



Town of Port Hedland

MINUTES

OF THE

SPECIAL MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 12 OCTOBER 2011

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

Purpose of Meeting:

To consider:

- *Organisational Policy for CCTV (Closed Circuit Television) Operations (File No.: 13/04/0001)*
- *Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland*
- *Proposed Transient Workforce Accommodation at Lot 503 (Area A) Forrest Circle, South Hedland (File No.: 804485G)*
- *Proposed Retrospective Application – Residential Building, Shed and ancillary development on Lot 2 Manhlina Drive*
- *Proposed Scheme Amendment 48*
- *Partial Closure of Huxtable Crescent*
- *Proposed Temporary Industrial work on the Spoilbank*
- *Proposed Grandstand on Lot 2952, (Reserve 30517) McGregor Street*
- *Proposed Holiday accommodation – Partial Redevelopment of Cooke Point Caravan Park*
- *Proposed Transient Workforce Accommodation at Lot 503 (Area A) Forrest Circle, South Hedland*
- *Expression of Interest Airport Hotel*
- *Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland*
- *Request for Additional funds for the Airport Taxiway Asphalt Works from the Airport Reserve*
- *Tender 11/14 Road Construction and Remedial Works Buttweid Road*
- *Tender 11/27 – Town of Port Hedland Integrated Planning and Reporting Framework – Stage Two*
- *South Hedland CBD Committee Meetings – Change of Meeting Date*
- *Regional Cities Alliance*

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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.

ITEM 1	OPENING OF MEETING	5
1.1	OPENING	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	5
2.1	ATTENDANCE.....	5
2.2	APOLOGIES	5
2.3	APPROVED LEAVE OF ABSENCE.....	5
ITEM 3	PUBLIC TIME	5
3.1	PUBLIC QUESTION TIME	5
3.1.1	<i>Mr Ron Morris</i>	6
3.1.2	<i>Mr James Reece</i>	6
3.2	PUBLIC STATEMENT TIME	7
3.2.1	<i>Mr Christopher Ferris</i>	7
ITEM 4	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	8
4.1	<i>Councillor D W Hooper</i>	8
ITEM 5	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING	8
ITEM 6	REPORTS OF OFFICERS	9
6.1	PLANNING AND DEVELOPMENT SERVICES	10
6.1.2	PLANNING SERVICES.....	10
6.1.2.1	<i>Partial Closure of Huxtable Crescent</i>	10
6.1.2.2	<i>Proposed Temporary Industrial Work on the Spoilbank</i>	17
6.1.2.3	<i>Proposed Retrospective Application – Residential Building, Shed and Ancillary Development on Lot 2 Manilha Drive</i>	23
6.1.2.4	<i>Proposed Transient Workforce Accommodation at Lot 503 (Area A) Forrest Circle, South Hedland (File No.: 804485G)</i>	52
6.1.2.5	<i>Proposed Scheme Amendment 48 to the Town of Port Hedland Town Planning Scheme No. 5 to modify the Land Use classes permitted in the Airport zone</i>	73
6.1.2.6	<i>Proposed Grandstand on Lot 1 (Reserve 8214) McGregor Street</i>	78
6.1.2.7	<i>Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland</i>	89
6.1.2.8	<i>Organisational Policy for CCTV (Closed Circuit Television) Operations (File No.: 13/04/0001)...</i>	103
6.2	ENGINEERING SERVICES	108
6.2.1	<i>Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland - (File No.: 21/07/0016)</i>	108
6.2.2	<i>Expression of Interest Airport Hotel (File No: 30/12/005)</i>	115
6.2.3	<i>Tender 11/14 Road Construction and Remedial Works Buttweid Road (File No.: 28/16/0007)</i> .	123
6.2.4	<i>Request for Additional funds for the Airport Taxiway Asphalt Works from the Airport Reserve (File No.: 30/08/0025)</i>	130
6.3	GOVERNANCE AND ADMINISTRATION	133
6.3.1	FINANCE AND CORPORATE SERVICES	133
6.3.1.1	<i>Tender 11/27 – Town of Port Hedland Integrated Planning and Reporting Framework – Stage Two</i>	133

ITEM 7 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL139

ITEM 8 CLOSURE.....139

8.1 DATE OF NEXT MEETING 139

8.2 CLOSURE 139

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:38pm 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 George J Daccache
Councillor David W Hooper
Councillor Michael (Bill) Dziombak

Mr Paul Martin	Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Russell Dyer	Director Engineering Services
Mr Eber Butron	Director Planning & Development
Mr Graeme Hall	Acting Director Community Development
Ms Debra Summers	Manager Organisational Development
Mr Ayden Férdeline	Administration Officer Governance

Members of the Public	11
Members of the Media	1
Members of Staff	1

2.2 Apologies

Councillor Steve J Coates
Councillor Stan R Martin

2.3 Approved Leave of Absence

Councillor Jan M Gillingham

ITEM 3 PUBLIC TIME

5:38pm Mayor opened Public Question Time

3.1 Public Question Time

3.1.1 Mr Ron Morris

As a Port Hedland ratepayer, I'm appalled at the state of the roads around town, and, in particular, the appalling state of Flashbutt Road. What is it going to take for the Council to do anything about the state of this road? Someone to die? I have had to get off the road when passing other vehicles traveling in the opposite direction. I have also witnessed a person nearly lose control after hitting their brakes. If the Council does not have the funds to repair the road, maybe you could get some funding from Royalties for Regions before someone is killed using this road.

Chief Executive Officer advised that a number of roads – including Flashbutt Road – will be upgraded as the Town transitions into becoming a City. Ordinarily, road improvements are the responsibility of the Town to fund, but Hedland's Growth Plan has been devised so to make a case to the State government that there are a number of projects that must be undertaken – such as improving certain roads – before the Town can successfully evolve into being a City.

3.1.2 Mr James Reece

I live at Lot 3 Manilinha Drive and am here to put in my objection to the retrospective development application for Lot 2 Manilinha Drive being presented to Council tonight.

I have spoken to Council Officers for the past 18 months trying to get something done about this property. My partner and I have spent about \$600,000 on our property, which we chose for its peaceful and quiet location. Unfortunately, it is neither peaceful nor quiet out on Manilinha Drive at the moment, as there are about 4 or 5 cars parked at our neighbour's place every night. We don't know where they come from. Their house is already oversized, obtrusive and constructed from second hand materials. We find the peace and quiet we once had here to be quickly disappearing.

At night our neighbours and their visitors talk on their phones loudly and this upsets our dogs. There are always new people staying next door, sometimes for a weekend, sometimes for a week, other times for 2 months. These people bring big dogs too. At the moment this parcel of land has 8 or 9 sheds. I do not think a normal household would really have a need for so much land. Maybe they are operating a business or a recycling centre. We have limited access to water out here and I worry that this property is using more than its fair share.

Personally, my partner and I believe this property should be dismantled and rebuilt from scratch, this time legally and by the book. I can understand having an ancillary building, say of 60m², attached to your home, but what these people have is excessive. I estimate it to be about 250m².

I have watched this structure be built over the past 18 months by an assortment of people, perhaps by anyone except a registered builder, and I would like to see Council take action against these people for building without a permit.

Mayor advised that this Item is being considered in tonight's Agenda as part of Item 6.1.2.3 'Proposed Retrospective Application – Residential Building, Shed and Ancillary Development on Lot 2 Manilinha Drive,' the outcome of which is recorded on page 27 of these Minutes.

5:45pm Mayor closed Public Question Time

5:45pm Mayor opened Public Statement Time

3.2 Public Statement Time

3.2.1 Mr Christopher Ferris

In regards to the comments made by Mr James Reece, some clarification is required. Our building is already classified as a shed, and was infact already present before Mr Reece moved next door.

I am not here to throw stones, however Mr Reece has three sea containers on his property, with people living inside of them for the past two years. Mr Reece's dog also barks all night long, regardless of whether or not we have guests over. There are also flood levels which restrict where we all can build. To build their property, our neighbours illegally excavated thousands of tonnes of soil from our block, and built a retaining wall that will not withstand a 100-year flood. They also have a swimming pool without a safety fence when they are aware that there are small children living on the same street. People in glass houses should not throw stones. All we are asking is that our already built building be reclassified from a 'shed' to a 'residential building.'

There is a lack of housing in Port Hedland. When our application is approved, we'll be able to provide a family with a 4 bedroom, 2 bathroom house. Otherwise what we have will remain a shed. It is up to Council to make this a home for someone.

5:48pm Mayor closed Public Statement Time

ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE**4.1 *Councillor D W Hooper***

Councillor Hooper invited members of the public to attend the grand opening of his exhibition, 'Port', at the Courthouse Art Gallery on Friday 14 October 2011.

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 A A Carter
Cr G J Daccache	Cr D W Hooper
Cr M (Bill) Dziombak	

ITEM 6 REPORTS OF OFFICERS

NOTE: Chief Executive Officer advised that the following Items, advertised to the public by way of a Public Notice, have been withdrawn from consideration and will be presented to Council at a future Meeting:

- *'Proposed Holiday Accommodation – Partial Redevelopment of Cooke Point Caravan Park'*
- *'Regional Cities Alliance'*

6.1 Planning and Development Services**6.1.2 Planning Services****6.1.2.1 *Partial Closure of Huxtable Crescent***

Officer Caris Vuckovic
Lands Officer

Date of Report 6 September 2011

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Louisa Larado, owner of Lot 413 Huxtable Crescent, South Hedland, to permanently close a portion of Huxtable Crescent Road Reserve, South Hedland.

The road closure will not result in the lowering of safety standards, with its amalgamation with Lot 413 Huxtable Crescent, South Hedland and will normalise the road reserve.

Council is requested to support the partial closure and the amalgamation thereof with Lot 413 Huxtable Crescent.

The proposed partial closure is supported by the Planning Unit.

Background

Through the Jaxons new living project, a portion of Huxtable Crescent was closed to provide for better and safer traffic flow and to facilitate development within the immediate area. The subject portion is a result of the closures and cannot be used for road purposes or developed on its own.

The applicant has indicated that they did not fully understand the original road closures, which has resulted in the loss of their second driveway access. As a result the applicant has requested to have the portion closed and amalgamated into their lot. This would enable the applicant to renovate their existing house and improve the landscaping.

The portion proposed to be closed cannot be developed separately due to the shape and area. By amalgamating the portion with Lot 413 Huxtable Crescent, it provides the amalgamated lot with development options.

Consultation

The Planning Unit has consulted with Council's Manager Infrastructure Development who has indicated that there is no objection to the proposed partial closure.

Section 58(3) of the Land Administration Act 1997 states:

“A local government must not resolve to make a request under subsection (1) until a period of 35 days has lapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.”

Consultation with all interested parties, including public service providers, has been undertaken and no objections were raised.

Internal Circulations

Manager Infrastructure Development	No objections
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External Circulations

Main Roads Western Australia	No objections
Horizon Power	No comment
Telstra	No comment
Water Corporation (Karratha)	No objections
Water Corporation (Perth)	No comment

An easement will be put in place to protect assets for Horizon Power.

Statutory Implications

Section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*, establishes the procedure for closing a road.

The subsequent sale of the Crown Land is undertaken by State land Services on behalf of the Minister in accordance with Part 6 of the *Land Administration Act 1997*.

The Town of Port Hedland Delegation 40(12) states:

“The Director Planning and Development may forward Road Closure Applications direct to the Department of Land Administration in the event of:

- i) There being no comment received during the statutory advertising period; and*
- ii) The proposal being of an uncontentious nature”*

The date of Council's adoption of the Road Closure action following conclusion of the advertising period shall be the date of the next Council Ordinary Meeting.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$115.00 has been received in accordance with Council's adopted Town Planning Fees and Charges.

Officer's Comment

The partial closure will not result in the lowering of any safety standards and will create a regular shaped road reserve. Small "cut outs" are not maintained on a regular basis and may lead to antisocial behaviour, resulting in a negative impact on the amenity of the area.

Options

Council has the following options for responding to the request:

1. Support the request for partial closure of the Huxtable Crescent Road Reserve, South Hedland and the amalgamation thereof with Lot 413 Huxtable Crescent.

The closure of the portion will improve the streetscape and amenity of the surrounding area.

2. Reject the request for partial closure of the Huxtable Crescent Road Reserve, South Hedland.

Should Council not support the partial closure, the portion of unused road will remain vacant and undevelopable.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Proposed Road Closure Plan

201112/155 Council Decision / Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

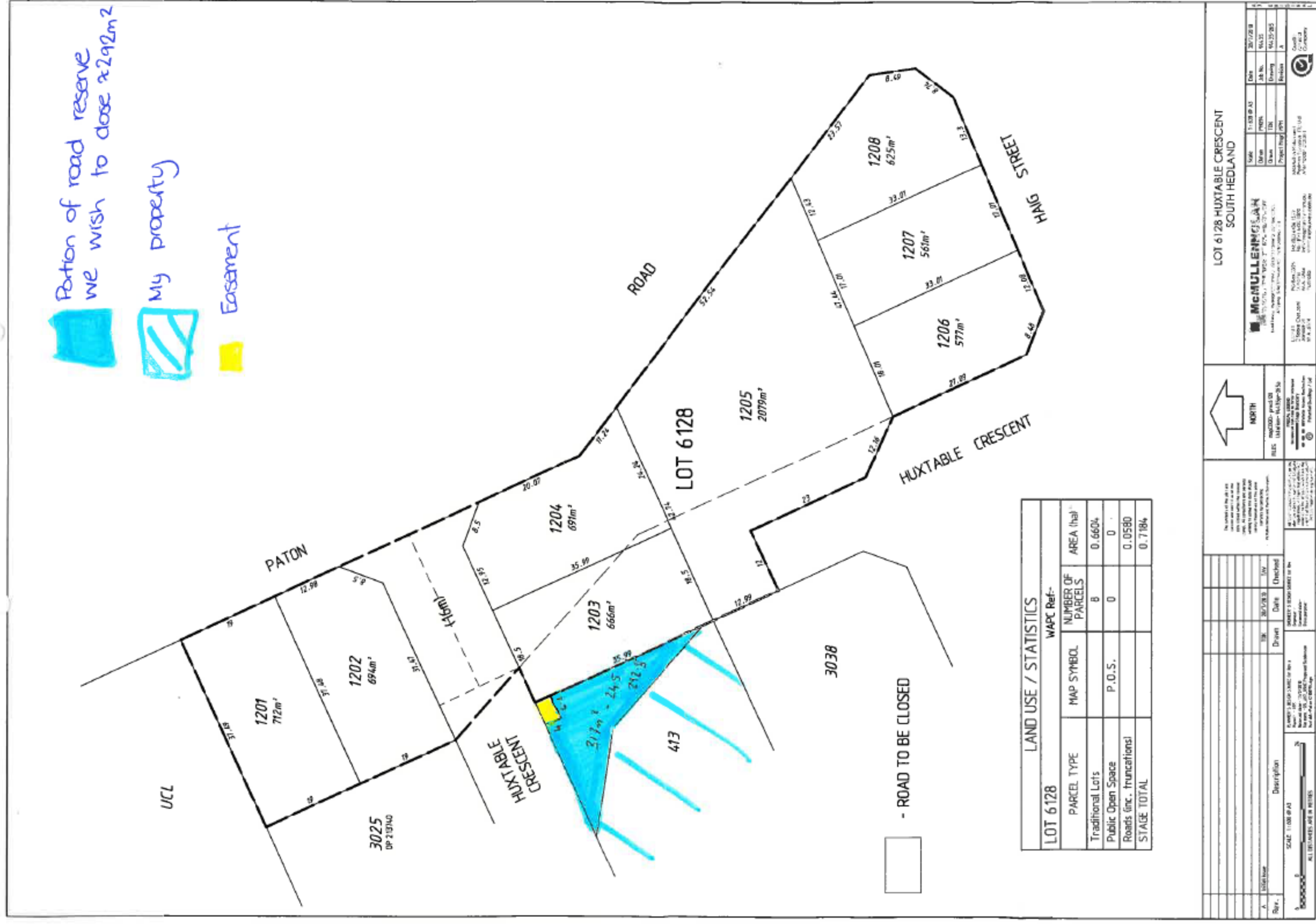
- 1. Supports the request from Louisa Larado to permanently close a portion of Huxtable Crescent Road Reserve, South Hedland. Subject to the following conditions;-**
 - a. The proposed Road Closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997,**
 - b. No objections being received during the advertising period.**

- 2. Delegates the Director Planning & Development Services under Delegations 40(12) to submit the road closure request to the Department of Regional Development and Lands (State Land Services), subject to no adverse submissions being received during the statutory advertising period.**

CARRIED 5/0

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6.1.2.2 Proposed Temporary Industrial Work on the Spoilbank

Officer Caris Vuckovic
Lands Officer

Date of Report 28 September 2011

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Jan De Nul Pty Ltd for permission to carry out temporary industrial works on the Spoilbank, located at Lot 5178 Sutherland Street, Port Hedland.

In terms of Clause 2.2 of the Port Hedland Town Planning Scheme No. 5, prior to the use of a reserve, written approval must be obtained from Council.

Therefore, Council is requested to approve the above request subject to certain conditions.

Background*Locality*

The proposal is located at the "Spoilbank" at Lot 5178 Sutherland Street, Port Hedland. The land comprises of approximately 37ha and is reserved for "Recreation".

Reserve

The area proposed for the site works lies within Reserve 30768 being a "Recreation" reserve.

Although the current purpose of the reserve is inappropriate for this use, the proposal submitted is short term and a temporary activity.

Ownership

Reserve 30768 is currently under the care, control and management of the Town of Port Hedland for the purpose of "Recreation".

Proposal

The applicant is currently engaged in a dredging works project in South West Creek. For the purposes of these works, they are required to fabricate a continuous steel pipeline to transport the dredge material onto the shore and into a reclamation area.

Typically these pipes are fabricated on beach land and consist of various lengths of steel that are welded together. The assembled pipe is floated into the water and anchored as the welding progresses. Once completed, the pipe will be towed to the work area in South West Creek for operations.

The process involves transport of the pipes onto the Spoilbank, use of a crane for offloading and earthmoving equipment to prepare and maintain the work site, as well as light vehicles for personnel transport.

The applicant has requested a 150m by 30m area within the Spoilbank to complete the works, which will require approximately 21 days to complete commencing on Monday 24th October 2011.

Consultation

The proposal has been circulated to Council’s Infrastructure and Development Services and Environmental Health Services, with their conditions captured within this report.

Environmental Health Services	Health Advice 011 – Any proposed “Out of Hours” work will require the preparation of a Noise Management Plan and an application under Regulation 13 of the Environmental Protection (Noise) Regulations 1997. Health Condition H002. Temporary toilets to be supplied.
Infrastructure & Development	Construction/safety/traffic/dust management plans required prior to commencement of works.

Statutory Implications

The Spoilbank is reserved for “Recreation” under Town Planning Scheme No. 5 (TPS5). Any development within a reserve is to be approved by Council in accordance with clauses 2.2 and 2.3 of TPS5.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$139.00 has been charged in accordance with Council’s adopted Town Planning Fees and Charges.

The Applicant is to provide a monetary contribution of \$1,000 per day (\$21,000 in total).

Officer's Comment

The works proposed are intended to assist in operations currently underway in South West Creek.

The inner harbor in Port Hedland is fast expanding and with mining companies looking to expand productions more so than ever, further pressures will be placed on the port. It is essential that construction projects in the harbor are not delayed.

Options

1. Support the request for temporary industrial works at the Spoilbank, Port Hedland.

The approval of this proposal will result in the minimal disruption to port functions.

2. Refuse the request for temporary industrial works at the Spoilbank, Port Hedland.

The refusal of this proposal will result in potential delays and setbacks to port functions.

