



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING  
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 23 FEBRUARY 2011

AT 5.30 PM

IN COUNCIL CHAMBERS  
McGREGOR STREET, PORT HEDLAND

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*Paul Martin  
Acting Chief Executive Officer*



**OUR COMMITMENT**

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

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**ITEM 1      OPENING OF MEETING**

## 1.1          Opening

The Mayor declared the meeting open at 5:37 pm and acknowledged the traditional owners, the Kariyarra people.

**ITEM 2      RECORDING OF ATTENDANCE AND APOLOGIES**

## 2.1          Attendance

Mayor Kelly A Howlett  
Councillor George J Daccache  
Councillor Jan M Gillingham  
Councillor David W Hooper  
Councillor Steve J Coates

Ms Natalie Octoman	Acting Chief Executive Officer
Ms Jenella Voitkevich	Acting Director Engineering Services
Ms Debra Summers	Acting Director Community Development
Mr Eber Butron	Director Planning and Development
Ms Christie O'Hara	Administration Officer Governance

Members of the Public	8
Members of the Media	2

## 2.2          Apologies

Nil.

## 2.3          Approved Leave of Absence

Councillor Arnold A Carter  
Councillor Stan R Martin  
Councillor Michael (Bill) Dziombak

**ITEM 3      RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

## 3.1          Questions from Public at Ordinary Council Meeting held on 27 January 2011 Wednesday 2011

3.1.1 *Mr Chris Whalley*

*Is it possible for Council to build a proper shelter immediately outside the Port Hedland Visitors Centre so as to allow bus tour passengers plenty of space to shelter?*

Acting Director Engineering Services advised that this matter could be considered by Council in the 2011/12 budget process.

3.2 Questions from Elected Members at Ordinary Council Meeting held on 27 January 2011 Wednesday 2011

Nil.

3.2.1 *Councillor G J Daccache*

*Councillor Daccache enquired as to whether Council can do something about the increasing numbers of dead cattle on the highway as it is getting rather dangerous.*

Chief Executive Officer advised that this matter will be raised with Main Roads.

3.2.2 *Councillor J M Gillingham*

*Councillor Gillingham also enquired wheter Council can do something about the broken glass and rubbish around Styles Road and Langley Gardens and also cut down the overgrown grass as a number of residents are worried about snakes.*

Acting Director Engineering Services advised that this matter will be investigated in the near future.

*Councillor Gillingham enquired about the plants on the median strips in Richardson Street; although the recent rain will be good for them they did look as if t that have not been watered for a while.*

Acting Director Engineering Services advised that there have been problems with the irrigation system, largely caused by vehicles driving over it and damaging the pipes. Bollards are being installed (temporary ones installed at the moment) to protect the irrigation and plants. The plants have been replaced.

*Councillor Gillingham asked whether the trees at the Cooke Point turn off can be staked as the recent rain has damaged them.*

Acting Director Engineering Services advised that this project of staking trees is currently in progress and ongoing.

3.3 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 9 February 2011

*3.3.1 Councillor D W Hooper*

*Councillor D W Hooper noted that after the recent downpours a big puddle has formed by Kennedy and Cottier and would like to know what Council can do about this drainage issue.*

Acting Director Engineering Services advised that drainage is to be installed as part of the Marquee Park project and it is anticipated that it will alleviate this problem.

*3.3.2 Councillor M Dziombak*

*Councillor M Dziombak asked whether Council can do something about the line marking at the Wedgefield intersection on the Great Northern Highway which is faded. This issue has been raised with Council in the past.*

Acting Director Engineering Services advised that Main Roads has been advised of the problem.

**ITEM 4 PUBLIC TIME**

4.1 Public Question Time

*4.1.1 Mr Chris Whalley*

*Can Council persuade the management of Boulevard Shopping Centre to transform that 'lake of water' adjacent to the shopping centre into a proper parking lot?*

Mayor advised that this piece of land is Crown Land and therefore the Town needs to work together with the Department of Land on this matter. Mayor believes the Town has already written to the Department about this but will ensure this issue is followed up.

*Could Council get MRD management to make a list of flood prone intersections within the Town of Port Hedland with the view of increasing drainage capacity?*

Acting Director of Engineering Services advised that the majority of areas with drainage concerns are the Town's responsibility. The Town is currently compiling a register of the issues with the intention of developing a drainage improvement strategy for Council to consider within the budget process.

## 4.2 Public Statement Time

Nil.

**ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 *Councillor Daccache*

*Following up on the issue of cattle from last Council meeting, what can Council do with live cattle? As it is not within the farms boundaries it may need to be put down. Maybe Council can sent out a notice to farmers if the situation gets worse? Fences should be up if there are no cyclones and cattle should not be on the road.*

Mayor advised that this matter will be looked into.

5.1 *Councillor Gillingham*

*Councillor Gillingham advised that due to her involvement with School of the Air she has been made aware that a lot of the cattle in question is breeding stock so maybe Council could contact farmers before putting cattle down.*

Mayor advised that this matter will be looked into.

*Councillor Gillingham advised that in the past 15 years in Cooke Point there has been a puddle by the drain in Simmons Street. Two days before the cyclone came through the drain got pumped out but now it is blocked again. The exact address is number 4 Simmons Street; can Council look into solving this issue?*

Acting Director of Engineering Services advised that this issue will be followed up and added to the Town's drainage register.

*Councillor Gillingham has received phone calls from truck drivers regarding new level crossing. There is a concern with trucks trying to race the trains. Would it be possible to have amber warning flashing lights like on the highways in the cities as drivers are concerned there is going to be a major accident.*

Acting Director of Engineering Services advised that this matter is to be discussed with Main Roads however is uncertain if traffic volumes warrant the installation of flashing lights. The new level crossing is on a temporary road for the construction of Wallwork Road Bridge. The crossing won't be used once the bridge is constructed.

*Councillor Gillingham asked, with regard to Yagi beam in the Cooke point area, will this go to public consultation as there have been a few emails coming through; and how high is a Yagi beam?*



Mayor advised that this matter does not need to come to Council; however the Town will let Telstra know that comments about this issue have been received. The Yagi beam is less than 6.5 metres high.

Director Planning and Development also advised that this matter is outside Council jurisdiction but the Town can engage with Telstra and advise them of feedback received.

*Councillor Gillingham asked whether there are there any regulations on how high a Yagi beam can be if somebody personally wants a Yagi beam on their house?*

Director Planning and Development advised that this matter is outside of Council's jurisdiction and therefore we do not have information about this.

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

Mayor K A Howlett	Cr S J Coates
Cr G J Daccache	Cr D W Hooper
Cr J M Gillingham	

*NOTE: Councillor Gillingham and Hooper declared they did not have time to give consideration to the Late Items.*

**ITEM 7            CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1            Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 9 February 2011

**201011/248 Council Decision/Officer's Recommendation**

**Moved:** Cr SJ Coates

**Seconded:** Cr DW Hooper

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 9 February 2011 be confirmed as a true and correct record of proceedings.**

*CARRIED 5/0*

*NOTE: It was requested that the typo of the word 'paddle' on page 7 of the Minutes of the Ordinary Council Meeting held on Wednesday 9<sup>th</sup> February under section 5.2 – Questions from Members without notice, Councillor D W Hooper – be corrected to the word 'puddle'.*

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Mayor Howlett's Activity Report for the February 2011 period to date as follows:

February 2011

Friday, 4<sup>th</sup> February

- Weekly Media Catchup Meeting With North West Telegraph
- Meeting With South Hedland Bowls & Tennis Club + Cr Martin + A/DCD
- Meeting With Port Hedland Cricket Association

Saturday, 5<sup>th</sup> February

- Attended QLD & Carnarvon Flood Fundraiser – Port Hedland Shopping Centre
- Opened "Belated" Australia Day Event

Sunday, 6<sup>th</sup> February

- Meet & Greet/Town Tour Event With PRC + DENG
- Dinner With PRC Councillors + + Cr Martin + CEO + DENG
- Monday, 7<sup>th</sup> February PRC Meeting (Port Hedland) + Cr Martin + CEO
- Meeting With HSHS New Principal John Bourke

Tuesday, 8<sup>th</sup> February

- RDA- Pilbara Board Meeting & Workshop + Cr Martin
- Meeting With New Director Gordon McMile + CEO
- Meeting LandCorp (Aaron Grant)
- Attended Alcohol Management Plan Meeting + Cr Coates + MEHS
- Attended PHCCI Business After Hours (Gravity Cranes) + Deputy Mayor + Cr Dziombak

Wednesday, 9<sup>th</sup> February

- Meeting With Hedland Well Womens Centre (Mgr Julie Broad & President Lisa Bowen)
- Weekly Catchup Meeting Deputy Mayor & Mayor
- Meeting GP Housing (FMG – Vicki Jones) + A/DCD
- Weekly Catchup Meeting CEO, Deputy Mayor & Mayor
- OCM – 9<sup>th</sup> February

Thursday, 10<sup>th</sup> February

- Visit To Foodbank WA, South Hedland
- Meeting Resident Natalie Everett Re: Plastic Shopping Bags
- ALGWA (WA) Phone Link Up Meeting
- Meeting & BBQ Event At South Hedland Skate Park

Friday, 11<sup>th</sup> February

- PDC Board Meeting (Port Hedland)
- Attended Pilbara Cities Strategic Direction Meeting (A Part Of PDC Board Meeting)
- Meeting Baler Primary School Re: Attendance Program Incentives + A/DCD
- Photo Shoot KSO With BHPBIO Richard O'Connell + PO
- Attended 52 Weeks On Pilbara Project Exhibition + Deputy Mayor + Cr Dziombak + Cr Hooper + Cr Gillingham

Saturday, 12<sup>th</sup> February

- Attended QLD Flood Fundraiser – Clothes Sale – All Seasons, Port Hedland

Monday, 14<sup>th</sup> February

- Weekly Spirit Radio Mayor Chat Interview
- Meeting With Hedland Playgroup + A/DCD
- Attended Information Briefing Construction & Development Opportunities Port Hedland Airport
- Flight To Perth

Tuesday, 15<sup>th</sup> February

- Attended WALGA Breakfast – Cutting Through Complexity
- Meeting With Minister Education
- Meeting With LandCorp (Peter McNally & Aaron Grant) + CEO
- Meeting With Resources Industry Members Re: City Growth Plan Development + RPS (Rod Dixon)
- Flight Back To Port Hedland
- Attended 2011 Matt Dann Cultural Centre Season Opening

Wednesday, 16<sup>th</sup> February

- Information Briefing Audit & Finance + Deputy Mayor + Cr Dziombak + CEO + A/DENG+ DCORP + DPD
- Attended Audit & Finance Committee Meeting + Deputy Mayor + Cr Dziombak + CEO + A/DENG+ DCORP + DPD
- Information Briefing Expansion Hamilton Motel (FMG) + Deputy Mayor + Cr Dziombak + CEO + DCORP + DPD

Thursday, 17<sup>th</sup> February

- Meeting With Questus Ltd Re: National Affordable Housing Scheme + CEO
- Weekly Catchup CEO, Deputy Mayor & Mayor
- Weekly Media Meeting With North West Telegraph + Deputy Mayor
- Friday, 18<sup>th</sup> February
- Attended BHPBIO/TOPH Joint Projects Meeting + Deputy Mayor + Cr Dziombak + CEO
- Meeting With Rob Fry (President IPS Board HSHS)

Saturday, 19<sup>th</sup> February

- Mayor Coffee Session, Port Hedland
- Mayor Coffee Session, South Hedland

Mayor added it was a relief to see that cyclone Carlos did not cause any major damage and that the Town did not get tornados such as in the Shire of Roeburne.

Mayor also asked to observe a minute of silence for the recent tragedy that has occurred with the earthquake in Christchurch, New Zealand. There are a numbers of New Zealanders living in Town and Mayor is sure there will be many fundraising events taking place for this and hopefully everyone will get behind them.

## **ITEM 9        REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**

### *9.1            Councillor G J Daccache*

Councillor G J Daccache attended a Water Efficiency and Conservation course in Perth. It was amazing to see how much water leaks cost Council. Councillor Daccache will talk with Director Engineering Services to find out what the Town can do to save water and money.

Councillor G J Daccache also attended Pilbara Regional Council meeting in Perth; a very good strategic plan is currently being formulated by all of Councils. Councillor Daccache passed his congratulations to all the Mayors involved in this program and for what they are trying to achieve.

### *9.2            Councillor J M Gillingham*

Councillor Gillingham attended a meeting at Tom Stephen's office regarding affordable housing and tax incentives to be obtained through the federal government. Councillor Gillingham is hoping Council can look into this further. It will probably come up in the press soon.

Mayor advised Councillor Gillingham that the Chief Executive Officer is drafting a letter about this matter and all other shires within the Pilbara, the Pilbara Regional Council, the Pilbara Development Commission and RDA Pilbara are doing the same. Mayor advised that everybody will be informed about progressions on getting these 500 houses for the Pilbara.

### *9.3            Councillor D W Hooper*

Councillor D W Hooper attended the meeting with Tom Stephen's and believes the outcome looks very promising.

Councillor D W Hooper also attended the 52 weeks Pilbara project it was very good night, and especially pleasing to see Pilbara Cities Chris Adams there, standing up for the Pilbara.

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

Nil.

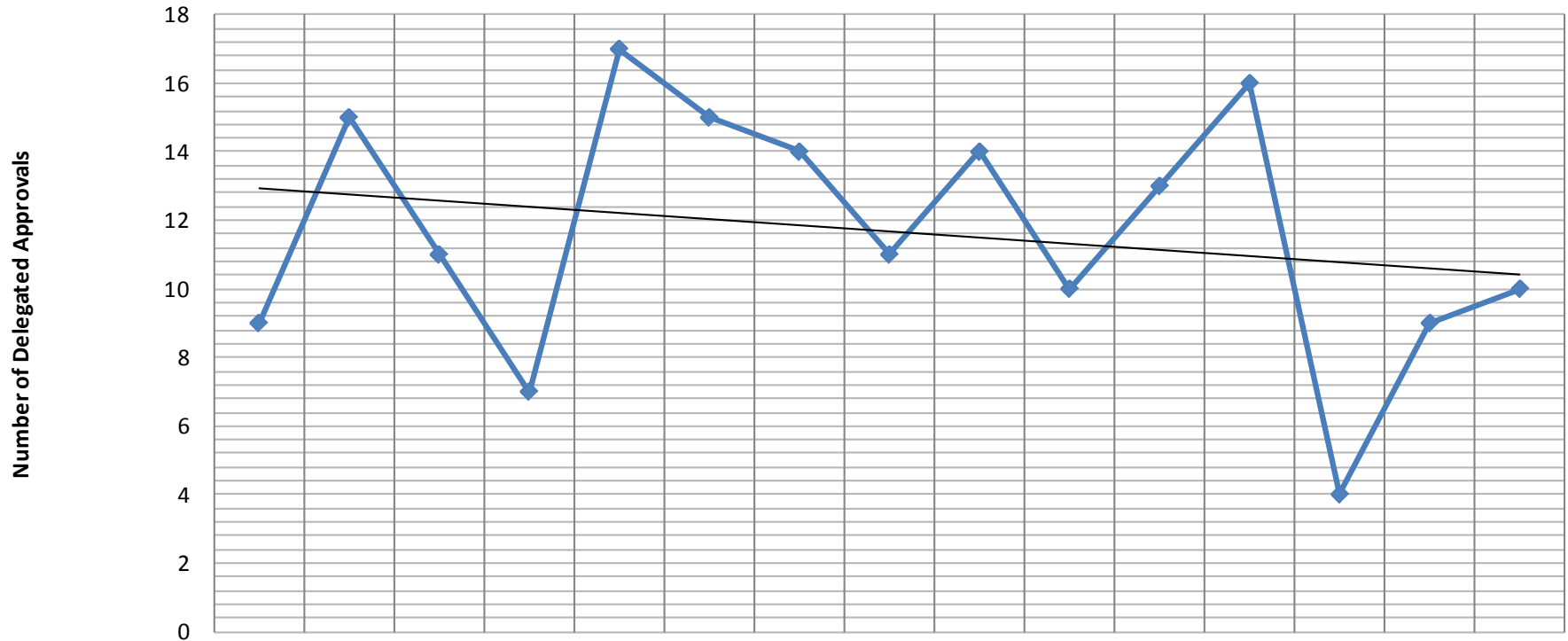


**DELEGATED PLANNING APPROVALS FOR JANUARY 2011**

<b>PLANNING APPROVALS - DELEGATED AUTHORITY - JANUARY 2011</b>						
<b>Applic No</b>	<b>Applic date</b>	<b>Date Determined</b>	<b>Description</b>	<b>Lot</b>	<b>Locality</b>	<b>Development Value</b>
2010/238	21/08/2010	05/01/2011	MOTOR VEHICLE AND/OR MARINE SALES OR HIRE - Truck Rental and Office	5885	WEDGEFIELD	\$ 815,000.00
2010/248	29/10/2010	10/01/2011	GROUPED DWELLING - 4 DWELLINGS	58	SOUTH HEDLAND	\$ 1,600,000.00
2010/273	19/11/2010	12/01/2011	MAINTENANCE CENTRE FOR MACHINERY IN MINING INDUSTRY AND CARETAKERS RESIDENCE	5880	WEDGEFIELD	\$ 2,500,000.00
2010/280	22/11/2010	10/01/2011	GROUPED DWELLING - 2 Grouped Dwelling	59	SOUTH HEDLAND	\$ 800,000.00
2010/289	01/12/2010	11/01/2011	GROUPED DWELLING - 3 Grouped Dwellings	410	SOUTH HEDLAND	\$ 1,500,000.00
2010/297	08/12/2010	05/01/2011	GROUPED DWELLING - SHED ADDITION	100	SOUTH HEDLAND	\$ 15,647.00
2010/302	13/12/2010	05/01/2011	GROUPED DWELLING - 2 GROUPED DWELLINGS	2204	SOUTH HEDLAND	\$ 715,000.00
2010/305	15/12/2010	10/01/2011	SINGLE DWELLING - R-CODE VARIATION - PATIO ADDITION	576	PORT HEDLAND	\$ 30,000.00
2010/306	16/12/2010	05/01/2011	GROUPED DWELLING - 2 GROUPED DWELLINGS	56	PORT HEDLAND	\$ 928,000.00
2010/307	20/12/2010	05/01/2011	HOME OCCUPATION RESIDENTIAL - CHILDREN AUTHOR	33	PORT HEDLAND	\$ -

