interest by Officer Nil

Summary

The Town received an application submitted by Davis Langdon on behalf of Fortescue Metals Group to construct a 90 room expansion and 1 laundry building for an existing Transient Workforce Accommodation (TWA) (Temporary Railway Camp) on Lot 00001 L1SA Railway Corridor (Rail Camp 195).

The application is referred to Council as Director does not have delegated authority to determine the application.

The proposed application is supported by the Planning Unit.

Background*Location and Site Details*

The subject site is located along a rail corridor (ATTACHMENT 1). In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is Rural. The site is currently being used as a Rail Camp.

The Proposal

The applicant proposes to construct a 90 room expansion and 1 laundry building to an existing TWA (Temporary Railway Camp) at Rail Camp 195. The proposed TWA is necessary to expand the railway to support future mining operations within the region.

Consultation

The application has been referred internally and externally in accordance with section 4.3.1 of the Port Hedland Town Planning Scheme No. 5. No objections have been received

Statutory Implications

The development of the land must be done in accordance with the Town of Port Hedland Town Planning Scheme No. 5.

Policy Implications

Although Council does not have a policy in regard to Transient Workforce Accommodation, it has endorsed a "Guidance Note for potential developers of Transient Workforce Accommodation (TWA) - August 2008".

Strategic Planning Implications

The following sections of Council's Plan for the Future 2010-2015 are considered relevant to the proposal:

Key Result Area 4:	Economic Development
Goal 2:	Mining/Roads

That the Town has strong working relationships with the mining industry that are achieving sustainable outcomes for the local community, while minimizing negative impacts.

Budget Implications

An application fee of \$4, 845.45 has been received as per the prescribed fees approved by Council.

Officer's Comment

Guidance Note for potential developers of Transient Workforce Accommodation (TWA) - August 2008

In August 2008 Council put out a guidance note to all potential developers of TWA's, advising of the following key principles which will be considered when applications are submitted for potential TWA facilities:

- Town Centre Development Focus
- Community benefit
- Integration
- Quality
- Safety

The guidance note also identifies a number of TWA styles and identifies locations Council considers these facilities may be most appropriate. The current proposal best fits into the “Mining/Rail Camps” style, which is characterized as:

Short term construction camps for infrastructure such as rail and/or mining operations that are being built outside of the Township.

According to the guidance note, possibly or preferable locations have been identified in areas that are “*Greater than 50kms from Port Hedland otherwise other ‘in-town’ accommodation should be sought.*”

The proposed location for the Mining Camp is located more than 180 km from the Port and South Hedland Town Centres. Due to its proposed location it is unreasonable to require the applicant to seek accommodation within the Town.

It is considered that the proposed TWA (Temporary Railway Camp) development is generally consistent with the definition of a mining/rail camp in the Guidance Note. In this instance it is considered that the key principles identified in Council’s guidance note are not applicable.

Options

The Council has the following options when considering the application:

1. Approve the proposal subject to conditions.

Should Council approve the development, the applicant will be able to provide accommodation within close proximity to the proposed railway expansion.

2. Refuse the proposal.

Should Council refuse the development, the proposed rail extension will be seriously hampered.

It is recommended that Council approve the application subject to conditions.

Attachments

1. Locality Map
2. Site Plan
3. Floor Plans and Elevations

201011/331 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council approve the application submitted by Davis Langdon on behalf of Fortescue Metals Group to construct a TRANSIENT WORKFORCE ACCOMMODATION – 90 room expansion and 1 laundry building on Lot 00001 L15A Railway Corridor (Rail Camp 195) subject to the following conditions:

1. This approval relates only to the proposed TRANSIENT WORKFORCE ACCOMMODATION (Temporary Railway Camp) – 90 room expansion and 1 laundry building and other incidental development, as indicated on the approved plans. It does not relate to any other development on this 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 a building license the applicant/landowner is to provide the following information:
 - a. **Details of vehicle movements (heavy vehicles using site for transportation of building materials and all deliveries to the specification of Council's Manager Infrastructure; and**
 - b. **Evidence from an appropriately qualified person that the current effluent disposal systems can handle the additional load to the specification of Council's Manager Environmental Health Services.**
4. At the conclusion of the mining operations, all development is to be removed, and the area made good to the satisfaction of the Manager Planning.

5. Prior to the commencement of any new 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 Councils Manager Planning.
6. Any sites of aboriginal significance, heritage-listed structures, monuments or protected vegetation identified under Condition 5, 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 Councils Manager Planning.
7. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle 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 to the satisfaction of Councils Manager Planning.
8. Any Alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of Engineering Services at the Developer's expense.
9. 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.

FOOTNOTES

1. 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.

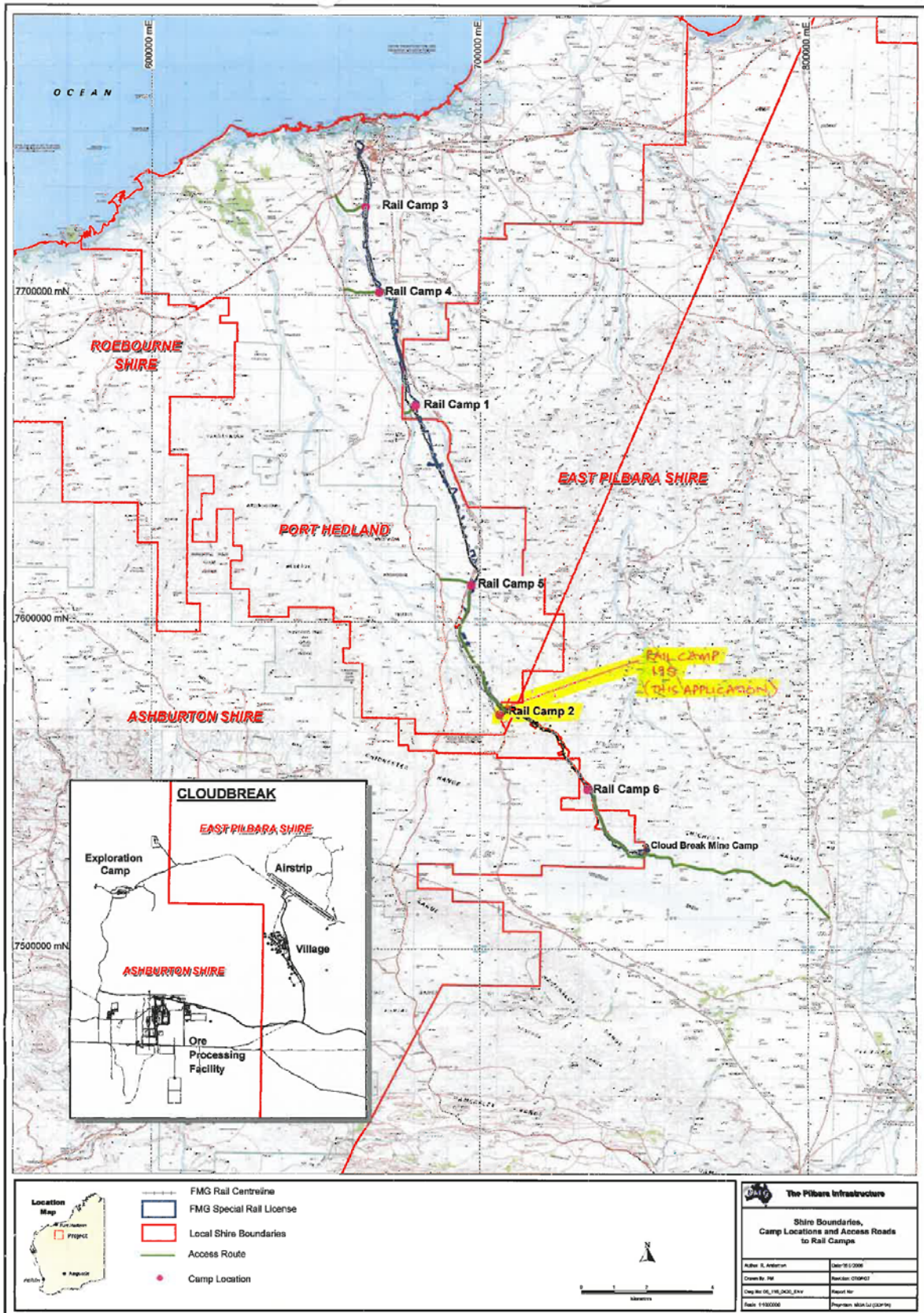
2. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below 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.
3. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