Attachments

1. Locality Plan
2. Site Plan

201112/156 Council Decision / Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That Council:

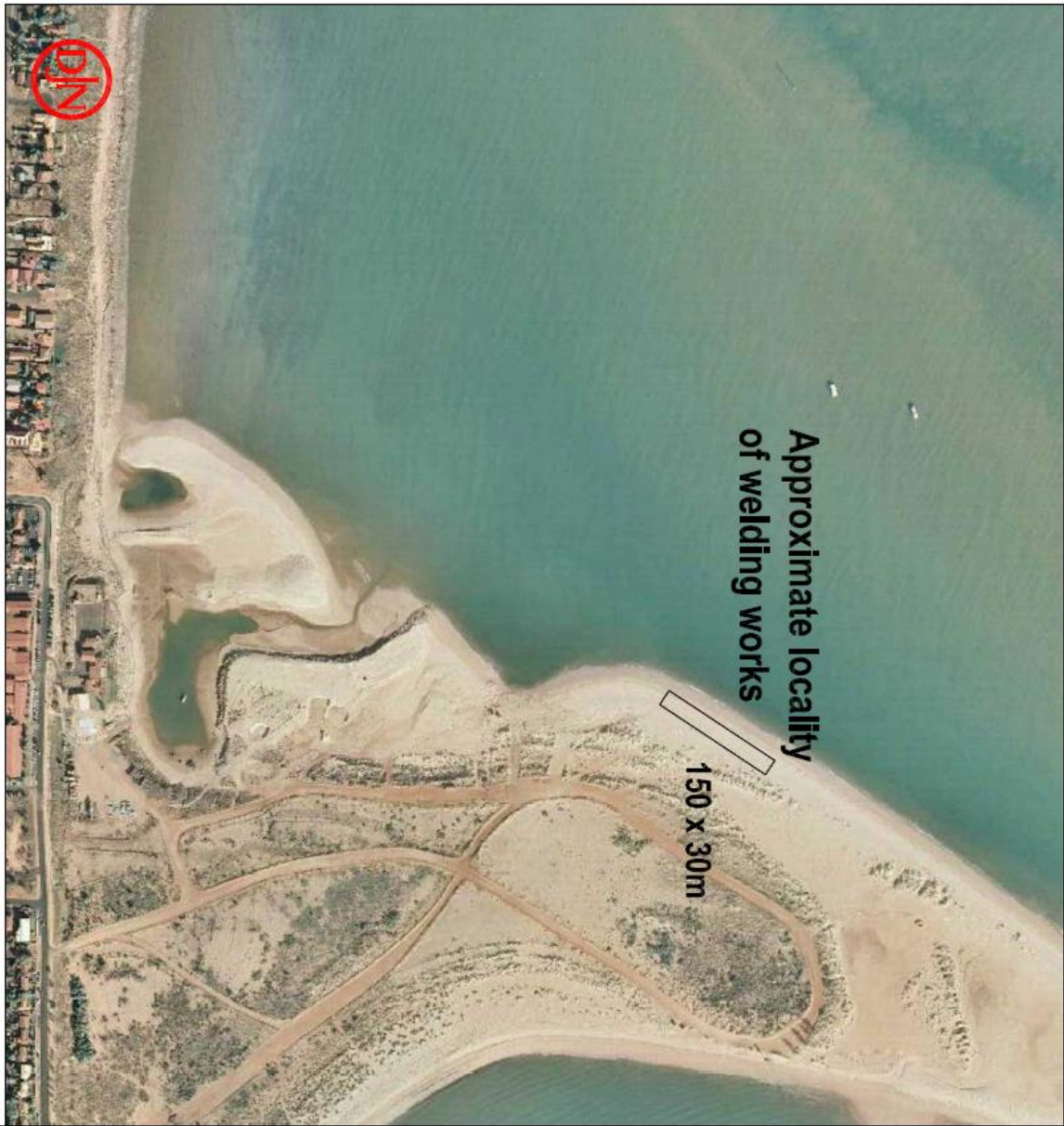
1. **Approves the request from Jan De Nul (Australia) Pty Ltd for temporary industrial works at the Spoilbank, Lot 5178 Sutherland Street, subject to the following conditions:-**
 - a) **This approval relates only to the proposed Temporary Industrial Works and other incidental development as indicated on the approved plans. It does not relate to any other development on this lot;**
 - b) **This approval is to remain valid for a period of twenty one (21) days from 24th October 2011 to 14th November 2011;**
 - c) **Prior to the commencement of any works, a contribution of twenty one thousand dollars (\$21,000) is required to be paid to the Town of Port Hedland to assist in foreshore rehabilitation projects and/or the maintenance of foreshore reserves and/or recreation reserves.**

- d) The works shall operate only between the hours of 7am and 6pm on weekdays and shall not operate on weekends and public holidays;**
- e) The subject land is to be rehabilitated/restored to its original condition to the satisfaction of Council's Manager Planning;**
- f) Upon completion of use and/or date referred to in Condition (b) above, any contamination issue being addressed as a result of this short term use;**
- g) Waste receptacles are to be stored in a suitable enclosure to the provided to the specifications of Council's Health Local Laws and to the satisfaction of Council's Manager Environmental Health Services;**
- h) Prior to commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town of Port Hedland;**
- i) Prior to the commencement of any works, dust prevention methods must be implemented for access roads if heavy truck movement is anticipated;**
- j) No spray painting or sandblasting is to commence without approval from the Department of Environment and Conservation;**
- k) Prior to the commencement of any works, the installation of security/safety fencing is to be completed to the specifications of Council's Manager Infrastructure Development and the satisfaction of Council's Manager Planning;**
- l) Prior to the commencement of any works, a traffic management plan is to be provided to the satisfaction of Council's Manager Infrastructure and Development.**

CARRIED 5/0

ATTACHMENT 1 TO ITEM 6.1.2.2





6.1.2.3 Proposed Retrospective Application – Residential Building, Shed and Ancillary Development on Lot 2 Manilha Drive

Officer Luke Cervi
Senior Planning Officer

Date of Report 3 October 2011

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Christopher W Ferris for the retrospective change of use from “Shed” to “Residential Building”, Retrospective Approval of 4 “Outbuildings” and other incidental development at Lot 2 Manilha Drive, Turner River.

The proposal has been referred to Council for determination as there are concerns relating to defining the proposed use and submissions have been received in relation to the application

Background

Location and description

The subject site is located along Manilha Drive, Turner River Estate (Attachment 1), and measures approximately 10,319m².

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is zoned “Rural Residential” and is currently developed with a single dwelling and associated outbuildings.

The Proposal

The Applicant is seeking retrospective approval for the following completed works:

1. Conversion of an existing building approved by permit 2007/003 as a “Single House – shed addition” to a “Residential Building”. The Building consists of 2 transportable buildings joined together and includes bathroom and laundry facilities.
2. Four outbuildings which have been constructed using Shipping Containers that are clad with colorbond sheeting.
3. A screen fence within the street setback area that has been constructed with a mix of railway sleepers and colorbond sheeting.

Consultation

The Application has been circulated internally with the comments captured in the report.

Notwithstanding that the Scheme does not require an "AA" use to be advertised, given the nature of the proposal and its locality the application was advertised for a period of 14 days.

As a result of the above external advertising Council has received 2 written submissions objecting to the proposed development. The objections can be summarized as follows:

- The proposed development would impact on the amenity of neighbours and the surrounding area;
- The proposed development poses a safety risk, having utilized second hand materials

Statutory Implications

The Development of the land must be done in accordance with the Town of Port Hedland Town Planning Scheme No.5 which includes:

"4.10.1. Approval of Existing Developments

The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development."

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$2,240.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The buildings/structures requiring retrospective approval are:

1. Residential Building
2. Four (4) outbuildings
3. Fence within the street setback

Submissions were received after advertising and in the most part focused on the neighbouring amenity. The concerns are assessed in context of each aspect of the approval below:

1. *Residential Building*

Submissions related to the residential building contend that the neighbouring property's 'Quality of life 'would be adversely affected if this development – Residential Building, was to receive approval. This is based on the following concerns:

- Privacy (separation from lot 3)
- Visual amenity (materials used)
- Safety (structural integrity of the structure)

The building is setback from the eastern boundary (lot 3) in accordance with the R Codes and therefore complies with acceptable standards relating to privacy. However, the applicant has acknowledged the concern and is willing to provide screen planting to assist in addressing the concerns.

The buildings external is clad in colorbond sheeting, contains a number of windows/openings and a verandah on the eastern side. The view from lot 3 is that of the verandah and colorbond sheeted wall including a number of windows. From the street, the southern elevation is visible which is a predominately solid colorbond clad wall which provides limited interest due to the lack of openings, colour or materials to break up the bulk of the wall.

It is considered that the visual amenity from lot 3 is of an acceptable standard having regard to the setback of the building, materials used and articulation of the elevation (verandah and openings provide interest and break up the bulk of the wall). The appearance of the building from the street is considered substandard due to the scale of the wall and lack of articulation including windows which would need to be provided to enable passive surveillance of the street.

Planning does not assess the structural integrity of buildings. However, the applicant has obtained a report from an engineer that will be included as part of the building certificate application in the event planning approval is obtained.

From a planning perspective the greatest concern relates to the defining of the building. The applicant has requested that the building be approved as a "Residential Building" which is defined in the Port Hedland Town Planning Scheme No. 5 as being:

"a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation:

- a. temporarily by two or more persons, or*
- b. permanently by seven or more persons*

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

It is the Planning Unit opinion that proposal is best defined as a "Grouped Dwelling", which is defined as:

"A dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate".

A Grouped dwelling is a prohibited use within a Rural Residential area. Council considered a similar matter at its Ordinary Council Meeting held 23 February 2011 where it was resolved to approve an application for a "Residential Building" which the Planning Unit contended was better defined as a "Chalet" which is a prohibited use. At that Council meeting it was expressed classifying the building as "Residential Building" may create a precedent that may result in similar applications being received.

2. Four (4) outbuildings

The outbuildings that are requiring retrospective approval are constructed from shipping containers and clad to provide the appearance of a colorbond shed. One outbuilding also incorporates an extended roof which provides an unenclosed work/hobby space. The total area of outbuildings/sheds will be dependent on the outcome of item 1 of the proposal (change of use of an existing shed to a residential building).

The acceptable development standards enable 208m² of combined outbuildings/sheds. In the event Council refuse the Residential Building (therefore maintaining its current approved shed use), the total area of outbuildings would be 323m². This is significantly greater than the acceptable 208m². It is the planning unit opinion that if Council refuse the residential building, the applicant would be able to utilize this building again as a shed and removing the need for additional sheds to be approved. Planning approval is not needed for up to 208m² of outbuildings/sheds on the site and can therefore be negotiated between Council's Manager Planning and the applicant to identify which sheds will be removed so as not to exceed the 208m².

3. *Fence within the street setback*

The fence/screen within the street setback could be considered a feature wall/privacy screen, some concerns have been raised on how this impacts on the streetscape and in this regard it is considered that a solid fence is inconsistent with a Rural Residential area. However, the fence is setback a minimum of 9 metres which provides for landscaping in front of the fence that can soften the impact. The applicant has commenced landscaping works.

Options

Council has the following options when considering this application:

1. Approve the Application

This option should be chosen if Council agrees with the applicant that the proposal includes a "Residential Building" as opposed to "Group Dwelling" as contended by the Planning Unit and is satisfied that the concerns raised through the submissions can be appropriately addressed.

2. Refuse the Application

This option should be chosen if Council agrees with the Planning Unit that the proposal includes a "Grouped Dwelling" which is a prohibited use in the Rural Residential zone or does not consider that the concerns raised through submissions can be appropriately addressed.

It has been recommended that Council refuse the application due to the proposal containing a prohibited use being a "Grouped Dwelling".

Attachments

1. Locality Map.
2. Site Plan.
3. House Plan.
4. Elevations.
5. Justification for "Change of Use".
6. Submissions from neighbouring properties.
7. Applicants response to submission's.

Officer's Recommendation

That Council:

- i) Refuses the application submitted by Chris W Ferris for Retrospective change of use from "Shed" to "Residential Building", Retrospective Approval of 4 "Outbuildings" and other incidental development at Lot 2 Manilha Drive, Turner River for the following reasons:
 1. The proposed use does not meet the definition of a "Residential Building" as defined by the Town Planning Scheme No. 5
 2. In terms of TPS 5 the proposed use is better defined as "Grouped Dwelling" being a prohibited use within a "Rural Residential" zone.
- ii) Advises the applicant:
 1. The area of outbuildings/sheds permitted on the site is 208m² subject to building certificate approvals being obtained in the event building approval does not currently exist.
 2. To avoid legal action, agreement is to be made with the Council's Manager Planning in regard to the outbuildings/sheds to be removed and timing of such removal.

201112/157 Council Decision

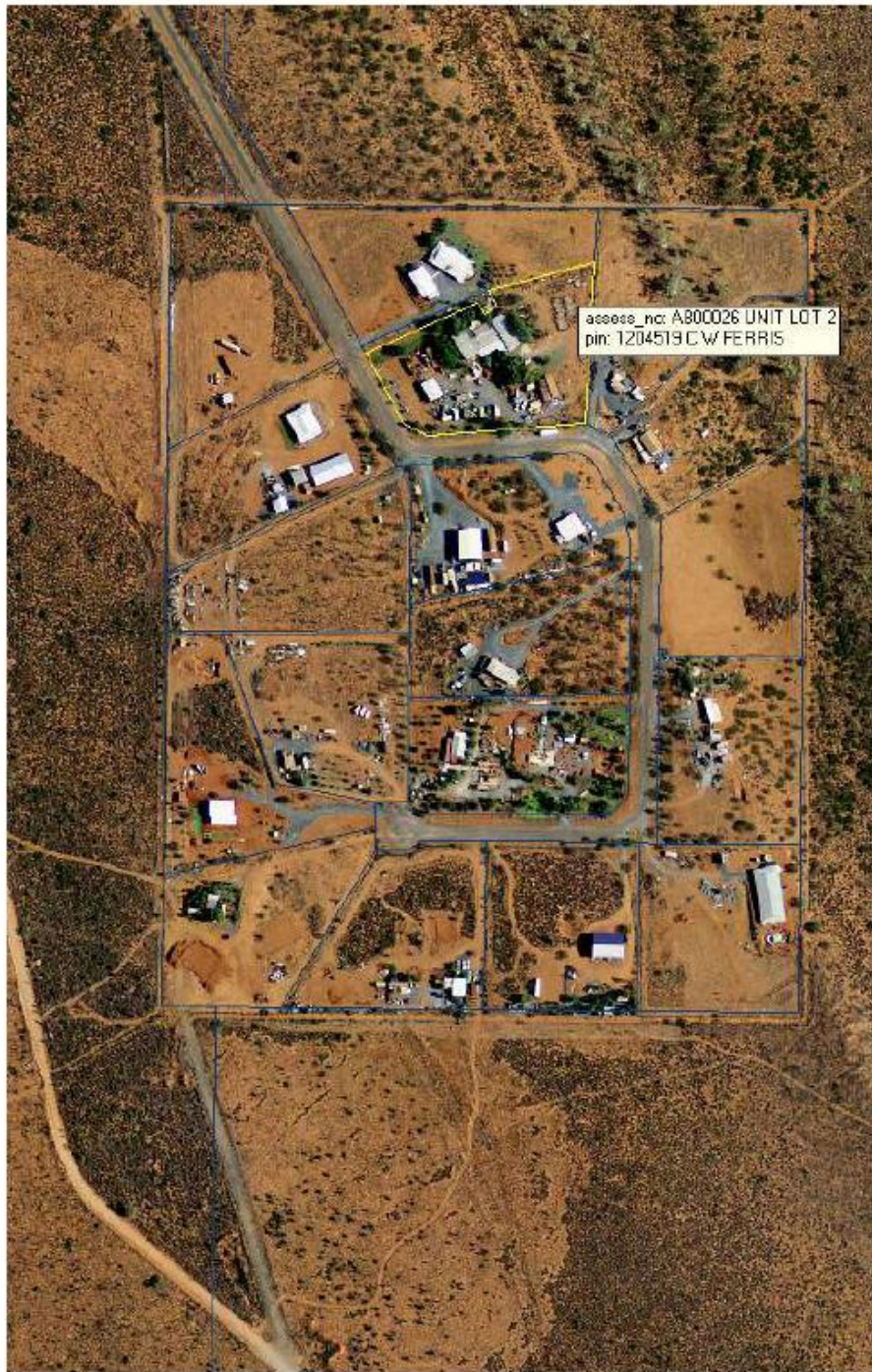
Moved: Cr G J Daccache Seconded: D W Hooper

That Council lay Item 6.1.2.3 'Proposed Retrospective Application – Residential Building, Shed and Ancillary Development on Lot 2 Manilha Drive' on the table for further consideration.

CARRIED 5/0

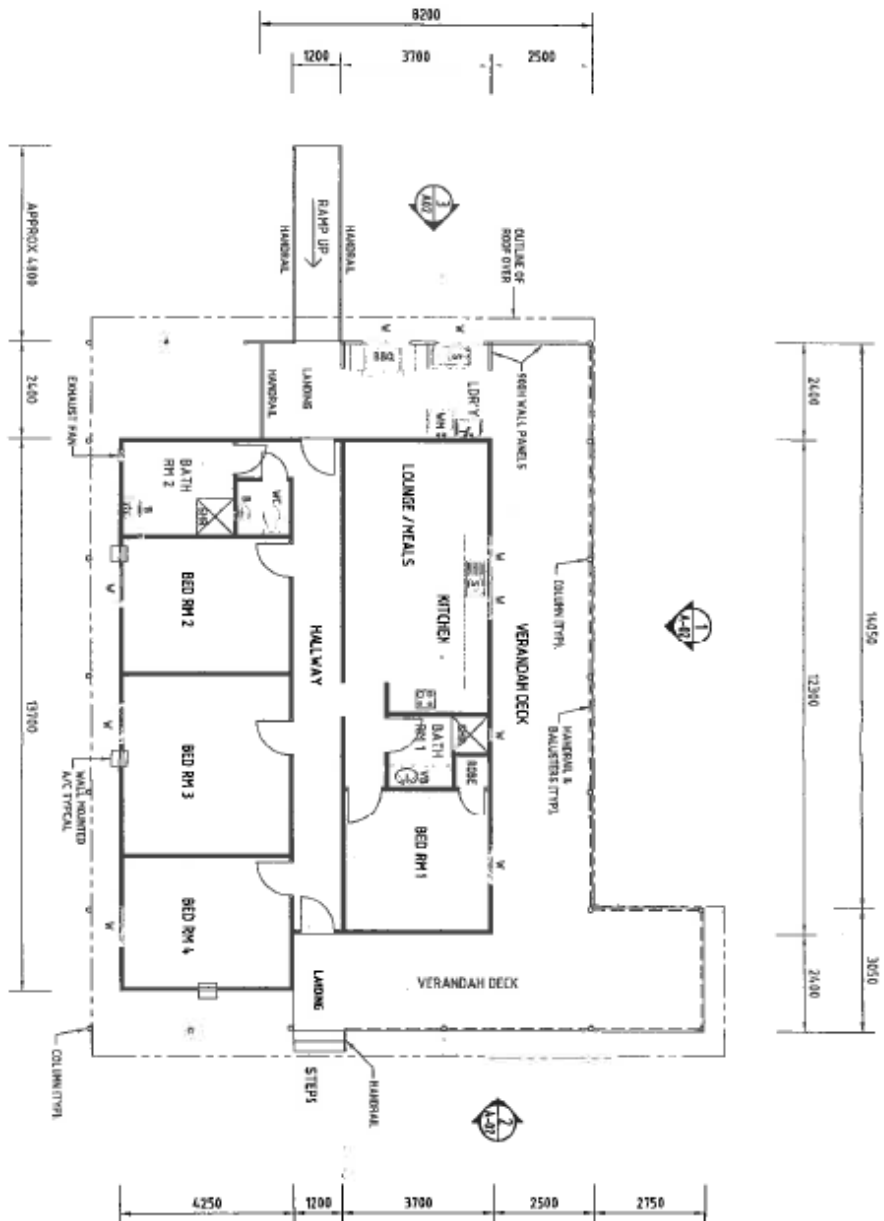
REASON: Prior to making a decision on this matter, some Councillors would find benefit from undertaking a site inspection.

ATTACHMENT 1 TO ITEM 6.1.2.3



ATTACHMENT 3 TO ITEM 6.1.2.3

PLAN ON HOUSE 2

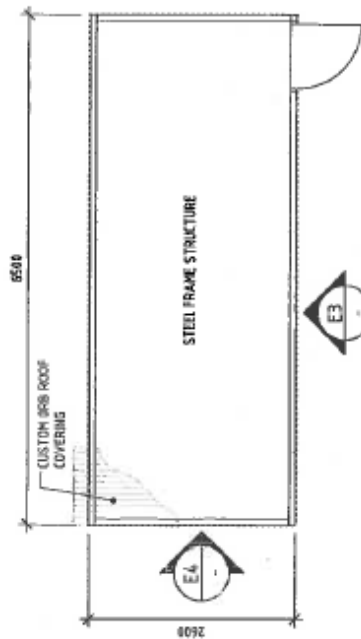


REFER TO NOTES ON DRAWING S-01

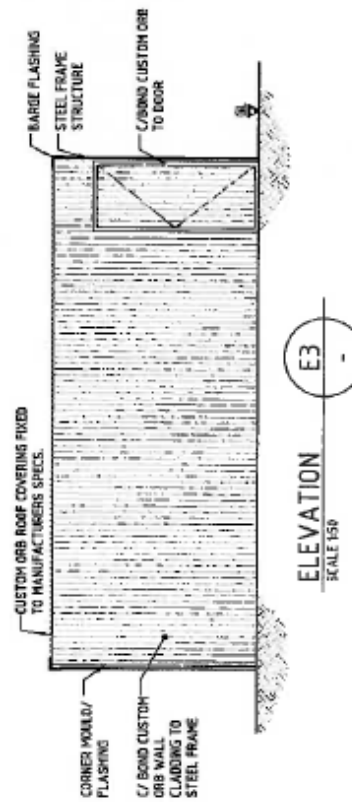
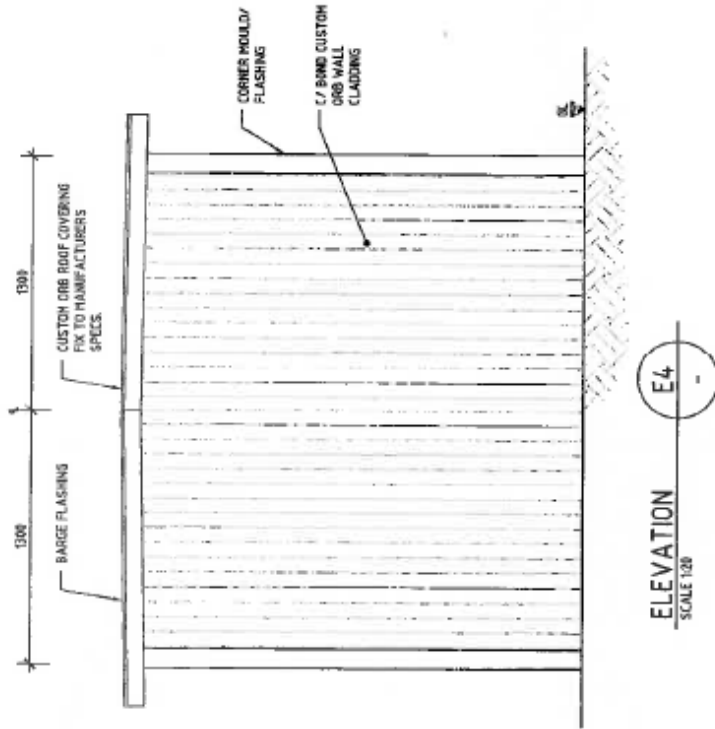
<p>CONSULTING ENGINEERS DESIGNERS & PROJECT MANAGERS</p> <p>Lot 8/9 Paddy Street Myer Park QLD 4017 P 08 8317 2001 F 08 8317 3337 E info@rsa.com.au</p> <p>Rsa</p>	<p>PROJECT PROPOSED RETROSPECTIVE APPROVAL AT LOT 2 MANILINHA DRIVE TURNER RIVER ESTATE SOUTH HEDLAND W.A.</p> <p>CLIENT MR CHRIS FERRIS</p>	<p>SCALE 1:100</p> <p>DATE JULY 2011</p> <p>PROJECT NO. 2010-539</p> <p>REV. A</p>																																
<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>2</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>3</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>4</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>5</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>6</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>7</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>8</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>9</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>10</td> <td>JULY 2011</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	JULY 2011	ISSUED FOR PERMIT	2	JULY 2011	ISSUED FOR PERMIT	3	JULY 2011	ISSUED FOR PERMIT	4	JULY 2011	ISSUED FOR PERMIT	5	JULY 2011	ISSUED FOR PERMIT	6	JULY 2011	ISSUED FOR PERMIT	7	JULY 2011	ISSUED FOR PERMIT	8	JULY 2011	ISSUED FOR PERMIT	9	JULY 2011	ISSUED FOR PERMIT	10	JULY 2011	ISSUED FOR PERMIT	<p>GENERAL FLOOR PLAN - HOUSE 2</p>
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ALL DIMENSIONS WIND SPEED TO AS 1720.2002
 ANNUAL PROBABILITY OF EXCEEDANCE - 1 IN 100 (0.1)
 WIND SPEED REGIONAL - 30m SERVICEABILITY - 30m
 TOPOGRAPHIC MULTIPLES - 1.5

NOTING WALL, TERN & CHINA WALLS ARE C.P. ENG
 FINISH WALLING IS N.E. ANG. C.P. ENG.
 E. ENGINEERING WORKS P. 08 8317 2001



PLAN ON STORE SHED (BUILDING 9)
SCALE 1:50



ALL LINE WORKING DIMENSIONS TO AS PER SPECIFICATIONS
ANNUAL FREQUENCY OF MAINTENANCE: 11 MONTHS
WIND DESIGN - 0 (CYCLOGIC TYPICAL CATEGORY - 2)
WIND SPEEDS REGIONAL - Mean SEVERABILITY - 30m/s
TOPSOIL MULTIPLE - 1.0
RISK MANAGEMENT: Risk Management, C.P. Eng.
PROFESSIONAL LIABILITY INSURANCE: P 108 8917 2001
E: info@rsae.com.au

NO.	REV.	DATE	DESCRIPTION
A	1	SEP 2011	ISSUED FOR APPROVAL

CONSULTING ENGINEERS DESIGNERS & PROJECT MANAGERS 108/8/9 Peake Street, Perth, WA 6000 P 08 9317 2001 F 08 9317 2007 E info@rsae.com.au	PROJECT PROPOSED RETROSPECTIVE APPROVAL AT LOT 2 MANILHA DRIVE TURNER RIVER ESTATE SOUTH HEDLAND W.A. CLIENT MR CHRIS FERRIS	SCALE AS SHOWN DATE SEP 2011 DRAWN J.L. CHECKED J.D. TITLE STORE SHED 6.5x2.0m (BUILDING 9)
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PROJECT NO.	2010-539
REV. NO.	A
REV. DATE	A-06

**Application to Convert Existing Building
from 'Shed' to 'Residential Building' @
2 Manhilinah Drive, Boodarie 6722.**

Christopher William Ferris
Kaye Lorraine Ferris

Mr Luke Cervi
Town of Port Hedland
P O Box 41
Port Hedland WA 6721

Dear Luke,

Kaye and I wish to convert the approved existing 'Shed' situated on this site to 'Residential Building'.