**DELEGATED PLANNING APPROVALS FOR JANUARY 2011**

**Summary & Trendline of  
Town Planning Delegated Approvals**

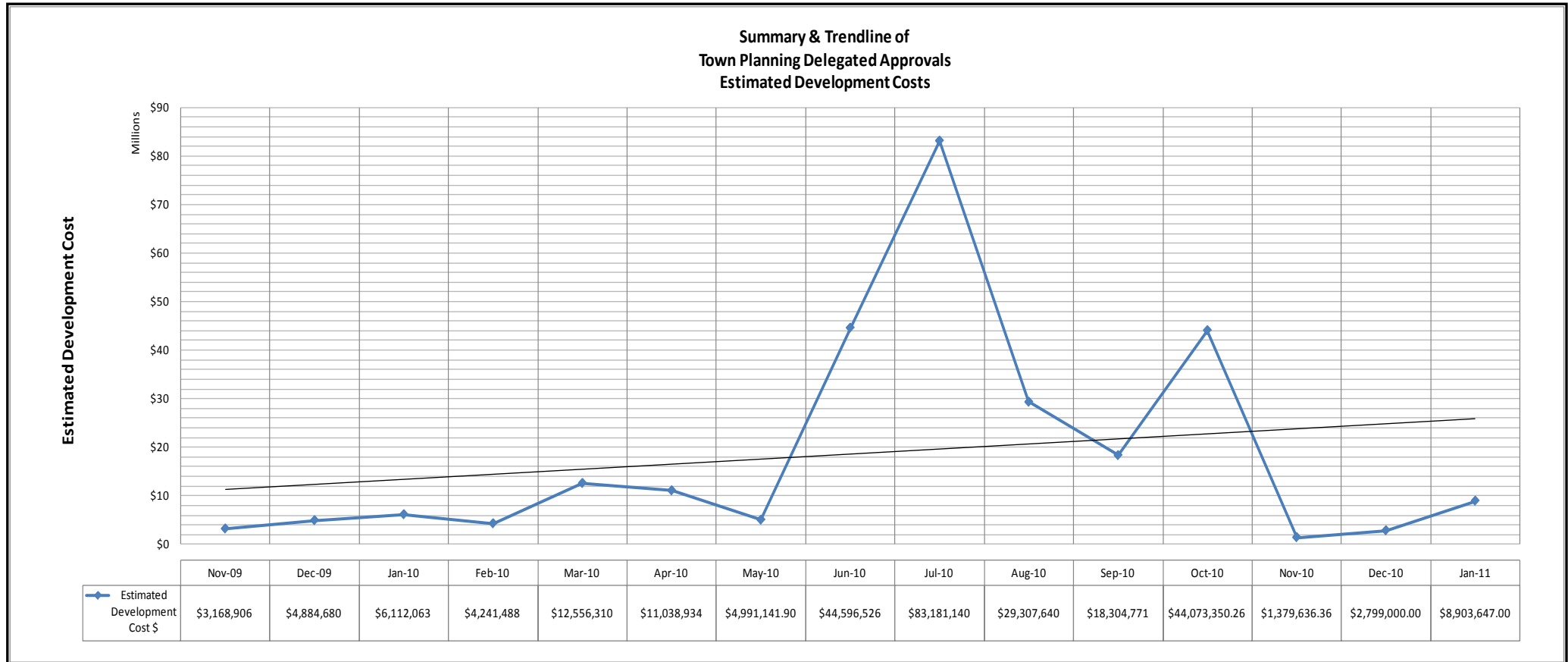


	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11
◆ Delegated Approvals	9	15	11	7	17	15	14	11	14	10	13	16	4	9	10

PLEASE NOTE THE ABOVE STATISTICS FOR 2010 HAVE BEEN UPDATED DUE TO A PLANNING ADMINISTRATION ER



**DELEGATED PLANNING APPROVALS FOR JANUARY 2011**



PLEASE NOTE THE ABOVE STATISTICS FOR 2010 HAVE BEEN UPDATED DUE TO A PLANNING ADMINISTRATION ERROR

**DELEGATED BUILDING APPROVALS FOR JANUARY 2011**

<b>BUILDING LICENCES JANUARY 2011</b>						
<b>Licence Number</b>	<b>Decision Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Floor area square metres</b>	<b>Building Classification</b>
100140	10.01.2011	PORT HEDLAND	1 x Outbuilding	\$ 7,000.00	8	Class 10a
102016	21.01.2011	SOUTH HEDLAND	Columns and Footings for Shed	\$ 1,200.00	0	Class 10a
100161	21.01.2011	SOUTH HEDLAND	1 x Outbuilding	\$ 5,000.00	11	Class 10a
100163	24.01.2011	SOUTH HEDLAND	2 x Outbuildings	\$ 3,836.00	10	Class 10a
100153	10.01.2011	PORT HEDLAND	Tie Downs for Temporary Site Buildings	\$ -	0	Class 10b
105036	14.01.2011	SOUTH HEDLAND	Below Ground Swimming Pool	\$ 31,000.00	26	Class 10b
104002	19.01.2011	SOUTH HEDLAND	1 x Sign	\$ 2,112.00	0	Class 10b
104003	25.01.2011	SOUTH HEDLAND	3 x Signs	\$ 6,000.00	0	Class 10b
100152	07.01.2011	PORT HEDLAND	1 x Single Dwelling 1 x Carport 1 x Al	\$ 430,000.00	180	Class 1a
102015	12.01.2011	PORT HEDLAND	1 x Slab	\$ 36,000.00	270	Class 1a
100157	14.01.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Carport 1 x Al	\$ 505,000.00	180	Class 1a
100156	14.01.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Carport 1 x Al	\$ 505,000.00	180	Class 1a
100144	10.01.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Carport 1 x Ve	\$ 450,000.00	176	Class 1a and 10a
100159	18.01.2011	SOUTH HEDLAND	2 x Grouped Dwellings including Carports	\$ 600,000.00	171	Class 1a and 10a
100160	21.01.2011	PORT HEDLAND	1 x Single Dwelling including Alfresco a	\$ 360,000.00	250	Class 1a and 10a
100164	25.01.2011	PORT HEDLAND	1 x Two Storey Dwelling & 1 x Carport	\$ 1,014,900.00	186	Class 1a and 10a
100154	10.01.2011	PORT HEDLAND	45x Sole Occupancy Units Retail Shop S	\$ 16,500,000.00	4360	Class 2
100166	27.01.2011	PORT HEDLAND	1 x Restaurant	\$ 1,200,000.00	360	Class 6
100158	14.01.2011	WEDGEFIELD	Workshop	\$ 280,000.00	474	Class 8
100165	25.01.2011	WEDGEFIELD	1 x Workshop	\$ 180,000.00	360	Class 8
104001	06.01.2011	WEDGEFIELD	2 x Signs	\$ 5,000.00	0	Class 10b
100155	13.01.2011	SOUTH HEDLAND	1 x Ablution	\$ 3,308,614.00	1514	Class 10a

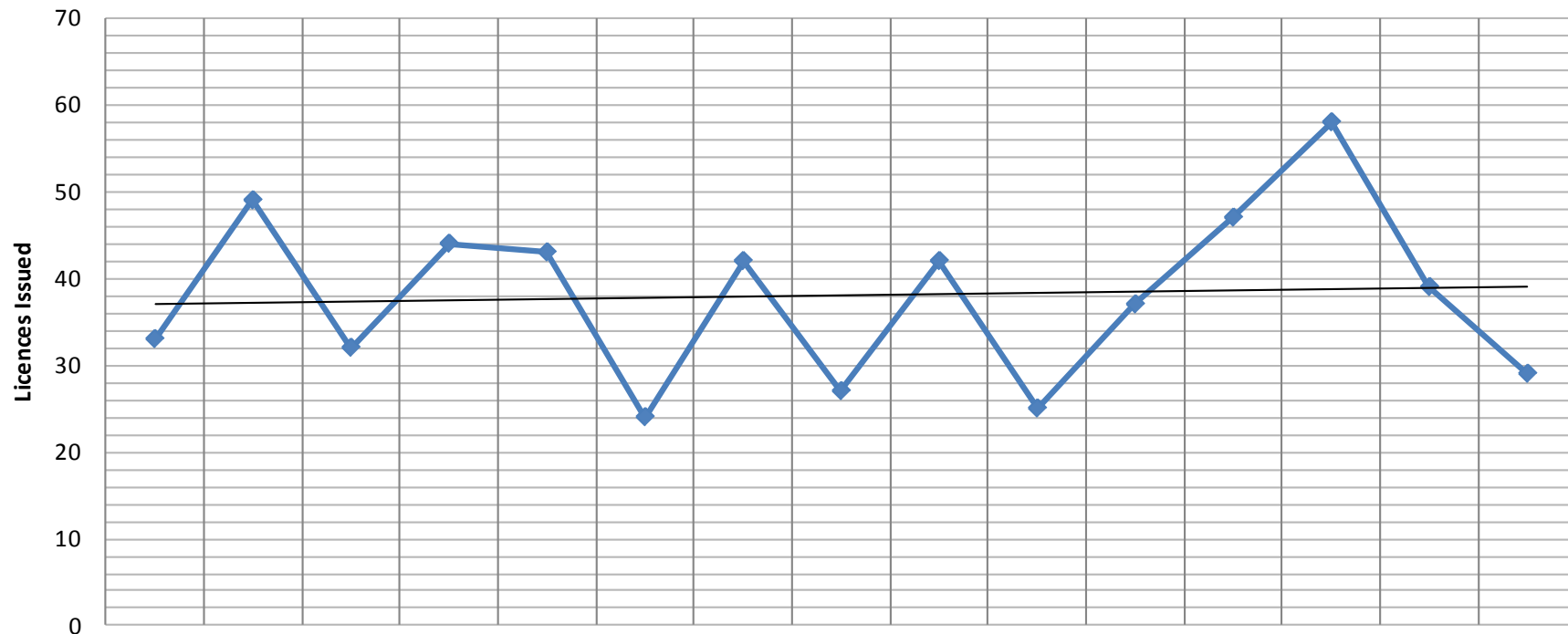
## DELEGATED BUILDING APPROVALS FOR JANUARY 2011 Cont'd...

<b>SUMMARY</b>				
<b>No of Licences</b>	<b>Licence Type</b>	<b>Estimated Construction Value</b>	<b>Floor Area in square metres</b>	<b>Average cost per square metre</b>
7	Demolitions	\$173,500		
8	Dwellings	\$3,900,900	1,593	\$2,449
5	Class 10a	\$3,308,614	1,543	\$2,144
5	Class 10b	\$61,148		
4	Commercial	\$18,160,000	5,554	\$3,270
	Other			
29		<b>\$25,604,162</b>	<b>7,256</b>	

<b>DEMOLITION LICENCES</b>					
<b>Licence Number</b>	<b>Approval Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Classification</b>
103033	27.01.2011	PORT HEDLAND	Demolition	30000	Class 1a
103027	06.01.2011	SOUTH HEDLAND	Demolition of Single Dwelling	18500	Class 1a
103031	25.01.2011	PORT HEDLAND	Demolition of Single Dwelling	25000	Class 1a
103030	25.01.2011	PORT HEDLAND	Demolition of Single Dwelling	25000	Class 1a
103032	25.01.2011	PORT HEDLAND	Demolition of Single Dwelling	25000	Class 1a
103028	25.01.2011	PORT HEDLAND	Demolition of Single Dwelling	25000	Class 1a
103029	25.01.2011	PORT HEDLAND	Demolition of Single Dwelling	25000	Class 1a
<b>Total</b>		<b>Demolition Licences Issued</b>	<b>7</b>	<b>\$ 173,500</b>	

**DELEGATED BUILDING APPROVALS FOR JANUARY 2011 Cont'd...**

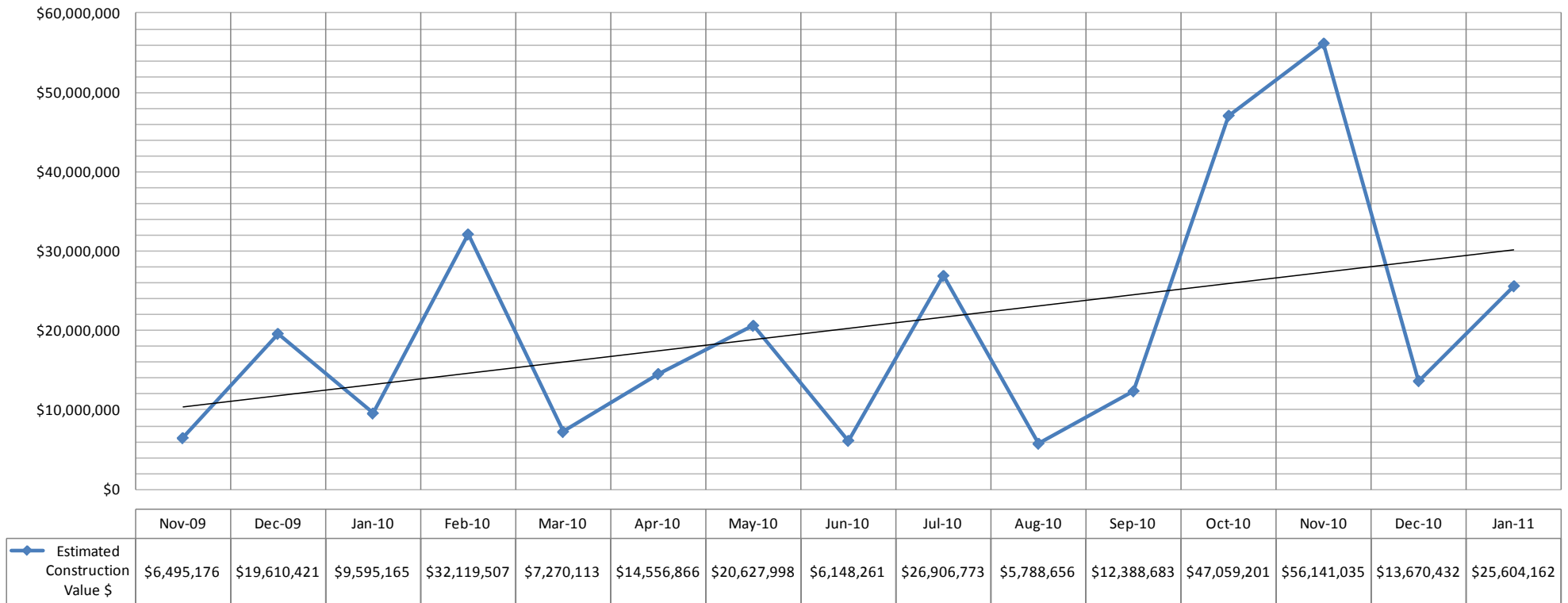
**Summary & Trendline for Building Licence Approvals**



	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11
◆ No of Licences Issued	33	49	32	44	43	24	42	27	42	25	37	47	58	39	29

**DELEGATED BUILDING APPROVALS FOR JANUARY 2011 Cont'd...**

**Summary & Trendline of  
Estimated Construction Value of Building Licences Issued**



**DELEGATED ENVIRONMENTAL HEALTH ORDERS FOR JANUARY 2011**

<b>Current Health Orders under Delegated Authority by Environmental Health Services</b>	
30 Weaver Place, South Hedland (Fauntleroy/Mills)	Building Unfit for Human Habitation ~ <b>Matter Resolved - offending sea container removed, illegal sewer connection removed</b>
<b>14 Baler Close, South Hedland</b>	Building Unfit for Human Habitation - Existing Health Order extended to 28th January 2011 ~ <b>Health Order lifted, matter resolved for Health Department</b>

**CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT JANUARY 2011**

<b>CURRENT LEGAL MATTERS</b>					
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>First Return Date</b>	<b>Current Status</b>	<b>Officer</b>
<b>WEDGEFIELD</b>					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	<ul style="list-style-type: none"> <li>~ Trial set down for 13 &amp; 14 September 2010 in Perth. ToPH witnesses to attend.</li> <li>~ Magistrate has found J Yujnovich guilty sentencing will be in +/- 3 weeks</li> <li>~ Fine imposed of approx \$20,000</li> <li>~ Fine paid in full</li> <li>~ <b>Matter not resolved - on hold until appointment of Compliance Officer</b></li> </ul>	MP
124590G	Lot 1029 (4) Ridley Street (Carey Gardner Engineering)	Illegal Residential dongas		<ul style="list-style-type: none"> <li>~ Instruction &amp; Docs sent to Solicitors 4 September 09</li> <li>~ With the appointment of of Compliance Officer, the matter will now progress</li> <li>~ <b>Matter has been listed and will be dealt with on appointment of Compliance Officer</b></li> </ul>	MP
<b>REDBANK</b>					
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area - <b>Second Offence</b>		<ul style="list-style-type: none"> <li>~ Referred to Council Solicitors</li> <li>~ Notices have been issued</li> <li>~ <b>Extension granted to February</b></li> </ul>	MP
<b>SOUTH HEDLAND RURAL ESTATE</b>					
154412G	Lot 2 (5-7) Quartz Quarry Road (Macpherson - Sunsatin P/L t/as Pilbara Earthmoving)	Earth Moving business & repairs being operated from the property - <b>Second Offence</b>		<ul style="list-style-type: none"> <li>~ Referred to Council Solicitors</li> <li>~ Notices have been issued</li> <li>~ Hearing set for end of January</li> <li>~ <b>Senior Planning Officer has managed to resolve matter outside of court. Matter is likely to be withdrawn</b></li> </ul>	MP



**CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT JANUARY 2011****CURRENT LEGAL MATTERS Cont'd...**

File No.	Address		First Return Date	Current Status	Officer
<b>SOUTH HEDLAND</b>					
125590G	14 Baler Close	Heath - Removal of burnt out building remnants		~ Health Oder lifted, matter resolved for Health Department	MEH
<b>PORT HEDLAND</b>					
400330G	83 Athol Street (P Oldenhuis)	Health - Asbestos removal	~ First Return date 25/2/09	<ul style="list-style-type: none"> <li>~ No appearance by Mr Oldenhuis</li> <li>~ Court hearing date 28/4/09 adjourned until 29/5/09.</li> <li>~ Plea hearing date 13/7/09</li> <li>~ Trial 16/11/09 heard to 7pm.</li> <li>~ Decision handed down 23/11 - guilty and issued \$250 in fines and \$4250 in costs.</li> <li>~ Fine registered with FER by Solicitors as not paid by due date.</li> <li>~ Fine unpaid to date. Warrant of execution issued 19th June 2010, issued under S45 (2) &amp; Part 7 of the Fines, Penalties and Infringement Notices Act 1994</li> <li>~ February 2011 FER will have a report from the South Hedland Magistrates Court</li> </ul>	MEH

**Attachments**

Nil.