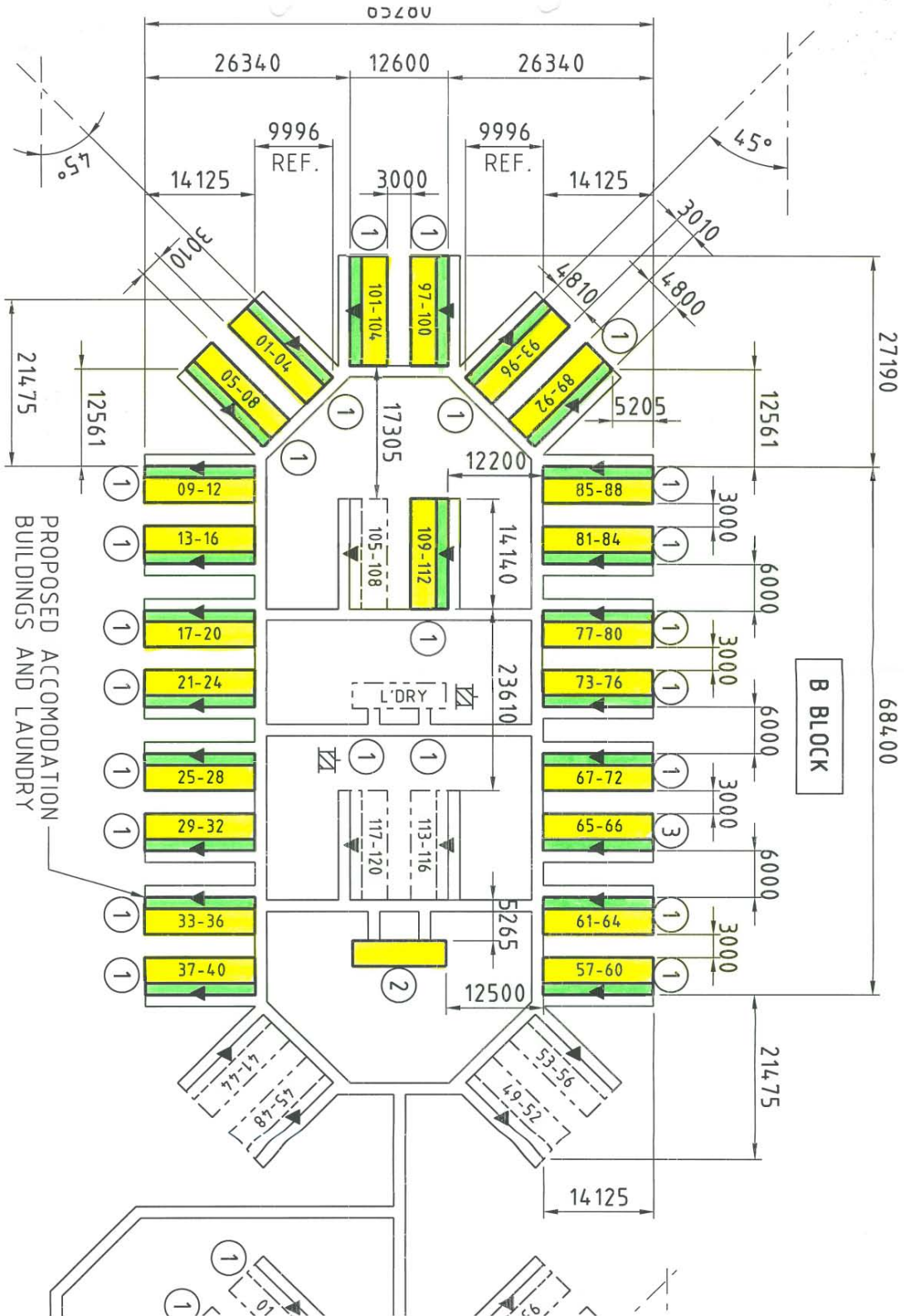
CARRIED 5/0

4.37pm Councillors G J Daccache and M Dziombak re-entered the room and resumed their chairs.

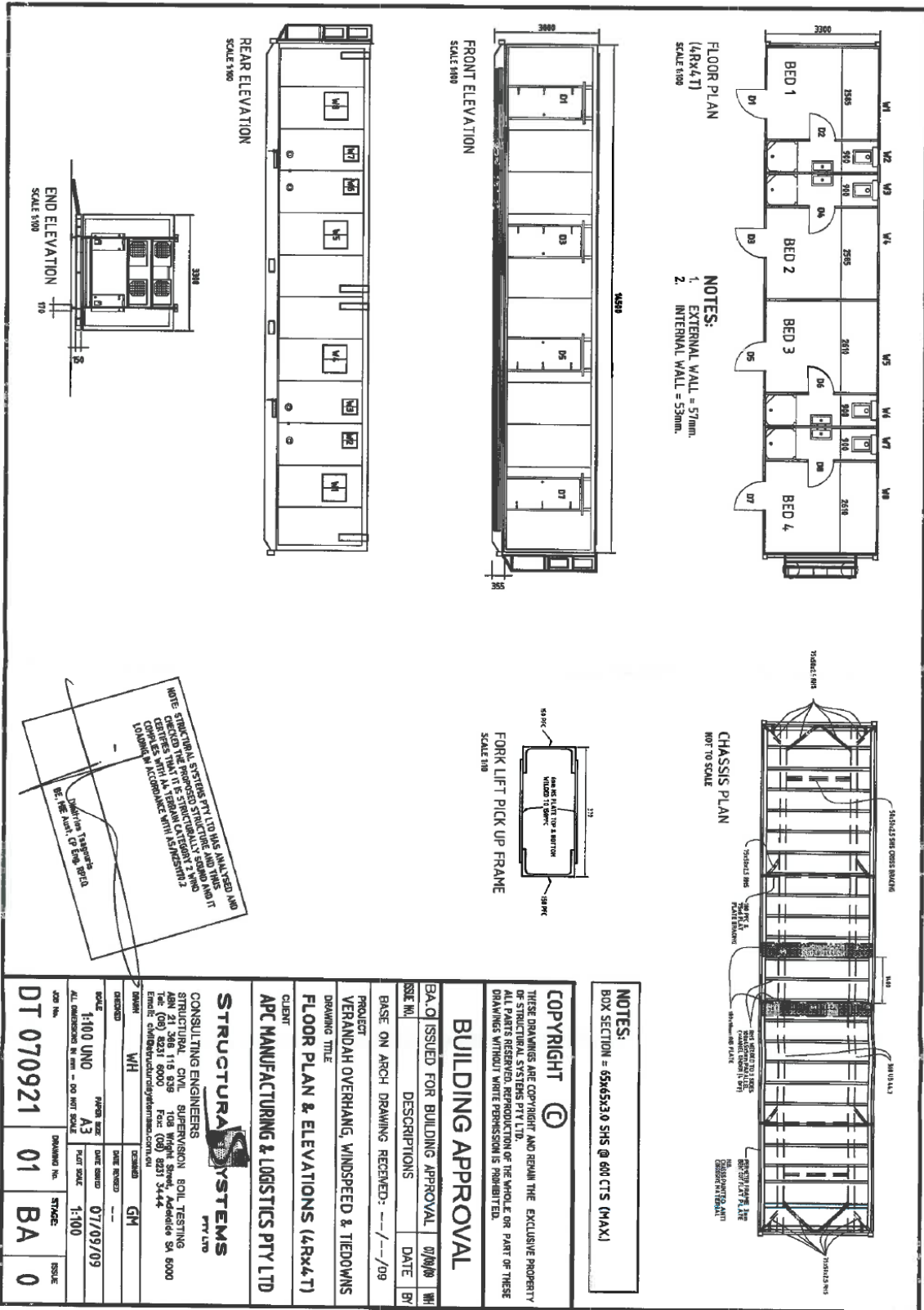
Mayor advised Councillors G J Daccache and M Dziombak of Council's decision.