REASON FOR THE CHANGE:

Reason 1: The original 'Shed' was built by converting two recycled transportable buildings and enclosing them with a new roof and support system.

The outcome of the project was so good that it was a shame to waste that space by use as a shed and storage.

Reason 2: There is an acknowledged lack of accommodation for people and workers right across the Pilbara, including the Town of Port Hedland.

Demand for accommodation outstrips supply.

The cost to the Government and Local Government to supply infrastructure to permit more accommodation elsewhere is very high.

Reason 3: Applying for an additional 'residential building' with 4 bedrooms and 2 bathrooms and plentiful outdoor living is a win - win for all parties.

Us as the owners – we have an asset.

Government/Local Government – they do not have to expend any money or effort to get 1 additional house into the town to alleviate the shortage.

Potential residents attracted to the area to help make the growth of the Pilbara as the Engine Room of the Nation - get to have 4 quality bedrooms to sleep in, in a peaceful rural environment.

More people can share the rural environment.

Reason 4: We help to Save the Environment – by transforming 2 recycled buildings into a modern and engineered development.

We do not need to acquire certain new building materials that will take raw materials and naturally grown materials that would require energy /carbon emissions to develop them into useable products.

There are no new emissions, as the original production of the materials has already occurred

Reason 5: The Wilden's application for a similar proposal at Lot Number 7 at the Turner River Estate was successful at Council's meeting on February 23, 2011, and that paves the way for the process to follow for other potential applicants.

A precedence has been set, and on a level playing field, all future applications should be considered on that merit.

So Council Staff have a Council direction to follow, alleviating their work load.

Residential Building:

We have considered Ancillary Accommodation is usually allowed for the situation where the children in a family build a dwelling for their parent/parents.

In our case, we have two adult children and 7 grandchildren, who from time to time may require accommodation for one reason or another.

Ancillary accommodation has a size limit, and is primarily designed to allow for children to supply housing for the parents. IE: granny flat.

It could be argued that if we allowed anyone other than a close – immediate family member to live in the premises, then we would be breaching the rules.

So the right thing to do is to apply for the right use, and that is a general purpose residential building with 4 bedrooms, 2 bathrooms, kitchen/living area, laundry and extensive outdoor covered living space to allow the potential residents a quality of life.

PROPERTY SIZE & DESCRIPTION:

Our property is a corner block and has 2 street frontage.

It is slightly larger than 1 hectare – 2.5 acres.

It is being developed with screen/privacy fences well inside the property boundary and groves of trees planted around the boundary and around the existing buildings.

Several groves are already well advanced, and as they reach the stage of growth where they tap into the natural water and no longer need manual watering, we will add further groves of trees.

Bearing in mind that this area is a semi arid region and water limited, we have done well to grow and maintain a number of trees and areas of lawn to improve the street scape.

We have owned the property for about 6 years having bought it as a derelict building with little or no garden infrastructure.

90% of the trees you see here now were grown from local seeds collected around town.

Our water is from underground sources and we have to be mindful of not over taxing that resource.

There is more than ample space for the development and the habitation.

The two houses on the property are situated to allow both to operate independently.

IMPACT ON NEIGHBOURS:

Lot 3:

The neighbours on Lot 3 are situated directly to our east and have recently taken delivery of their new house.

For several years they lived in two converted sea containers while they went about developing their new house. So they are used to dealing with unsightly structures while it suits their needs.

The front of their house has a road facing aspect, and the development is on the downhill – river side of our property.

They have developed an entertainment area on the north east side of their property, overlooking the bush land to the east.

That is on the far side of their house in relation to us.

The west side of their property that faces our property houses bedrooms and laundry facilities that do not, usually, require a view aspect, just privacy.

Privacy can be achieved by growing trees down our joint boundary.

This is being done, with their trees in the ground and shrubs on our side of the fence.

With the slope on the two blocks, our new building will overlook lot 3 to enjoy the panoramic view of the river system, which is some distance away.

We look over the developments on Lot 3 and the roof of the house on Lot 3 is low enough for our property to look across that roof line to the trees in the riverbed and towards the towns of Port and South Hedland

The neighbours have already planted a line of trees down their boundary that will help them to be screened from our property.

We have planted the first of a grove of trees close to our new building, so that we too have privacy from the neighbours, as the veranda's are open.

I intend to grow a small forest in that area.

Lot 4:

Lot 4 is further to the south, and is currently a greater eyesore than our property.

We intend to grow a new grove of trees on our north east corner to limit the visual impact looking in that direction.

As well, to limit the night intrusion from car lights travelling around that corner.

Anything that we do will greatly improve the outlook of their property.

It would be reasonable to assume that the residents of both Lot 3 and 4 would position their outdoor entertainment areas to make the most of the view to the east, and their existing buildings would give visual protection from anything happening on our property.

This is based on the limited areas between their buildings and their fence lines to the west (our side), and the fantastic view they have to the east, over the river.

DESCRIPTION OF OUR SECOND RESIDENTIAL BUILDING:

The building is made from 2 transportable buildings that have been placed on supports, 1.2 metres apart.

These buildings are not Dongas or sea containers. The buildings are genuine buildings made from conventional building materials.

A new roof system has been placed over the two buildings, and that is supported by free standing posts around the outer edge.

Effectively, you could dismantle the 2 transportable buildings and with just a couple of internal posts, the roof would be free standing.

The exterior of the buildings have been clad in a blend of new corrugated iron and new fibro weather boards, using modern fasteners.

The building incorporates covered verandas on three sides, so that you can walk from the front door to the back door under cover.

All the windows are new cyclone rated aluminium sliding windows.

Front and back door are both commercial grade aluminium and glass hinging doors.

The whole building has been rewired and plumbed with new materials and the walls and ceilings have been clad and finished with new gyproc.

There are 4 bedrooms, 2 bathrooms and an open plan living/kitchen area.

There is an outdoor BBQ area with kitchen sink and laundry facilities.

It is fully airconditioned.

The building can be used as a conventional 4 bed 2 bath home to accommodate people in a typical Australian habitat.

ALSO ON THE PROPERTY:

Lot 2 has the original DECCA Communications building on the centre of the northern boundary.

That building is an approved structure and can pass any engineering test.

It has 5 bedrooms, 3 bathrooms and 5 other living rooms.

Being an ex Government structure, built in the 1970's to be standing after the worst storm, the building is best described as 'over built'.

It has patio's and covered areas and a swimming pool for entertainment.

We have added several outbuildings for storage of property and equipment.

The weather being so harsh, means that things need to be stored out of the weather and heat.

We have designed and developed the property so that it has the ambience of a Cattle Station Homestead/home block, where you would expect to see old buildings used for maintaining the plant and equipment needed for a cattle station.

In keeping with my desire to recycle the discarded building materials that this Town throws away, I have incorporated many old building features and materials.

ENGINEERING:

Robin Salter and Associates originally examined the buildings when we applied for the 'shed' approval, and have been engaged to examine the works done to completion, to ensure that the development complies with structural requirements.

BUILDER – BUILDER'S REGISTRATION BOARD:

As our property is not in the townsite's defined in the Town of Port Hedland's charter, the Builder's registration Board advises that we can be an owner builder.

ESSENTIAL SERVICES:

Power is serviced through the existing power grid, and we have a new underground power line fitted from the Government Meter Board to the building as a stand along service.

The new building does not link to the existing developments.

Water is serviced through our underground bore and pump and tank system.

Sewerage feeds into one of the two existing in ground leach drain type sewer systems. We are in sandy soil on an elevated block that allows easy dispersal of the grey water developed by the system.

Additionally we have grown and will grow many trees that will consume the grey water.

Telephone services are supplied by Telstra and there is access to the mobile services. Should someone require a landline, they would liaise with Telstra and deal direct accordingly.

TV and Internet is available through various means, including free to air TV, satellite TV, satellite Broadband and mobile service Broadband.

RURAL RESIDENTIAL ZONING: The Reality in the Pilbara.

This is a wonderful idea, with intended usage for people who wish to enjoy a rural lifestyle.

They can have a vegy patch, a few chooks, horse, goat, sheep and such domestic animals, and grow a few fruit trees and generally play at being on a farm.

The reality in the Pilbara, is we live in a semi arid area, with very limited rain, and even more limited town water.

So, to be able to run a hobby farm is simply just not viable.

Who can afford the water, and because you cannot grow crops, you cannot afford to transport grain and hay from the south.

Look at and analyse all the existing rural residential blocks in the area, and you can see that most struggle to grow a few trees and a postage size patch of lawn.

So the blocks lay fallow as 'bush blocks' and storage areas for the dreams the owners have.

Additionally, the cost of living in Hedland is so high, that generally, both members of the adult family have to work, and in many cases work long hours, often 10-14 hours a day, 13 days a fortnight.

The demographics and dynamics of the workforce has changed dramatically over the years.

Years ago, people came and stayed until retirement, working in their chosen field. But now we work on short to medium term stays in the Pilbara.

Government workers come for relatively short stays, with some exceptions:-

Police 2-3 years

School teachers 3 months – 3 years

Main Roads 3 months – 3 years

Medical 2 weeks to 1 year if we are lucky

Local Government workers in the administration field tend to change every 2-3 years. Ask your HR department for feedback. It seems that people come for as long as it takes them to get experience to move to the next promotion or better location.

Mining Companies are pushing for more and more FIFO. The field is so competitive that the major players seem to constantly poach suitable people.

Look at the push to build bigger and better SPQ's. Club Hamilton – Port Haven – Camp Wedgefield – Pundalmurra Camp.

So the reality is, Port Hedland really does not attract a lot of people to the region who would be interested in having a hobby farm.

People come here to earn the money to buy the hobby farm in the South West Land Division or other States, where you can actually achieve success with raising food and pet farm animals.

KARRATHA – Rural Residential Zoning

I have lived in Karratha and regularly visit Karratha and neighbouring towns.

I am yet to find an area designed and denoted 'Rural Residential' in Karratha..

Karratha is destined to be the first Pilbara City, and if it were a viable option, I am sure they would have earmarked land suitable for the rural residential/hobby farms.

So, by comparison, Port Hedland is out of step with our competitor to be the First Pilbara City.

NEEDS OF THE PILBARA:

Throughout Port and South Hedland there is the push to modernise the old suburbs and develop housing options to accommodate more people in the same land area.

IE: demolishing the old fibro homes and building new, modern homes.

This is good business sense, as existing essential services can accommodate the additional population, and by downsizing the land around a dwelling, the residents have more time to work and rest, not having to look after large gardens.

Smaller blocks use less water, require less maintenance and stay cleaner for longer.

This reduces Councils annual Cyclone Clean Up problems.

Roads don't have to be built and existing services can cope with the additional requirements.

OUR APPLICATION:

We are asking the Council to approve the change of use of the existing building currently approved as a 'shed', so that we can have a second 'residential building' on the property.

ATTACHMENT 6 TO ITEM 6.1.2.3

Replies to reasons as below.

Reason 1- There was only one ex four room donga onsite as we bought the land in early 2008, in which Chris told us it was to be a shed. If we had of known it was going to be a house overlooking our property, we would have reconsidered the sale. The second donga was delivered to lot 2 in early 2010, so it was never a shed at all. Most residents when deciding to obtain a shed have one engineered by a shed company and would not consider to use 2 transportables as a cat5 shed at all. Especially ones that are discarded by mining companies.

Reason 2- One mans ideals of solving this is like a drop in the ocean. At least if the Government decide to solve this problem it would be done by permit and using local tradesmen and fully engineered buildings. Lot 2 has been mostly put together by a young man which we have watched happen over the last year.

Reason 3- An additional residential building on Lot 2 is a win lose. It's a win for Chris only. It is a lose for us due to the value loss of our property, it is a loss to the neighbourhood due to much more traffic on the road, water usage from our limited supply which "we have to mindful of not overtaxing that resource" (quote). It is also a loss to the local government with the already advancing headaches due to this application. Being a nightshift worker it is not a peaceful rural environment during the day whilst a forklift is busy moving scrap materials etc around Lot 2 all day every weekday.

Reason 4- Our argument to this is, have all the steel components that are recycled materials been xrayed to see the depth of rust and corrosion in defence of their original integrity as supplied by the manufacturer when originally made. Once again one mans ideals of saving the environment do not have an impact in this area.

Reason 5- The Wilden's application was done by correct means of obtaining permits first and also the buildings are much smaller and do not have any impact on neighbouring properties privacy. We believe that a precedence has not been set with regards to Lot 2's residential building.

Residential Building- Referring to Chris's comment on breaching rules on the lower page 2 the rules have been breached by him for the last 16mths by having people living in this building. In the past 3 mths there has been up to as many as 5 tenants as well as the occasional 2 or 3 caravans camping there, enjoying looking out over our property. This has had a serious impact on our "quality of life".

Property size and description- 'Our water is from underground sources and we have to be mindful of not overtaxing that resource'. As on Page 4 Chris intends to grow a small forest. We are constantly bewildered to the use of sprinkler systems at Lot 2 being turned on in the heat of the day and also windy conditions, this is not being mindful.

Impact on neighbours- Lot 3- We lived in the sea containers for only 2 years and created a neat and tidy outdoor area that was not unsightly because it was well hidden from Lot 2's construction in progress. We have an entertainment area in progress on the north side of our house due to the fact we have no other option for a private area. The west side of our property which council has plans of and we have a family/living room on the west side which has an outlook to Lot 2's storage of derelict bridge timber poles and also the residential building, due to this outlook we must build a fence so as we can create an alfresco area for different times of the day to enjoy, this comes at a great cost to us. We have planted 41 trees and shrubs at a reasonable cost of money and

our time to try and screen this building. It will take many years and more trees and shrubs to screen off the building due to its elevation. We counted today only 6 trees put in front of this building, which is minimal effort. In defence to planting a grove of only 6 in front of the new building because the verandas are open then why would one build the veranda in the first place and as the plans, elevation 2 it is marked alfresco, is this not a contradiction.

Lot 4- As per page 5 the assumption of Lot 3 & 4 positioning outdoor areas viewing to the east is only now a necessity due to the fact that Lot 2 has so many people residing and causing our dog to lose its bark because of people walking around the area trying to get phone coverage and as once discovered trying to take photo's of the beautiful trees in the valley of our property, which breached the privacy of our north facing entertainment area. We have 10 metres between our house and fence line which we want to develop peaceful and shady areas around our whole house.

Description of second residential building- Whatever the title of these buildings are the fact remains they have been discarded and probably unsafe. The roof system has free standing posts on only one side. It is attached to the two transportables. The windows are not all cyclone rated due to the fact of the installation of second hand timber windows, and there are not any cyclone shutters. This is not safe practice and do not want to see another instance as in Cyclone George when there were buildings blown around and killed people.

Also on the Property- We have toured the inside of this property and believe that it has a floor space of approx 180sqm plus. We have seen the self contained one bedroom living quarters under the same roof and due to the amount of bedrooms this is ample for one couple with the occasional visits from their children and grandchildren. With the outdoor patios and swimming pool being sufficient for these uses we only see the use of a second residential building to fuel greed. There is no ambience of a cattle station homestead next door to us. One can see by the supplied photos that Lot 2 is a recycling junk yard full of trucks and repossessed vehicles and there is not enough room on his land now that the owner has at most times two or three trucks and trailers parked on the verge. Being on a corner block with the items on the verge it is also a problem for drivers because the road is barely wide enough for two vehicles to pass at once. We don't want our neighbour to use and recycle materials that the town throws away because we believe this is unsafe in cyclonic conditions.

Essential Services- Sewerage- We have a concern being slightly lower down hill with the amount of people residing there before being permitted, this could increase if permitted and cause an overflow effect and obviously would run into our property. The residential building has approx 223sqm of roof and Chris has only just put a concrete gutter in diverting this water to an area within two metres of our west boundary. We due to being on the lower side of the road already have a problem with rain water and drainage and do not want to deal with Lot 2 water excess.

Additional Comments- If Lot 2 are going to house workers working such long hours there is no need for balcony or an alfresco area. We believe the comments of the dynamics of the workforce is based on assumption and cannot see where this information has been referred. We have been here for 4 years with the intention to stay a lot longer so we don't agree with the information supplied.

Summary- Overall we totally oppose the building existing on Lot 2 at all. We have invested 600k in our property and due to his dwelling we need more funds to create private areas around our home. We have not used discarded building materials (quote) to create any screening to the

present date, we have paid dearly for steel and other components to only make a slight impact to blocking out the building and its residents. We feel that the owner of Lot 2 has inconsiderately lied to us, totally ignored and abused the town planning systems in place and being an ex officer of the WA Police force we find this an outrageous act, and if not dealt without hearing our concerns, we will seriously consider taking this as far as we can. We challenge planning to take a tour of lot2, to see that it does not fully reflect all that is stated in the proposal, groves of trees etc. The noise that the outdoor kitchen creates morning and night and the flagrant use of the so precious water during the day. We have a watering system that only runs during the night. We feel that Lot2 has gone ahead with an over the top effort and its basically a subdivision. We don't want to be a part of this, it will only make the estate so much busier.

We have had Les Best from First national Real Estate visit and he ensured us that until adequate trees have established our property would not get its true value in a sale at present.

We state that all information is true and correct, we have seen with our own eyes exactly what has been going on there for the past 18mths and we have photographic material to back up any of our statements.

Thankyou

James Reus and Kate Wilson.

Lot3.

Christopher William FERRIS
Kaye Lorraine FERRIS
PO Box 3042
SOUTH HEDLAND 6722

Document #: IPA19889
Date: 27.09.2011
Officer: LEONARD LONG
File: 800028G



Town of Port Hedland
McGregor Street
PORT HEDLAND 6721

September 27, 2011

Attention **Luke CERVI and/or Leonard LONG**

Response to Objections to Our Planning Application to Convert our Existing Shed into a Second Residential Building and Retrospective Approval of Four Outbuildings.

Thank you for supplying the details of the objections to our application.

Narrowing the objections to the details of the application, we can focus on 3 issues.

First is the use of recycled materials.

Second is the privacy issue on **Lot 3**.

Third is the approval's for the people at **Lot 7** to build a second residential building.

So my answers in that order are:

1: Use of Recycled Materials - Engineering:

In today's society there is much said about recycling and the effect of materials on the carbon output during manufacture.

So the ability to recycle materials is very important.

The engineering of this and all structures on my property is handled by Robin Salter and Associates, who are well known and highly regarded in the Pilbara Region.

Council has guidelines that can guide the engineers.

2: Privacy of Lot 3:

The privacy of Lot 3 can be achieved with the **planting of Green Screens of vegetation.**

Our property has been developed to enjoy the **universal outlook** towards the river bushland beyond the village.

Everyone out here bought their land to be able to enjoy that view.

No one bought their properties, or developed them to snoop, eavesdrop and ogle the neighbours.

The topography of the location is natural, and no one has built up or excavated land to get a better view.

Our property and the building in question were already here when the neighbours at Lot 3 bought their property. It was easy to see.

Council can negotiate on the planting of trees and hedges to assist in each others privacy.

Remember that there is a requirement for a firebreak around the properties.

3: Privacy of Lot 7:

Nothing built on Lot 2 **impacts on** the privacy of Lot 7.

The residents of Lot 7, when passing Lot 2 are visually guarded against any activities on Lot 2 by several privacy fences linking the new sheds, and covered with a Green Screen around the boundary of the property.

A safe driver should be concentrating on driving and not be looking in to another's property, and others should respect the privacy of those living on Lot 2 and not pry into and ogle what is happening there.

Privacy is not a privilege limited to those on the other blocks and includes our privacy.

4: Approval Already Granted to Lot 7 to Build a Second Residential Building:

Back on February 23, 2011, the WILDEN'S application for a second residential building on Lot 7 was granted by a vote of 4 to 1 at the local Council Meeting.

This approval is for a commercial development to house visitors and workers to the area and reflects the need for alternative cheap accommodation to relieve the current housing and accommodation shortage

Mr WILDEN is a Council Employee, holding a position as a Senior Ranger, and his wife is a Senior Police Officer.

If they are deemed suited to build a second residential building on their block out here, then the same favour should be passed to all others who request the same style development.

Conclusion:

All we are asking for is a fair play response on a level playing field so that we can all live in harmony.

We feel that what has been approved for one applicant has set the precedence, and all other applications of a like nature should be met in the same way.

Kind regards


Chris Ferris

5:54pm Councillor A A Carter declared a Financial Interest in Agenda Item 6.1.2.4 'Proposed Transient Workforce Accommodation at Lot 503 (Area A) Forrest Circle, South Hedland (File No.: 804485G)' as he is a BHP Billiton shareholder with shares over the statutory limit.