**201011/249 Council Decision/Officer's Recommendation**

**Moved:** Cr G J Daccache

**Seconded:** Cr J M Gillingham

**That the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of January 2011 be received.**

*CARRIED 5/0*

**11.1.2.2** *Proposed Partial Closure of Portions of McDonald Street Road Reserve. (File No.: 28/01/0017)*

<b>Officer</b>	<b>Caris Vuckovic</b> Lands Officer
<b>Date of Report</b>	20 January 2011
<b>Application Number</b>	2011/23
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received a request from RPS Town Planners to permanently close portions of the McDonald Street Road Reserve, South Hedland.

The road closure is required to facilitate the amalgamation thereof with Lot 2241 Greene Place.

**Background**

The purpose of these proposed partial road closure is to excise unused portions of the existing McDonald Street reserve. This will facilitate the closed portions to be amalgamated with Lot 2241 Greene Street, which is earmarked for residential development.

The proposed partial road reserve closures will not adversely affect traffic, pedestrian or cycle networks in the area. For each reserve closure, appropriate applications for rezoning will be lodged to facilitate the amalgamation with the adjoining lot.

**Consultation**

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.”*

Councils Engineering Services have advised that they have no objection to the proposed partial closure subject to the following:

*“i. Any relocation of existing infrastructure within the proposed portions shall be carried out and reinstated to the specification and satisfaction of the Manager Infrastructure and Development and at the developers/applicants expense;*

*ii. Minimum truncation and road reserve widths are required to the satisfaction of Engineering Services”*

### **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*.

**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 section of the McDonald Street Road Reserve truncations (approximately 337m<sup>2</sup> combined) which is being sought by the applicant is not required for road purposes.

The closure will result in the creation of a uniform size truncation which will still be adequate from an engineering perspective and not pose any traffic or pedestrian risk. In addition the closed portions are able to be amalgamated with Lot 2241 Greene Street, increasing the development potential of the lot, and create a better overall outcome for both the community and the developer of the lot.

When considering the request for partial road closure the Council has the following options:

- 1) Support the request for partial closure of McDonald Street Road Reserve (Truncations), South Hedland.

The closure of the portion will improve the streetscape by allowing unused land to be incorporated into residential land and developed as such. This will result in the lot achieving maximum development potential.

- 2) Reject the request for partial closure of McDonald Street Road Reserve (Truncations), South Hedland.

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

It is recommended that Council support the partial closure of McDonald Street Road Reserve (Truncations), South Hedland.

### **Attachments**

1. Locality Plan
2. Proposed Road Closure Plan

### **201011/250 Council Decision/Officer's Recommendation**

**Moved:** Cr G J Daccache

**Seconded:** Cr D W Hooper

### **That Council:**

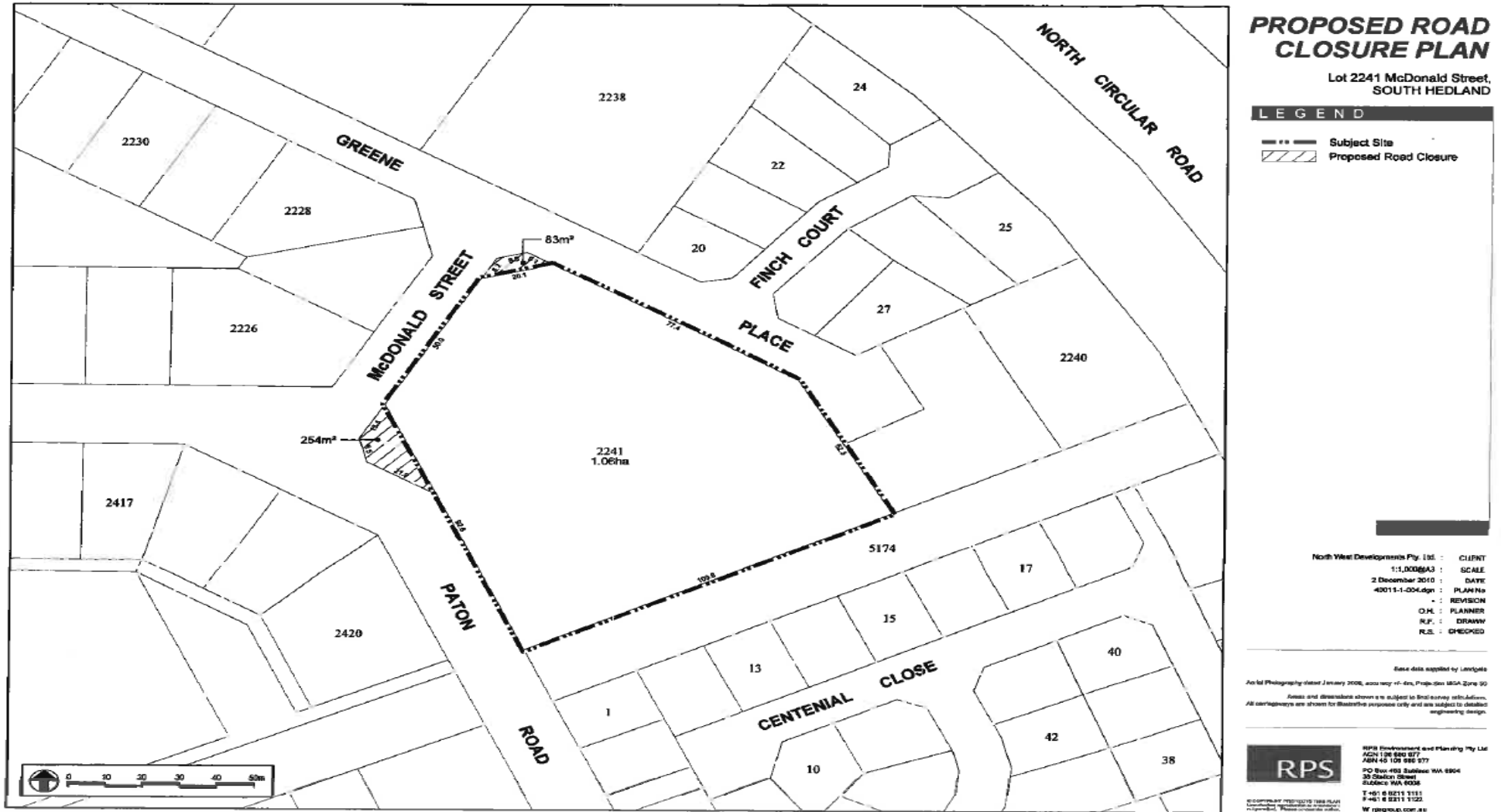
1. **SUPPORTS** the permanent closure of a portion of McDonald Street Road Reserve (Truncations), South Hedland, with the following conditions;-
  - a. The proposed Road Closure being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,
  - b. No objections being received during the advertising period,
  - c. Any relocation of existing infrastructure within the proposed portions shall be carried out and reinstated to the specification and satisfaction of the Manager Infrastructure and Development and at the developers/applicants expense
  - d. Minimum truncation and road reserve widths are required to the satisfaction of Engineering Services.
2. Delegates the Director Regulatory Services under Delegation 40(12) to submit the roads 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*

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.1



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.1



*11.1.2.3 Proposed Residential Building Development at Lot 7 Manilha Drive, Port Hedland (File No.: 800036G)*

Officer	Ryan Djanegara Planning Officer
<b>Date of Report</b>	24 January 2010
<b>Application No.</b>	2010/245
<b>Disclosure of Interest by Officer</b>	The applicant works for the local authority and is known to the officer.

Summary

The Town received an application from Peter K Wilden for the proposed development of a "Residential Building" at Lot 7 Manilha Drive, Port Hedland.

Whilst the use is categorized as an "AA" use within the Rural Residential zoning, in terms of the Port Hedland Town Planning Scheme No5 (TPS 5), it is the opinion of the Planning and Development Department that the use does not meet the scheme objectives or the development requirements of a "Rural Zone", and is not supported by the Planning Unit.

Therefore the report is before Council to consider.

Background

*Location and Description*

The subject site is located along Manilha Drive, Turner River Estate (Attachment 1), and measures approximately 10, 599m<sup>2</sup>.

*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 outbuilding.

*The Proposal*

The applicant is proposing to construct a residential building using 2 modular units for the purposes of providing temporary accommodation for tourists and business consultants. The units are self-contained with their own en-suite facilities and communal laundry areas.



### 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 1 written submission objecting to the proposed development. The objection can be summarized as follows:

- The proposed development would impact on the local amenity of the surrounding area;
- The proposed development would increase traffic and the population within the area. The access road to the rural residential estate is not adequate enough to provide for higher traffic volumes.

### *Planning Response*

In response to the above objection it is considered that the proposed development itself at this scale would not significantly impact on the surrounding amenity as there will be a minimal increase to traffic movements in the area.

The approval of the application would result in conflicting land uses with a "Rural Residential" zone, which would have a detrimental effect on the overall amenity of the area.

### Statutory Implications

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

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### Budget Implications

An application fee of \$635.00 has been received as per the prescribed fees approved by Council.

### Officer's Comment

In terms of the Port Hedland Town Planning Scheme No.5 a "Residential Building" is defined as follows:

*“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, motel or holiday accommodation”.*

It is evident from the above definition of a “Residential Building” that its use is not intended for tourism uses, and does not adequately define the applicant’s intentions for the proposed development.

The Port Hedland Town Planning Scheme No. 5 provides for a variety of tourism accommodation uses. Based on the applicant’s intentions it is considered that the proposal is more appropriately defined as a “Chalet”, which is defined as:

*“means an individual self-contained unit usually comprising cooking facilities, en-suite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12 month period.”*

In accordance with the Scheme, a “Chalet” is a prohibited use in a “Rural Residential” zone.

Approving the proposed development could potentially encourage other landowners within the rural residential zone to develop “Residential Buildings” for tourism purposes. The influx of tourism style development in the rural residential zone could impact on the amenity of the locality, generating more traffic and affect the existing services and infrastructure.

#### *Matters to be considered by Council*

As per Clause 4.5 of the Port Hedland Town Planning Scheme No. 5, Council shall inter alia have due regard to the following:

- c) any approved Statement of Planning Policy of the Commission;*

The Western Australia Planning Commission’s Statement of Planning Policy No. 2.5 requires that the development in rural residential areas should be supported with an overall strategic plan. Development should not be ad hoc and should ensure the preservation and amenity of an alternative lifestyle.

Currently the Town does not have a strategic plan for the Turner River Rural Residential Estate. However, the Town is required as indicated above to ensure the preservation and amenity of alternative lifestyle areas such a "Rural Residential" zoned areas.

- d) *the requirements of orderly and proper planning and the preservation of amenity of the locality.*

It is the opinion of the Planning & Development Department that the subject application does not constitute orderly and proper planning. The approval of such a development within a "Rural Residential" zone would compromise the rural living lifestyle and change the characteristics of the area.

#### *Options*

Council has the following options when considering the applications:

1. Refuse the application

Should Council resolve to refuse the application it will prevent ad-hoc development and will preserve the rural lifestyle and amenity of the area.

2. Approve the application with conditions.

The proposed location for the development along Manilinha Drive in Turner River is not considered to be desirable as it could potentially impact on the lifestyle sort by the residents in the rural residential estate.

It is recommended that Council refuse the application.

#### **Attachments**

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

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

That Council refuses the application submitted by Peter K Wilden for the proposed development of a Residential Building at Lot 7 Manilinha Drive, Port Hedland 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 TPS5 the proposed use is defined as "Chalet" being a prohibited use within a "Rural Residential" zone.

**201011/251 Council Decision/Officer's Alternative  
Recommendation**

**Moved:** Cr G J Daccache

**Seconded:** Cr J M Gillingham

**That Council resolve to approve the application with the following conditions to be imposed:**

- 1. This approval relates only to the proposed RESIDENTIAL BUILDING and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
- 2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
- 3. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the satisfaction of the Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.**
- 4. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the specification of the Manager of Environmental Health and to the satisfaction of the Manager of Planning**
- 5. 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.**
- 6. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s).**
- 7. Within 30 days of this approval, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to and approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- 8. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.**

9. **Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the 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. **Be advised that the air handling system is to comply with the Health (Air-handling and Water Systems) Regulations 1994**
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)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**
4. **Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

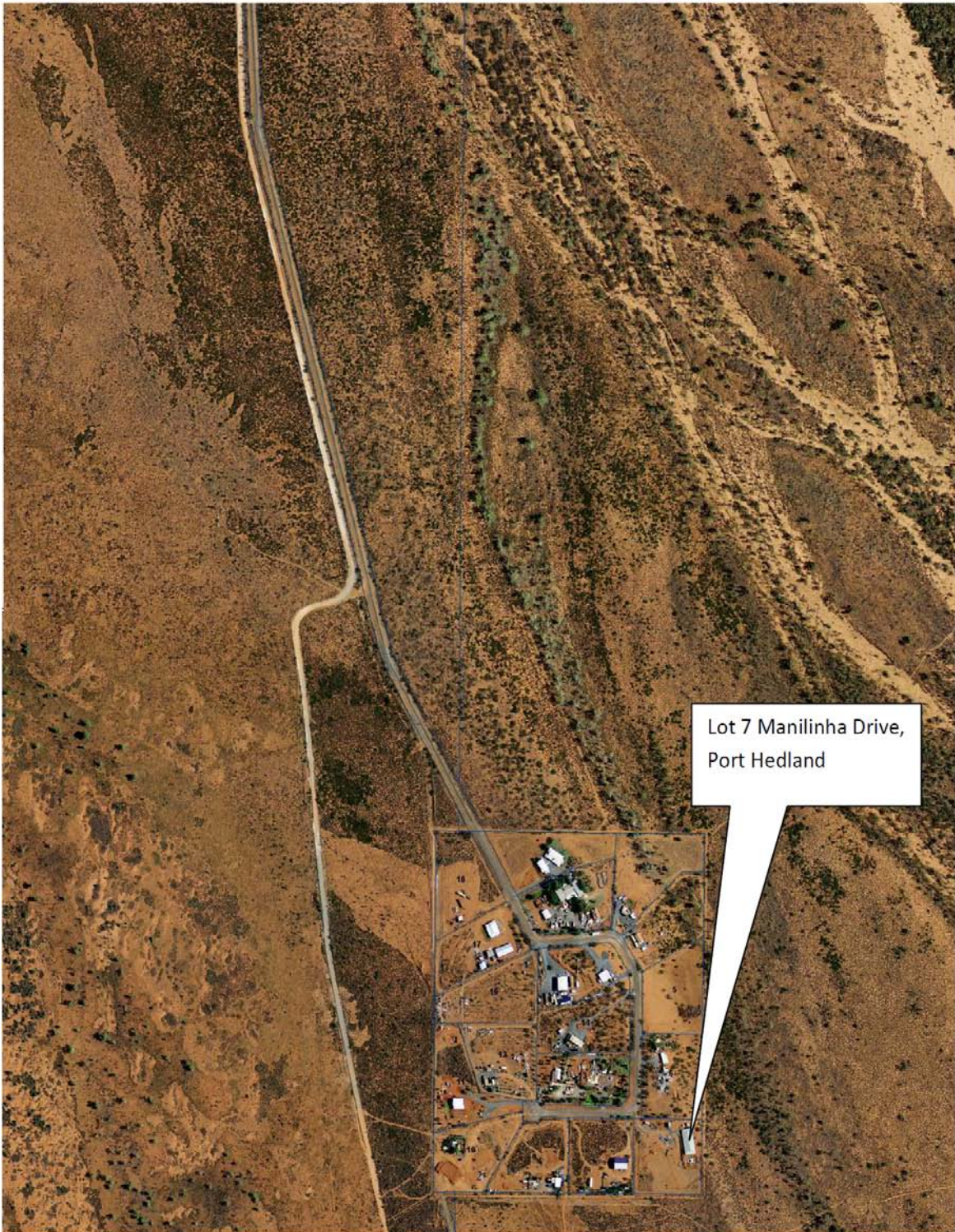
*CARRIED 4/1*

**Record of Vote:**

FOR	AGAINST
Mayor Kelly Howlett	Cr S J Coates
Cr G J Daccache	
Cr J Gillingham	
Cr D W Hooper	