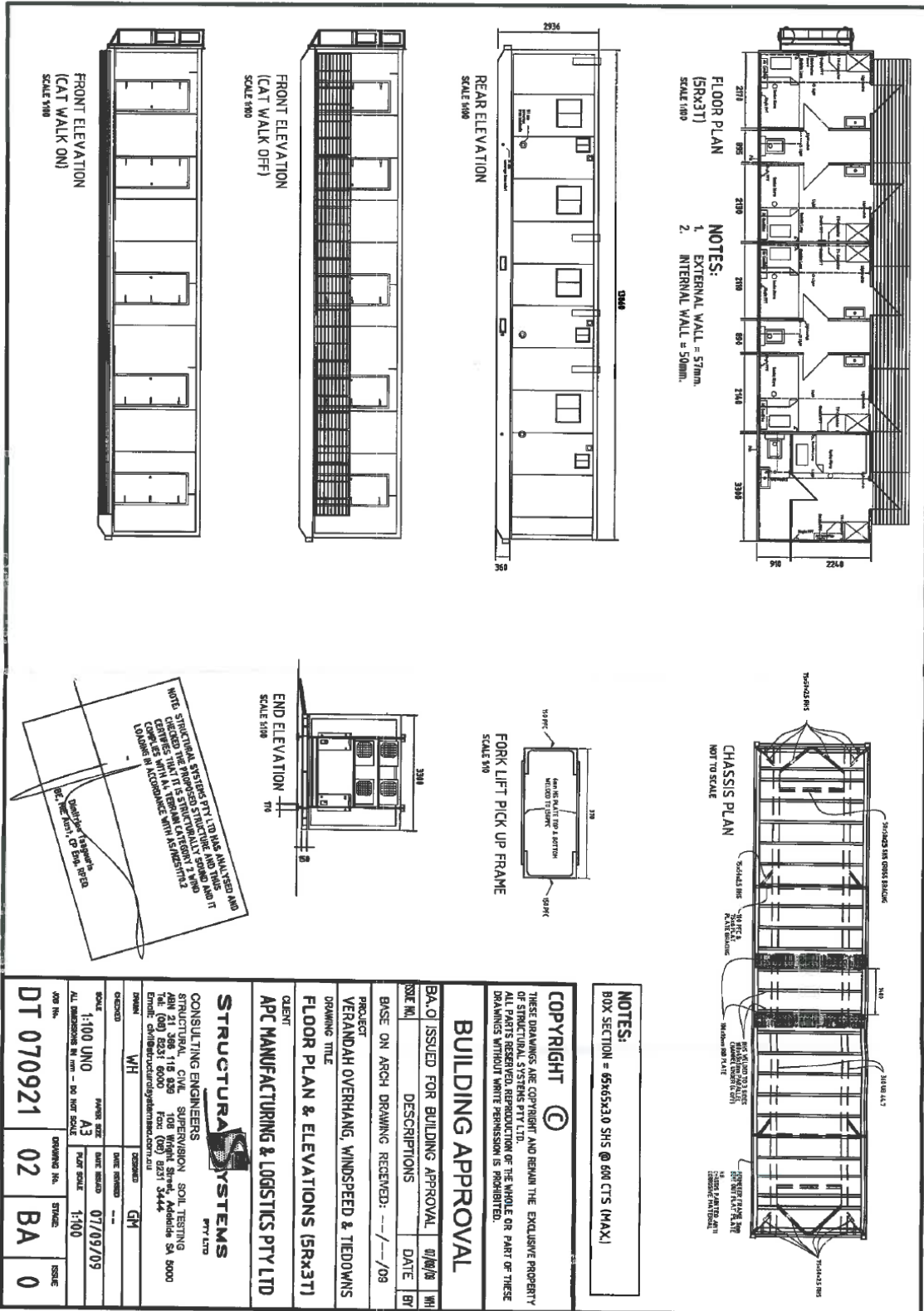
ATTACHMENT 1 TO AGENDA ITEM 6.1.1



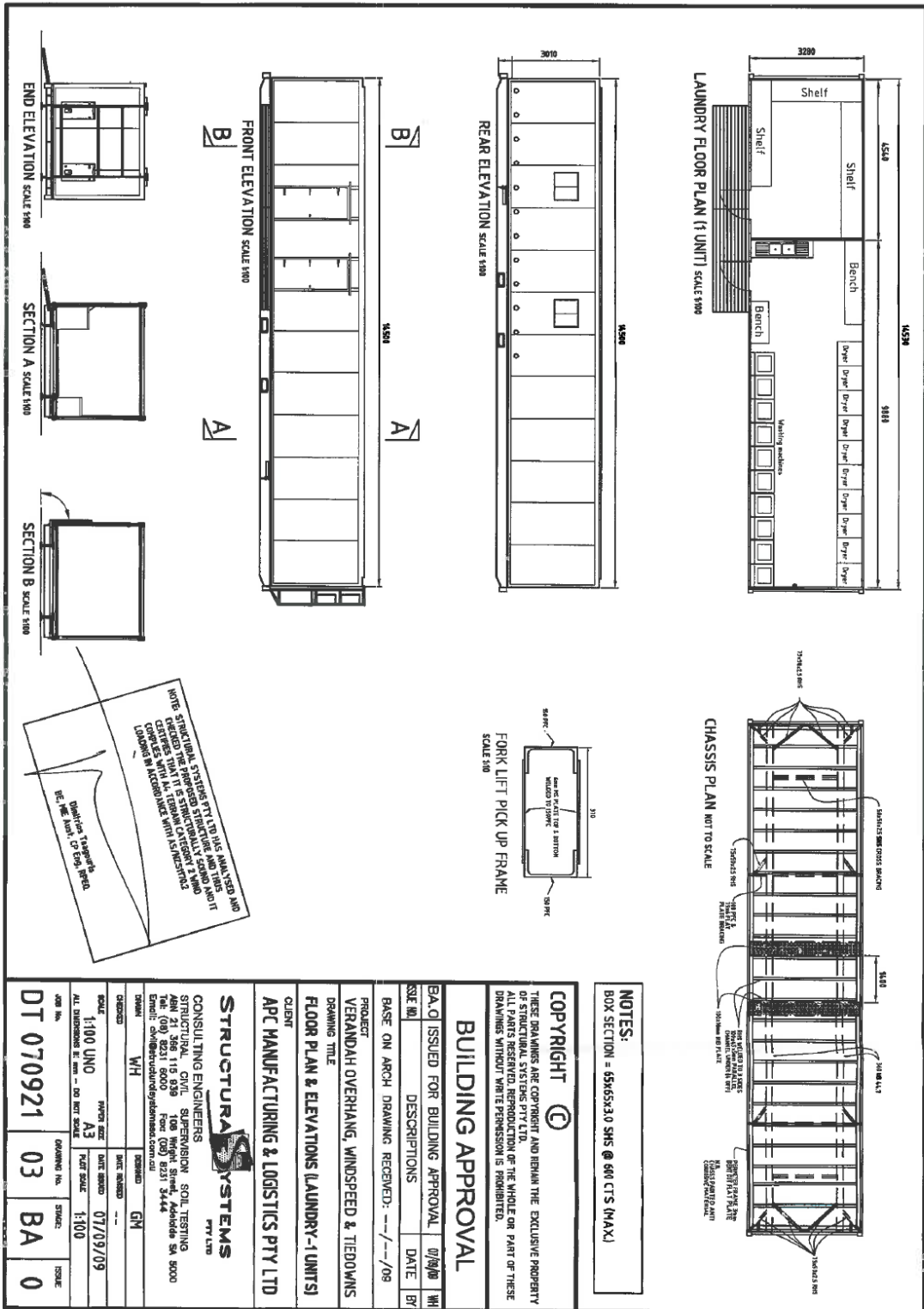


ATTACHMENT 3 TO AGENDA ITEM 6.1.1





STAGE ABBREVIATION: P=PRELIMINARY; PA=FOR PLANNING APPROVAL; T=TENDER; BA=BUILDING APPROVAL; C=FOR CONSTRUCTION



7/09/2009 12:28:30 PM, WESLEY

STAGE ABBREVIATION: P=PRELIMINARY; PA=FOR PLANNING APPROVAL; T=TENDER; BA=BUILDING APPROVAL; C=FOR CONSTRUCTION

4:38pm Councillors G J Daccache and M Dziombak declared a Financial interest in Agenda Item 6.1.2 'Proposed Transient Workforce Accommodation – 32 room expansion and 3 laundry buildings on Lot 00001 L1SA Railway Corridor (Rail Camp 145)' as they are both FMG shareholders with shares that exceed the statutory limit.

Councillors G J Daccache and M Dziombak left the room.

6.1.2 *Proposed Transient Workforce Accommodation – 32 room expansion and 3 laundry buildings on Lot 00001 L1SA Railway Corridor (Rail Camp 145) (File No.: 803540G)*

Officer Ryan Djanegara
Planning Officer

Date of Report 21 March 2011

Application No. 2011/35

Disclosure of Interest by Officer Nil

Summary

The Town received an application submitted by Davis Langdon on behalf of Fortescue Metals Group to construct a 32 room expansion and 3 laundry buildings for an existing Transient Workforce Accommodation (TWA) (Temporary Railway Camp) on Lot 00001 L1SA Railway Corridor (Rail Camp 145).

The application is referred to Council as Director does not have delegated authority to determine the application.

The proposed application is supported by the Planning Unit.

Background

Location and Site Details

The subject site is located along a rail corridor (ATTACHMENT 1). In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is Rural. The site is currently being used as a Rail Camp.

The Proposal

The applicant proposes to construct a 32 room expansion and 3 laundry buildings to an existing TWA (Temporary Railway Camp) at Rail Camp 145. The proposed TWA is necessary to expand the railway to support future mining operations within the region.

Consultation

The application has been referred internally and externally in accordance with section 4.3.1 of the Port Hedland Town Planning Scheme No. 5. No objections have been received

Statutory Implications

The development of the land must be done in accordance with the Town of Port Hedland Town Planning Scheme No. 5.

Policy Implications

Although Council does not have a policy in regard to Transient Workforce Accommodation, it has endorsed a "Guidance Note for potential developers of Transient Workforce Accommodation (TWA) - August 2008".

Strategic Planning Implications

The following sections of Council's Plan for the Future 2010-2015 are considered relevant to the proposal:

Key Result Area 4: Economic Development
Goal 2: Mining/Roads

That the Town has strong working relationships with the mining industry that are achieving sustainable outcomes for the local community, while minimizing negative impacts.

Budget Implications

An application fee of \$2,300 has been received as per the prescribed fees approved by Council.

Officer's Comment

Guidance Note for potential developers of Transient Workforce Accommodation (TWA) - August 2008

In August 2008 Council put out a guidance note to all potential developers of TWA's, advising of the following key principles which will be considered when applications are submitted for potential TWA facilities:

- Town Centre Development Focus
- Community benefit
- Integration
- Quality
- Safety

The guidance note also identifies a number of TWA styles and identifies locations Council considers these facilities may be most appropriate. The current proposal best fits into the “Mining/Rail Camps” style, which is characterized as:

Short term construction camps for infrastructure such as rail and/or mining operations that are being built outside of the Township.