5:55pm Mayor K A Howlett advised that this Item was in relation to an application received from Compass Group (Australia) Pty Ltd and asked Councillor A A Carter to confirm he still wished to declare a financial interest in BHP Billiton.

Councillor A A Carter advised yes and left the room.

6.1.2.4 *Proposed Transient Workforce Accommodation at Lot 503 (Area A) Forrest Circle, South Hedland (File No.: 804485G)*

Officer Luke Cervi
Senior Planning Officer

Date of Report 5 October 2011

Disclosure of Interest by Officer Nil

Summary

This Town has received an application from Compass Group (Australia) Pty Ltd, the intended lessees of Lot 503 (Area A) Forrest Circle, South Hedland which is owned by the Crown.

The application is referred to Council for determination as it proposes variations from the "Guidance note for potential developers of Transient Workforce Accommodation".

The item was laid on the table at Council's Ordinary Meeting on 21 September 2011 to enable the Chief Executive Officer to finalise a Community Contribution.

Background

Location and site details

The subject site is located adjacent to the TAFE along an unconstructed portion of Forrest Circle. The site is owned by the Crown, comprises an area of approximately 11.9ha and intended to be leased to the applicant on a 10yr + 10yr option. The application relates to 9.7ha of the site (the land not proposed to be developed at this stage is at the South of the site adjacent to Forrest Circle).

Previous approvals

Council considered a proposed Development Plan for the site at its Ordinary Meeting on the 27 July 2011 which has now been approved. The 9.7ha portion of the land proposed to be developed is identified as "Transient Workforce Accommodation" on the "Short/Medium Term Land Use Plan" and shown as part "Residential R50-R80" and part "Public Open Space" on the "Long Term Land Use Plan".

Consultation

Significant consultation has been undertaken with the applicant and internal departments which has led to a number of changes being made to the plans. This is further expanded on in the Officer Comments section of the report.

The application was also advertised to adjoining landowners with no comments being received.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development of the land must be done in accordance with TPS 5.

Policy Implications

Nil

Council does have a "Guidance note for potential developers of Transient Workforce Accommodation" which needs to be considered.

Strategic Planning Implications

The following sections of the Town's Strategic Plan 2010-2015 are considered relevant to the proposal:

Key Result Area 1:	Infrastructure
Goal Number 1:	Roads, Footpaths and Drainage
Immediate Priority 1:	Undertake road works in South Hedland to improve road permeability (particularly in the CBD)
Key Result Area 4:	Economic Development
Goal Number 2:	Mining/Roads
Immediate Priority 1:	Actively seek funding partnerships with mining companies and contractors on the development of services and facilities within the community.

Key Result Area 4: Economic Development
Goal Number 2: Mining/Roads
Immediate Priority 2: Actively pursue integration of FIFO workers into the local community.

Key Result Area 4: Economic Development
Goal Number 2: Mining/Roads
Other Actions: Ensure that integrated accommodation options are available for resource related projects that do not artificially inflate the local real estate market.

Key Result Area 4: Economic Development
Goal Number 4: Land Development
Projects
Immediate Priority 1: Fast track the release and development of commercial, industrial and residential land.

Budget Implications

An application fee of \$31,350.00 was paid on lodgement.

Officer's Comment

The original plans submitted for consideration were identified as being undesirable for the following reasons:

Amenity/streetscape

The buildings presented poorly to adjoining properties (including Marie Marland Reserve and the TAFE) due to the monotonous clustering of identical buildings and large car parking areas on the periphery of the site.

TWA containment

The facility was designed to be fully self sufficient (Kitchen/Diner, Tavern and Recreation facilities) and did not promote inclusion/interaction with the general community.

Inconsistencies with "Long Term Land Use Plan"

The facility was designed prior to the endorsement of the Development Plan and therefore was not entirely consistent with the "Long Term Land Use Plan". The Development Plan had been submitted prior to the application for TWA however, had not been endorsed due to further information and amendments being required.

Ability to transition to permanent land use

The design of the accommodation units will be difficult to transition to permanent residential uses (being the intended long term use for the site). Issues such as a functional internal layout, car parking and streetscape will be difficult to achieve and likely to result in most buildings being removed at the conclusion of the TWA use. It has been identified that transition of some buildings to student accommodation would be possible assuming the need is there.

Car parking

Under TPS5, a parking requirement of 1239 bays plus 124 oversize parking bays. The proposal provides 291 bays on site with no oversize parking being provided. This equates to one space per 4.25 accommodation units and is supported by a Transport Assessment prepared by Parsons Brinckerhoff. The planning unit still has some reservations on the functionality of the car parking solutions proposed however, accept that Parsons Brinckerhoff are experts in the field of traffic and parking assessment/management.

Response to issues

To address these issues the following changes were requested:

Amenity/streetscape

1. Requested buildings adjacent to boundaries to present to the neighbouring land and incorporate more features/articulation.
2. Requested that car parking areas be located behind buildings.

Whilst the design of periphery buildings has been amended significantly it is still considered that the outcome being achieved is to the minimum standard for a development of this scale. No change was made to car parking with the applicant contending that for safety reasons vehicle movements within the complex was not appropriate.

TWA containment

1. Requested that tavern be relocated to adjacent land (Kevin Scott/Marie Marland reserve) and be adaptable for use as a future sports complex clubhouse.
2. Requested no gymnasium be provided.
3. Requested access to kitchen/diner for general public.
4. Requested kitchen/diner be relocated to better facilitate dining by general public.

The applicant has conceded on the size of a gymnasium but is adamant about retaining a “minimal” gymnasium on site for occupants. The applicant requires that the kitchen/diner be restricted to occupants only for the first three years but will then make available to the general public. The kitchen/diner will remain in the original location. The relocation of the tavern to adjoining lands was not agreed to due to operational and safety issues.

Inconsistencies with “Long Term Land Use Plan”

1. Requested layout be amended to better reflect the “Long Term Land Use Plan” so as to maximize infrastructure and buildings that may be retained as legacy items once the TWA ceases.

Some changes have been made to the TWA layout that assist in achieving the “Long Term Land Use Plan”. However, the focus remains on not compromising the ability to implement the “Long Term Land Use Plan” which is considered reasonable given that the applicant is intending to lease the site on a 10yr + 10yr option.

Ability to transition to permanent land use

This issue was discussed with the applicant who has advised that it is not their intention to transition buildings to other permanent land uses.

Need and desirability

It is undeniable that there is currently significant demand for TWA related to major current and upcoming construction projects. What isn't clear is the length of time that these construction projects and specifically the accommodation needs that result, will continue to exacerbate the accommodation shortage within the town.

Having regard to Council's “Guidance Note for Potential Developers of Transient Workforce Accommodation”, the proposal would be best described as “Higher quality, more permanent accommodation facilities (inc hotels/motels)”. The guidance note includes the South Hedland CBD area as being a preferred location. Noting that for the “Long Term Land Use Plan” for the site would require the majority of proposed buildings to be removed or significantly altered, the length of time any approval would be valid is critical.

Traditionally TWA facilities have been approved for a short period of time (up to 5yrs) but due to demand have been reapproved or extended (e.g. Mia Mia, Pundulmurra and ESS Wedgefield). With a more recent focus on developing more aesthetically pleasing and permanent buildings, the length of time needed to be viable for a developer increases (Port Haven was approved for a period of 10yrs).

With the proposed site being strategically important land (close to the Town Centre, TAFE and recreation facilities and been identified as catering for a dwelling yield in the vicinity of 300 dwellings) it would be preferable to limit the length of any "Temporary" approval to 5yrs. The applicant is intending to operate the site for TWA purposes for a period of 20yrs (being a 10yr + 10yr option).

Guidance Note for Potential Developers of Transient Workforce Accommodation

This guidance note identifies key principles that Council would like addressed with all development application for TWA uses. The key principles are; Town Centre Development Focus; Community Benefit; Integration; Quality; and, Safety.

- Town Centre Development Focus

The facility is proposed in close proximity to the South Hedland CBD which will provide occupants easy access to the Town Facilities and shops.

- Community Benefit

Since the matter was laid on the table at the Council's Ordinary Meeting on 21 September 2011, the Chief Executive Officer has secured a Community Contribution consisting of the following:

1. Faye Gladstone Netball Courts - \$325,000 for sub surface stabilisation, court remediation, resurfacing and upgraded court lighting
2. Multi Purpose Recreation Centre - \$420,000 for car parking
3. 20 community rooms (upon completion of all construction works)
4. Marie Marland Oval - \$700,000 for reserve lighting
5. Public access to the dining facility after year 3

- Integration

The applicant has argued that their proposal is consistent with the Expression of Interest for the land (State Land Services ran the EOI the land is Unallocated Crown Land) and that they have provided pedestrian linkages and minimized onsite active recreation facilities to also encourage integration of occupants. Furthermore, the TWA operator employs trained event coordinators to encourage occupants engage in recreational activities which include integration with local sporting groups and community events.

Encouraging integration of occupants into the community still remains of some concern to the planning unit as the facility is designed in a manner that makes it substantially self contained. Whilst the applicant has agreed to allowing public access to the kitchen/diner in the future, the provision of a tavern and (minimal) gymnasium encourages the containment of occupants. The Finicane Club, Bowls Club, Last Chance Tavern, Multipurpose Recreation Centre and Edge gymnasium are all facilities that are in close proximity to the proposed site.

- Quality

The applicant contends that the facility has been designed as a high quality accommodation facility that will enhance the South Hedland CBD and provide a visually attractive, modern and residential appearance built feature. From a planning unit perspective, negotiations with the applicant have resulted in an improved built form that would be considered the minimum standard expected for a development of this scale. Council must consider the design in context of any approval period that may be granted.

- Safety

Buildings have been designed to comply with latest Building Code requirements. The kitchen/diner has been designed to double as a cyclone shelter and can comfortably accommodate the facility population. The site is proposed to be securely fenced and CCTV installed. In addition, the gatehouse at the main entrance will be staffed at all times.

In summarizing, it is considered that TWA remains a necessity to facilitate major construction projects. Furthermore, this site is a preferred location for TWA to occur due to the ability to better integrate occupants and obtain legacies of community benefit for the town at the conclusion of the TWA use.

The design of the facility is not perfect, however, due consideration needs to be given to the time period the use will exist and the needs of the occupants of TWA facilities. The community will obtain benefit through an agreed community contribution, rate revenue and infrastructure benefits. The infrastructure benefits the development will provide to the land will assist in its transition to permanent residential development in the future.

Options

Council has the following options for dealing with the application:

1. Approve the application in its current form.

This option should be chosen if Council is of the opinion that the development is only a temporary land use and the design is appropriate for the length of that temporary use.

2. Approve the application subject to amended plans.

This option should be chosen if Council is of the opinion that the development is more permanent in nature and the design is inappropriate for the length of time it will remain.

This option should include the following condition:

“Prior to the submission of a building license application, amended plans incorporating the following amendments shall be submitted and considered by Council’s Manager Planning:

All periphery buildings being appropriately articulated to provide a desirable streetscape and/or amenity when viewed from public lands.

3. Refuse the application

This option should be chosen if Council is of the opinion that the site is inappropriate for a TWA or the design is unacceptable.

It has been recommended that the application be approved in its current form for a period of 10 years only.

Attachments

1. Location Plan
2. Site Plan
3. Floor and Elevation Plans

Officer’s Recommendation

That Council:

- i) Approves the planning application submitted by Compass Group (Australia) Pty Ltd on behalf of the Crown, for Transient Workforce Accommodation – 1301 person facility at Lot 503, Forrest Circle, South Hedland subject to the following conditions:
 1. This approval relates only to the proposed Transient Workforce Accommodation Facility (1301 bed facility) and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
 2. The development area must only be used for purposes, which are related to the operation of a “*Transient Workforce Accommodation*” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 “*Transient Workforce Accommodation*” is defined as:

“Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas”

3. A community contribution of \$1.45 million is to be provided for the following purposes:
 - a) Faye Gladstone Netball Courts - \$325,000 for sub surface stabilisation, court remediation, resurfacing and upgraded court lighting
 - b) Multi Purpose Recreation Centre - \$420,000 for car parking
 - c) Marie Marland Oval - \$700,000 for reserve lighting
4. A contribution equivalent to 50% of the construction cost (inclusive of verge works including pedestrian paths) to extend Forrest Circle to the western boundary of lot 503 must be provided to the satisfaction of the Manager.
5. A contribution proportional to the benefit obtained by lot 503, must be provided for the extension of North Circular Drive to the satisfaction of the manager Planning.
6. Upon completion of construction works approved by this permit, 20 rooms are to be made available for public use to the satisfaction of Council’s Manager Planning.
7. Commencing 1 January 2015, the dining facility is to be made available to the general public to the satisfaction of Council’s Manager Planning.
8. Prior to commencement of works, a written agreement must be entered into with the Town of Port Hedland regarding the access to the site by heavy vehicles including maintenance and times of use.
9. This approval is only valid for a period of 10years calculated from the date of this approval.
10. On expiry of the time stipulated in condition 9 above, the applicant is to enter negotiations with Council on the extent of returning the land back to its original state.
11. Within 60 days of the date of this approval the applicant/operator of the camp is to submit an emergency evacuation plan approved by the relevant authority to the Town

12. All vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the development area (i.e. no parking is permitted on the adjacent recreation reserve, road verge or any other land) and within designated vehicle parking locations/areas all to the satisfaction of the Manager Planning.
13. The development is to be connected to reticulated sewer. Alternatively, an effluent disposal system to the specification of the Department of Health and Council's Environmental Health Services is to be installed to the satisfaction of Council's Manager Planning.
14. A minimum of 291 car bays are to be provided on site to the satisfaction of Council's Manager Planning.
15. No oversize vehicles are permitted to park on the site.
16. Loading/unloading areas for oversize vehicles must be constructed, line marked, time limited and signposted to the satisfaction of Council's Manager Planning.
17. 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.
18. All dust and sand to be contained on site with the use of suitable dust suppression techniques where any works/operations on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction of Council's Manager Planning.
19. 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 Council's Manager Planning.
20. Further to condition 19, 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 Council's Manager Planning Services.
21. The development is to comply with the *Health (Public Buildings) Regulations 1992*.

22. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.
 23. Prior to the submission of a building licence application, a detailed landscaping plan is to be submitted and approved by Council's 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.
 24. Prior to occupation of any part of the development, landscaping and reticulation to be established in accordance with the approved plans with the use of mature trees and shrubs, and thereafter maintained to the satisfaction of Council's Manager Planning.
 25. The premises to be kept in a neat and tidy condition at all times by the occupier to the satisfaction of Council's Manager Planning.
 26. Prior to the submission of a building licence application a construction management plan is to be submitted detailing how it is proposed to manage:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) Impact on traffic movement with particular regard given to the use of Marie Marland Reserve;
 - d) Operation times including delivery of materials; and
 - e) Other matters likely to impact on the surrounding residents and land;to the satisfaction of Council's Manager Planning.
- ii) Approves the temporary provision of 194 Advanced Accommodation Rooms on Lot 503 (Area A) Forrest Circle, South Hedland as incidental development of Planning Permit 20011/261 (approved by ii above), subject to the following additional conditions:
1. The total of rooms including those approved by permit 2011/261, does not exceed 1333 at any time.
 2. The Advanced Accommodation Rooms are approved for a maximum of 36 months from the date of approval.

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. A Building Licence to be issued prior to the commencement of any on site works.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
4. 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
 - a. It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations;
 - b. The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards;
 - c. 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; and
 - d. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
5. 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*.
6. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the *Town of Port Hedland Health Local Laws 1999*.
7. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Council's Health Local Laws 1999.
8. In relation to condition 21, all stormwater drainage (and associated infrastructure maintenance) is to be managed on site except where otherwise agreed by Council's Manager Infrastructure Development.

9. 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.

5:56pm Mayor advised that permission for a reduction of quorum was not sought from the Minister of Local Government, thus this item will be laid on the table for want of a quorum.

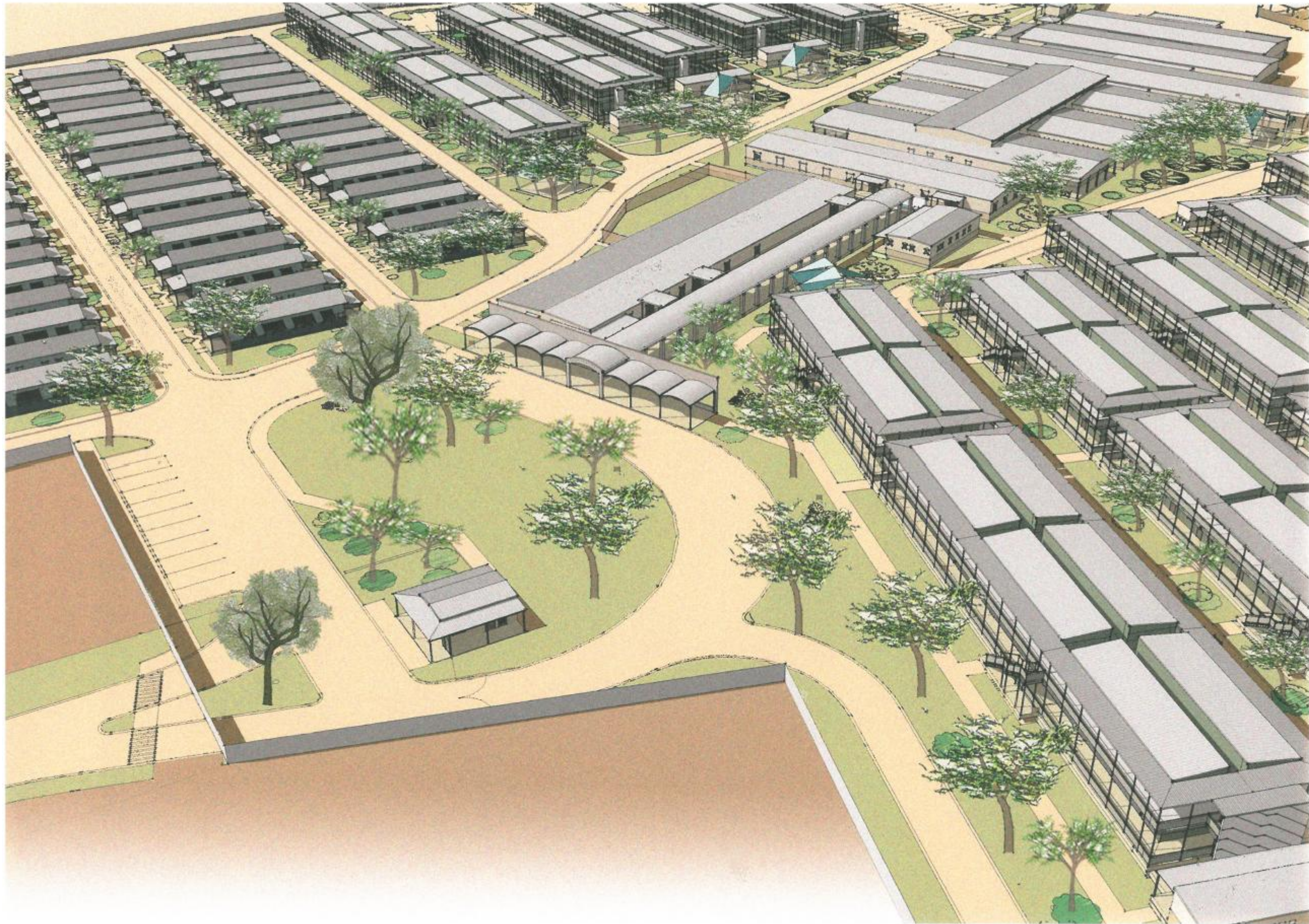
5:56pm Councillor A A Carter re-entered the room and resumed his chair.

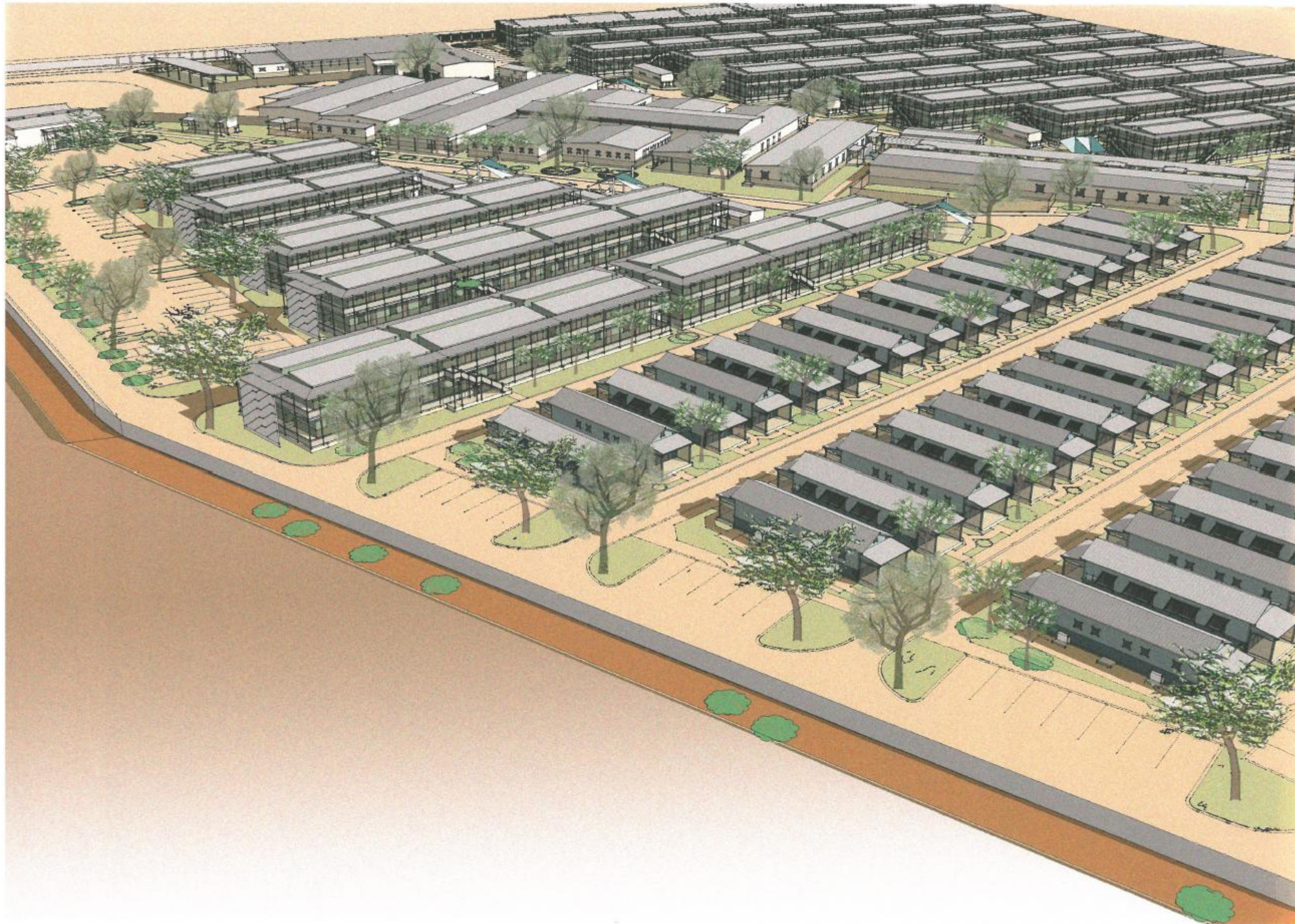
Mayor advised Councillor A A Carter that due to a lack of quorum this Item was not considered.