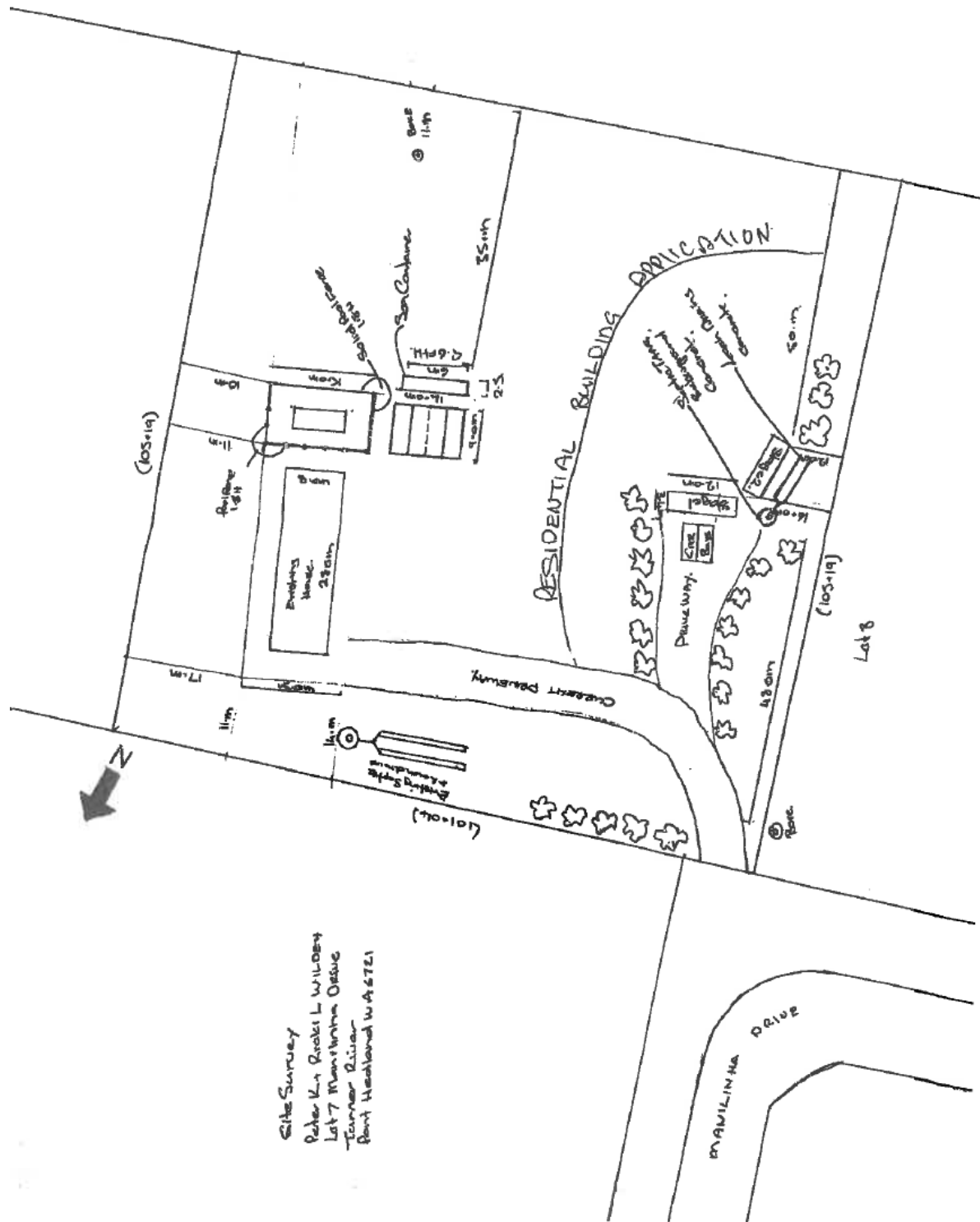
ATTACHMENT 1 TO AGENDA ITEM 11.1.2.2

Attachment 1: Locality Plan



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.2

Attachment 2: Site Plan



ATTACHMENT 3 TO AGENDA ITEM 11.1.2.2

**CLIENT APPROVAL**

SIGN: \_\_\_\_\_

PRINT: \_\_\_\_\_

DATE: \_\_\_\_\_

**Building Design Criteria**  
 Wind Load - in accordance with AS 1702.2:2012  
 REGION D, TERMPAN CATEGORY 2  
 Annual probability of exceedance 1:500  
 REGION WIND SPEED - V90 = 88 m/h  
 SERVICEABILITY WIND SPEED = 65 m/h

BCA Building Classification : 1b

Climate Zone : TBC

NO	DESCRIPTION	REV	DESCRIPTION
1	GENERAL CONTRACTOR	1	GENERAL CONTRACTOR
2	ARCHITECT	1	ARCHITECT
3	STRUCTURAL ENGINEER	1	STRUCTURAL ENGINEER
4	ELECTRICAL ENGINEER	1	ELECTRICAL ENGINEER
5	Mechanical Engineer	1	Mechanical Engineer
6	Plumbing Engineer	1	Plumbing Engineer
7	Fire Engineer	1	Fire Engineer
8	Energy Auditor	1	Energy Auditor
9	Healthcare Consultant	1	Healthcare Consultant
10	Healthcare Consultant	1	Healthcare Consultant
11	Healthcare Consultant	1	Healthcare Consultant
12	Healthcare Consultant	1	Healthcare Consultant
13	Healthcare Consultant	1	Healthcare Consultant
14	Healthcare Consultant	1	Healthcare Consultant
15	Healthcare Consultant	1	Healthcare Consultant
16	Healthcare Consultant	1	Healthcare Consultant
17	Healthcare Consultant	1	Healthcare Consultant
18	Healthcare Consultant	1	Healthcare Consultant
19	Healthcare Consultant	1	Healthcare Consultant
20	Healthcare Consultant	1	Healthcare Consultant

Attachment 3: Floor Plan and Elevations

**CLIENT LIST**

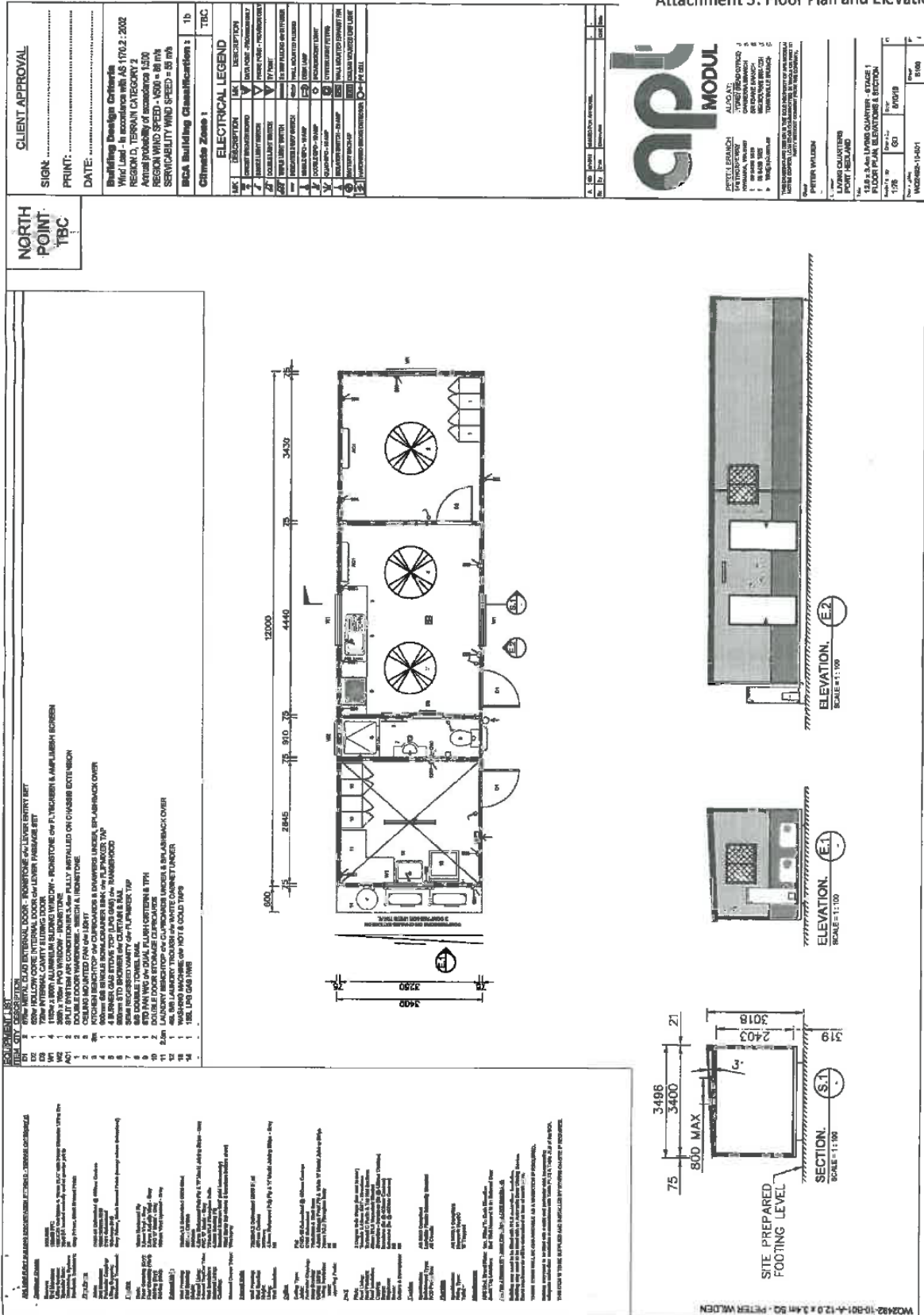
- 1. NORTH POINT TBC
- 2. ARCHITECT
- 3. STRUCTURAL ENGINEER
- 4. ELECTRICAL ENGINEER
- 5. MECHANICAL ENGINEER
- 6. PLUMBING ENGINEER
- 7. FIRE ENGINEER
- 8. ENERGY AUDITOR
- 9. HEALTHCARE CONSULTANT
- 10. HEALTHCARE CONSULTANT
- 11. HEALTHCARE CONSULTANT
- 12. HEALTHCARE CONSULTANT
- 13. HEALTHCARE CONSULTANT
- 14. HEALTHCARE CONSULTANT
- 15. HEALTHCARE CONSULTANT
- 16. HEALTHCARE CONSULTANT
- 17. HEALTHCARE CONSULTANT
- 18. HEALTHCARE CONSULTANT
- 19. HEALTHCARE CONSULTANT
- 20. HEALTHCARE CONSULTANT

**ELECTRICAL LEGEND**

NO	DESCRIPTION	REV	DESCRIPTION
1	GENERAL CONTRACTOR	1	GENERAL CONTRACTOR
2	ARCHITECT	1	ARCHITECT
3	STRUCTURAL ENGINEER	1	STRUCTURAL ENGINEER
4	ELECTRICAL ENGINEER	1	ELECTRICAL ENGINEER
5	Mechanical Engineer	1	Mechanical Engineer
6	Plumbing Engineer	1	Plumbing Engineer
7	Fire Engineer	1	Fire Engineer
8	Energy Auditor	1	Energy Auditor
9	Healthcare Consultant	1	Healthcare Consultant
10	Healthcare Consultant	1	Healthcare Consultant
11	Healthcare Consultant	1	Healthcare Consultant
12	Healthcare Consultant	1	Healthcare Consultant
13	Healthcare Consultant	1	Healthcare Consultant
14	Healthcare Consultant	1	Healthcare Consultant
15	Healthcare Consultant	1	Healthcare Consultant
16	Healthcare Consultant	1	Healthcare Consultant
17	Healthcare Consultant	1	Healthcare Consultant
18	Healthcare Consultant	1	Healthcare Consultant
19	Healthcare Consultant	1	Healthcare Consultant
20	Healthcare Consultant	1	Healthcare Consultant



Attachment 3: Floor Plan and Elevations



6:00pm Cr G J Daccache declared an Impartiality Interest in Agenda Item 11.1.2.4 "Proposed Use Not Listed - Display Home Modular Unit –Lot 372 Anderson Street , Port Hedland" as he knows people involved in the matter discussed in the item.

Councillor G J Daccache did not leave the room.

*11.1.2.4 Proposed Use Not Listed - Display Home Modular Unit – Lot 372 Anderson Street , Port Hedland (File No.: 123620G)*

<b>Officer</b>	<b>Michael Pound</b> Planning Officer
<b>Date of Report</b>	14 February 2011
<b>Application No's</b>	2010/299
<b>Disclosure of Interest by Officer</b>	Nil

### **Summary**

The Town has received an application from Hodge Collard Preston Architects on behalf of Richard and Beverley Hockey and Stephen Byers to construct a Display Home Modular Unit on Lot 372 (69) Anderson Street, Port Hedland (**subject site**).

This item is referred to Council for determination as it is a 'Use not listed' within the Town of Port Hedland Town Planning Scheme No. 5 (**TPS5**).

The proposal is supported by Council officers subject to conditions.

### **Background**

#### *Property Location (ATTACHMENT 1)*

The subject site has a total area of approximately 1,024m<sup>2</sup>. It is wholly contained within the 'Mixed Business' zone under the provisions of TPS5. The subject site currently contains an Iron frame outbuilding in the north west corner. The building has been visibly damaged by white ants.

#### *Approved Development / Use*

On 28 August 2002 Council issued a planning permit for Ancillary Accommodation on the subject site, which is defined under TPS5 as follows:

***Ancillary Accommodation:*** *self contained living accommodation on the same site as a single house, where the lot is not large enough to accommodate grouped dwellings, and may be attached or detached from the single house existing on the lot.*

### *Proposal*

The subject application proposes the demolition of the existing outbuilding and the construction of single bedroom display unit. A new driveway will extend from the existing along the western boundary of the subject site to provide access and carparking for the display unit.

### **Consultation**

The immediate property owners were consulted about the proposal and no comments were received during the advertising period.

The application has been forwarded to the Town's Building and Engineering Services.

Building Services had no objections subject to a condition requiring a building license.

Engineering identified a number of concerns relating to parking/access, stormwater disposal, traffic flow and maneuverability, all of which has been included in the report.

### **Statutory Implications**

A 'Display Home Modular Unit' is a Use not Listed within the TPS 5 Zoning table. As such Section 3.2.6 of the Scheme is relevant:

*"If the development of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the development categories the Council may determine:*

- a) That the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or*
- b) By absolute majority that the proposed development may be consistent with the objectives and purposes of the zone and an application for planning approval should be determined in accordance with Part IV, including the advertising procedures of clause 4.3."*

**Policy Implications** Nil.

**Strategic Planning Implications** Nil

### **Budget Implications**

An application fee of \$281.82 has been received as per the prescribed fees approved by Council.

### **Officer's Comment**

'Display Home Modular Unit' is not a listed use within the Zoning Table. As such Council must, by absolute majority, determine that the proposal is consistent with the objectives and purpose of the 'Mixed Business' zone.

#### *Need & Desirability*

As the population is expected to surge in both Port and South Hedland, the demand for quality housing development has increased, as has the need for quality and affordable housing. The Display Home Modular Unit has arisen from a combination of the need for mere flexible housing serving a wider demographic and the imperative to move toward 'sustainable' dwellings. As such, the location is considered to be an ideal showcase for the proposed Display Home Modular.

#### *Objectives of the zone*

Clause 5.3.6 (f) stipulates that the Mixed Business zone is to be developed as a precinct in which:

*Businesses may be developed in conjunction with single residences,  
An approach to design provides for dual frontage with residential development fronting Morgans Street and business operations fronting Anderson Street,  
Uses are not permitted which are inconsistent with the residential component,  
No site may be developed just for a residential function.*

The proposed use is to be developed at the rear of the subject site in conjunction with the existing single residence. The site has frontage and access to Anderson Street only.

The proposed use is of a residential nature and is therefore considered to be consistent with the residential component.

#### *Development Controls*

##### *Car parking*

A 'Display Home Centre' requires 3 bays for every dwelling on display, and 1 bay for every employee. In terms of TPS5, this prescribed parking requirement is calculated when a group of two or more dwellings are proposed.

The intended use of the subject site is for one (1) Display Home Modular Unit. The applicant has provided one (1) car parking bay and a reversing bay for maneuverability exiting the subject site.

An additional car parking bay is considered necessary to accommodate an employee. It is recommended that a condition be imposed on requiring two (2) car parking bays to be provided on site in accordance with TPS5.