According the guidance note, possibly or preferable locations have been identified in areas that are “*Greater than 50kms from Port Hedland otherwise other ‘in-town’ accommodation should be sought.*”

The proposed location for the Mining Camp is located more than 120 km from the Port and South Hedland Town Centres. Due to its proposed location it is unreasonable to require the applicant to seek accommodation within the Town.

It is considered that the proposed TWA (temporary Railway Camp) development is generally consistent with the definition of a mining/rail camp in the Guidance Note. In this instance it is considered that the key principles identified in Council’s guidance note are not applicable.

Options

The Council has the following options when considering the application:

1. Approve the proposal subject to conditions.

Should Council approve the development, the applicant will be able to provide accommodation within close proximity to the proposed railway expansion.

2. Refuse the proposal.

Should Council refuse the development, the proposed rail extension will be seriously hampered.

It is recommended that Council approve the application subject to conditions.

Attachments

1. Locality Map
2. Site Plan
3. Floor Plans and Elevations

201011/332 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council approve the application submitted by Davis Langdon on behalf of Fortescue Metals Group to construct a TRANSIENT WORKFORCE ACCOMMODATION – 32 room expansion and 3 laundry buildings on Lot 00001 L15A Railway Corridor (Rail Camp 145) subject to the following conditions:

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3. Prior to the submission of a building license the applicant/landowner is to provide the following information:
 - a. **Details of vehicle movements (heavy vehicles using site for transportation of building materials and all deliveries to the specification of Council's Manager Infrastructure; and**
 - b. **Evidence from an appropriately qualified person that the current effluent disposal systems can handle the additional load to the specification of Council's Manager Environmental Health Services.**
4. At the conclusion of the mining operations, all development is to be removed, and the area made good to the satisfaction of the Manager Planning.

5. Prior to the commencement of any new 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 Councils Manager Planning.
6. Any sites of aboriginal significance, heritage-listed structures, monuments or protected vegetation identified under Condition 5, 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 Councils Manager Planning.
7. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle 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 to the satisfaction of Councils Manager Planning.
8. Any Alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of Engineering Services at the Developer's expense.
9. 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.

FOOTNOTES

1. 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.
2. 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 Annual Recurrence Interval 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.

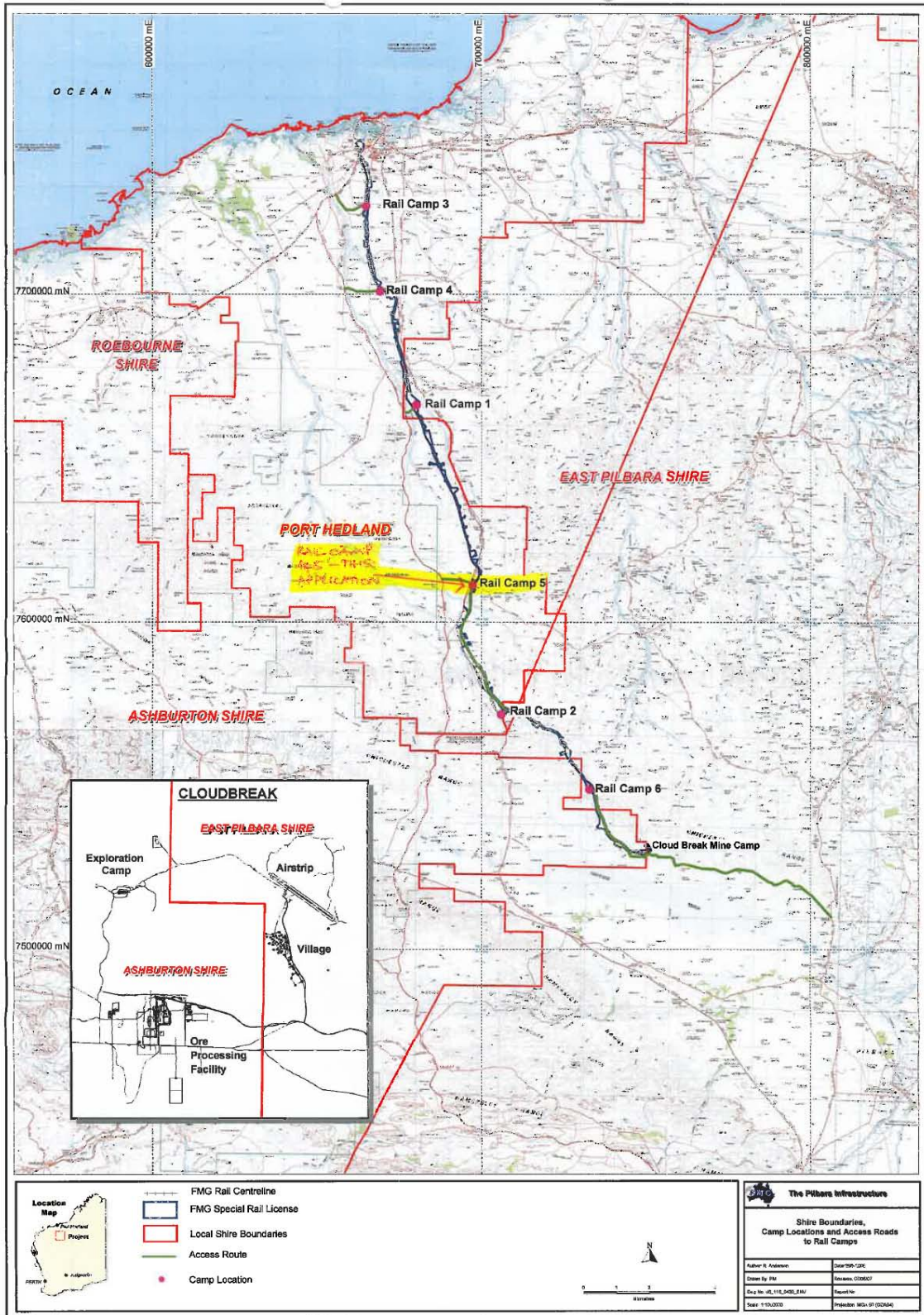
3. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 5/0

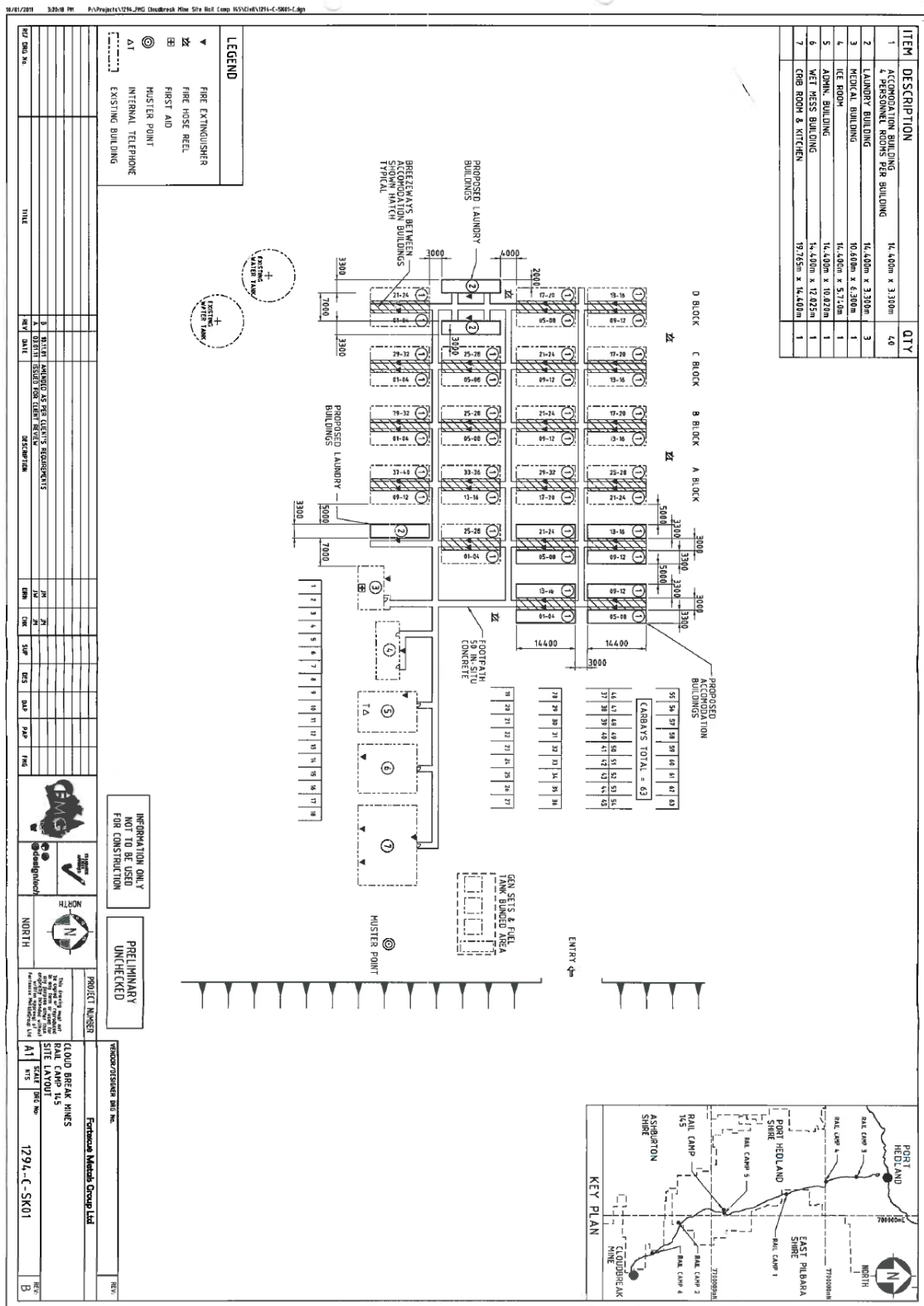
4:39pm Councillors G J Daccache and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors G J Daccache and M Dziombak of Council decision.