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At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, with or without modifications.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Plan 2010/2015 are considered relevant to this proposal:

Key Result Area 1:	Infrastructure
Goal 2:	Airport
Immediate Priority 1:	Complete the development of the Airport Land Development Plan and commence implementation of the key initiatives that are identified.

Budget Implications

Nil

Officer's Comment

The purpose of the Amendment is to provide a broad range of land uses permissible in the "Airport" zone to complement and reinforce the key objectives of "The Plan".

The Amendment seeks to allow the following, previously prohibited, use classes:

- Holiday Accommodation
- Tourist Resort
- Container Park
- Distribution Centre
- Hire Service (Industrial)
- Display Home Centre
- Dry Cleaning Business
- Mobile Business
- Reception Centre
- Restricted Premises
- Community Use, and
- Funeral Parlour

This will significantly increase the range and scope of activities that can be developed adjacent to the airport operations area, under the control of the Town of Port Hedland.

All these land uses will remain discretionary, and Council will be able to determine the acceptability of each use on an individual merits basis.

It is also proposed to allow a range of land uses that previously were only permitted as incidental uses, including:

- Industry – Light
- Industry – Service
- Storage Facility/Depot/Lay down Area
- Office
- Shop
- Showroom
- Takeaway Food Outlet
- Warehouse
- Car park, and
- Education Establishment

This will greatly extend the ability of the land uses to be developed within this precinct, without them being incidental to a predominant use. Simply put, the above land uses can be approved as a primary business entity.

The proposed scheme amendment will enable the development of a bulky good, light / service industry area to be established in accordance with the previously endorsed Airport Land Use Plan.

Finally the amendment seeks to prohibit Industry – General from within the “Airport” zone. This land use is considered to be uncomplimentary to the function and purpose of the airport, and the extended range of land uses proposed in this amendment.

A full explanation of the land uses is defined in Appendix 1 of TPS5.

It must be noted that prior to the development of any of the uses within the “Airport” zone a planning application will be required. Such application will be assessed to ensure that it aligns with Councils Strategic Plan and “The Plan”.

Options

Council has the following options when considering this request:

1. Initiate the Scheme Amendment as requested.

The initiation of the scheme amendment will begin the implementation of “The Plan”.

2. Refuse to initiate the Scheme Amendment

Option 1 is recommended.

Attachments

Nil

201112/158 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

1. Supports the request to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5, Scheme Amendment 48*, by modifying the Zoning Table as follows:

ZONING TABLE		Airport
Residential		
8	Holiday Accommodation	AA
24	Tourist Resort	SA
Industry		
28	Container Park	AA
29	Distribution Centre	AA
31	Hire Service (Industrial)	AA
34	Industry – General	~
35	Industry – Light	AA
38	Industry – Service	AA
43	Storage Facility/Depot/Lay down Area	AA
Commerce		
47	Display Home Centre	AA
48	Dry Cleaning	SA
50	Mobile Business	P
56	Office	SA
59	Reception Centre	AA
61	Restricted Premises	SA
62	Shop	AA
63	Showroom	AA
64	Take-away Food Outlet	SA
65	Warehouse	AA
Health, Welfare & Community Services		
66	Car park	AA
68	Community Use	AA
70	Education Establishment	AA
72	Funeral Parlour	SA

The symbols used in the zoning table have the following meanings:

P the development is permitted by the Scheme

AA the development is not permitted unless the Council has granted planning approval

SA the development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3

IP the development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council

~ a development that is not permitted by the Scheme

2. Prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.
3. Following approval from the EPA to advertise the amendment, advertises the proposed amendment in accordance with section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum period of 42 days pursuant to section 84 of the PDA.
4. Should there being no submissions received during the statutory advertising period, Council formally adopts Scheme Amendment 48, in accordance with the provisions of the Planning and Development Act, and
 - a. Delegates the Director Planning and Development in accordance with Delegation 40 to forward Town Planning Scheme Amendments to the Western Australian Planning Commission requesting that the Minister for Planning grants final approval in the case of:
 - b. The proposal being of an uncontentious nature.
 - c. The date of adoption of Council's final approval shall be the date of the next Council Ordinary Meeting following the closing date of the advertising period.

CARRIED 5/0

6.1.2.6 Proposed Grandstand on Lot 1 (Reserve 8214) McGregor Street

Officer Michael Pound
Planning Officer

Date of Report 30 September 2011

Disclosure of Interest by Officer Nil

Summary

The Town has received an application submitted by the Port Hedland Turf Club on behalf of the Town of Port Hedland to install a Grandstand permanently on Lot 1 McGregor Street (Reserve 8214) Port Hedland (subject site). The application is referred to the Council for determination as the proposed development is located on a Reserve for "Parks and Recreation".

The application is supported by the Planning Unit and recommended for approval.

Background*Location and Area (ATTACHMENT 1)*

The subject site is located along McGregor Street Port Hedland and is approximately 43.111ha. Vehicular access is available via McGregor Street.

Current Zoning and Land Use

In terms of the Town of Port Hedland Town Planning Scheme No.5 (TPS5), the subject site is reserved "Parks and Recreation". The land is vested in the Town of Port Hedland and is currently used by the Turf Club and contains tennis courts, a horse racing track and incidental infrastructure.

Proposal (ATTACHMENT 2 & 3)

It is proposed to install the Grandstand as a permanent fixture, thus allowing spectators to have an elevated view of the turf club grounds during events and horse racing meets.

Consultation

The application was circulated internally and the comments have been captured within the report and conditions.

Statutory Implications

In accordance with the *Planning and Development Act 2005*, the proposed use is subject to the provisions of TPS5.

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 3:	Community Development
Goal 1:	Sports and Leisure
Other Actions 2:	Develop plans for future recreation and leisure upgrades to accommodate population growth.

Budget Implications

Nil

Officer's Comment

The grandstand will be located on the northern boundary of the subject site in close proximity to the existing amenities buildings and infrastructure.

The proposed Grandstand is directly related to the existing turf club activities and is considered to be in keeping with the intent of the reserve.

It is therefore recommended that the application be supported subject to conditions.

Options

Council has the following options:

1. Approve the application.
2. Refuse the application.

Council officers are recommending approving the application subject to conditions.

Attachments

1. Locality Map
2. On-site Photos
3. Elevations

201112/159 Officer's Recommendation / Council Decision**Moved: Cr A A Carter****Seconded: Cr G J Daccache**

That Council approve the application submitted by the Port Hedland Turf Club on behalf of the Town of Port Hedland for the proposed Grandstand at Lot 1 McGregor Street, Port Hedland subject to the following conditions:

- 1. This approval relates only to the proposed RECREATION – PRIVATE – Grandstand and other incidental development, as indicated on the approved plans DWG2011/472/1 – DWG2011/472/4. It does not relate to any other development on this lot.**
- 2. The applicant is to apply for a Building License prior to the installation of the Grandstand.**

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 development is to comply with the Health (Public Buildings) Regulations 1992.**
- 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 Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-meter 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 License 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 5/0



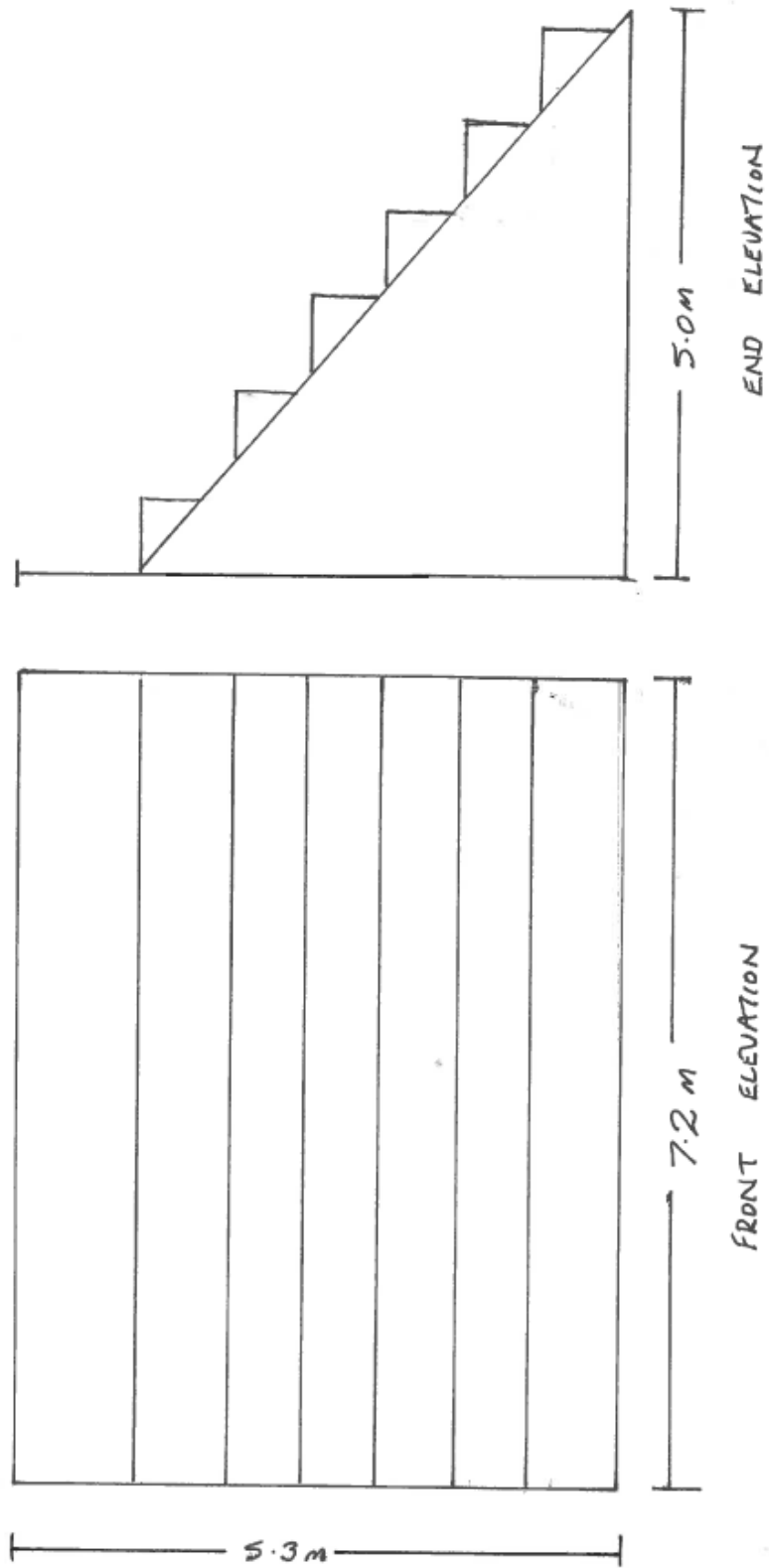






ATTACHMENT 3 TO ITEM 6.1.2.7

PROPOSED SPECTATOR STAND



SCALE 1-50

END ELEVATION

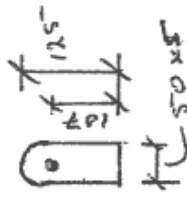
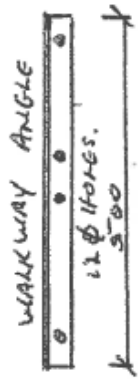
FRONT ELEVATION

5.0m

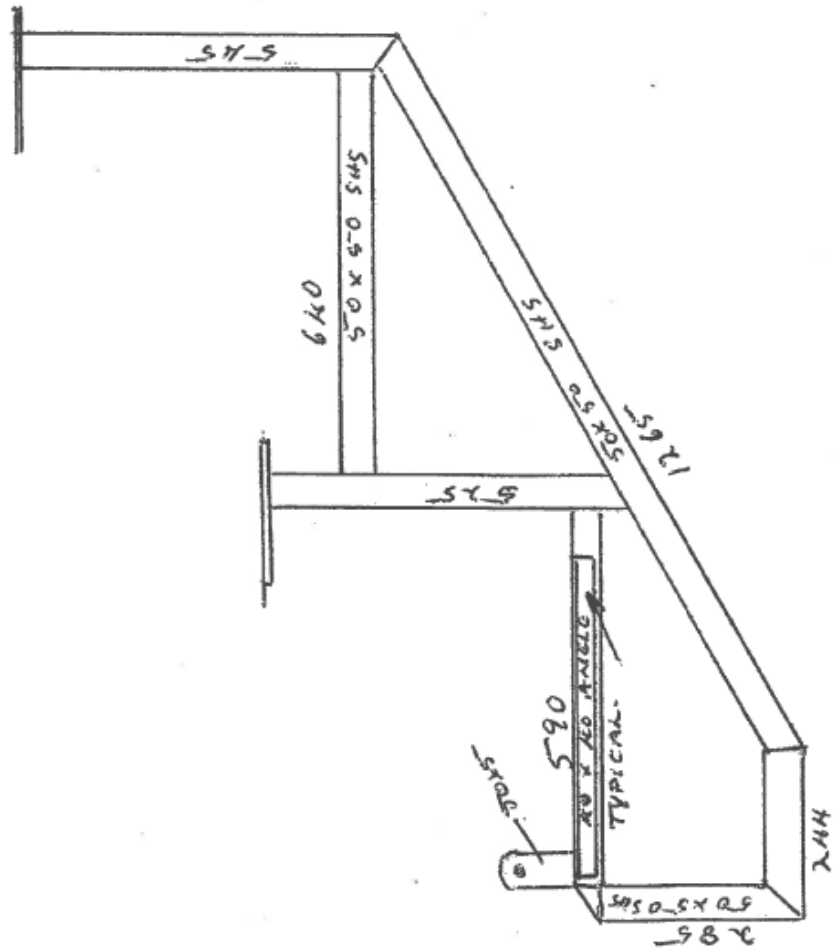
7.2m

5.3m

TOP FOLDING SECTION FRAME.
TRU-STEEL MOBILE STAND (C)
Earl C. Hoyle



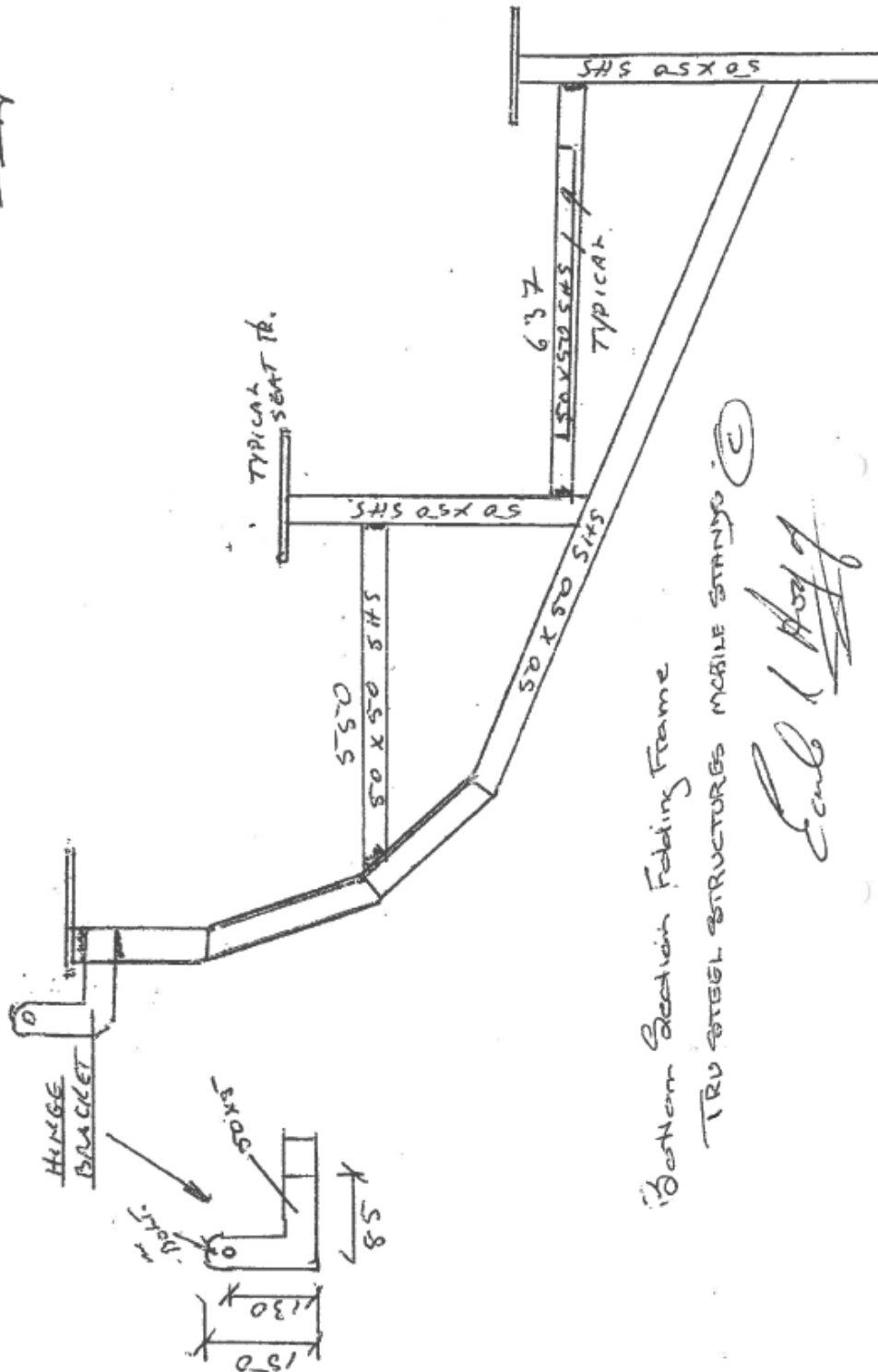
HINGE LUG.



BOTTOM SECTION FOLDING FRAME.

TRU-STEEL STRUCTURES MOBILE STAND (C)

Carl L Hoog



Bottom Section Folding Frame

TRU-STEEL STRUCTURES MOBILE STAND (C)

Carl L Hoog

5:57pm Councillors A A Carter and M B Dziombak declared a financial interest in Agenda Item 6.1.2.7 'Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland' as they are BHP Billiton shareholders with shares over the statutory limit.

5:57pm Councillor G J Daccache declared a financial interest in Agenda Item 6.1.2.7 'Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland' as he is a BHP Billiton shareholder with shares over the statutory limit and lives in the immediate area of where this development is proposed to take place.

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

6.1.2.7 *Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland*

Officer Michael Pound
Planning Officer

Date of Report 12 September 2011

Disclosure of Interest by Officer Nil

Summary

RPS has submitted an application on behalf of the Town of Port Hedland for the development of seven (7) Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland (subject site).

The application is supported by the Planning Unit subject to conditions.

Background

At its Ordinary Meeting of the 21 September this item was laid on the table due to lack of quorum to consider the item. The General Practitioner (GP) Housing project is a Partnership Project between Royalties for Regions, BHP Billiton Iron Ore and the Town of Port Hedland. The aim of the project is to provide high quality housing to attract additional medical professionals to service Port Hedland's growing population.

The subject site was identified through a detailed land investigation process which considered several factors including land tenure, site location, amenity, services etc. In summary, this site was recognized as a location which would deliver the highest quality housing for GP's in the timeframe required.

To facilitate the development of GP Housing, Council in October 2010 resolved to:

“Request the Department of Regional Development and Lands to amend the management order of part Reserve 30768 from “Recreation” to “Health Services Housing”

This has been actioned and the Department of Regional Development and Lands is in the process of finalising the change.

Site Description (ATTACHMENT 1)

The subject site has an area of approximately 1 hectare with access from Dempster Street via a battle axe leg.

It is generally flat however slopes downward steeply along the northern boundary. It is located within the coastal dune system containing some vegetation however large portions of the area are degraded or appear to have been used for the disposal of waste and spoil material.

Geotechnical investigations have confirmed development on the subject site can proceed and preliminary servicing investigations have confirmed water, sewer, power and communications is achievable.

Proposal (ATTACHMENT 2)

The application seeks approval for the development of two, 4 bedroom, 2 bathroom dwellings and five, 3 bedroom 2 bathroom dwellings on the subject site. All dwellings will be serviced by an internal common driveway which connects to Dempster Street. The proposed dwellings will have a high quality external appearance.

Consultation

Nil

Statutory Implications

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

Scheme Amendment No. 45

Scheme Amendment No. 45 (GP Amendment) was initiated at Councils Ordinary Meeting on 27 July 2011. The GP Amendment proposes to, when gazetted, rezone part lot 5551 on plan 240246 from “Park and Recreation” Reservation to “Health Services Housing”.

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 3:	Community Development
Goal Number 4:	Healthy Community
Immediate Priority 1:	Implement plans for the development of subsidised housing for general practitioners within the Town.
Other Actions 1:	Ensure that future planning for health services covers both Port and South Hedland's growth plans, including attracting and retaining specialist health services.

Budget Implications

A payment of \$11,581.00 was received on lodgement of the application.

Officer's Comment

Need & Desirability

As the population is expected to surge in both Port and South Hedland, the demand and need for quality housing is imperative to supporting the Town's future growth. The proposed development is an important community initiative, tied into the sustainable growth of Port and South Hedland. It will improve access to health services for the local population of Port Hedland securing accommodation for professionals within the health service sector.

It is recognised that there is a severe shortage of accommodation for healthcare professional throughout the Town. The proposed development will begin to address this need by providing seven (7) Grouped Dwellings.

The proposed development has arisen from a combination of the need for more accommodation options serving a wider demographic and the imperative to move towards providing professional accommodation options. As such, the location is considered to be an ideal showcase for the proposed development.