#### *Options*

Council has the following options when considering the application:

1. Approve the application with two (2) car parking bays to be provided on site.
2. Approve the application as submitted with one (1) car parking bay provided on site.
3. Refuse the application.

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

#### **Attachments**

1. Locality Plan
2. Proposed Site Plan, Floor Plan and Elevation.

#### **201011/252 Council Decision/Officer's Recommendation**

**Moved:** Cr J M Gillingham

**Seconded:** Cr G J Daccache

**That Council approves the planning Application 2010/299 submitted by Hodge Collard Preston Architects being for USE NOT LISTED – Display Home Modular Unit at Lot 372 (69) Anderson Street, Port Hedland, subject to the following conditions:**

- a) **This approval relates only to the proposed USE NOT LISTED – Display Home Modular Unit and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
- b) **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.**
- c) **A minimum of two (2) car parking spaces are to be provided on-site in accordance with appendix 8 of TPS5 to the satisfaction of the Manager Planning.**
- d) **The proposed Display Home Modular Unit is not to be occupied for residential purposes.**

- e) **The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s).**
- f) **Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.**
- g) **Any alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Town's Engineering Services at the developer's expense.**
- h) **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.**
- i) **An overall signage strategy for the 'Use not Listed' Display Home Modular shall be submitted for approval to the satisfaction Manager Planning.**
- j) **Wherever possible, service utilities including sewer; water; telephone connections; electric power and gas shall be common and not separate from the existing dwelling on the subject site.**

**FOOTNOTES:-**

- a) **You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- b) **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.**
- c) **Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

- d) **In regards to condition d, should the applicant wish to use the building for residential purposes a change of use application will need to be submitted to Council.**

*CARRIED 5/0*



ATTACHMENT 1 TO AGENDA ITEM 11.1.2.3

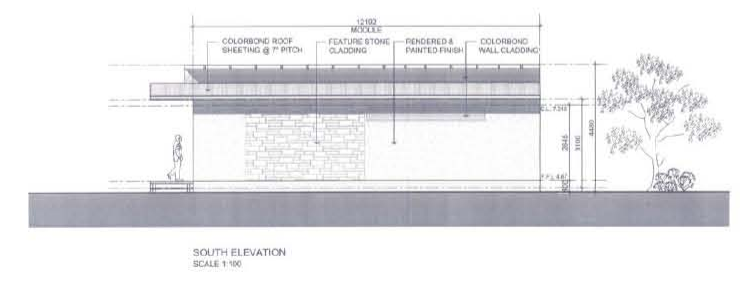
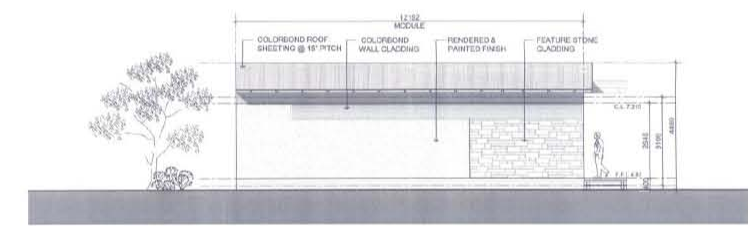
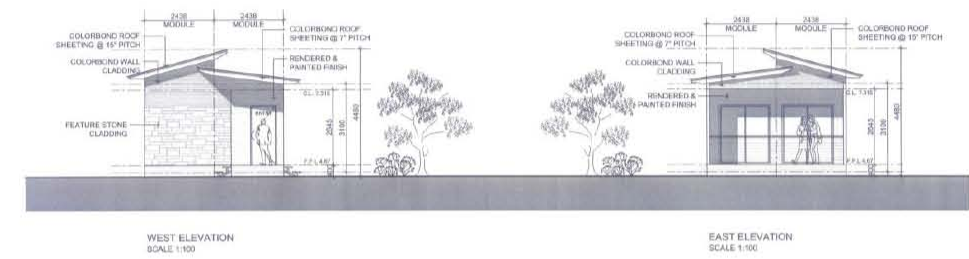
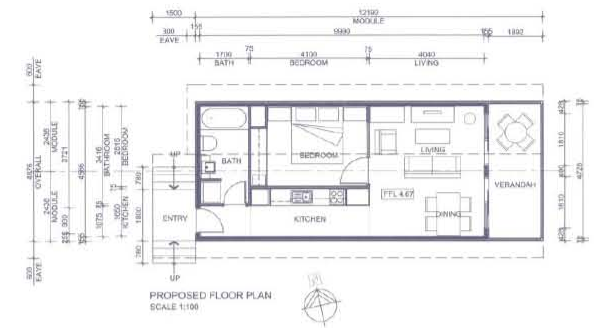
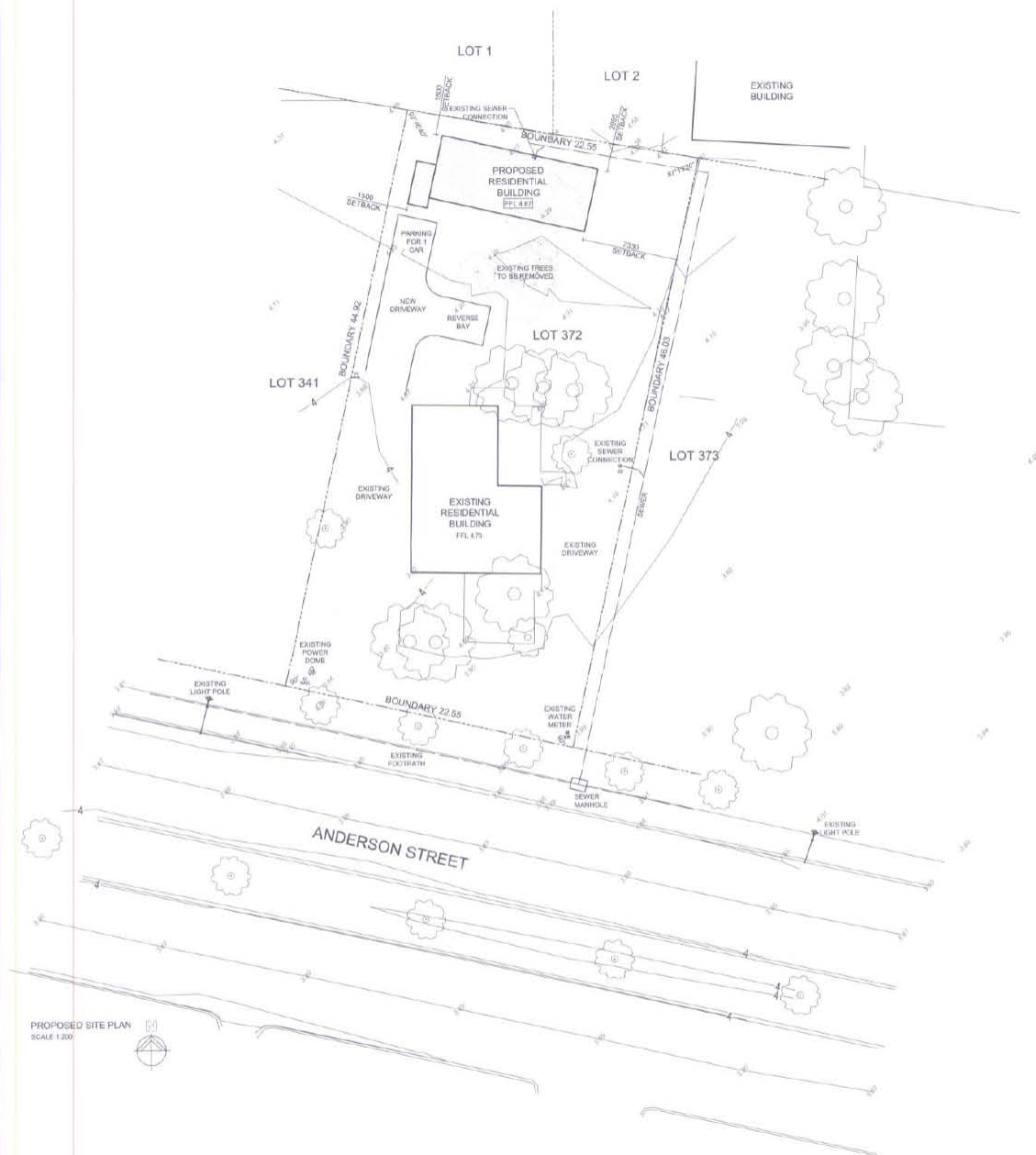
Attachment 1 – Locality Map





ATTACHMENT 2 TO AGENDA ITEM 11.1.2.3

ATTACHMENT 2



revision/issue	description	drawn	checked	date
1	ISSUED FOR DEVELOPMENT APPLICATION	LY	NP	29.11.2010
PROJECT		DESCRIPTION		
QUEST APARTMENT DISPLAY UNIT		PROPOSED SITE PLAN, FLOOR PLAN & ELEV.		
LOCATION		SCALE		
LOT 372, 69 ANDERSON STREET, PORT HEDLAND		1:200		
ARCHITECT		DATE		
Hodge Collard Preston		29 NOV 2010		
300 Four, 18 Robertson Street, West Perth, WA 6002		PROJECT NO		
PO Box 743, West Perth, WA 6002		57.10		
Ph: (08) 9322 5144		DRAWING NO		
Fax: (08) 9322 6740		SK10		
Email: sales@hodge.com.au		SHEET		
		1 OF 1		



6:01pm Cr D W Hooper declared an Impartiality Interest in Agenda Item 11.1.2.5 "Proposed Arts and Crafts Centre on Lot 127 (2) Kingsmill Street, Port Hedland" as he is a HARTZ Committee member.

Councillor D W Hooper did not leave the room.

6:02pm Councillors S J Coates and G J Daccache declared a Financial interest 11.1.2.5 "Proposed Arts and Crafts Centre on Lot 127 (2) Kingsmill Street, Port Hedland". Councillor S J Coates is a BHP employee and BHP Billiton shareholder and Councillor G J Daccache is a BHP Billiton shareholder .

Councillors S J Coates & G J Daccache left the room.

Mayor advised that an approval to consider Agenda Item 11.1.2.5 "Proposed Arts and Crafts Centre on Lot 127 (2) Kingsmill Street, Port Hedland" with a reduced quorum of 3 has been received from the Minister office.

*11.1.2.5 Proposed Arts and Crafts Centre on Lot 127 (2) Kingsmill Street, Port Hedland (File No.: 126540)*

<b>Officer</b>	<b>Ryan Djanegara</b> Planning Officer
<b>Application No</b>	2011/42
<b>Date of Report</b>	8 February 2011
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

The Town has received an application submitted by RPS on behalf of the Hartz Art Group and BHP Billiton for the development of an “Arts and Crafts Centre” on Lot 127 (2) Kingsmill Street, Port Hedland.

In terms of the Port Hedland Town Planning Scheme No. 5, the proposed use is classified as an “SA” use, requiring Council approval.

**Background**

*Location and Site Details*

The subject land is located on the corner of McKay and Kingsmill Streets, Port Hedland (West End) and has a total area of 966m<sup>2</sup>.

The site is currently developed with a double garage, the original foundations of the residential dwelling is still visible. A fence line running east-west separates the site into two parcels, the proposed development being on the southern portion only.

*Proposed Development*

The applicant proposes to obtain approval to construct an “Arts and Craft Centre” for use by the Hartz art group. The “Arts and Crafts Centre” will be constructed using two transportable buildings and will utilize the existing building slab on-site. The total floor area of the building will be approximately 105m<sup>2</sup>.

The applicant has indicated that the art group proposes to enhance the facades of the building. The proposed use will involve various arts and crafts activities occurring during general business hours, and should therefore not have any impact on the amenity of the area. Any works likely to generate noise will occur within the building.

**Consultation**

The application has been circulated internally and externally with the comments captured in the report. No objections have been received during the advertising period.

**Statutory Implications**

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

Matters to be considered by Council.

In terms of Clause 4.5(b), Council in considering an application for planning approval, shall have due regard to *“any relevant proposed new town planning scheme of the Council or any amendment to an existing Scheme operating within the district”*.

In this regard Scheme Amendment 22 has been initiated by Council at its Ordinary Council Meeting on 27 May 2009 and proposes to rezone the subject site from “Residential R12/50” to ‘Town Centre’. The new zoning once gazetted classifies an “Arts and Craft Centre” as an “AA” use. A use which is considered to be consistent within a “Town Centre” zone.

**Policy Implications**

Nil

**Strategic Planning Implications**

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

Key Result Area 3: Community Development

Goal Number 3: Arts and Culture

That the Town is recognized as a location where arts and culture is promoted and quality work is produced

**Budget Implications**

An application fee of \$248.00 has been received as per the prescribed fees approved by Council. This application fee has been deposited into the following planning account: 10063260

**Officer’s Comment***Need and Desirability*

The West End Town Centre is evolving into the towns cultural precinct, with its strong presence of art works, heritage buildings as well as a number of other culturally significant uses.

Currently there is a lack of art and craft facilities in Port Hedland, the proposed development would begin to address this shortage and contribute to the development of this cultural precinct.

Furthermore the subject site is recognized as being within the area affected by the Port Hedland Air Quality and Noise Management Plan. A key recommendation of that report is to encourage the development of uses that promote vibrancy in the West End of Port Hedland.

Developments such as arts centres are commonly recognized as contributing to the vibrancy of the area in which it is located. As such, it is considered that the proposed development is consistent and desirable with the strategic planning for the West End Town Centre.

#### *Car Parking requirements*

In accordance with Appendix 7 of the Port Hedland Town Planning Scheme, the proposal is required to provide a minimum of 5 bays provided on-site. The applicant has only provided two bays on-site being within the existing shed.

The applicant has requested a variation to the parking requirements on the basis that most members would most likely utilize the existing public car park along the McKay Street road reserve.

*Council's Draft Local Planning Policy 1 – Reciprocal Car Parking & Cash in Lieu of Car Parking*, initiated by Council at its Ordinary Meeting on 9<sup>th</sup> February 2011, allows for car parking requirements to be waived in light of potential reciprocal uses on-site or with neighbouring properties, and/or cash-in-lieu alternatives.

In accordance with the draft policy, developers must provide a minimum of 50% of the required car parking bays on-site. The applicant is therefore required to provide a minimum of 3 bays on site (2.5 bays rounded up in accordance with the draft policy).

The applicant has provided 2 bays on-site and indicates that the remaining 3 car parking bays can be provided utilizing the public car parking available on the McKay Street Road Reserve.

#### *Applicant's Justification*

The applicant has requested a variation to the parking requirements on the basis that most members would likely utilize the existing public car park along the McKay Street road reserve.

#### *Planning Response*

The applicant's justification that it is the owners intention to only utilize half of the site to keep the balance vacant for a future community purpose development does not justify the use of public parking bays.



As the site is not currently being used it is recommended that a condition be imposed requiring all car parking to be provided on-site.

In light of the above it is recommended that the proposed development should be supported.

### *Options*

The Council has the following options when considering the application:

1. Approve the proposal subject to conditions.

Should the proposal be approved, it will provide a great additional facility that will support the local artist community and potentially add vibrancy to the Town Centre.

2. Refuse the proposal.

Should the proposal be refused, the site may remain vacant and a lost opportunity to support the arts community in Port Hedland.

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

### **Attachments**

1. Locality Plan
2. Site Plan
3. Floor Plan

### *Officer's Alternative Recommendations*

Should Council resolve to approve the application without requiring all car parking bays to be provided on-site then the following conditions should be imposed:

APPROVES the planning application submitted by RPS on behalf of the Hartz Art Group and BHP Billiton for a ARTS AND CRAFTS CENTRE at Lot 127 (2) Kingsmill Street, Port Hedland subject to the following conditions:

1. This approval relates only to the proposed ARTS AND CRAFTS CENTRE and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. Under the Town of Port Hedland Town Planning Scheme No. 5, the above approved uses are defined as follows:

“Arts and Crafts Centre:

land or buildings used to create, display and/or sell works of art and craft.”

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. A minimum of 2 car parking spaces are to be provided on-site in accordance with Appendix 7 of Council's Town Planning Scheme No. 5 to the satisfaction of the Manager Planning.
5. A cash in lieu contribution is required contribution of \$3 108.00 per bay is required for the 3 car parking spaces that cannot be provided on site. (The current (2010/2011) cash in lieu payment is \$3 108.00 per bay. The contribution is reviewed annually and may be subject to change if not made before 30 June 2011)
6. An overall signage strategy for the Arts and Crafts centre and any proposed or significant changes to the appearance of the building facade will need to submit plans for approval to the satisfaction of Manager Planning prior to the commencement of any works.
7. Within 30 days of this approval, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
8. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by the Manager Planning, landscaping and reticulation is to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.
9. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
10. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
11. Accessways, parking areas, turning area to be constructed, kerbed, formed, graded and drained, linemarked and

finished with a sealed or paved surface or equivalent by the developer to approved design to the satisfaction of Engineering Services

12. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Engineering Services at the developer's expense.