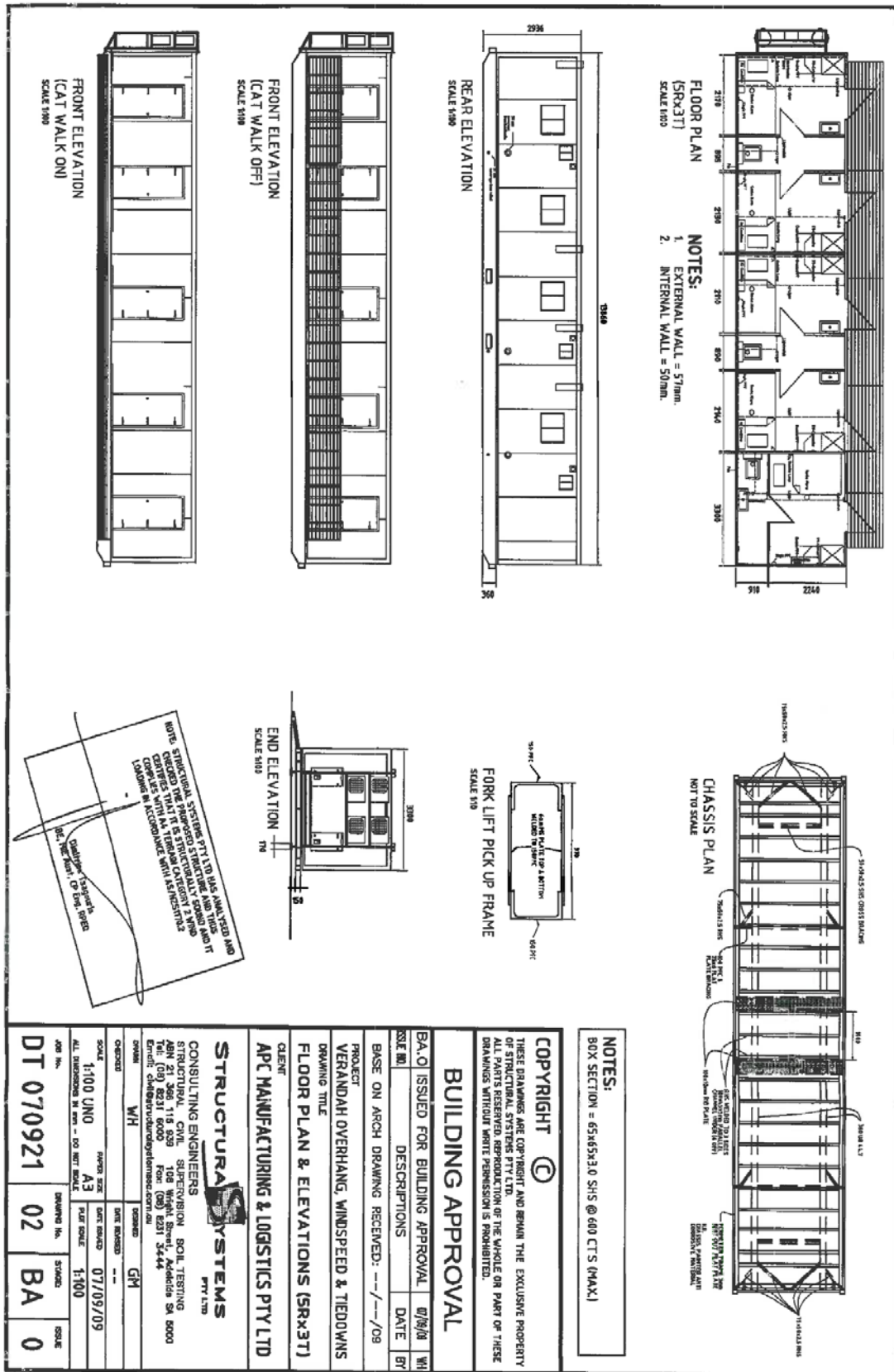
ATTACHMENT 1 TO AGENDA ITEM 6.1.2



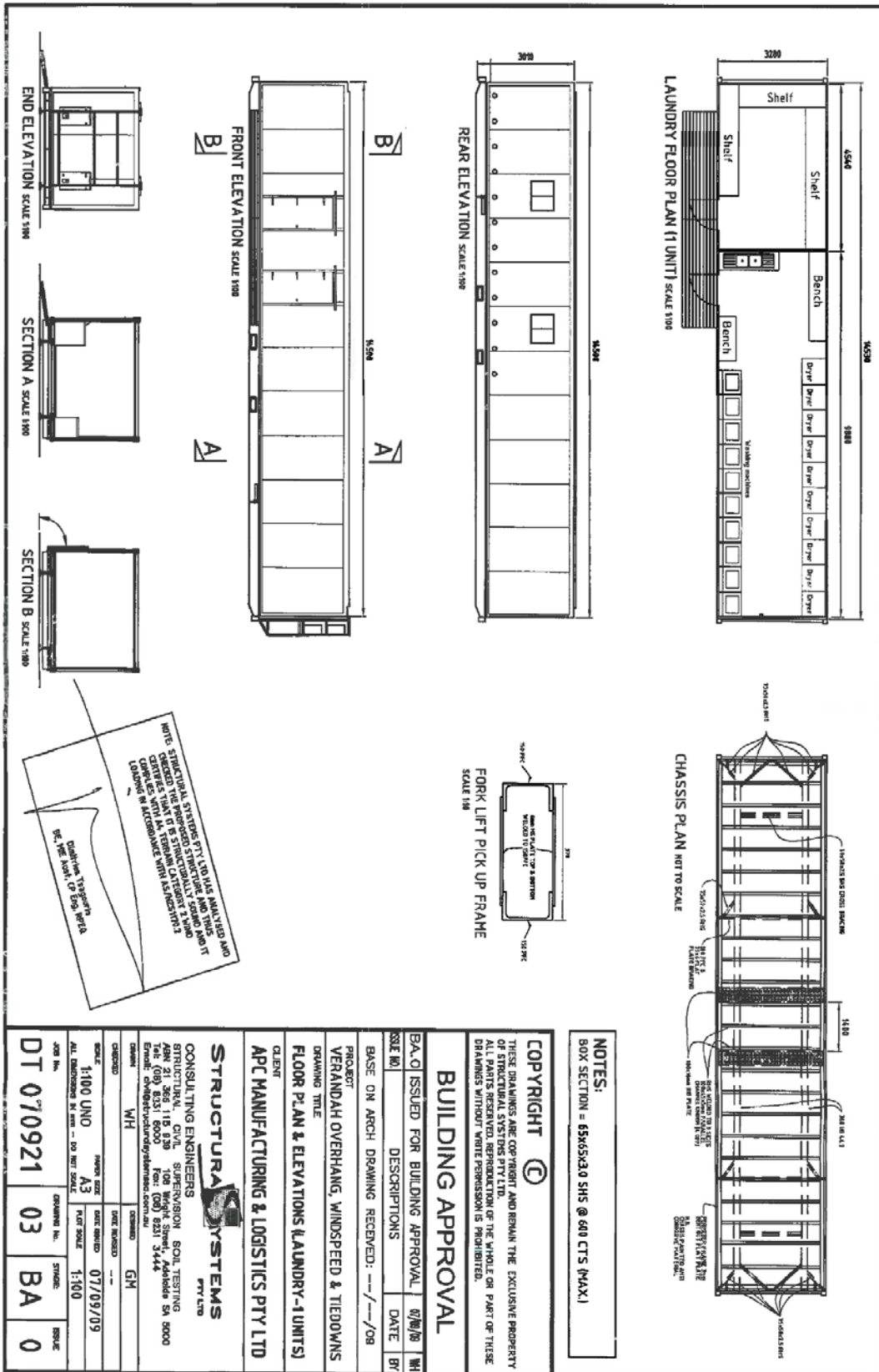
ATTACHMENT 2 TO AGENDA ITEM 6.1.2



ATTACHMENT 3 TO AGENDA ITEM 6.1.2



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NOTES:
BOX SECTION = 65x65x3.0 SHS @ 600 CTS (MAX.)