Statement of Planning Policy 2.6

The site is located within an existing area of coastal foreshore reserve and therefore Statement of Planning Policy 2.6 (SPP2.6) is relevant to this application. Cardno were engaged to undertake a formal assessment of the coastal setback having regard to the requirements of SPP2.6. The report determined the majority of the subject site, including the proposed development is located outside of the defined coastal setback.

The assessment has also been referred to the Department of Planning – Coastal Planning Unit who have endorsed the assessment and recommended no development occur within the detailed 1 in 500 year inundation area.

The majority of the proposed development is outside the defined inundation area. The Planning Unit notes that the proposed internal access way has a few minor incursions into the inundation areas. The Planning Unit considers this acceptable for the following reasons:

- It does not place any significant infrastructure at risk to damage;
- A suitable drainage solutions can be developed to address any ponding issues; and
- All habitable areas are outside the setback area.

Accordingly, it can be considered that the proposed development remains consistent with the recommendations of the Cardno Report and SPP 2.6.

Options

Council has the following options when considering the matter:

1. Approve the application as submitted subject to conditions:

The proposed development will provide much needed housing assistance for General Practitioners looking to reside and work in Port Hedland.

2. Refuse the application as submitted:

Refusal of the application would be inconsistent with Council's resolution to initiate Scheme Amendment 45.

It is recommended that option 1 be supported.

Attachments

1. Locality Plan
2. Site Plan, Floor Plan and Elevations
3. Cardno Proposed Development Area

Officer's Recommendation

That Council:

- 1 Approves the application submitted by RPS on behalf of the Town of Port Hedland, for Grouped Dwellings – 7 Grouped Dwellings on Part Lot 5551 Dempster Street Port Hedland, subject to the gazettal of Scheme Amendment 45, and further subject to the following conditions:

2. This approval relates only to a GROUPED DWELLINGS - 7 Grouped Dwellings and other incidental development, as shown on plan number 2011/.drg/1 to 2011/.drg/8. It does not relate to any other development on this lot.
3. 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.
4. Access ways, parking areas, turning areas to be designed and constructed in accordance with Town Planning Scheme No. 5 (including kerbed, formed, drained & finished with a sealed or paved surface).
5. The parking areas and / or associated access ways shall not be used for storage (temporary or permanent) without the prior approval of the Town of Port Hedland.
6. The driveways and crossovers shall be designed and constructed to specifications of Council's Manager Infrastructure Development, and to the satisfaction of Council's Manager Planning, prior to the occupation of the building.
7. Stormwater disposal is to be contained onsite and designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of Council's Manager Planning.
7. 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, to the satisfaction of Council's Manager Planning.
8. An Erosion Prevention and Sediment Control plan is to be submitted to prior to the commencement of any works to Councils Manager Planning.
9. The submission of a construction management plan at the submission of a Building License 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 residents;

to the satisfaction of Council's Manager Planning.

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. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.
3. In relation to Conditions 5 and 6 please contact Council's Manager Infrastructure Development on 9158 9650 for further details.
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 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.
5. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

5:57pm Mayor advised that permission for a reduction of quorum was not sought from the Minister of Local Government, thus this item will be laid on the table for want of a quorum.

5:57pm Councillors A A Carter, G J Daccache and M B Dziombak re-entered the room and resumed their chairs.

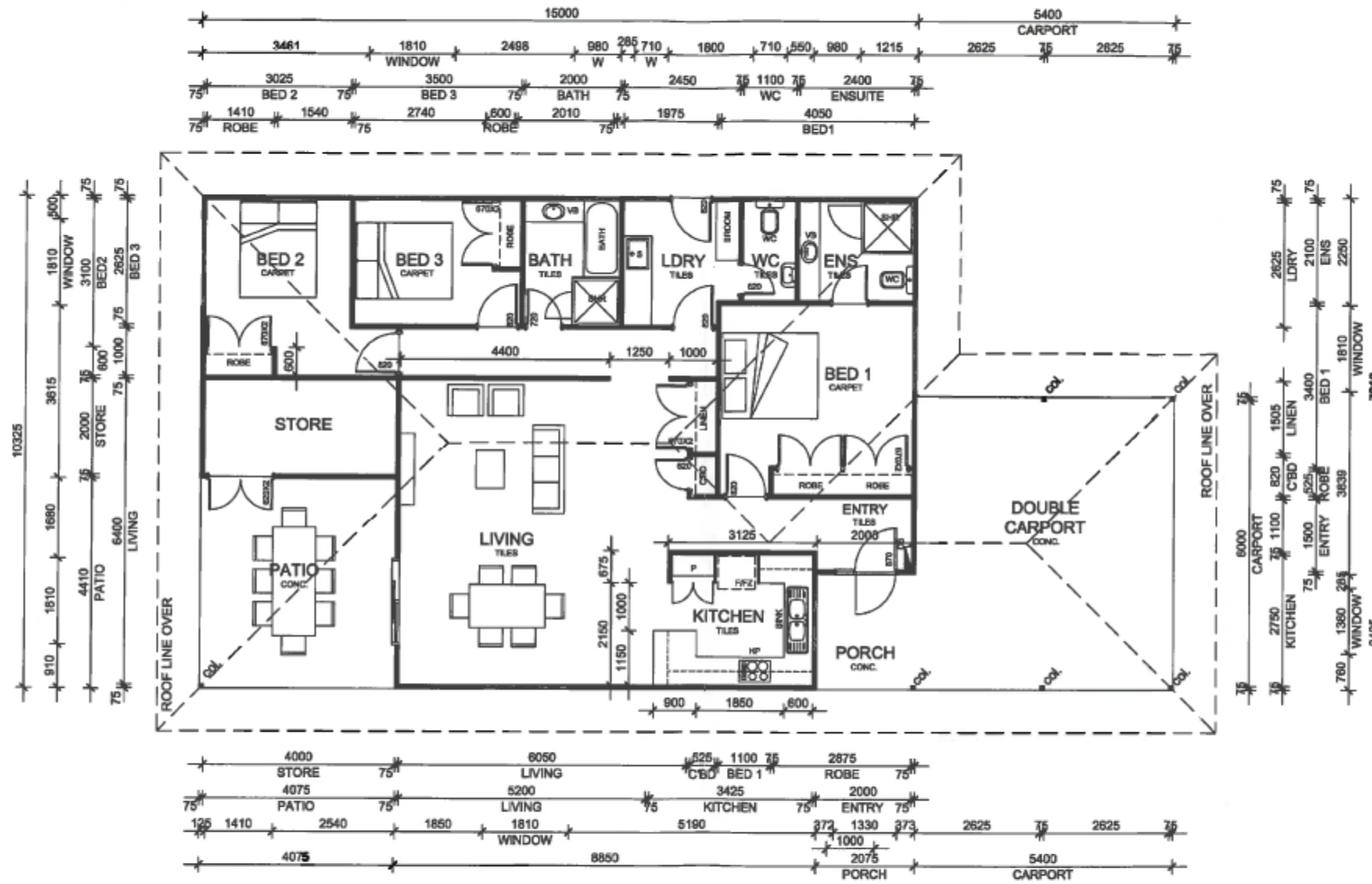
Mayor advised A A Carter, G J Daccache and M B Dziombak that due to a lack of quorum this Item was not considered.

NOTE: Chief Executive Officer advised Councillors that the Department of Local Government will be in Port Hedland next week to brief Council officers and elected members on financial interests and interests in common.

ATTACHMENT 1 TO ITEM 6.1.2.7



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PROPOSED FLOOR PLAN
 3 X 2 PELSART RESIDENCE
 SCALE 1:100
 PILBARA CONSTRUCTION DESIGN

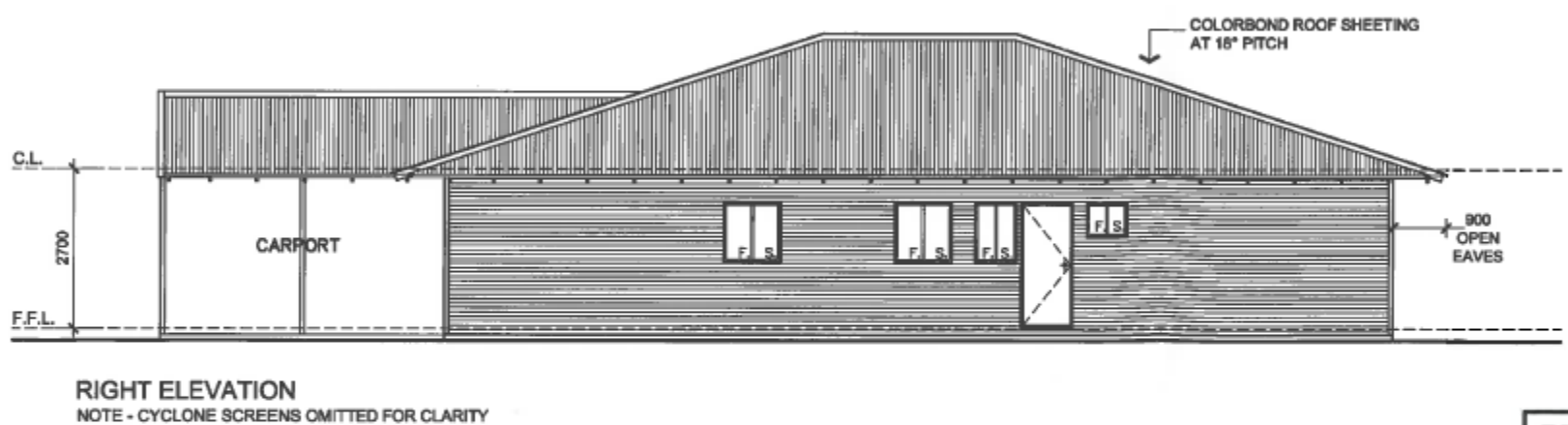
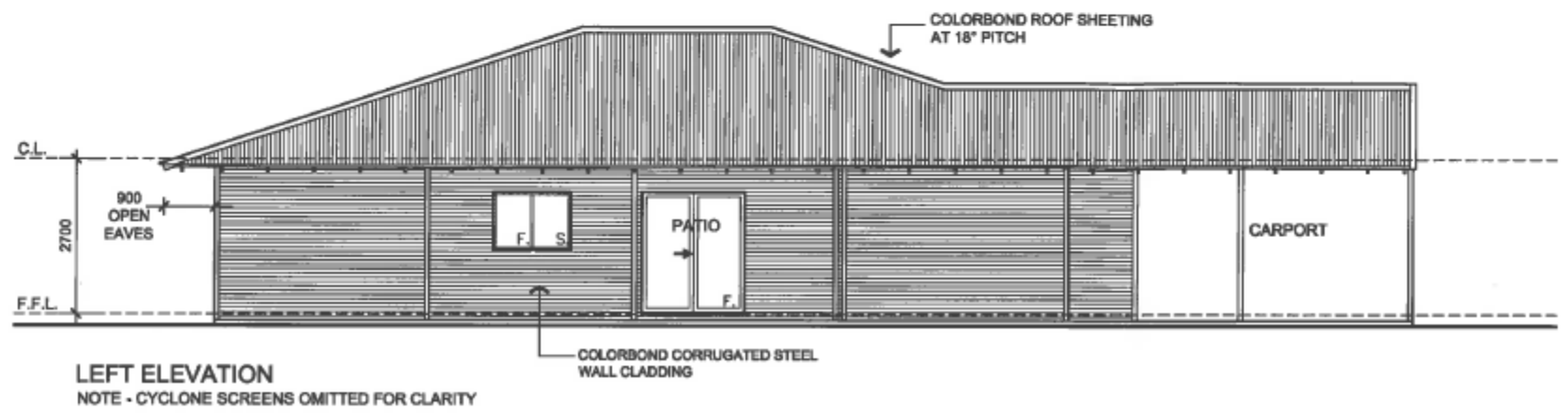
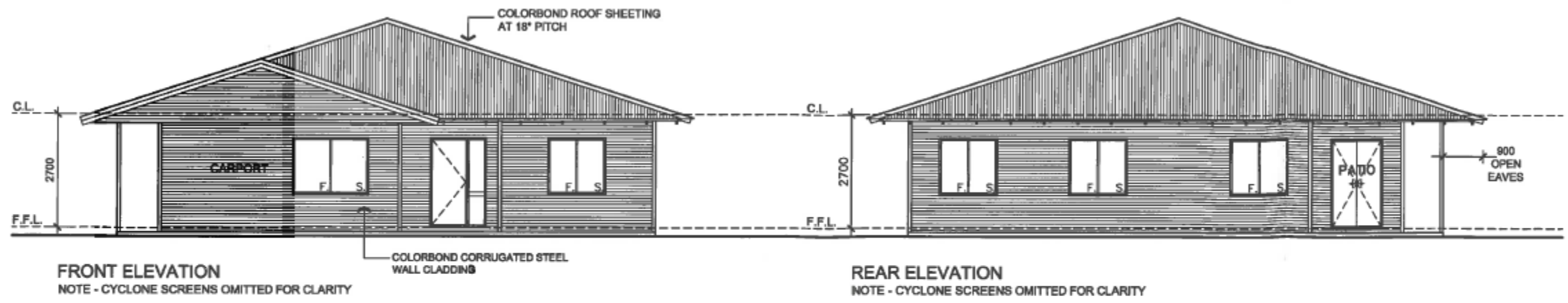


PELSART STYLE HOUSE
GP HOUSING – PORT HEDLAND

Hodge Collard Preston
 ARCHITECTS

Third Floor, 38 Richardson Street,
 West Perth, WA 6005
 PO Box 743, West Perth, WA 6872
 Ph: (08) 9322 5144
 Fax: (08) 9322 5740
 Email: admin@hcoparch.com

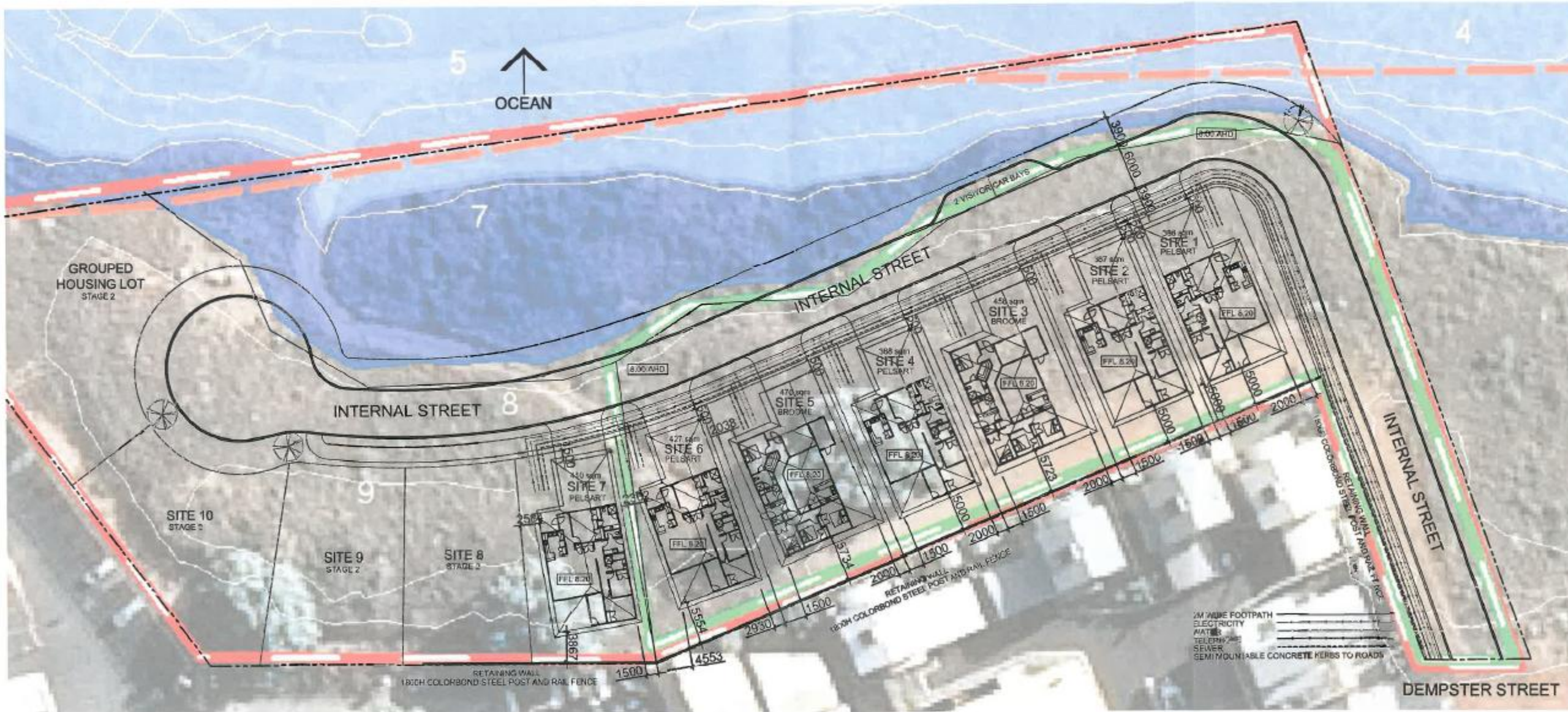
SCALE 1:100 DATE: 23.08.2011 DWG No. 26.11 PELSART



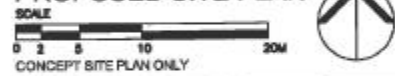
PILBARA CONSTRUCTIONS PTY LTD

4 X 2 RESIDENCE
PROPOSED ELEVATIONS
SCALE 1:100
PILBARA CONSTRUCTION DESIGN

BROOME STYLE HOUSE GP HOUSING – PORT HEDLAND	
Hodge Collard Preston ARCHITECTS	Third Floor, 38 Richardson Street, West Perth, WA 6005 PO Box 743, West Perth, WA 6872 Ph: (08) 9322 5144 Fax: (08) 9322 5740 Email: admin@hpcparch.com
	SCALE 1:100 DATE: 23.08.2011 DWG No. 26.11 B/ELEV



PROPOSED SITE PLAN



NOTE
AERIAL PHOTOGRAPH SHOWING INDICATIVE 1:500 TIDAL SURGE
BOUNDARY LINEWORK CORRECT TO WHELANS SURVEY
(LANDGATE DEPOSITED PLAN 89987)



SITE AREA SCHEDULE

*All areas to be confirmed

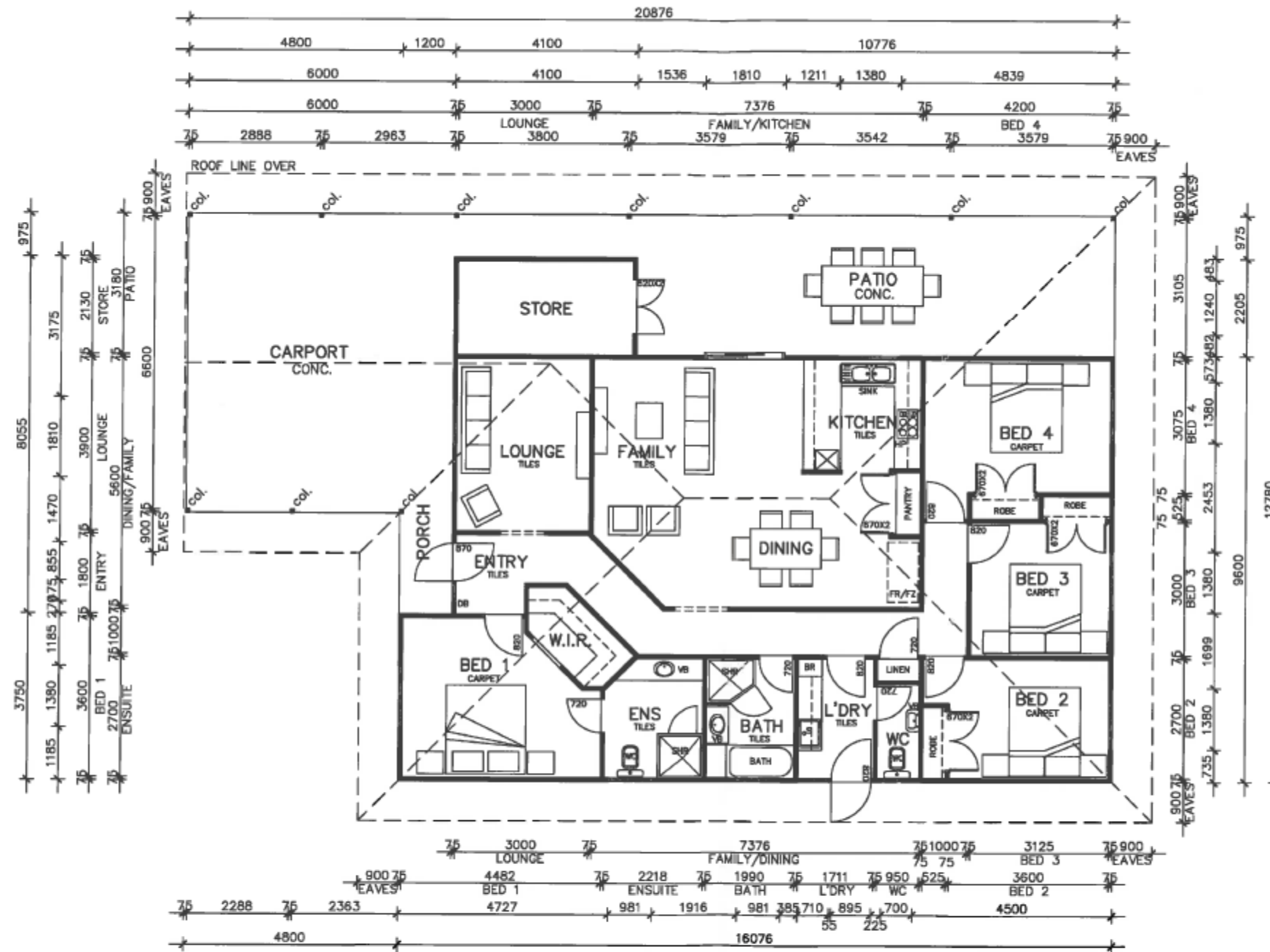
SITE No.	SITE AREA	OPEN SPACE
SITE 1	386 sqm	64 %
SITE 2	387 sqm	64 %
SITE 3	458 sqm	88 %
SITE 4	388 sqm	64 %
SITE 5	470 sqm	67 %
SITE 6	427 sqm	66 %
SITE 7	410 sqm	66 %

PROPOSED SITE PLAN
GP HOUSING – PORT HEDLAND

Hodge Collard Preston
ARCHITECTS

Third Floor, 38 Richardson Street,
West Perth, WA 6005
PO Box 743, West Perth, WA 6872
Ph: (08) 9322 5144
Fax: (08) 9322 5740
Email: admin@hcoprch.com

SCALE 1:500 DATE: 09.09.2011 DWG No. 26.11 SK02_K



PROPOSED FLOOR PLAN
 4 X 2 BROOME RESIDENCE
 SCALE 1:100
 PILBARA CONSTRUCTION DESIGN

BROOME STYLE HOUSE	
GP HOUSING - PORT HEDLAND	
Hodge Collard Preston ARCHITECTS	Third Floor, 38 Richardson Street, West Perth, WA 6005 PO Box 743, West Perth, WA 6872 Ph: (08) 9322 5144 Fax: (08) 9322 5740 Email: admin@hcoparch.com
	SCALE 1:100 DATE: 23.08.2011 DWG No. 26.11 BROOME



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5:58pm Councillors A A Carter and M B Dziombak declared a financial interest in Agenda Item 6.1.2.8 'Organisational Policy for CCTV (Closed Circuit Television) Operations (File No.: 13/04/0001)' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors A A Carter and M Dziombak left the room.