**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. In relation to Conditions 10, 11 and 12 please contact the Manager Infrastructure Development 9158 9350 for further details.
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)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
4. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

**201011/253 Council Decision/Officer's Recommendation**

**Moved:** Cr D W Hooper

**Seconded:** Cr J M Gillingham

**That Council APPROVES the planning application submitted by RPS on behalf of the Hartz Art Group and BHP Billiton for a ARTS AND CRAFTS CENTRE at Lot 127 (2) Kingsmill Street, Port Hedland subject to the following conditions:**

1. **This approval relates only to the proposed ARTS AND CRAFTS CENTRE and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**

2. **Under the Town of Port Hedland Town Planning Scheme No. 5, the above approved uses are defined as follows:**

**“Arts and Crafts Centre:**

**land or buildings used to create, display and/or sell works of art and craft.”**

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. **A minimum of 5 car parking spaces are to be provided on-site in accordance with Appendix 7 of Council's Town Planning Scheme No. 5 to the satisfaction of the Manager Planning.**
5. **An overall signage strategy for the Arts and Crafts centre and any proposed or significant changes to the appearance of the building facade will need to submit plans for approval to the satisfaction of Manager Planning prior to the commencement of any works.**
6. **Within 30 days of this approval, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
7. **Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by the Manager Planning, landscaping and reticulation is to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.**
8. **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.**
9. **Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.**
10. **Accessways, parking areas, turning area to be constructed, kerbed, formed, graded and drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to approved design to the satisfaction of Engineering Services**

11. **Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Engineering Services at the developer's expense.**

**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. **In relation to Conditions 9, 10 and 11 please contact the Manager Infrastructure Development 9158 9350 for further details.**
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)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**
4. **Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

*CARRIED 3/0*

6:06pm Crs S J Coates and J G Daccache re-entered the room and resumed their chairs.

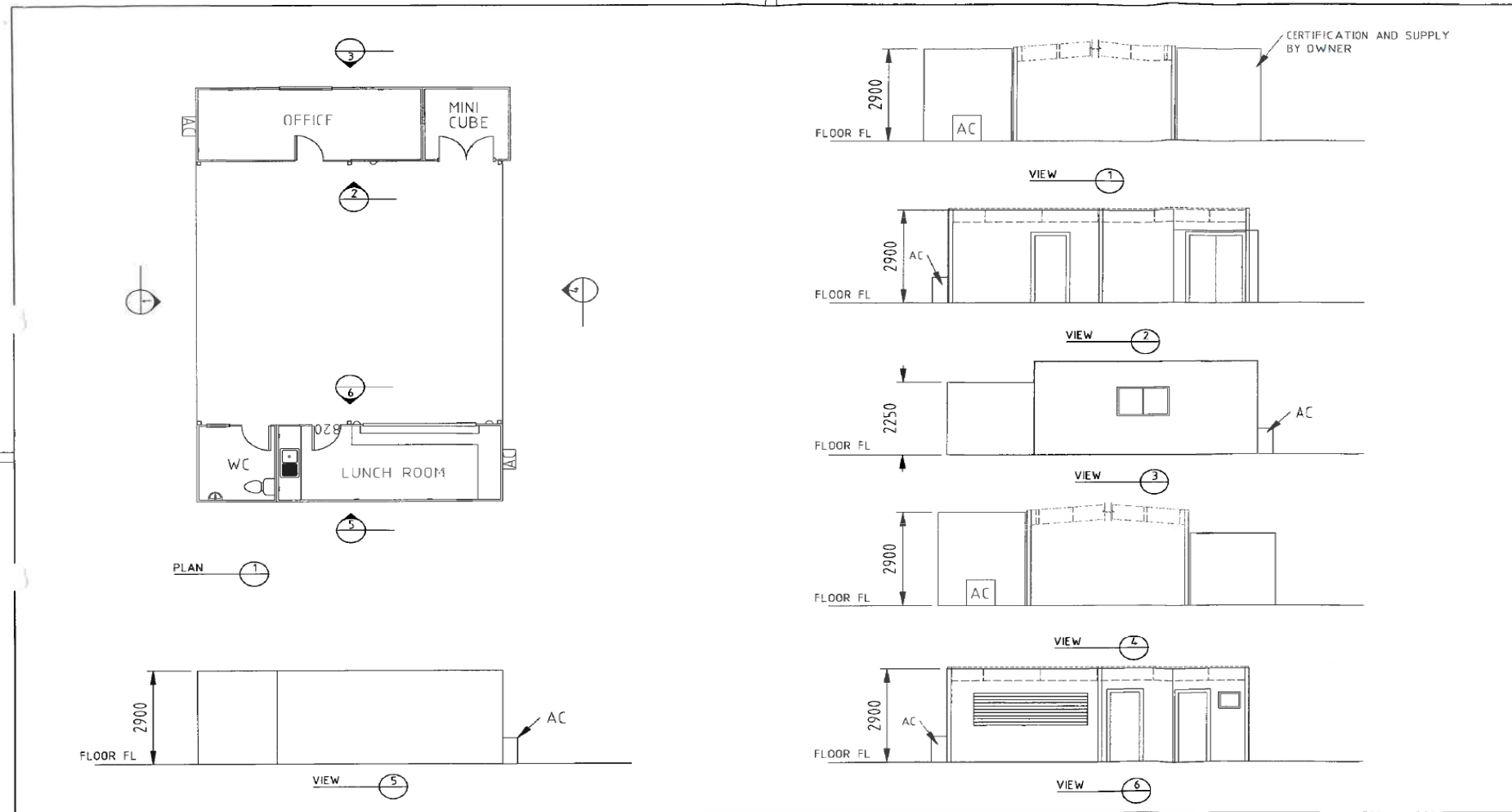
Mayor advised Crs S J Coates and J G Daccache of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.5





ATTACHMENT 3 TO AGENDA ITEM 11.1.2.5



DESIGN/TECH TO COMPLETE										REVISOR TO COMPLETE										DESIGNER/CONTRACTOR TO COMPLETE									
PRELIMINARY ONLY QUOTATION ONLY CONSTRUCTION MAY PROCEED EXCEPT AS NOTED REVISE AND RESUBMIT										COMPANY: CER GROUP NAME: JEFF GREEK DATE: ..... THE DRAWING HAS BEEN REVIEWED FOR GENERAL COMPLIANCE WITH THE REQUIREMENTS OF THE CONTRACT AND IS ISSUED FOR STATUS APPROVAL										COMPANY: DESIGNTech DESIGNED BY: AT DRAWN BY: ..... CHECKED BY: ..... DESIGN & SAFETY APPROVED BY: ..... DATE APPROVED: .....									
B 28.12.10 ISSUED FOR CLIENT REVIEW A 01.11.10 ISSUED FOR CLIENT REVIEW										JW AT AT JW AT										design tech BHP WC FRAMEOUT MCKAY ST PORT HEDLAND PROPOSED ROOF STRUCTURE ROOM LAYOUT & BUILDING ELEVATIONS SCALE: 1:50 A1 DRG. NO. 1276 S 0004/B									



6:07pm Cr D W Hooper declared an Impartiality Interest in Agenda Item 11.1.2.6 Proposed Additional Office Use and one Sea Container at Lot 1 (2B) Mitchie Crescent, South Hedland" as person involved in the item is a C3 Church member.

Councillor D W Hooper did not leave the room.

*11.1.2.6 Proposed Additional Office Use and one Sea Container at Lot 1 (2B) Mitchie Crescent, South Hedland (File No.: 156110G)*

Officer Ryan Djanegara  
Planning Officer

**Date of Report** 11 January 2011

**Application No.** 2010/211

**Disclosure of Interest by Officer** Nil

Summary

The Town received an application submitted by Brink Design and Associates P/L on behalf of Trustees of the Diocese North WA to change a portion of the existing church from a place of worship to an office and to permit one sea container on Lot 1 (2B) Mitchie Crescent, South Hedland. The Anglican Church will continue to be operating in conjunction with the proposed office.

The additional use being applied for ("Office") is in terms of the Town Planning Scheme No 5, classified as an "SA" use requiring Council approval.

Background

*Location and Area*

The subject site is located along Mitchie Crescent, and measures approximately 4, 083m<sup>2</sup>.

*Current Zoning and Use*

In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is zoned "Residential R20". The land is owned by the Trustees of the Diocese North WA, and is currently used as a church.

*The Proposal*

The applicant is proposing to use a portion (78m<sup>2</sup>) of the existing church building for office purposes during the weekdays whilst the church is not in use. The applicant has requested temporary use of the building for office purposes until 2013.

On the 23<sup>rd</sup> June 2010, Council has resolved to adopt Scheme Amendment No. 13, which does not permit "Office" uses in a Residential zone. The approval of a temporary use would undermine Council's resolution, and may create a compliance matter should the applicant not relocate after the temporary use lapses.

### Consultation

The application has been advertised externally in accordance with section 4.3.1 of the Port Hedland Town Planning Scheme No. 5.

### Statutory Implications

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

### Policy Implications

#### Shipping and/or Sea Container Policy 11/007

In addition to the proposed additional use the applicant is seeking retrospective approval for one sea container on the property. The applicant currently has 4 sea containers on the property however, Council's Sea Container Policy permits only 1 (one) sea container on a residential lot.

#### **Strategic Planning Implications**            Nil

### Budget Implications

An application fee of \$270.00 has been received as per the prescribed fees approved by Council.

### Officer's Comment

#### *Applicant's Justification*

The applicant has provided the following justification for using the church building for office purposes:

- To provide passive surveillance that would help deter vandalism and minor criminal activity; and
- The occupation of the church by the applicant BDA would allow repairs to the building to be undertaken.

The above points are not considered sufficient or reasonable planning justification to support the application because there is a manse onsite that provides passive surveillance.

#### *Scheme Amendment No. 13*

On the 23<sup>th</sup> June 2010, Council resolved to adopt Scheme Amendment No. 13. The proposed Scheme Amendment seeks to delete home occupation and no longer permit office uses in the residential zone. Instead the amendment would allow and provide for more variation to home-office style uses.

The Scheme Amendment is currently with the Western Australian Planning Commission for final determination.

The proposed Scheme Amendment allows for three types of home office style uses:

- Home Business;
- Home Office; or
- Mobile Business.

The application is not considered to fit within the definition of a “Home Office” as the proposed development will operate during normal (9am – 5pm) business hours and not from a dwelling.

Furthermore the application is not considered to fit within the definition of a “Home Business” as the proposal will not operated from a dwelling and employ more than 2 people. It is therefore, considered that the current proposal does not comply within the definitions of the proposed uses under Scheme Amendment No. 13.

In light of the scheme amendment, it is recommended that the application be refused as it is not consistent with Council’s adopted Scheme Amendment No. 13.

*Matters to be considered by Council*

In accordance with the Clause 4.5 of the Port Hedland Town Planning Scheme No. 5, of the matters listed, Council is required to have due regard to “*requirements of orderly and proper planning and the preservation of amenity of the locality.*”

It is considered that the proposed Office use should not be permitted in the residential zone as it will impact on the amenity of the locality by increasing traffic volumes in addition to an existing place of worship (the Anglican Church).

*Shipping and/or Sea Container Policy 11/007*

In addition to the proposed change of use the applicant is seeking retrospective approval for one (1) sea container on the property. The applicant currently has four (4) sea containers on the property however, Council’s Sea Container Policy permits the applicant to have only one (1) sea container.

The sea container is to be used for the storage of construction materials relating to the proposed office use. It is considered that the sea container should not be supported as it relates to the proposed office.

Furthermore the sea container does not adhere to Councils sea container policy as the applicant has not demonstrated how the container is to be suitably screened from the street (Mitchie Crescent).

### *Options*

Council has the following options when considering the application:

1. Refuse the application.

The refusal of the application will be consistent with the adopted Scheme Amendment 13.

2. Approve the application for a temporary period of 12 months subject to the following conditions.

Whilst this would be contrary to the adopted scheme it will provide the applicant an opportunity to relocate his offices.

However, should the applicant not relocate it may lead to compliance action being required placing an additional burden on the Town.

It is recommended that Council refuse the application given that Council has resolved to adopt Scheme Amendment No. 13, which does not support "Office" uses in residential zones.

### **Attachments**

1. Locality Map
2. Site Plan
3. Floor Plan
4. Scheme Amendment No. 13

### **Officer's Recommendation**

That Council refuses the Additional Office and One Sea Container submitted by Brink Design and Associates P/L for the proposed Office at 1 (2B) Mitchie Crescent, South Hedland for the following reasons:

1. The proposal is inconsistent with the residential zone of the Port Hedland Town Planning Scheme No. 5;and
2. The proposal is inconsistent with Council's strategic direction as Council has resolved to adopt Scheme Amendment No. 13;
3. The proposal will determinately impact on the surrounding amenity of the locality, and

4. The proposal is not consistent with proper and orderly planning of the locality.

**201011/254 Council Decision**

**Moved:** Cr G J Daccache

**Seconded:** Cr J M Gillingham

**That the matter be laid on the table for further consideration.**

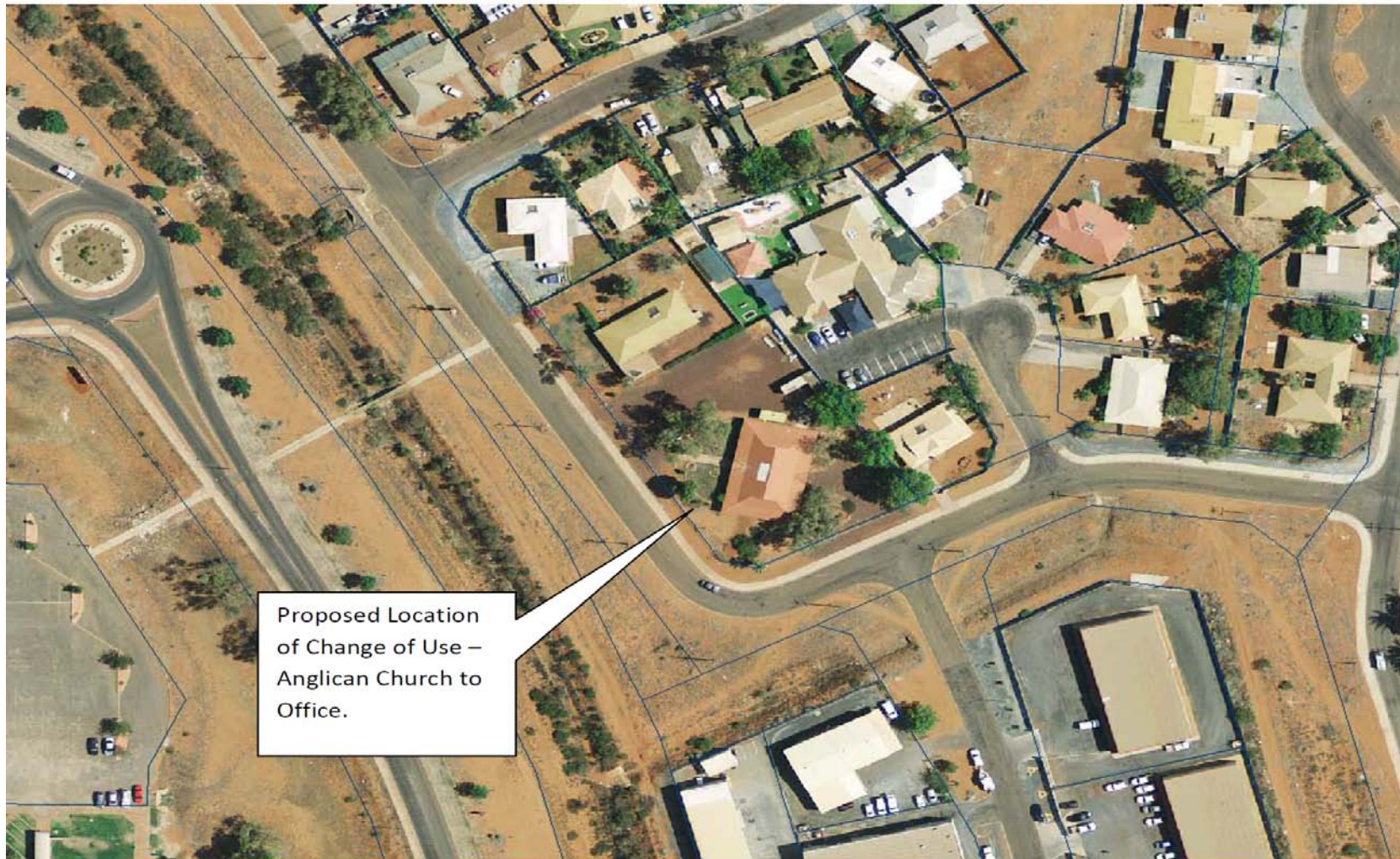
*CARRIED 4/1*

REASON: Council has laid the item on the table as it believes it needs to consider the matter further.