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BUILDING APPROVAL

BA-Q	ISSUED FOR BUILDING APPROVAL	07/06/09	WH
ISSUE NO.	DESCRIPTIONS	DATE	BY
BASE ON ARCH. DRAWING RECEIVED: ---/---/08			

PROJECT: VERANDAH OVERHANG, WINDSPEED & TIEDOWNS
DRAWING TITLE: FLOOR PLAN & ELEVATIONS (LAUNDRY-1 UNITS)
CLIENT: APC MANUFACTURING & LOGISTICS PTY LTD

STRUTURA SYSTEMS PTY LTD
CONSULTING ENGINEERS
STRUCTURAL, CIVIL, SUPERVISION, SOIL TESTING
4081 21 3265 115 830 108 Mark Street, Adelaide SA 5000
Email: info@strutura.com.au Phone: (08) 8231 3444
Website: www.strutura.com.au

DESIGNER	WH	CHECKED	GH
DATE DESIGNED	---	DATE REVISION	---
SCALE	1:100 UNO	DATE DRAWN	07/09/09
PAPER SIZE	A3	PLAT SCALE	1:100
JOB NO.	DT 070921	DRAWING NO.	03
STAGE	BA	REVISION	0

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STAGE ABBREVIATION: P=PRELIMINARY; PA=FOR PLANNING APPROVAL; T=TENDER; BA=BUILDING APPROVAL; C=FOR CONSTRUCTION

6.2 Engineering Services

4:39pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial interest in Agenda Item 6.2.1 'Reconsideration of Construction of Wallwork Road Bridge over BHP Rail' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors A A Carter, G J Daccache and M Dziombak left the room.

4:39pm Councillor S J Coates declared a Financial interest in Agenda Item 6.2.1 'Reconsideration of Construction of Wallwork Road Bridge over BHP Rail' as he is a BHP Billiton employee and shareholder with shares over the statutory limit.

Councillor S J Coates left the room.

Chief Executive Officer advised that approval to consider Agenda Item 6.2.1 'Reconsideration of Construction of Wallwork Road Bridge over BHP Rail ' with a reduced quorum of three Councillors has been received from the Minister of Local Government.

6.2.1 *Reconsideration of Construction of Wallwork Road Bridge over BHP Rail (File No.: 28/01/0006)*

Officer Russell Dyer

Director Engineering

Date of Report

7 April 2011

Disclosure of Interest by Officer

Nil

Summary

The purpose of this report is to obtain Council approval to call tenders for the Project Management for the construction of Wallwork Road Bridge.

Background

The Town resolved at the Ordinary Meeting of Council on the 23rd of February to progress with the calling of Tenders for the construction of Wallwork Road Bridge with the following recommendation:

“That Council

- 1. Authorizes the CEO to execute the funding agreement with BHP Billiton Iron Ore for the outstanding balance of the \$23,236,364 for the construction of the Bridge and associated roadwork’s on Wallwork Road;*
- 2. Approves the CEO to call tenders (once the funding agreement has been executed) for a four lane bridge over the railway lines at Wallwork Road with no MSE walls with a recommendation to look at some alternatives to help minimize erosion;*
- 3. Formally indicates its support by committing a maximum of \$850,000 via loan funding as part of the third quarter budget review;*
- 4. Notes that if there is a shortfall in funding after the tender submissions have been evaluated, that Council will be advised with a strategy developed prior to the awarding of the tender;and*
- 5. Request the CEO (or CEOs delegate) to investigate the possibility of transferring ownership of the Wallwork Road Bridge to Main Roads.”*

Consultation

- BHP Billiton Iron Ore
- Town of Port Hedland
- Main Roads WA
- Department of State Development

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

Key Result Area 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 1 – Partner with BHP, FMG, Dampier Salt, Newcrest Mining and others mining companies to develop community infrastructure and a stronger community
 - Strategy 2 – Review all mining and port development proposals to ensure that any negative impacts on the community due to either construction or operational activities are minimized

Budget Implications

BHP Billiton Iron Ore have allocated 24 million (exc gst) to this project. Council has indicated financial support to the value of \$850,000 for this project. The project budget includes an allocation for project management. This was going to be paid to Main Roads, however it will be used to engage the project manager.

Officer's Comment

Throughout the Rail over Road Working group meetings it was always the understanding that the Construction of the Wallwork Road Bridge would be Project Managed by Main Roads Pilbara Region and they would be the Superintendent, and the Town would be the Principal.

Main Roads had drafted an MOU to be signed by the Town for the Construction of Wallwork Road Bridge, but after reviewing the MOU and with further discussion with Main Roads this document required significant changes.

Main Roads have since produced a Co – Operation Agreement for the Construction of Wallwork Road Bridge, however this agreement put significant risk on the Town.

After discussion with Main Roads, they have advised the Town that they would tender out the Superintendent role as they themselves due to staff shortages and skill level in bridge construction, are currently doing this with their own bridge projects.

Having considered their advice it would be more appropriate for Council to call tenders for the project management for the construction of Wallwork Road Bridge. Main Roads have indicated that they would help with the tender documentation and assessment process as this is a specialized area of work and have recommended this approach to the project management for Wallwork Road Bridge.

Attachments

Co-Operation Agreement for the Construction of Wallwork Road – attached separately.

Officer's Recommendation

That Council:

1. Request the Chief Executive Officer to call Tenders for the Project Management for the Construction of Wallwork Road Bridge; and
2. Acknowledges the Chief Executive Officer will use the Road Over Rail Working Group to provide technical advice to the Town during construction.

201011/333 Council Decision

Moved: Cr D W Hooper

Seconded: Cr S R Martin

That Council:

1. Request the Chief Executive Officer to call Tenders for the Project Management for the Construction of Wallwork Road Bridge; and
2. Acknowledges the Chief Executive Officer will use the Road Over Rail Working Group to provide technical advice to the Town during construction.
3. Chief Executive Officer to provide written information to Council on maintenance cost and ownership of Wallwork Road bridge prior to the calling of project management tenders.

CARRIED 3/0

REASON: Council believes it needs to receive further information regarding the maintenance cost and ownership of Wallwork Road bridge prior to the calling of project management tenders.

4:42pm

Councillors A A Carter, G J Daccache, M Dziombak and S J Coates re-entered the room and resumed their chairs.

Mayor advised Councillors A A Carter, G J Daccache, M Dziombak and S J Coates of Council decision.

6.3 Community Development

4:42pm Councillors G J Daccache and M Dziombak declared a Financial Interest in Agenda Item 6.3.1 'General Practitioner (GP) Housing Project' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors G J Daccache and M Dziombak left the room.

4:42pm Councillor S J Coates declared a Financial Interest in Agenda Item 6.3.1 'General Practitioner (GP) Housing Project' as he is a BHP Billiton employee and shareholder with shares over the statutory limit. Councillor S J Coates also advised that he has received from the Department of Local Government approval to participate in the discussion of the item and the decision making process.

Councillor S J Coates did not leave the room.

4:42pm Councillor A A Carter declared a Financial Interest in Agenda Item 6.3.1 'General Practitioner (GP) Housing Project' as he is a BHP Billiton shareholder with shares over the statutory limit. Councillor A A Carter also advised that he has received from the Department of Local Government approval to participate in the discussion of the item and the decision making process.

Councillor A A Carter did not leave the room.

6.3.1 General Practitioner (GP) Housing Project (File No.: 15/01/0020)

Officer **Debra Summers**
Manager Libraries and
Cultural Development

Date of Report 5 April 2010

Disclosure of Interest by Officer Nil

Summary

The Council Meeting held on 14 July 2010 resolved to consider long and short term solutions for the delivery of subsidised housing for General Practitioners throughout Port Hedland.

To address long term solutions, Council has called tenders for the design and construction of stage one of subsidised houses for General Practitioners, to be available for occupation in September 2012.

This report proposes that as a short term solution, Council facilitates the provision of a rental property for one General Practitioner engaged to provide medical services to the community of Port Hedland.

Background

BHP Billiton, FMG and Atlas Iron are all now providing subsidised housing for General Practitioners to ensure medical services continue to be available to the Port Hedland community until the construction of permanent accommodation for General Practitioners is complete in September 2012.

BHP Billiton is providing 2 houses, Atlas Iron is leasing one house, and FMG has provided \$100,000 each year up to a maximum of three years to lease another house. This leaves a shortfall of one house required outside this industry allocation.

At the Council meeting of 14 July 2010 it was considered that short term accommodation could be provided by utilising the interest earned on monies held for the construction of the housing. The interest on the \$1.5 million provided towards this project through Royalties for Regions funding plus the \$1.5 million provided by BHP Billiton would facilitate the leasing of suitable short term accommodation.

To ensure transparency and compliance with the Local Government Act it is being proposed that this leasing arrangement and its management are handled by a third party. Foundation Housing has been approached and have agreed to facilitate this arrangement for \$2,000 per annum.

Consultation

In preparing for this report consultation has been undertaken with :

- BHP Billiton Iron Ore
- OHS Medical
- Relevant Officers of the Town of Port Hedland
- Foundation Housing

Statutory Implications

Should the Officers recommendation be adopted an absolute majority will be required as per extract from Local Government Act below:

“6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —...
(b) is authorised in advance by resolution...”*

And further a reserve account will need to be established as per Local Government Act requirements below as part of the next budget review:

“6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.”*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 4 - Healthy Community

Immediate Priorities 1 - Implement plans for the development of subsidised housing for General Practitioners within the Town

Budget Implications

Interest on the \$1.5 million provided towards this project through Royalties for Regions funding plus the \$1.5 million provided by BHP Billiton should be in the vicinity of \$135,000 per annum. This amount would facilitate the leasing of suitable short term accommodation at approximately \$1,900 per week for 12 months inclusive of the annual management fee of \$2,000 proposed by Foundation Housing.