5:58pm Councillor G J Daccache declared an impartiality interest in Agenda Item 6.1.2.8 'Organisational Policy for CCTV (Closed Circuit Television) Operations (File No.: 13/04/0001)' as he lives in the immediate area of where this development is proposed to take place.

Councillor G J Daccache remained in the room.

6.1.2.8 *Organisational Policy for CCTV (Closed Circuit Television) Operations (File No.: 13/04/0001)*

Officer Clare Fletcher
Community Safety
Facilitator
Environmental Health

Date of Report 22 August 2011

Disclosure of Interest by Officer Nil

Summary

This item relates to Council considering the adoption of a new council organisational policy for its new CCTV (Closed Circuit Television) Operations.

The proposed Organisational Policy for CCTV Operations is to be supported by a CCTV Management & Operation Manual which is still under development but is in draft form and will detail the general operation of the system. Both documents outline the manner in which the CCTV Operation will be operated, managed and the reporting protocols to the Town of Port Hedland's Community Safety and Crime Prevention Committee, Council and WA Police.

Background

In 2009, the Town of Port Hedland, in conjunction with BHP Billiton and the Office of Crime Prevention embarked on an ambitious project to roll out CCTV Video Surveillance across Port and South Hedland.

The aim of implementing the CCTV system is to improve the safety of members of the community, the town's businesses and retailers, workers and visitors to Hedland and to deter offences against property in the Town.

The CCTV system will attain an appropriate balance between the personal privacy of individuals utilising the Town's infrastructure or public spaces with the objective of recording incidents of alleged criminal or unwanted behaviour.

Consultation

- Office of Crime Prevention
- WA Police
- BHP Billiton
- South Hedland New Living
- CCTV Working Group
- Community Safety Crime Prevention Committee.

Statutory Implications

Commonwealth Legislation

- Privacy Act 1988
- Surveillance Devices Act 2004

Western Australian Legislation

- Criminal Investigation Act 2006
- Occupational Health and Safety Act 1984
- Surveillance Devices Act 1998
- Security and Related Activities Act 1996
- Security and Related Activities Regulations 1997

Policy Implications

A copy of the proposed Organisational Policy for CCTV Operations is attached in appendix 1

Copies of the draft CCTV Management and Operation Manual will be made available for Councillor perusal.

Strategic Planning Implications

- | | |
|--------------------|--|
| Key Result Area 3: | Community Development |
| Goal Number 5: | Community Safety Crime Prevention |
| Strategy 1: | Ensure that the CCTV network is working at its optimum and identify further CCTV growth opportunities. |

Budget Implications

A total of \$1,270,000 was allocated towards getting the CCTV network up and running in Hedland.

Funding partners include; BHP Billiton, Office of Crime Prevention, Royalties for Regions, Regional Grants Scheme, Country Local Government Fund, South Hedland New Living and Town of Port Hedland.

Officer's Comment

The purpose of developing a CCTV Operational Policy and Operation Manual is to provide a functional means of managing CCTV in accordance with the WA CCTV Guidelines and related publications, legislation and standards.

The Organisational Policy for CCTV Operations sets out a number of statements that will result in the Town maintaining best practice and standards for operating the CCTV system in Hedland.

Monitoring screens are located at the South Hedland Police Station, Coordinators of Rangers office at the Depot and the Manager of Environmental Health's office and access is password protected.

Attachments

1. Organisational Policy for CCTV Operations

Officer's Recommendation

That Council adopt policy 15/003 "Organisation Policy for CCTV Operations".

5:59pm Mayor advised that permission for a reduction of quorum was not sought from the Minister of Local Government, thus this item will be laid on the table for want of a quorum.

5:57pm Councillors A A Carter and M B Dziombak re-entered the room and resumed their chairs.

Mayor advised A A Carter and M B Dziombak that due to a lack of quorum this Item was not considered.

*ATTACHMENT 1 TO ITEM 6.1.2.8***TOWN OF PORT HEDLAND
ORGANISATION POLICY FOR CCTV OPERATIONS**

The Town of Port Hedland's CCTV Organisation Policy provides for the manner in which the CCTV Operation will be operated, managed and the reporting protocols to the Town of Port Hedland's Community Safety and Crime Prevention Committee, Council and WA Police.

The CCTV Organisational Policy will ensure the operations will be conducted in accordance to the following policy statements:

1. Maintain best practice and standards with reference to the Western Australian CCTV Guidelines, available at www.crimeprevention.wa.gov.au.
2. Manage CCTV Operations in compliance with Australian Standards 4802:2006, Parts 1 – 4, and future or superseding standards.
3. Manage CCTV Operations in compliance with Commonwealth and Western Australia legislation and amendments which may affect the use of CCTV and recorded material. The relevant and primary areas of compliance are privacy laws, camera field's of view and recording parameters, data storage, access control, and freedom of information provisions
4. The CCTV System will be operated within applicable law, and for the ethical and beneficial purposes for which it is established or which are subsequently agreed in accordance with these approved policy statements.
5. The CCTV System will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
6. The public interest in CCTV Operations will be recognised by ensuring the security and integrity of recorded material.
7. Access to designated monitoring areas will be restricted to Authorised Personnel or with authorisation from the Manager Environmental Health.
8. The Town of Port Hedland will be accountable to its Stakeholders for the effective management and control of CCTV Operations.
9. CCTV Operations will be monitored and evaluated to verify compliance and report annually to the Community Safety and Crime Prevention Committee, WA Police and the Town of Port Hedland Council on nominated key performance indicators.

10. The Town of Port Hedland will prepare an annual report in relation to CCTV Operation to the Community Safety Crime Prevention Committee.
11. The retention of, and access to any recorded material will be only for the purposes provided by the CCTV Policy Statement.
12. Recorded material will be retained for thirty one (31) days unless otherwise specified or required in relation to an approved police operation or the investigation of crime or events for court or formal review proceedings by the Town of Port Hedland. Recorded material, hard copy or electronic will then be erased, deleted or destroyed, with released material destroyed following written confirmation on the original release request.
13. Contact and exchange of information between the Town of Port Hedland and WA Police will be conducted in accordance with a signed Memorandum of Understanding.
14. Legitimate access may be allowed to live CCTV images which may be required by Town of Port Hedland staff to view public areas for convenient public area familiarisation or reviewing, monitoring or verifying Town of Port Hedland maintenance services and public works.
15. CCTV Operations will make all reasonable attempts to serve the interests of all who may be affected by public space surveillance with a focus on community safety and crime prevention, and not be confined to the interests of the Town of Port Hedland or operational needs of the WA Police.

6.2 Engineering Services

6:00pm Councillor D W Hooper declared a financial interest in Agenda Item 6.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland - (File No.: 21/07/0016)' as he has a connection to FORM.

Councillor D W Hooper left the room.

6:01pm Councillor G J Daccache declared an impartiality interest in Agenda Item 6.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland - (File No.: 21/07/0016)' as he is a BHP Billiton shareholder over the statutory limit.

Councillor G J Daccache remained in the room.

6:01pm Councillors A A Carter and M B Dziombak declared a financial interest in Agenda Item 6.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland - (File No.: 21/07/0016)' as he is a BHP Billiton shareholder over the statutory limit.

Councillors A A Carter and M B Dziombak left the room.

6.2.1 *Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland - (File No.: 21/07/0016)*

Officer Rob Baily
Projects Coordinator

Date of Report 19 September 2011

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide the Council an assessment process and outcome to pre qualify artists for the artwork integration phase of the Cemetery Beach duplication project, prior to the Request for Tender (RFT) stage for those artworks.

The Town received eight applicants that were assessed using the selection criteria supplied as part of the Expression of Interest (EOI).

Background

The Cemetery Beach Park duplication project is being undertaken as a joint BHP Billiton Iron Ore (BHPBIO), Town of Port Hedland (TOPH) and Royalties for Regions (R4R) initiative.

The project has been to the Council for approval twice to date, those being at the Ordinary Council meeting on the 27/1/2011 to acknowledge the consultation process (Council decision 201011/231) and again on the 27/4/2011 to acknowledge the Concept Plan Design (Council decision 201011/ 349).

Council resolution 201011/231 stated:

“Council decision also supports nine (9) key elements from the consultation phase and has been a key ingredient in developing the Concept Plan surrounding the priority elements. Those being

- Shade shelters, pavilion, BBQ’s and seating
- Lighting (turtle friendly)
- Extended lawn areas
- Parking and vehicle separation from play areas
- Improve existing playground for more toddler friendly activities, and parents space
- Adventure playground
- Linear boardwalk to coastal edge mainly west
- Artwork integration
- Trees, native fruit and palms”

To further develop the connectivity of the artwork integration and adventure playground elements, the concept plan identified two separate areas for the development of artwork and adventure space. As part of the Cemetery Beach duplication project it was identified in the Council resolution for the Concept Plan 201011/349 on the 27 April 2011.

“That Council:

1. *Acknowledge and recommend the Concept Plan shown as Attachment 1, to be shown as public information ending 31 May 2011 as the preferred Concept Plan for Cemetery Beach Community Park.*
2. *Approves the Concept Plan shown as Attachment 1 and requests the Chief Executive Officer to progress to detail design and tender documentation.”*

The EOI addresses the artworks component of the project and helps identify particular artists that can provide specialist skills that address children’s interactions, sense of fun, sensory and physical adventure, creative space as well as interpretation of the Town’s natural and cultural heritage.

Consultation

Following a detailed public consultation phase endorsed through Council decision 201011/231 and further public information delivery for the Concept Plan through Council decision 201011/349, the EOI project has been progressed by the Town's Infrastructure Development and Community Development departments and the civil design architect for the project.

The main consultation team for the EOI consisted of:

- Manager Infrastructure Development
- Projects Coordinator Infrastructure Development
- Manager Community Development
- Coordinator Community Development
- GHD Architect

Statutory Implications

The EOI document is the preferred Western Australian Local Government Association (WALGA) document and has been used to ensure compliance to the Local Government Association requirements.

Under Section 1 Principal's Request, 1.5 Evaluation Process, a portion of 1.5 states:

"The EOI is the first stage of a two stage process. Following the close of the EOI the Principal may proceed to the calling of a restricted Request for Tender (RFT) or commence direct negotiations in the Principles sole discretion. The issuing of an EOI does not commit the Principal to proceeding with an RFT"

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

"3.5.7 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 EOI was called in accordance with Council's Procurement Policy 2/007 and Tender Policy 2/011.

Strategic Planning Implications

Key Result Area 2:	Community Pride
Goal 1:	Townscape
Immediate Priority 3:	Develop plans for the upgrades of existing parks (Cemetery Beach, Rock of Ages and Marrapikurinya) plus the development of new parks. Install public art to improve sense of place.

Budget Implications

The full budget allocated for the Cemetery Beach Park duplication project is based on \$1.5 million from BHPBIO and \$1.5 million from Royalties for Regions (R4R) providing a total of \$3 million.

The allocated budget amount for the artworks/adventure space will be \$290,000 and is included in the \$3 million total project budget.

Officer's Comment

The Selection Criteria was based on the following information:

To address 'The Expression of Interest' (EOI), the Town of Port Hedland will require the following selection criteria to be addressed for prequalification towards stage two - design and construction of the adventure playgrounds.

- Previous experience on designing and constructing creative outdoor play areas or on external sculptural elements.
- Previous examples of work that have integrated artworks with creative play areas or similar types of external sculptural elements.
- Methodology of approach to the project, considering all the factors of structural strength, safety and fun with reference to the natural and cultural heritage themes.
- The resources available to undertake the works and complete within the proposed time if successful in pre qualifying for the RFT
- The local content that can help support local industry

The EOI 11/24 closed on 2.30 WST on Wednesday, 14 September 2011 with the EOI's opened and recorded by the Deputy Mayor and Council staff members. No artists attended the EOI opening and no prices were part of the EOI submission process. The Town received eight respondents' submissions.

Table 1 below indicates the evaluation criteria as described in the EOI documentation. Price was not part of the evaluation criteria for the EOI stage.

Table 1

Assessment Criteria	Max Score (%)
Previous Experience	30%
Previous Examples	30%
Methodology	20%
Resources	10%
Local Industry Development	10%
Max Score	100%

The comparison of each of the assessment criteria for the EOI submissions received is as follows and is summarised in Table 2 below:

Table 2

Contractor/ Assessment Criteria	Previous Experience (30%)	Previous Examples (30%)	Methodology (20%)	Resources (10%)	Local Industry Development (10%)	Total Score (100%)
	Score	Score	Score	Score	Score	
Sculpture Sitoara	13	12	9	4	4	42
N2 Public Art & Design	21	21	15	7	5	69
Jon Denao & Bec Juniper	24	23	13	8	6	74
Judith Forrest	26	25	15	7	6	79
Natural Play & Terry Farrell Architect	28	28	14	7	7	84
Artventure	18	18	10	7	4	57
FORM	26	24	17	9	9	85
Arterial Design	20	19	13	7	5	64

As part of the prequalifying process set out in the EOI documents there were to be between one and four artist/s and/or artist/s teams to prequalify for the next stage of the process.

All submissions were evaluated with the evaluation scores developed from four independent scorers providing a cumulative value and divided by four to give a final score.

The evaluation process looked at previous experience, understanding and previous works as the three main objectives as well as the ability to do the works within the timeframe and local industry development as part of the Town's Tender Policy 2/011.

Since evaluating the eight EOI's it was acknowledged there were two very close submissions being FORM (85%) and Natural Play and Terry Farrell Architect (84%) with the third score from Judith Forrest (79%) being 6% from the highest score. The next submission from Jon Denao & Bec Juniper (74%) although very highly qualified was 11% less than the highest score.

It is proposed the three highest scores move through to the modelling and Request for Tender (RFT) stage of the project with more detail requests made for the evaluation of design and modelling of the art works.

The three preferred artists or artist teams to be prequalified are:

- FORM
- Natural Play & Terry Farrell Architect
- Judith Forrest

Although all submissions were of a good standard, the three highest scores brought three different approaches to the proposed works and at this stage are only conceptual ideas that will be further developed.

The reasons for the three preferred artists were selected are based on a multitude of strengths in professionalism and previous experience but they also bring the following as a contrast to each other:

- FORM – *Aboriginal culture*
- Natural Play and Terry Farrell Architect – *creative play elements*
- Judith Forrest – *understanding of children*

The next stage is to request the artists to create a design sketch and /or Marquette as part of the RFT process.

Attachments

Nil

Officer's Recommendation

That Council:

1. Advise the following applicants that their submission for Expression of Interest 11/24 Artwork Integration into Adventure Playground has been successful:

- FORM
- Natural Play & Terry Farrell Architect
- Judith Forrest

2. Invite the successful applicants to submit a tender for the artwork integration into adventure playground for the Cemetery Beach expansion project.

6:01pm Mayor advised that permission for a reduction of quorum was not sought from the Minister of Local Government, thus this item will be laid on the table for want of a quorum.

6:01pm Councillors A A Carter, M B Dziombak and D W Hooper re-entered the room and resumed their chairs.

Mayor advised A A Carter, M B Dziombak and D W Hooper that due to a lack of quorum this Item was not considered.

6.2.2 Expression of Interest Airport Hotel (File No: 30/12/005)

Officer Jasmine Person
Manager Investment and Business Development

Date of Report 5 September 2011

Disclosure of Interest by Officer Nil

Summary

On 13 April 2011, Council resolved to advertise an Expression of Interest for an Airport Hotel located at the Port Hedland International Airport. Following a huge amount an interest Australia wide, the Town received eleven submissions.

The results of that Expression of Interest are contained herein and it is now recommended that a Request for Proposal be drafted and all Respondents invited to respond.

Background

This year the Airport Committee has been discussing potential new developments at the Port Hedland International Airport, gearing up for 2012 to ensure that the expected increase in passenger numbers is accommodated with adequate expansion and growth in both the terminal and ancillary infrastructure.

The Airport Committee recommended Council advertise an Expression of Interest for an Airport Hotel, the broad objective being to support regional economic and social development of the Town of Port Hedland.

"201011/325 Airport Committee Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council advertise an Expression of Interest for a Hotel at the Port Hedland International Airport, with a view to:

- a. Gauging the commercial interest for the potential development;*
- b. Determining the best possible location for the development;*
- c. Gaining an understanding of the proposed development opportunities and parameters; and*
- d. Receiving feedback on the development potential, expectations and costs to the Council.*
- e. Timing of the potential development.*

Carried 6/0"

Consultation

Internal

- Chief Executive Officer
- Director Engineering Services
- Manager Airport Operations
- Airport Development Officer

External

- Airport Committee
- UHY Haines Norton

Statutory Implications

Local Government (Functions and Generals) Regulations 1996

Regulation 23. Choice of acceptable tenderers

- (1) *An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.*
- (2) *An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.*
- (3) *Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.*
- (4) *The CEO is to list each of those persons as an acceptable tenderer. The CEO is to give each person who submitted an expression of interest notice in writing —*
 - (a) *containing particulars of the persons the CEO has listed under regulation 23(4) as acceptable tenderers;*
 - (b) *advising that the local government has decided not to invite tenders because no expression of interest that it considered was from a person who it thinks would be capable of satisfactorily supplying the goods or services; or*
 - (c) *informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate.*

Regulation 24. Persons expressing interest to be notified of outcome

- The CEO is to give each person who submitted an expression of interest notice in writing —*
- (a) *containing particulars of the persons the CEO has listed under regulation 23(4) as acceptable tenderers;*
 - (b) *advising that the local government has decided not to invite tenders because no expression of interest that it considered was from a person who it thinks would be capable of satisfactorily supplying the goods or services; or*

- (c) *informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate.*

Policy Implications

Town of Port Hedland Policy Manual 2010 – 2011

11. AIRPORT, TOURISM AND ECONOMIC DEVELOPMENT

11/001 TOURISM POLICY

Strategic Planning Implications

Key Result Area 1: Infrastructure
Goal 2: Airport
Priority 1: Complete the development of the Airport Land Development Plan and commence implementation of the key initiatives that are identified.

Key Result Area 4: Economic Development
Goal 1: Tourism
Priority 4: Develop additional tourist information at Town entry points and other focal points within the Town.

Key Result Area 4: Economic Development
Goal 3: Business Development
Priority 2: Review alternatives for additional business opportunities at the PHIA including tourism.
Priority 4: Investigate new business/revenue streams for the Town.

Budget Implications

During the submission period, Officers obtained a valuation for both the freehold value and ground lease rental value of the one location, as identified by the Airport Committee as being ideal for the location of the Airport Hotel. That location is illustrated in Attachment One.

The freehold value and ground lease rental value will form part of the assessment of the Request for Proposal (RFP) stage and has therefore not been disclosed.

Officer's Comment

The purpose of the Expression of Interest was to determine a number of variables from which Council could make an informed decision on whether or not to proceed with the concept of an airport hotel development. These variables are addressed below.

Gauging the commercial interest for the potential development

During the advertising period, the Town received in excess of 50 direct requests for the EOI documentation. Officers were inundated with telephone calls and meetings with many interested parties from the Eastern states. Discussions centred on the growth of the Town and the potential for investment in Port Hedland. The Town received eleven submissions from ten interested parties, from all over the country, with well known hotel branding, in response to the expression of interest.

Determining the best possible location for the development

In the Expression of Interest documentation, one particular site was identified by the Airport Committee as being an ideal location. There was however provision within the EOI documentation to nominate an alternative location to be supported by a justified rationale. All ten submissions identified location one (some within the land size identified, some extended beyond the area), with one submission identifying an alternate location as being suitable.

Gaining an understanding of the proposed development opportunities and parameters

The proposed development opportunities were varied and contained development concepts complimentary to an Airport Hotel, beyond that which was originally envisaged. Many of the respondents submitted tourism elements, commercial elements and community elements all consistent with the Town of Port Hedland Policy Manual and Strategic Plan.

Receiving feedback on the development potential, expectations and costs to the Council

The submissions contained an array of development potential, in terms of room numbers, star ratings, height, built form, associated hotel facilities and integration/support of airport operations.

It was clearly apparent that the development potential was perceived to be feasible. Various expectations were submitted by the respondents and these will assist in the preparation of the tender documents, should Council resolve to allow the development.

It was also consistently apparent that there would be no actual costs, in monetary terms, to Council in allowing this development.

Timing of the potential development

All respondents suggested a timeframe of 9 – 18 months from development application approval to operation of the hotel, with the vast majority submitting 12 months. For those respondents who suggested other facilities in addition to the hotel, a staged approach was common commencing within 18 months of the hotel becoming operational.

Given the quantity and quality of the submissions received, it is clearly apparent that the objectives of the Expression of Interest were achieved.

Expression of Interest Assessment

The Assessment Panel met on 26 August 2011 where an assessment of the submissions was conducted in the presence of a Probity Advisor from UHY Haines Norton. The role of the Probity Advisor was to oversee the assessment process and ensure that probity was not compromised in any manner. Declarations were made by all Officers and records of the scores were taken by two people, the results of which were provided to the Advisor at the conclusion of the Assessment.

The results of the Assessment are contained in Attachment Two.

Assessment Panel Conclusions

The purpose of the expression of interest process was fivefold and the information clearly supported that an airport hotel was feasible, achievable and offered benefits to the community beyond simply accommodation.

The assessment panel agreed that each respondent could “satisfactorily supply the goods and/or services”, as demonstrated within each submission.

Additionally, it was agreed that due to the broad parameters as contained in the expression of interest document, any exclusion of a Respondent on the basis that their submission was also broad in nature, would be unfair.

Conclusion

A meeting has been scheduled for the Airport Committee for 13 October 2011 to workshop the criteria that will comprise the Request for Proposal document.

Following that, a further item will be presented to Council seeking consent to advertise a Request for Proposal containing a set criteria.