Record of Vote:

FOR	AGAINST
Mayor Kelly Howlett	Cr S J Coates
Cr G J Daccache	
Cr J Gillingham	
Cr D W Hooper	

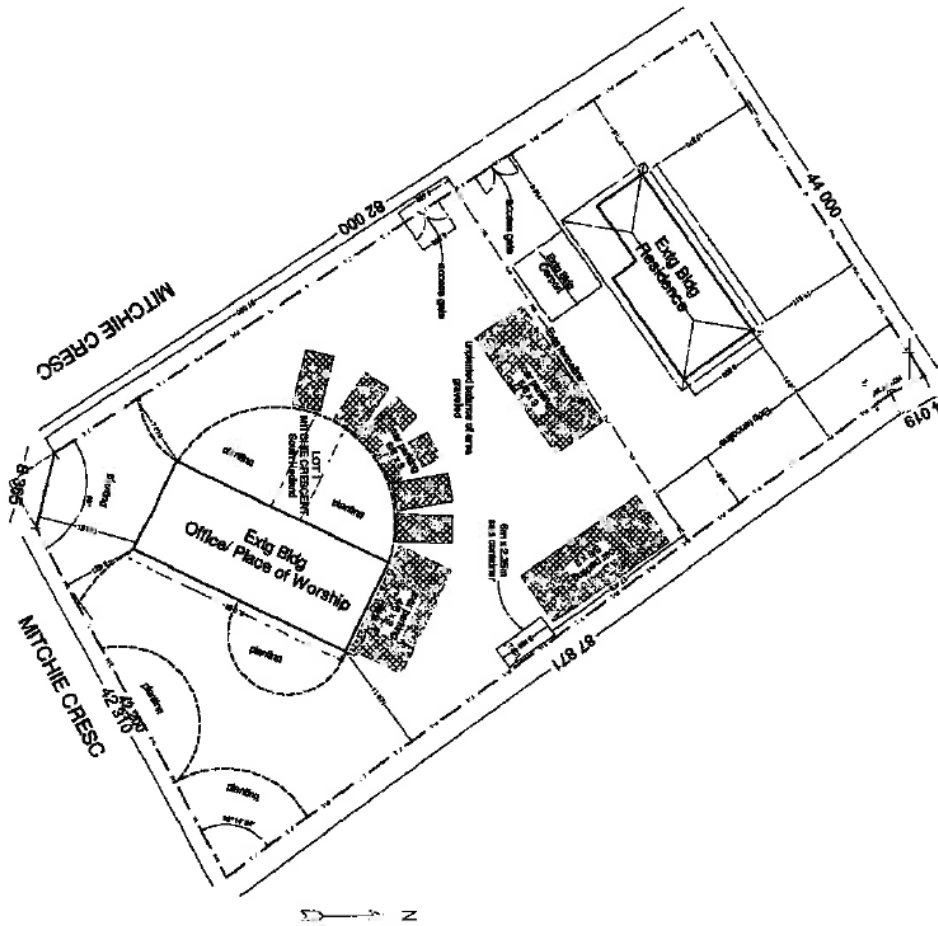
*ATTACHMENT 1 TO AGENDA ITEM 11.1.2.6*  
Attachment 1 – Locality Map



Proposed Location  
of Change of Use –  
Anglican Church to  
Office.

ATTACHMENT 2 TO AGENDA ITEM 11.1.2.6

Attachment 2: Site Plan



Brink Design & Associates P/L

at 1 Mitchie Crescent  
South Hedland  
1881721521      JOB REF: 777

SITE PLAN  
LOT 1  
MITCHIE CRESCENT  
SOUTH HEDLAND

Scale:  
1:500  
AS

Date:  
21/09/2010

Drawn By:  
CD

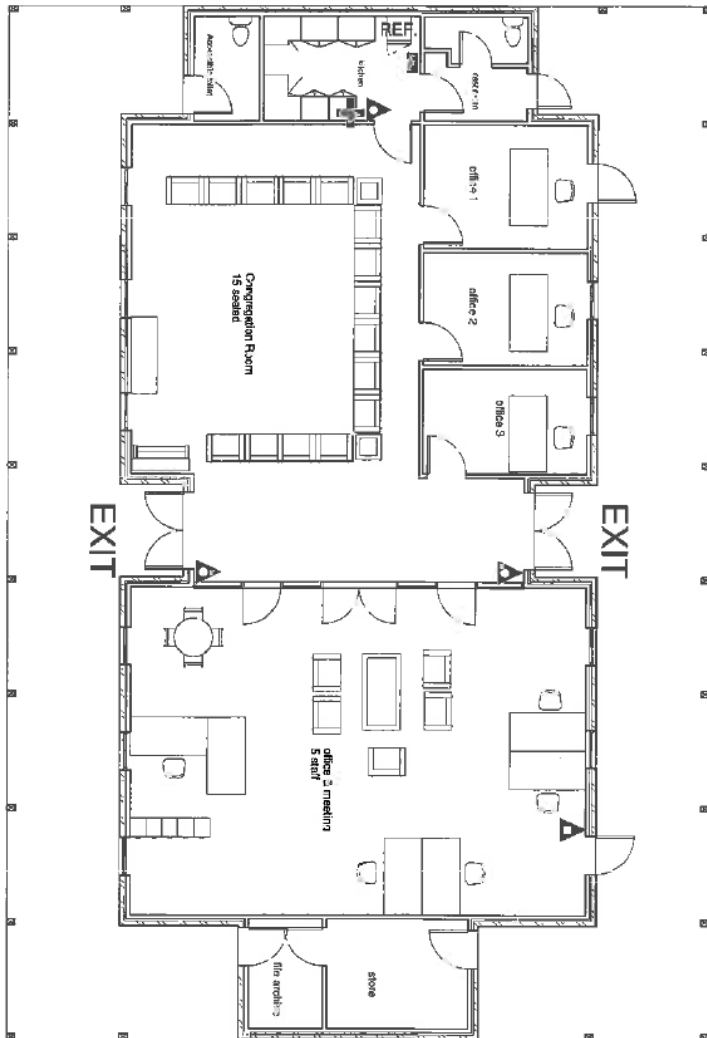
Sheet #





ATTACHMENT 3 TO AGENDA ITEM 11.1.2.6

Attachment 3: Floor Plan



SIGNAGE TO WALL  
3000L x 2000H  
"BDA DESIGN CENTRE"  
over Logo

- ▲ FIRE EXTINGUISHER (DRY CHEMICAL)
- ▲ FIRE EXTINGUISHER (CO<sub>2</sub>)
- FIRE BLANKET
- ⊕ FIRST AID BOX

**FLOOR PLAN**  
**1:100**

NOTE: All structural members including beams, lintels, supports and loadings are the responsibility of the builder under builder's engineer. Confirm size and position of all structural members before commencement of all works. All measurements to be checked on site before building commences.

		<b>No.</b>		<b>Description</b>		<b>Date</b>	
No 1072 1570 4800 16 1570 www.bdadesign.com.au				Diocese of NW Australia - Port Hedland Anglican Church			
				Lot 1 Mitchie Crescent, South Hedland			
				Copyright			
				Floor Plan			
		Date		01/26/11		276 - A - A101	
		Drawn by		MB		Scale	
						1:100	

## ATTACHMENT 4 TO AGENDA ITEM 11.1.2.6

Attachment 4: Scheme Amendment No. 13

**PLANNING AND DEVELOPMENT ACT 2005**  
**TOWN OF PORT HEDLAND**  
**TOWN PLANNING SCHEME NO. 5**  
**AMENDMENT NO. 13**

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Deleting the definition for "Home Occupation" from Appendix 1 of the TPS 5;
2. Deleting the use class "Home Occupation" from the TPS 5 zoning table;
3. Inserting the following definitions into Appendix 1 of the TPS 5:
  - Home Business** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling that:
    - (a) employs a maximum of 2 people that are not members of the occupier's household;
    - (b) will not cause injury to or adversely affect the neighbourhood amenity;
    - (c) does not occupy an area greater than 50 square metres or 50% of the dwelling area, whichever is the greater;
    - (d) does not display a sign exceeding 0.2 square metres on land zoned residential;
    - (e) does not involve the retail sale, display or hire of goods of any nature;
    - (f) does not result in traffic difficulties caused by the inadequate provision of parking facilities, or a significant increase in traffic volumes in the neighbourhood;
    - (g) does not involve the presence, use or calling of a vehicle greater than 3.5 tonnes tare weight; and
    - (h) does not involve the use of an essential service of greater capacity than normally required in the zone.

**Home Office** means a business, service or profession carried out in a dwelling that does not:

- (a) cause injury to, or adversely affect, the neighbourhood amenity;
- (b) occupy an area greater than 30m<sup>2</sup>;
- (c) operate after 10 pm or before 6 am on any normal weekday;
- (d) operate on weekends or public holidays;
- (e) involve the delivery of any goods or materials on weekends or public holidays or between the hours of 7 pm and 6 am;
- (f) entail greater than one delivery of goods or materials per day, or three deliveries within any seven day period;

## Attachment 4: Scheme Amendment No. 13

- (g) cause the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;
- (h) entail clients or customers travelling to and from the lot;
- (i) involve the cleaning, repair or maintenance of any vehicle at the premises;
- (j) require the regular storage of more than one commercial vehicle at the premises provided it is stored behind the building setback line;
- (k) involve the use of any vehicle with a tare weight of greater than 1.5 tonnes;
- (l) involve any advertising signs on the premises;
- (m) require any external change to the appearance of the building; or
- (n) employ any person who is not a member of the occupier's household.

**Mobile Business** means a business, service or profession where:

- (a) all work is conducted at the client's home or business premises;
- (b) storage of materials (including tools but excluding vehicles) is limited to no more than 30m<sup>2</sup>;
- (c) any associated office space at the premises is limited to a maximum of 20m<sup>2</sup>;
- (d) the business does not cause injury to, or adversely affect, the neighbourhood amenity;
- (e) no commercial vehicle is taken to or from the lot between the hours of 10:00 pm and 6:00 am on normal weekdays;
- (f) no commercial vehicle is taken to or from the lot on a weekend or public holiday;
- (g) no goods or materials are delivered to the lot on any weekend or public holiday;
- (h) no more than one delivery of goods or materials are delivered to the lot on any day, and no more than three deliveries within any seven day period;
- (i) the occupation will not result in the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;
- (j) no client or customer will travel to or from the lot;
- (k) no motor vehicle is cleaned, repaired or maintained at the premises;
- (l) no more than one vehicle is regularly stored on the premises providing it is stored behind the building setback line;
- (m) no vehicle used in conjunction with the mobile business has a tare weight of greater than 1.5 tonnes;
- (n) no advertising is erected on the premises;
- (o) no person is employed that is not a member of the household;
- (p) no external changes are required to any building.

4. Inserting the following use classes in the TPS 5 zoning table:

Attachment 4: Scheme Amendment No. 13

	Residential	Urban Development	Transient Accommodation	Workforce Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education
Home Business	AA	AA	AA	AA	~	AA	~	~	~	~	~	AA	AA	~	~	~
Home Office	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~
Mobile Business	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~

5. Amend the zoning table to change the use class "Office" to an "~" use in a Residential zone;

6. Inserting the following clause into TPS 5 section 4.1.3:

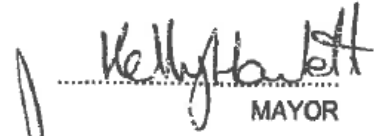
"4.1.3 Unless otherwise referred to the planning approval of Council is not required for the following development of land: ...

(k) The operation of a mobile business or home office from a residence, in a zone in which it is a use that is a permitted (P) use, except as otherwise required by the Scheme.";

Attachment 4: Scheme Amendment No. 13

**ADOPTION**

Adopted by resolution of the Council of the Town of Port Hedland at the Meeting of the Council held on the 23<sup>rd</sup> day of June 2010

  
.....  
MAYOR

  
.....  
ACTING CHIEF EXECUTIVE OFFICER

Attachment 4: Scheme Amendment No. 13

**FINAL APPROVAL**

Adopted for final approval by resolution of the Town of Port Hedland at the Meeting of the Council held on the 23<sup>rd</sup> day of June 2010 and the Common Seal of the Town of Port Hedland was hereunto affixed by the authority of a resolution of the Council in the presence of:



*Kelly Hawlett*  
.....  
MAYOR

*[Signature]*  
.....  
ACTING CHIEF EXECUTIVE OFFICER

**Recommended / Submitted for Final Approval**

Delegated under S16 of the Planning and Development Act 2005

.....  
For CHAIRPERSON OF WESTERN AUSTRALIAN PLANNING COMMISSION

DATE ....., .....

**Final Approval Granted**

.....  
MINISTER FOR PLANNING

DATE ....., .....

6:15pm Councillor S J Coates declared a financial interest in Agenda Item 11.2.1.1 Reconsideration of Construction of Wallwork Road Bridge over BHP Rail". Councillor S J Coates is a BHP Billiton employee oand BHP Billiton shareholder.

Councillor S J Coates left the room.

6:15pm Councillor G J Daccache declared a financial interest in Agenda Item 11.2.1.1 Reconsideration of Construction of Wallwork Road Bridge over BHP Rail". Councillor G J Daccache is a BHP Billiton shareholder.

Councillor G J Daccache left the room.

**11.2 Engineering Services**

## 11.2.1 Engineering

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

**Officer** **Russell Dyer**  
Director engineering

**Date of Report** 15 February 2010

**Disclosure of Interest by Officer** Nil

**Summary**

The purpose of this report is to obtain Council approval to call tenders for the construction of a four lane bridge over railway lines at Wallwork Road in South Hedland.

**Background**

A strategy of BHP Billiton's RGP5 is the duplication of the rail network from Newman to Port Hedland, including the current signalized crossing on Wallwork road, South Hedland. The Town of Port Hedland had no objections to this on the condition that a graded separation (bridge) was constructed so that vehicular traffic was not impacted by rail movements. A Rail/Road Working Group was formed to ensure that the project was implemented in the appropriate timeframes and to required standards. The Working Group involves the following stakeholders:

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

Agenda item 11.2.1.1 was first presented on the 16<sup>th</sup> of November at the Ordinary Meeting of Council; however Council decided to lay the item on the table and requested more information on traffic volumes and future requirements for Wallwork Road.

On the 27<sup>th</sup> of January Ordinary Meeting of Council, Sinclair Knight Merz presented the findings from the Wedgefield Paramics modeling which showed that a 4 lane bridge would be required at Wallwork Road, due to the increased population growth as Port Hedland becomes a City .

Agenda item 11.2.1.1 was then reconsidered at the 9<sup>th</sup> of February Ordinary Meeting of Council , however it could not be consider as Councilors had to leave the room, Division 6 – Disclosure of Financial interests 5.60A. Financial interests Local Government Act 1995 and



this left the meeting without a quorum.

### **Consultation**

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

### **Statutory Implications**

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

*3.57. Tenders for providing goods or services*

*(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*

*(2) Regulations may make provision about tenders*

### **Policy Implications**

This tender will be called in accordance with Council's Procurement Policy 2/015.

### **Strategic Planning Implications**

Key Result Area 4 – Economic Development

- Goal 2 – Mining: That the Town has developed strong working relationships with the mining industry that are achieving sustainable outcomes for the local community
  - Strategy 1 – Partner with BHP, FMG, Dampier Salt, Newcrest Mining and others mining companies to develop community infrastructure and a stronger community
  - Strategy 2 – Review all mining and port development proposals to ensure that any negative impacts on the community due to either construction or operational activities are minimized

### **Budget Implications**

BHP Billiton Iron Ore have allocated 24 million (exc gst) to this project

The following table shows expenditure to date along with the 85% detailed design QS for the bridge and tender amounts received for the 150 ton level crossing and signaling and protection equipment , which BHP are now going to build using their own contractors.

<b>Wallwork Bridge Project</b>	<b>Income</b>	<b>Expenditure</b>
Budget	\$23,236,364	
BHP preliminaries Payment received	\$763,636	
Geotech & Site Investigation		\$206,045
Flora Survey		\$1,500
Heritage Survey		\$50,953
Survey road ref / Audit Survey roadwork's		\$32,730 \$13,964
Traffic Management		\$29,120
Cartage of Fill sidetrack		\$129,140
85% QS estimate for bridge construction and associated roadwork's dual carriageway with no mse ramp walls		\$19,649,802
Cartage of fill bridge		\$130,000
Supply & cart fill for embankment		\$1,500,000 estimate
Cartage of base course		\$394,010
Sidetrack Construction		\$977,132
Road sealing		\$40,000
Horizon Power diversion U/G		\$108,603
150 Ton level rail crossing		\$160,000
Protection & Signalling		\$947,407 Tender cost
Detailed Design for road & Bridge 85% completed		\$209,929
MRWA Project Management		\$140,000 cost to date
<b>Total</b>	<b>\$24,000,000.00</b>	<b>\$24,842,791</b>

### **Officer's Comment**

Council is familiar with the options associated with this project which mainly focus on the choice of constructing a 2 lane or 4 lane bridge at Wallwork Road.

Officers are proposing Council call tenders for a 4 lane bridge for the following reasons:

- Main Roads have told Council staff that they would not support a two lane bridge as the traffic warrants (11,000 vpd) already require the road to be four lanes and with the planned increased population for South Hedland the traffic counts on Wallwork Road will only increase.
- The growth in population in South Hedland and associated impacts on traffic flow as demonstrated at the recent briefing session indicate that a 2 lane bridge would cause congestion in the short term and prove inadequate.

In respect to the financial implications the following comment is offered:

- GHD have provided QS estimates for a Dual carriageway bridge with no MSE walls cost \$19,761,125 which includes a 15% contingency.

- Although BHPB have committed \$24 million of funding towards the project cost estimates undertaken to date indicate that the cost of a four lane bridge (without MSE walls) including costs incurred to date may require Council making a contribution of approximately \$850,000 towards the project. Officers believe that a contribution of this order of magnitude is appropriate given the costs that Council would have incurred without the need for the bridge if it dual carriage the road in the future.
- The project budget as outlined above is conservative in nature and also includes healthy contingency. The only way to be sure of the costs is to call tenders for the project.
- If Council is required to make a contribution to the project it would be determined as part of the 2011/12 budget process.

On this basis Officers are recommending tenders be called for this project. Council can review the level of contribution it makes to the project once tenders are received. By calling tenders at this stage Council is indicating its support to committing an amount to this project in the vicinity of \$850,000.

Main Roads WA has offered to manage this project due to their expertise in bridge construction. Main Roads Pilbara Region has engaged GHD consultants to design the bridge and approach roads and these have been through the rigorous Main Roads design review process.