To expedite the provision of this accommodation, it is proposed that funds be sourced at the next quarterly budget review until such time as the Reserve can be established as per Local Government Act requirements. Interest allocated to this reserve will facilitate ongoing rental payments for the remainder of the 12 months.

Officer’s Comment

Council has already committed to the long term provision of subsidised housing for General Practitioners through its commitment to the project with the State Government and BHP Billiton. The Council Meeting of July 2010 committed to an investigation of the provision of short term accommodation.

The suggestion that the interest on monies provided by the two funding partners to rent a property on the open market is appropriate and would have no financial impact upon the organisation. By engaging Foundation Housing to undertake and manage the rental, transparency is provided and will allow Council to remain impartial.

201011/334 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr S J Coates

That Council:

1. Utilise the interest earned from the \$3 million (\$1.5m BHPB and \$1.5m State) for provision of GP Housing to rent a property on the open market to provide short term accommodation for one General Practitioner engaged to provide medical services to the community of Port Hedland to the maximum value of \$1,900 per week for 12 months.
2. Authorise the Chief Executive Officer to engage Foundation Housing to manage the transaction and the ongoing business associated with this rental for 12 months at an annual management fee of \$2,000.
3. Consider the allocation of \$15,000 at the next quarterly budget review to expedite the provision of this accommodation until such time as the reserve can be established as per Local Government Act requirements.
4. Authorise the Chief Executive Officer to establish a reserve for the provision of rental accommodation for GP's and transfer interest from interest on the \$1.5 million provided towards this project through Royalties for Regions funding plus the \$1.5 million provided by BHP Billiton.

CARRIED BY ABSOLUTE MAJORITY 5/0

5pm

Councillors G J Daccache and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors G J Daccache and M Dziombak of Council decision.

6.3.4 Port Hedland Turf Club Structures – Consideration of Buildings and Structural Compliance / Remedial Actions (File No.: 26/02/0043)

Officer	Bec Pianta Manager Recreation and Youth Services
Date of Report	15 April 2011
Disclosure of Interest by Officer	Nil

Summary

In June 2010 the Town of Port Hedland engaged Robin Salter and Associates (RSA) to complete structural assessments on a number of sporting facilities, including the Port Hedland Turf Club buildings. The resultant report provided Council with actions to ensure all buildings and facilities met the Building Code of Australia. The Port Hedland Turf Club also received notification from the Racing Association of WA regarding items of non-compliance from their perspective.

Council resolved in February 2011 a program of works and agreed timeframe to ensure compliance of buildings / structures.

A further report was received on 8 April 2011 - 'Construction Inspection Report' for the Port Hedland Turf Club facilities, by MODUS Compliancy Pty Ltd. This report was required as part of the previous Council Resolution for determination of remediation requirements of facilities at the Port Hedland Turf Club. This report provides advice in relation to the condition of existing buildings in compliance with the current version of the Building Code of Australia (BCA) 2010.

The report, together with the initial report from Robin Salter and Associates (RSA), demonstrates the risk the Town of Port Hedland is undertaking in hiring out the facilities in their current state, at the Port Hedland Turf Club. Whilst previous resolutions have given Council officers the approval to undertake remediation of these facilities, the magnitude of remediation required has only recently become apparent.

Officers have reviewed and explored options for Council to consider and are recommending the approval of additional remediation works and additional funds (\$80,000) to complete all remediation and temporary hire for the 2011 season.

Background

An overview of the findings of the structural integrity report undertaken at the Port Hedland Turf Club was presented at the Council Meeting on 24 November 2010 and, as part of the resolution, consultation occurred with the Port Hedland Turf Club (PHTC). There was an agreement reached regarding the required actions to ensure compliance, based on the critical facilities needed by the PHTC for their operations, and from the Council's compliancy perspective.

Summarised, in part the agreement and subsequent Council resolution (February 2011) detailed the following:

1. *all facilities deemed non-vital and replaceable in the short-term are to be demolished, including (but not limited to):*
 - a) *food kiosk and store*
 - b) *TAB Betting kiosk (disused)*
 - c) *toilet blocks (use temporary)*
 - d) *viewing platforms (use temporary EWP's)*
 - e) *all incidental items (fencing, concrete areas, etc)*
2. *the Town of Port Hedland will remediate the following facilities to meet requirements:*
 - a) *temporary roofing on the stables*
 - b) *repairs to the storage shed*
 - c) *remove ticket booth and store off site*
 - d) *repairs to Stewards quarters*
3. *the temporary features for each race meet that will be funded by the Town of Port Hedland will include:*
 - a) *viewing platforms (EWP's)*
 - b) *toilets (same number as demolished)*
4. *remediation of the other structures at the Port Hedland Turf Club site is undertaken where possible to allow the 2011 racing season to continue. Any item that is deemed single use for the Port Hedland Turf Club only is to be funded by the Port Hedland Turf Club, with all community facilities to be funded by the Town of Port Hedland. Where areas of non-compliance are still identified, undertake an audit of the facilities for their safety during the non-cyclone season*

All items as listed above have commenced.

The further report received on the Port Hedland Turf Club facilities, by MODUS Compliancy Pty Ltd provided the following professional advice:

“In our opinion the buildings should not be used for any further public events and should either be removed or modified to be brought up to at least a minimum standard (both structurally and for code compliance)... ensuring that both staff and the public are protected from accident or injury caused by current condition of the buildings.”

Their conclusion states:

“In our opinion, all buildings appear to be at the end of their life span, both structurally and meeting the performance requirements of the Building Code of Australia. In our opinion, remedial works are not easily achieved and applying current legislation and addressing the multiple areas of non-compliance and potential risk would be far more costly to the Port Hedland Turf Club than the installation or construction of new facilities. If the Turf Club opt to go down the rectification path then we recommend that a full set of design documentation be provided and a compliance audit be carried out prior to application for building license.”

Upon investigation into the remediation works required, it is estimated that total cost to undertake all remediation could be in the vicinity of \$600,000, inclusive of design documentation, engineering approvals, complete rectification and investigative requirements. Further it would not be possible for the works to be completed in time for the first race meeting.

The Port Hedland Turf Club and the Town of Port Hedland is obviously keen to ensure the 2011 racing season can continue, however Council and the Turf Club has a responsibility to ensure that all facilities approved for hire are safe.

It is not considered appropriate for no remediation to occur on these facilities, as this poses potential risk to both the public and the Town of Port Hedland given the poor state of the existing buildings as per the inspection findings presented by both RSA and MODUS. Doing nothing essentially leaves the site a liability risk to the Town of Port Hedland, as use of non-compliant facilities will be knowingly be allowed.

Strategic Planning Implications

Strategic Plan 2010 – 15

Key Result Area 3: Community Development

Goal 2 - Sports and 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.

Other Actions:

2. Develop plans for future recreation and leisure facility upgrades to accommodate population growth

Hedland 's Future Today Version 3

Priority Project: McGregor Street Reserve Redevelopment

Council Top Ten Priorities (201011/137 Council Decision)

McGregor Street Reserve Master Plan implementation / development (including relocation of Race Track to South Hedland)

Budget Implications

A total budget of \$120,000 has been allocated to this project as part of the mid-year budget review. The Pilbara Development Commission has also confirmed that the \$100,000 allocated to the Turf Club can be utilised for the purchase of a temporary and transportable facility. It is now expected that the works will exceed the total budget amount of \$220,000 and require the approval of an additional \$80,000 to complete all works and hire temporary facilities for the 2011 season.

Officer's Comment

The PHTC have specific requirements from the Racing Association of WA and the Department of Racing Gaming and Liquor that must be met prior to approval for racing meets. The PHTC have indicated that an audit of the facilities has been undertaken, and unless remedial works are completed, racing will not be approved in 2011.

Based on the information supplied in the RSA and MODUS reports, officers believe that without completing the full scope of remedial works identified, the buildings and facilities at the Port Hedland Turf Club will remain non-compliant.

Further only a full remediation or full demolition and removal would achieve BCA compliance. Given the cost and time to fully remediate the buildings and facilities, officers have investigated the full demolition / removal option and temporary replacement of amenities for the 2011 race season.

Contractors have confirmed the availability to hire the necessary facilities as well as transportation, installation, hire and removal costs.

Also include in the cost summary below are quoted demolition cost and remedial costs for structures that remain (primarily elevated viewing platforms)

Item	Comment	Cost
Demolition and Removal of Existing Non BCA Compliant Facilities	Quotation supplied	\$85,000
Hire of Temporary Buildings	Buildings and Facilities include: – Stewards Room – Additional Storage – Members TAB – Ticket Booth – Toilets Male x1 – Toilets Female x 2	\$23,000
Temporary Buildings	Transport, installation and demobilization (ex Karratha) including staffing	\$58,000
Incidentals	Miscellaneous: – Electrical – Engineering and Building License Fees – Building Return Clean & Check	\$15,000
	Sub Total	\$181,000

Further options to consider regarding the remediation or temporary replacement of elevated viewing platforms are:

- EVP x 3 (hire, delivery and pick up / ex PHedland) \$21,000
- EVP x 3 (remediation / local PH estimate) \$67,000

While the cost of remediating the existing EVP's is significantly higher than hiring temporary facilities, the remediated platforms will be able to be used for race meetings in subsequent years.