Attachments

1. Aerial image of proposed Airport Hotel location
2. Results of assessment for the Expression of Interest

201112/160 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

- 1. Acknowledge the progress made by the Airport Committee on the expression of interest for the Airport Hotel.**
- 2. Authorise the Chief Executive Officer or his delegate to invite all ten (10) respondents to make a submission on a Request for Proposal (RFP).**
- 3. Request the Airport Committee to report back to Council with the assessment criteria for the airport hotel, in due course.**

CARRIED 5/0

ATTACHMENT 1 TO ITEM 6.2.2



ATTACHMENT 2 TO ITEM 6.2.2

Airport Hotel Assessment

Respondents

Criteria	1	2	3	4	5	6	7	8	9	10	11
The proposed development and the desire to ensure that the hotel and associated facilities are well utilised	13	21	19	18	12	25	24	8	8	10	12
The aesthetic nature of the proposal relative to the site location	3	3	7	5	0	8	10	2	1	1	1
The proposed ownership structure	3	5	3	2	2	6	2	2	3	3	4
The capacity of the entity making the expression of interest to finance and operate the development as per the proposal	9	15	13	10	8	8	9	10	11	11	11
Demonstrated ability of the entity to design, construct and operate the development	11	11	15	11	10	6	9	7	11	8	8
The size of the development, impact on airport operations and community benefits	6	10	7	5	4	8	7	3	4	5	6
The proposed management plan as against the RPT services and community expectations	2	2	1	2	2	4	1	1	0	0	0
The timing of the development	5	3	2	3	1	0	5	2	1	2	2
Totals	52	70	67	56	39	65	67	35	39	40	44

6:02pm Councillor G J Daccache declared an impartiality interest in Agenda Item 6.2.3 'Tender 11/14 Road Construction and Remedial Works Buttsweld Road (File No.: 28/16/0007)' as he is a BHP Billiton shareholder over the statutory limit.

Councillor G J Daccache remained in the room.

6:02pm Councillors A A Carter and M B Dziombak declared a financial interest in Agenda Item 6.2.3 'Tender 11/14 Road Construction and Remedial Works Buttsweld Road (File No.: 28/16/0007)' as they are BHP Billiton shareholder over the statutory limit.

6:03pm Councillors A A Carter and M B Dziombak left the room.

6.2.3 *Tender 11/14 Road Construction and Remedial Works Buttsweld Road (File No.: 28/16/0007)*

Officer Anthony Williams
Project Development
Officer

Date of Report 26 September 2011

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 11/14 Road Construction and Remediation Works Buttsweld Road.

Background

Buttsweld Road is 4.95km long and connects Great Northern Highway (Broome Road) to North Circular Road, South Hedland. It intersects BHP Billiton rail line at the Bing level crossing and is also the access point to BHP Billiton Flashbutt rail yard. The road west of the rail crossing was formalized in 2007 with an 8m seal construction. The road east of the rail crossing is a dilapidated sealed road that varies from 3.6m – 6m wide.

In 2006 BHP Billiton received approval to upgrade the eastern section of Buttsweld Rd, however only minor works were completed. In December 2009 a road safety audit was carried out on Buttsweld road with the following recommendations; improve sight distances at intersections, reconstruct approaches at the rail crossing, widen the road seal, repair road shoulders, improve drainage, upgrade signage, line marking, guideposts and upgrade pavement surface. This will enable Buttsweld Road to meet Austroads & Main Roads design safety standards.

The road safety audit recommendations were incorporated into road reconstruction design drawings which divided the proposed works into 2 stages. Stage 1 works covered the essential area between the Great northern Highway and the rail crossing. Stage 2 Works involved then area immediately around the rail crossing and Flashbutt rail yard. (See project layout on the next page)

The relevant project designs, cost estimates and approvals are complete; therefore the road is ready for construction pending budget approvals and awarding the contract to a suitably qualified company.



Consultation

- BHP Billiton Iron Ore
- Main Roads WA
- Council's Engineering staff

Statutory Implications

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 2/007 and the Tender Policy 2/011.

Strategic Planning Implications

Key Result Area 1: Infrastructure
 Goal 1: Roads, Footpaths and Drainage
 Immediate Priority 1: Undertake road works in South Hedland to improve road permeability

Budget Implications

A total of \$1,032,838.00 has been allocated towards this project held in account GL 1201447. Funding has been provided from a variety of funding sources as seen in table below -

Budget Summary:

Funding Sources	Funding Amount
Main Roads – Regional Road Group 10/11	\$ 200,000.00
Main Roads – Regional Road Group 11/12	\$ 293,541.00
Roads to Recovery 10/11 & 11/12	\$ 408,327.00
Main Roads – Direct Grant 10/11	\$ 100,970.00
Town of Port Hedland 09/10	\$ 30,000.00
Total 11/12 Budget	\$ 1,032,838.00

Expenditure Summary:

11/12 Budget	\$ 1,032,838.00
Expenditure to date (10/11 & 11/12)	\$ 36,861.37
Future project management & design costs	\$ 15,000.00

Budget remaining for Construction	\$ 980,976.63
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Pre-tender estimates for the project indicated that the budget allocation would be sufficient.

All tender prices submitted were in excess of the current budget. BHP Billiton has been approached for a contribution, however funds for road construction aren't available at this time. BHP Billiton is currently working on a project that may accommodate some elements of the proposed Stage 2 works. We will therefore, consider and evaluate Stage 1 works only.

Officer's Comment

Tender 11/14 closed at 2.30pm on Wednesday 30th March 2011. Tender packages were sent out to 15 companies and submissions were received from 8 companies as listed below:

- MACA Civil
- Industrial Road Pavers
- DeGrey Civil
- Dean Contracting
- Alliance Contracting
- CARR Civil
- Downer EDI works
- Australian Civil

The submissions from MACA Civil and Dean Contracting were considered nonconforming due to discrepancies in their tender packages. Both companies included documents from other companies without supplying any information regarding their relationship to company. It was unclear as to who was submitting the tender and evaluation was unable to proceed due to conflicting documentation.

Table 1 below indicates the lump sum GST exclusive prices submitted by the above conforming tenderers for stage 1 works only.

Table 1

Tenderer	Stage 1 Price (ex GST)
Industrial Road Pavers	\$ 1,310,977.50
DeGrey Civil	\$ 1,666,611.00
Alliance Contracting	\$ 2,050,415.13
CARR Civil	\$ 2,233,251.62
Downer EDI Works	\$ 2,593,710.00
Australian Civil	\$ 3,364,056.81

Although all tender submissions are in excess of the project budget, evaluations were still completed. This may assist in further negotiations if the project is staged or if more funding becomes available.

Table 2 below indicates the evaluation criteria as described in the tender documentation.

Table 2

Assessment Criteria	Max Score
Price	50
Experience	20
Resources (supervisory, plant and equipment)	10
Demonstrated understanding of WUC	10
Local Industry Development	10
Max Score	100

The lowest price Tender (T_{lp}) shall be awarded a score of 50 for the Price criterion. The remaining priced Tenders (T_{slp}) were awarded a score determined in the following manner:

$$(T_{lp} \div T_{slp}) \times 50$$

This was to ensure that all conforming Tenders were ranked fairly and consistently.

The comparison of each of the assessment criteria for the tender submissions received is as follows and is summarized in Table 3 below:

Table 3

Contractor/ Assessment Criteria	Score Price (50%)	Score Experience (20%)	Score Resources (10%)	Score Understand WUC (10%)	Score Local Industry Dev. (10%)	Total Score (100%)
	Score	Score	Score	Score	Score	
Industrial Road Pavers	50	4.5	4	1	4	63.50%
DeGrey Civil	39.3	13	6	5	8	71.33%
Alliance Contracting	31.9	10	3	1.5	4	50.46%
CARR Civil	29.3	16	7	6	6	64.35%
Downer EDI Works	25.2	16	8	5.5	8	62.77%
Australian Civil	19.4	10	6	4	8	47.48%

Experience

Industrial Road Pavers have demonstrated very minimal remote or mining road construction experience. All other tenders demonstrated a high level of experience. DeGrey Civil, CARR Civil & Downer EDI have demonstrated extensive experience working with mining companies and working in rural/remote areas.

Resources

Industrial Road Pavers and Alliance Contracting supplied insufficient information regarding resource roles for this project. All other tenderers demonstrated the necessary information regarding supervisory roles & responsibilities and have nominated all required plant/machinery.

Understanding of Works Under Contract

Most tenderers displayed a good understanding of the scope though Alliance Contracting and Industrial Road Pavers did not supply sufficient reiteration of scope or project methodology.

Local Industry Development

All tenderers have advised that they intend to use locally sourced materials and contractors where possible, although DeGrey Civil, Australian Civil & Downer EDI have existing facilities in Port Hedland and employ local people for the majority of their workforce.

Summary

Due to the lack of available funding (\$980,976.63) we are unable to award a contract for the tendered works. This leaves us with two options for possible ways to complete the Buttweid Road reconstruction project.

At the Town of Port Hedland works depot there are the resources necessary to complete a majority of the earthworks and access to all required materials. The Town can also award parts of the proposed works to the preferred suppliers under current period contracts for services that the Town can't perform internally. The Town also has the option of revising the scope of works in order to provide a works package that will be better suited to available funding.

Attachments

Nil

Officer's Recommendation

That Council:

1. Reject all tenders submitted for Tender 11/14 Road Construction and Remediation Works Buttweid Road.
2. Request the CEO or his delegate to investigate the possibility of completing the proposed works internally or to revise the scope of works to suit the available budget.

6:03pm Mayor advised that permission for a reduction of quorum was not sought from the Minister of Local Government, thus this item will be laid on the table for want of a quorum.

6:03pm Councillors A A Carter and M B Dziombak re-entered the room and resumed their chairs.

Mayor advised A A Carter and M B Dziombak that due to a lack of quorum this Item was not considered.

6.2.4 Request for Additional funds for the Airport Taxiway Asphalt Works from the Airport Reserve (File No.: 30/08/0025)

Officer **Russell Dyer**
Director Engineering Services

Date of Report **26 September 2011**

Disclosure of Interest by Officer **Nil**

Summary

The purpose of this report is to request that Council approve the allocation of extra funds from the Airport Reserve to fund the Taxiway Extension to allow for an increase in thickness from 40mm asphalt overlay to 50mm asphalt overlay, as part of Project Milestone 2.

Background

Council through the Regional Airports Development Scheme (RADS) secured funding for 2010/11 and 2011/12 financial years to extend taxiway Bravo 2 by 500m, construct taxiway Foxtrot overlay all taxiways with asphalt, replace centre line lights with side lights and carry out specified terminal works.

The table below gives a breakdown of the funding

1) *Project Plan activities*

Milestone	Activity	Resources required	Anticipated completion date (but no later than 16 May 2012)	\$ Payment of RADS Grant ex GST
1	Stage 1 - Extend t/way Bravo 2 by 500m – Create t/way Foxtrot – Chipseal underlay – Purchase side lights, cabling & fittings- Terminal works	material, contractor, equipment	16 May 2011	\$811,290
2	Stage 2 - Asphalt 40mm(?) overlay all t/ways – Install t/way side lights-	material, contractor, equipment	16 May 2012	\$745,860
Total RADS grant over two years (2010-11 and 2011-12)				\$1,557,150

2) *Project Budget*

Project Milestone 1

Activity	Itemised costs (eg rates, materials) ex GST	Organisation contribution (in-kind or financial) ex GST	Other contributions ex GST (eg RASP, CLGF)	RADS grant contribution ex GST	Total contributions ex GST
Stage 1 - Extend t/way Bravo 2 by 500m – Create t/way Foxtrot – Chipseal underlay – Purchase side lights, cabling & fittings- Terminal works	<ul style="list-style-type: none"> • Material \$1093120 • Labour \$398600 • Terminal Works 	\$745,860	\$0	\$745,860	\$1,491,720
		\$65,430		\$65,430	\$130,860
Total (ex GST)		\$811,290	\$0	\$811,290	\$1,622,580

Project Milestone 2

Activity	Itemised costs (eg rates, materials) ex GST	Organisation contribution \$ (in-kind or financial) ex GST	Other contributions ex GST	RADS grant contribution ex GST	Total contributions ex GST
Stage 2 - Stage 2 - Asphalt 40mm(?) overlay all t/ways – Install t/way side lights-	<ul style="list-style-type: none"> • Material \$1361720 • Labour \$130000 	\$745,860	\$0	\$745,860	\$1,491,720
Total (ex GST)		\$745,860	\$0	\$745,860	\$1,491,720

3) *Special conditions of Grant*

Milestone 1 of the Project shall be completed by no later than 16 May 2011 and Milestone 2 no later than 16 May 2012. Subject to Clause 8.5 of this Agreement, the Grant will be paid in two instalments over two years (2010-11 and 2011-12) as outlined above.

Consultation

- Manager Airport
- Forte Airport Management
- BGC Asphalt

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 1: Infrastructure
Goal 2: Airport
Immediate Priorities 2: Upgrade runways, taxiways and aprons to facilitate efficient aircraft movement.

Budget Implications

It is requested that Council authorise expenditure of \$370,000.00 from the Airport Reserve to undertake the taxiway extension works to be expended from GL account 1210408. The interim balance of the Airport Reserve is \$11,548,105.06 as at 30 June 2011. This balance will be finalised during the year-end audit, but is currently reflective of all anticipated transfers for the 2010/11 financial year.

Officer's Comment

The original scope of works for Project Milestone 2 was to allow for a 40mm asphalt overlay of the taxiways. After completion of Project Milestone 1, the construction of the extensions to the taxiways a review was carried out of the scope for Project Milestone 2.

The review found that the Airlines planned to increase the aircraft size going from 737-300 to 737-800 and along with the planned tender for airfreight the structural strength of the taxiway will need to cater for these aircraft.

From the review, our Engineers, being Forte Airport Management, have recommended that we use a 50mm asphalt overlay with an increased stone size of 20mm, as this is a structural mix it will give the existing pavement greater strength as the existing pavement was built to for aircraft with a weight of 40 tonnes and this will increase the weight bearing to 60 tonnes and allow for 737-800 aircraft.

Attachments

Nil

201112/161 Officer's Recommendation / Council Decision

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

That Council authorises expenditure of \$370,000.00 from the Airport Reserve to undertake taxiway extension works to allow for the 50mm asphalt overlay of the taxiways at the Port Hedland International Airport.

CARRIED BY ABSOLUTE MAJORITY 5/0

6.3 Governance and Administration**6.3.1 Finance and Corporate Services****6.3.1.1 *Tender 11/27 – Town of Port Hedland Integrated Planning and Reporting Framework – Stage Two***

Officer **Debra Summers
Manager Organisational
Development**

Date of Report **26 September 2011**

Disclosure of Interest by Officer **Nil**

Summary

The purpose of this report is to provide an assessment of the submissions received for Tender no. 11/27 Town of Port Hedland Integrated Planning and Reporting Framework – Stage Two. This consultancy is required to develop the remaining key strategies required by the organisation to ensure compliance with the Integrated Planning and Reporting Framework required by the Department of Local Government.

As a consequence of this assessment, this report suggests to Council the need to call for a revised Request for Proposal, inclusive of a new timeframe, for consultancies to work with key Officers to develop these strategies and their associate implementation plans.

Background

The Western Australian Department of Local Government has introduced guidelines for the implementation of a new integrated planning and reporting framework for all local governments in Western Australia which is now required to be in place by June 2013.

The new framework includes the development of the following key strategic documents:

- 10 year Strategic Community Plan
- 4 year Corporate Plan
- Annual Operational Business Plan
- 4 year Workforce Plan
- 10 year Financial Plan
- 10 year Asset Management Plan

In May 2011 the Town of Port Hedland commenced the first stage of a two stage implementation process which included the development of a range of plans: Annual Corporate Plan, Directorate Plans and Business Unit Plans as per the organisational structure.

This first stage was completed in June 2011 and has resulted in the adoption by Council of the Annual Corporate Plan compliant with the Department's requirements.

To implement the second stage of the Town of Port Hedland Integrated Planning and Reporting Framework compliant with requirements of the Department of Local Government, Officers recommended a consultancy to work with key Officers to develop the required key strategic documents and associated implementation plans.

Further officers advised that all of these documents must be integrated with the implementation plan of the Town of Port Hedland's Growth Plan.

To deliver the second stage of the implementation of this framework at the Ordinary Meeting of Council on 18 August 2011, Council decided (201112/094):

That Council request the Chief Executive Officer to call for a Request for Proposal, utilising appropriate selection criteria, for a consultant/or consultants to undertake the following scope of work:

- *Project manage the multi-disciplinary process of preparing the 10 Year Community Strategic Plan, 4 Year Workforce Plan, inclusive of a Housing and Accommodation Strategy, 10 Year Financial Plan, 10 Year Asset Management Plan and 5 Year Information Communication Technology (ICT) Strategy.*
- *Ensure integration of any software solutions with all existing Town of Port Hedland software.*
- *Ensure outcomes achieve compliance with Department of Local Government requirements plus deliver state of the art solutions to ensure organisational capability to assist the Town achieve its vision of being the Pilbara's Port City.*
- *Ensure relevant Town of Port Hedland staff and Elected Representatives are fully engaged, where appropriate in the development of the required key strategic documents.*

This tender was called utilising the agreed selection criteria, with submissions closing on Friday, 16 September 2011.

Consultation

- Executive Team
- Relevant Town of Port Hedland Officers

Statutory Implication

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 and Tender Policy 2/011.

Strategic Planning Implications

This report seeks to progress the implementation of Council's Strategic Plan and the associated Integrated Planning and Reporting Framework.

Budget Implications

The budgetary allocation required to undertake this activity has been factored into 2011/2012 Town of Port Hedland budget.

Attachments

Nil

Officer's Comment

Assessment of Tender No 11/27

Tender 11/27 closed at 2.30pm on Friday September 16 2011. Tenders were opened and recorded by a Councillor and Council staff members. Despite many enquires and 42 tender packages being sent out only two submissions were received from companies listed below:

- UHY Haines Norton
- CAMManagement Solutions

The Assessment Panel met on Monday 19 September and reported to Executive that neither submission delivered the required scope of work within the advertised timeframe for delivery and hence were non compliant and could not be awarded the Tender.

Recommendation for a new Request for Proposal

During the submission period many potential respondents had spoken to Officers to express concern with the timeframe and requested an opportunity to submit a response with a longer lead time for delivery of plans and strategies. In accordance with the Local Government Act, these potential respondents were advised that their alternate submission with a different timeframe could not be accepted unless it accompanied a compliant response in line with the timeframe as advertised in the required scope of work.

Given this interest from the consultancy market the recommendation to Council is to call for another Request for Proposal with a revised Scope of Work in an attempt to ensure a more competitive field of respondents and hence delivery of a better outcome for Town.

The revised scope would include the alteration of the timeline for delivery of the plans and strategies to capitalise on the Department of Local Governments new timeframe of June 2013 for completion of the components of the Framework and the removal of the requirement for a software solution associated with identified plans from the consultancy.

The timeline for the delivery of the various plans and strategies is now suggested to be staggered throughout the first half of 2012, with the completion of the Asset Management Framework and associated Plans to be the final milestone of December 2012. However to ensure integration with the endorsed Annual Corporate Plan the timeline in the new proposal would require year one of all plans and strategies to be completed to capitalise on required budgetary and resourcing information necessary to develop the draft 2012/2013 budget.

Should the Council adopt the Officer Recommendation there will need to be a revision of the Key Performance Indicators allocated to various officers, including the Chief Executive Officer to accommodate the revised timeframe for delivery for plans and strategies the subject of this report.

The decision to remove software solutions associated with identified plans from the new scope of work is based on the unique nature of the Interplan suite of planning and reporting software products in respect to integration with the Town of Port Hedland corporate software product, Synergy. Pursuant to Local Government (Functions and General) Regulations Part 4- Division 2 Regulation 11 given the unique nature of the Interplan product, only supplied by CAMManagement Solutions there is no requirement to include the provision of this product in the Request for Proposal.

Officer's Recommendation

That Council:

1. Reject the tenders received for Tender no. 11/27 Town of Port Hedland Integrated Planning and Reporting Framework- Stage Two Lead Consultant Brief.
2. Request the CEO to readvertise for a Request for Proposal, utilising appropriate selection criteria, for a consultant/or consultants to undertake the following scope of work:
 - a) Project manage the multi-disciplinary process of preparing the various key strategic documents inclusive of implementation plans being:
 - 10 year Strategic Community Plan
 - 4 year Workforce Plan inclusive of a Housing and Accommodation Strategy
 - 10 year Financial Plan
 - 10 year Asset Management Plan
 - 5 year ICT Strategy
 - b) Ensure data and models associated with identified plans and strategies are prepared for an implementation schedule utilising the Town's corporate software platform.
 - c) Ensure outcomes achieve compliance with Department of Local Government requirements plus deliver state of the art solutions to ensure organisational capability to assist the Town achieve its vision of being the Pilbara's Port City.
 - d) Ensure relevant Town of Port Hedland staff and Elected Representatives are fully engaged, where appropriate in the development of the required key strategic documents.

201112/162 Council Decision

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That Council:

1. **Reject the tenders received for Tender no. 11/27 Town of Port Hedland Integrated Planning and Reporting Framework- Stage Two Lead Consultant Brief.**
2. **Request the CEO to readvertise for a Request for Proposal, utilising appropriate selection criteria, with a timeframe for completion by December 2012, for a consultant/or consultants to undertake the following scope of work:**
 - a) **Project manage the multi-disciplinary process of preparing the various key strategic documents inclusive of implementation plans being:**

- 10 year Strategic Community Plan
 - 4 year Workforce Plan inclusive of a Housing and Accommodation Strategy
 - 10 year Financial Plan
 - 10 year Asset Management Plan
 - 5 year ICT Strategy
- b) Ensure data and models associated with indentified plans and strategies are prepared for an implementation schedule utilising the Town's corporate software platform.
- c) Ensure outcomes achieve compliance with Department of Local Government requirements plus deliver state of the art solutions to ensure organisational capability to assist the Town achieve its vision of being the Pilbara's Port City.
- d) Ensure relevant Town of Port Hedland staff and Elected Representatives are fully engaged, where appropriate in the development of the required key strategic documents.

CARRIED 5/0

REASON: Council believes a clear timeframe will ensure appropriate responses to the tender are received.

ITEM 7 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 8 CLOSURE

8.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 19 October 2011, commencing at 5.30 pm.

8.2 Closure

There being no further business, the Mayor declared the meeting closed at 6:08pm.

Declaration of Confirmation of Minutes

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

CONFIRMATION:

MAYOR

DATE