Potentially full demolition, removal and temporary replacement of existing facilities could cost between \$200,000 and \$248,000.

Based on the above scenarios full remediation would appear to be cost prohibitive and unachievable in the given timeframe and that full demolition and temporary replacement was also cost prohibitive.

In consultation with the Port Hedland Turf Club, Officers therefore sought advice from MODUS and RPS (Project Managers) to identify remedial actions that would be of reasonable cost, achievable in the given timeframe and that would improve the safety of the existing buildings and facilities.

The following items were identified as remedial actions in the buildings to potentially remain (Main Building including Stewards and Female Jockey areas, Public TAB):

Fault and Required Work	Estimated Cost
Windows do not comply with AS 1170 and seals around opening appear inadequate for Wind Region D. Mould and water damage around openings to be assessed and repaired if able.	\$10,000
Electrical distribution board is required to be enclosed with non-combustible construction and smoke sealed.	\$5,000
Exit doors in the path of travel to an exit to swing in the direction of egress. Exit strategy to be determined once plans of buildings have been assessed.	\$2,750
All door hardware in a required exit or in the path of travel to a required exit to be removed and installed with a latch which is readily openable without a key from the side that faces the person seeking egress, by a single downward action or pushing action on a single device.	\$2,750
A level transition at doorways on the path of travel to an exit to be provided. All thresholds at exits to be no greater than 190mm.	\$2,500
Portable fire extinguishers shall be provided in accordance with the BCA: Clause E1.6 and AS 2444: 2001	\$1,200
Exit signs and directional exit signs shall be installed in accordance with the BCA: Clause E4.5.	\$2,000
Sub Total	\$26,200
Contingency	\$10,000
Total	\$36,200

Cost of transporting, installing, hiring and removing the temporary facilities required is as follows:

•1 x Male Tank-Mounted Toilet	\$ 6,000
•2 x Female Tank-Mounted Toilet	\$12,000
•1 x Crib Hut (TAB)	\$ 1,300
•Transport	\$ 5,000
•Installation (allowance)	\$10,000
TOTAL	\$34,300

Undertaking the work outlined above would improve the safety of the buildings to remain (\$36,200) at the Turf Club and temporarily replace those removed (\$34,300).

Council must clearly note that undertaking the works above will improve the safety of the amenities, the buildings and facilities will remain non-compliant with the BCA and pose a risk to both the Town of Port Hedland and the Port Hedland Turf Club. The risks associated with non-compliance can only be fully eliminated by either full remediation or full demolition and removal.

Given the advice received Council is requested to consider the following options:

Option 1

That Council:

1. Amends the resolution of Council (Council Decision 201011/255) of 9 February 2011, and resolves that Council:
 1. Identifies that the following items to be demolished at the Port Hedland Turf Club are:
 - a. Food kiosk and store
 - b. Green toilet block
 - c. Ticket booth
 - d. Stewards Quarters
 - e. TAB Betting kiosk
 - f. White toilet block
 - g. All incidental items (fencing, concrete areas etc)
 2. Authorises the hiring of temporary buildings and facilities to replace the amenities demolished and removed above in 1)
 3. Identifies that the following items to be remediated are:
 - a. Stables
 - b. Storage shed
 - c. Viewing platforms (\$60,000)
 4. Undertakes audits of the remediated facilities upon completion to determine their compliance with the Building Code of Australia. In the instance of non-compliance, the CEO or his nominated representative determine whether the facility is demolished or access is prevented;
 5. Undertake all demolition and remediation works prior to the first race meeting of the season, being 21 May 2011

Option 2

That Council:

1. Identify all facilities deemed non-vital and replaceable in the short-term to be demolished, including (but not limited to):
 - a) food kiosk and store
 - b) TAB Betting kiosk (disused)
 - c) toilet blocks (use temporary)
 - d) spectator seating (replace with transportable at cost of PHTC)
 - e) all incidental items (fencing, concrete areas, etc)
2. remediate the following facilities to meet requirements:
 - a) temporary roofing on the stables
 - b) repairs to the storage shed
 - c) remove ticket booth and store off site
 - e) repairs to viewing platforms
 - f) repairs to Stewards quarters / Female Jockey
 - g) repairs to Members TAB
3. provide temporary features for each race meet that will be funded by the Town of Port Hedland to include:
 - a) 1 x Male Tank-Mounted Toilet
 - b) 2 x Female Tank-Mounted Toilet

Considering the 2 options, agreement has previously been reached / endorsed by Council and action commenced regarding the following:

Demolition / remediation including:

- food kiosk and store
- temporary roofing on the stables
- repairs to the storage shed
- TAB Betting kiosk
- toilet blocks (and replacement with male and female self-contained toilet blocks)
- purchase of male jockey amenities
- spectator seating (transportable - cost of PHTC)
- all incidental items (fencing, concrete areas, etc).

Agreement is yet to be reached / Council endorsement of the following:

- remediation or replacement of elevated viewing platforms
- works to be undertaken on Stewards area
- TAB Betting kiosk (Members)

In terms of the elevated viewing platforms, any remediation work that is undertaken will make the existing structures safer, but also be transportable to any future Turf Club location in the future. Based on this future scenario, remediation not temporary replacement would seem the most effective solution.

Given the cost and timeframe to demolish and temporarily replace the Stewards area, undertaking works to improve safety and amenity of these facilities would seem the only viable option.

Given the size of the Member's TAB works may be undertaken to improve these facilities, or the small building may be replaced with temporary facilities.

A summary of total costs being considered by Council are as follows:

– Works (committed / commenced)	\$ 74,000
– Male Jockey facilities	\$ 95,000
– EVP remediation	\$ 60,000
– Safety Improvements	\$ 36,200
– Temporary Hire for 2011 Season	\$ 34,300

Total (\$) \$299,500

A current budget of \$220,000 exists with a further \$80,000 in funding required to undertake all works / courses of action outlined in this report.

Officer's Recommendation

That Council:

1. Notes the RSA and MODUS reports received regarding the non-compliance / remedial works required with the Port Hedland Turf Club facilities
2. Authorises remediation works / safety improvements outlined in this report including:
 - a) temporary roofing on the stables
 - b) repairs to the storage shed
 - c) remove ticket booth and store off site
 - d) viewing platforms
 - e) repairs to viewing platforms
 - f) repairs to Stewards quarters / Female Jockey
 - g) repairs to Members TAB

3. Authorises the temporary hire of temporary facilities including:
 - a) 1 x male toilet facilities
 - b) 2 x female toilet facilities

4. Undertake all demolition, remediation and temporary hire works and installation prior to the first race meeting of the season, being 21 May 2011

5. Seeks indemnification from risk, injury and loss the Port Hedland Turf Club as a condition of hire for the buildings and facilities for the 2011 race season

6. Approves a budget variation for an additional \$80,000 in funds to facilitate the following works taking place:

- Works (committed / commenced)	\$ 74,000
- Male Jockey facilities	\$ 95,000
- EVP remediation	\$ 60,000
- Safety Improvements	\$ 36,200
- Temporary Hire for 2011 Season	\$ 34,300

201011/335 Council Decision

Moved: Cr A A Carter **Seconded:** Cr G J Daccache

That Council suspends Standing Orders.

CARRIED 7/0

5:01pm Mayor advised that Standing Orders were suspended.

201011/336 Council Decision

Moved: Cr S R Martin **Seconded:** Cr A A Carter

That Council resumes Standing Orders.

CARRIED 7/0

5:15pm Mayor advised that Standing Orders were resumed.

201011/337 Officer's Alternative Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S R Martin

That Council:

1. Notes the RSA and MODUS report received regarding the non-compliance/remedial works required with the Port Hedland Turf Club facilities
2. Authorises remediation works/safety improvements outlined in this report including:
 - a. **Temporary roofing on the stables - after 3rd August**
 - b. **Repairs to the storage shed - after 3rd August**
 - c. **Remove ticket booth and store offsite - return prior to 28/07/11**
 - d. **Viewing platforms - to be completed by 12/05/11**
 - e. **Repair to viewing platforms - to be completed by 12/05/11**
 - f. **Repairs to Stewards quarters/Female Jockey - to be completed by 12/05/11**
 - g. **Repairs to Members TAB - to be completed by 12/05/11**
3. Authorises the temporary hire of temporary facilities including:
 - **1 x male toilet facilities**
 - **2 x female toilet facilities**
 - **Disabled toilets for Port Hedland Cup Day**
4. Undertake all remediation and temporary hire works and installation prior to the first race meeting of the season being 10th May 2011
5. Approves a budget variation for an additional \$90,000 in funds to facilitate the following works taking place

- Works (committed/commenced)	\$74,000
- Male Jockey Facilities	\$95,000
- EVP remediation	\$60,000
- Safety improvements	\$36,200
- Temporary hire for 2011 season	\$34,300
- Shade repairs	\$10,000
- Ramp construction to disable toilet block	\$10,000
6. Refers window repairs to 2011/12 budget process for consideration.

CARRIED BY ABSOLUTE MAJORITY 7/0

ITEM 7 CLOSURE

7.1 Closure

There being no further business, the Chairman declared the meeting closed at 5:18 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 2011.

CONFIRMATION:

MAYOR

DATE