BHP Billiton and the Town of Port Hedland will finalize the funding agreement once Council calls tenders, however all relevant paperwork has been forwarded to BHP Billiton

**Attachments**

Nil

**Officer's Recommendation**

That Council:

1. Authorizes the CEO to execute the funding agreement with BHP Billiton Iron Ore for the outstanding balance of the \$23,236,364 for the construction of the Bridge and associated roadwork's on Wallwork Road; and
2. Approves the CEO to call tenders (once the funding agreement has been executed) for a four lane bridge over the railway lines at Wallwork Road with no MSE walls.

**Officer's Alternative Recommendation**

That Council:

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

**201011/255 Council Decision**

**Moved:** Cr J M Gillingham

**Seconded:** Cr D W Hooper

**That Council:**

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

- 5. Requests the CEO (or CEO's delegate) to investigate the possibility of transferring ownership of the Wallwork Road Bridge to Main Roads.**

*CARRIED 3/0*

REASON: Council believes it had to insert a recommendation to consider alternatives to minimize erosion.

6:18pm Councillors S J Coates and G J Daccache re-entered the room and resumed their chairs.

Mayor advised Councillors S J Coates and G J Daccache of Council's decision.

## 11.2.2 Investment and Business Development

*11.2.2.1 Lease Surrender for Mr Purcell Proposed Lease with Port Hedland Turf Club (File No: 05/05/0003 & 05/05/0002)*

Officer Jasmine Person  
Manager – Investment and Business Development

**Date of Report** 17 February 2011

**Disclosure of Interest by Officer** Nil

## Summary

The Town currently has 6 lease agreements in relation to 6 lots of property, commonly referred to as the 'Pretty Pool Stables'. One Lessee has contacted the Town and requested that their lease be surrendered. The Turf Club has indicated that it would like to lease this same parcel of land.

## Background

Lot 5770 on Deposited Plan 188290 has registered on the title, reserve 31462 which was vested to the Town of Port Hedland on 12 July 1972 for Equestrian Purposes. The vesting order permits leases not exceeding 21 years and approval must be sought from the Minister for Lands. The vesting order was again renewed on 24 June 1997.

The current apportionment of reserve 31462 is as follows:

Lease Area	Lessee	Area in sqm	Annual Rental	Lease term
1	Mr and Mrs Healey	1508.4	\$1,420.00	First Term: 01/12/06 – 30/11/11 Second term: 01/12/11 – 30/11/14
2	Port Hedland Turf Club	1152.7	\$945.00	First Term: 01/12/06 – 30/11/11 Second term: 01/12/11 – 30/11/16
3	Mr Hopkinson	2006.9	\$1,666.00	First Term: 01/12/06 – 30/11/11 Second term: 01/12/11 – 30/11/14
4	Mr G and Mr W Brooks	1527.9	\$1,268.00	First Term: 01/12/06 – 30/11/11 Second term: 01/12/11 – 30/11/16
5	Mr Purcell	1711.4	\$1,420.00	First Term: 01/12/06 – 30/11/11 Second term: 01/12/11 – 30/11/14

6	Port Hedland Turf Club	1508.4	1252.00	First Term: 01/12/06 – 30/11/11 Second term: 01/12/11 – 30/11/16
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See Attachment A for the plan.

#### Consultation

Mr Hopkinson – Lessee (leased area 3)  
Mr Fraser – Department of Local Government  
Mr Dyer – Director of Engineering  
Mr Martin – Chief Executive Officer  
Cnr Carter – Port Hedland Turf Club

#### Statutory Implications

##### *“3.58. Disposing of property*

##### *(1) In this section —*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*“property” includes the whole or any part of the interest of a local government in property, but does not include money.*

##### *(2) Except as stated in this section, a local government can only dispose of property to —*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

##### *(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

##### *(a) it gives local public notice of the proposed disposition*

*(i) describing the property concerned; and*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

##### *(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

*(a) the names of all other parties concerned; and*

*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition —*

*(i) as ascertained by a valuation carried out not more*

*than 6 months before the proposed disposition; or*

*(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

*(5) This section does not apply to —*

*(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

*(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

*(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

*(d) any other disposition that is excluded by regulations from the application of this section.*

*[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

## **Policy Implications**

Nil

### Strategic Planning Implications

Key Result Area 3 – Community Development  
Goal 2 – Sports and Leisure

### Budget Implications

There will be no change to the revenue stream if the Port Hedland Turf Club enters into a lease on the same terms and conditions as the existing lease.

### Officer's Comment

In May 2009, the Town received a letter from the Port Hedland Turf Club stating that they were in negotiation with Mr Purcell and Mr Hopkinson for the purchase of the stables and associated buildings. They did however acknowledge that the property was the subject of lease agreements and asked for the Town's advice as to whether it would be prepared to issue new leases to the Port Hedland Turf Club for these blocks.

In September 2010, Mr Purcell wrote to the Town expressing his desire to relinquish the lease, indicating that he considered it more manageable under one suitable appropriate organisation.

On 15 February 2011, Mr Hopkinson was contacted in relation to his intentions with respect to his leased land. He explained that he had quite some time ago been in discussions with the Turf Club to sell his stables. They have however since decided against this and the negotiations did not go any further. He indicated that he wished to



remain in occupation of the leased area.

On 17 February 2011, a representative from the Port Hedland Turf Club was contacted and they confirmed that the Port Hedland Turf Club still wished to lease area 5, the land currently leased by Mr Purcell.

The lease agreement with Mr Purcell still has ten months remaining on the first term. Given the desire for the Port Hedland Turf Club to now lease this area, is it recommended that the Town enter into a lease with the Port Hedland Turf Club, by way of private treaty, on the same terms and conditions as the existing lease, commencing at the same rental amount that is currently payable for the 2010 – 2011 lease year, namely \$1658.82.

To satisfy the provisions of the *Local Government Act 1995*, namely section 3.58 (c), the Council must resolve that the local government believes that a valuation that was performed more than 6 months before the proposed disposition to be a true indication of the value at the time of the proposed disposition.

The original lease amount and the annual CPI increases to the rental amount payable are tabled below.

<b>Year</b>	<b>CPI increase</b>	<b>Rental amount</b>
2006	-	\$1,420.00
2006 – 2007	2.6	\$1,456.92
2007 – 2008	4.9	\$1,528.31
2008 – 2009	.8	\$1,650.57
2009 - 2010	.05	<b>\$1,658.83</b>

The cost for the Town to obtain a market valuation is likely to be in the vicinity of \$1,500 - \$2,000. The total increase in rental amounts for the entire lease period is only \$238.83.

Whilst 4 years has passed since the lease was executed, it is unlikely that that the market valuation would have increased by more than the CPI amounts each year given that there have been no improvements to the leased area or the surrounding land.

### **Attachments**

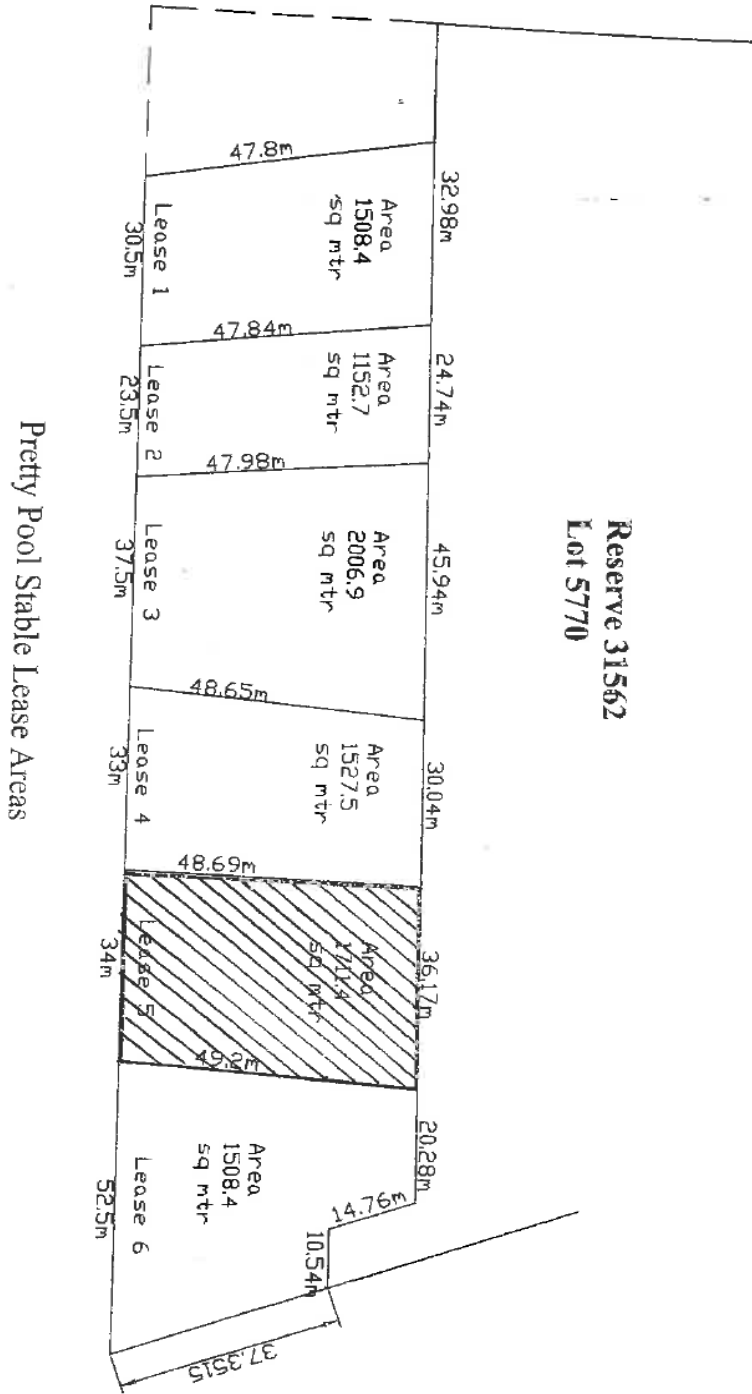
Plan of leased area.

**201011/256 Council Decision/Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr J M Gillingham**That Council:**

1. **acknowledges and accepts the surrender of the lease with Mr Purcell, described as leased area number 5, Lot 5770 on Deposited Plan 188290, 5770 Johnson Lane, Port Hedland and authorises the Chief Executive Officer to enter into a Deed of Surrender of that lease;and**
2. **resolves that the local government believes that a valuation performed more than 6 months before the proposed disposition to be a true indication of the value at the time of the proposed disposition; and**
3. **consents to a disposal of property by way of a lease, namely leased area number 5, Lot 5770 on Deposited Plan 188290, 5770 Johnson Lane, Port Hedland, consisting of 1711.4sqm, as per section 3.58 of the Local Government Act 1995 (private treaty), to the Port Hedland Turf Club on the same terms and conditions as the existing lease with Mr Purcell, with the annual rental commencing at an amount of \$1,658.83; and**
4. **authorises the Chief Executive Officer (or his delegate) to place an advertisement giving local public notice of the disposition in accordance with section 3.58(3)(a) of the Local Government Act;and**
5. **authorises the Chief Executive Officer (or his delegate) to execute the lease agreement, should no adverse public submissions be received by Council;**

*CARRIED 5/0*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.1



Reserve 31562  
Lot 5770

Pretty Pool Stable Lease Areas

6:19pm Mayor Kelly Howlett declared impartiality in Agenda Item 11.3.1 "Updated and Progression of a Community Garden" as she is part of the Care for Hedland association.

Mayor Kelly Howlett did not leave the room.

**11.3 Community Development****11.3.1 Updated and Progression of a Community Garden (File No.: 03/01/002)**

Officer Sheila Cleaver  
Community Development  
Officer

**Date of Report** 23 Feb 2011

**Disclosure of Interest by Officer** Nil

**Summary**

This report provides feedback from public comment on the Port Hedland Community Garden Forum Summary Report. It also suggests the Town of Port Hedland supports a Hedland Community Garden through the formation of a Working Group.

**Background**

At the Ordinary Council Meeting of the 10 November 2010 it was resolved (Council Decision 201011/169):

*"That Council:*

- 1. Receives the Port Hedland Community Garden: Community Forum Summary Report', and*
- 2. Requests the Chief Executive Officer or his nominated delegate to seek public comment on the recommendations within the report and present the outcome of this consultation back to the Council in the next quarter of the financial year to determine what (if any) support the Town of Port Hedland might provide to this project in the future."*

The report was advertised for public consultation from the 18 November 2010 to the 24 December 2010 and discussions held with the following identified community groups:

- Care for Hedland
- Garden Club
- FORM
- Wangka Maya- Pilbara Language Centre
- Frontier Services
- Pilbara Population Health – Community Dietitian
- South Hedland New Living
- Corrective Services
- Pilbara TAFE

- FMG
- Water Corp – Water Wise Gardens

Feedback demonstrated considerable interest in the project but failed to identify a community group which could take responsibility for and actively progress the initiative. It was considered appropriate that the ToPH should continue to provide a leading role with support from Care for Hedland should their recruitment drive for a Garden Coordinator be successful.

#### Consultation

Consultation has been undertaken across a broad range of stakeholders that include representatives of:

- Care for Hedland Assoc.
- Garden Club
- Pilbara Tafe
- Frontier Services – Mirgrant Worker
- Pilbara Population Health – Community Dietitian
- FORM
- Water Corp – Water Wise Gardens
- Wangka Maya – Pilbara Language Centre
- South Hedland New Living

The consultation process had affirmed community support towards a Community Garden in Hedland.

**Statutory Implications** Nil

**Policy Implications** Nil

#### Strategic Planning Implications

Key Result Area (KRA)3 – Community Development

Goal 2 – Sports and Leisure

Strategy 4 -That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area

Key Result Area (KRA)4- Economic Development

Goal 3 – Business Development

Other actions - Identify land areas for the development of market gardens, aquaculture and agriculture development.

Key Result Area (KRA)5 – Environment

Goal 1 – Waste Management

Strategy 2- Develop strategies that encourage separation of waste by ratepayers to promote more effective and efficient landfill management and additional reuse/recycling opportunities.

### Budget Implications

There are no budget implications at this point.

### Officer's Comment

The Hedland Community Garden initiative has now completed the initial objectives of raising awareness of a Community Garden (for Hedland) by engaging stakeholders and investigating their level of support.

There has been overwhelming support and desire for this type of project in Hedland. A community garden in Hedland will enable a variety of positive outcomes within our community, including learning outcomes from TAFE, social opportunities for otherwise marginalized groups, production of vegetables and fruits not usually available at the local food stores, opportunities for Justice Services to complete community service orders, the encouragement of a healthy lifestyle through a balance of healthy eating and exercise.

Consultation has indicated that organizations are limited in their capacity to provide a driving role for the Community Garden project and it's recommended that the ToPH continue to provide a leading role in these initial stages. It should also be noted that the Care for Hedland Environmental Association has successfully gained funding to recruit a Garden Coordinator for 6 months and that there is potential for the Garden Coordinator to be a back up 'driver' for the Garden's initial developments.

Should Council adopt the officer's recommendation in respect to the formation of a Community Garden Working Group the priorities for the Group will be to:

- Identify and secure a preferred site;
- Develop a proposal for a Community Garden including management model and initial concepts.
- Source funding and continue to develop partnerships to support the proposal.

### Attachments

1. Community Garden Report on Outcomes of Community Consultation
2. Community Gardens Stakeholder Meeting Minutes – 10 February 2011
3. Email Feedback on Summary Report.
4. Letters of support:
  - a. Pilbara Population Health
  - b. Care for Hedland Environmental Association.
  - c. FORM
  - d. Frontier Services

**201011/257 Council Decision/Officer's Recommendation****Moved:** Cr D W Hooper**Seconded:** Cr J M Gillingham**That Council:**

- 1. Establishes a Community Garden Working Group in accordance with Section 5.8 of the Local Government Act (1995):**

**Purpose/Aim:****Identify and secure a preferred site.****Develop a proposal for a Community Garden including management model and initial concepts.****Source funding and continue to develop partnerships to support the proposal.****Membership:****The membership of the Working Group be as follows:****Manager Libraries & Cultural Development  
Coordinator Community & Cultural Development  
Community Development Officer****A representative to be nominated from the following organisations:****Care for Hedland Environmental Association****FORM****Pilbara TAFE****Water Corp – Water Wise Gardens****Frontier Services – Migrant Worker****Pilbara Population Health- Community Dietitian****Quorum:****The quorum for the Committee be a minimum of 50% of its membership. Representatives to be nominated from the following organisations****Delegation: Nil****Tenure: Working Group to provide quarterly reports on its progress**

- 2. Requests the CEO to provide support to the Community Garden Working Group through facilitation of its meetings.**



**3. Appoint Councillor Cr J M Gillingham to the Working Group.**

*CARRIED 5/0*

*ATTACHMENT 1 TO AGENDA ITEM 11.3.1*

## **Attachment One**

### **CDO's Report on Community Garden Outcomes of Community Consultation:**

In November 2010 the community garden summary report was released to the community for further public comment. Notice of the summary report was released in a variety of marketing methods such as: ToPH's webpage ABC radio (Niki Morrel – morning show) Media Release, ToPH's Lifestyle page that showcases Community Development initiatives as well as the CEO news, and Council E-news.

To date there has only been one person's feedback received (please see attached email). However, general conversation by those involved in the forum and in the general community has shown that the report was accepted and has generated greater interest.

Of the five recommendations made by Josh Bryne & Assoc;

**Recommendation One:** Further investigation is undertaken into the four identified sites including consultation with relevant stakeholders to secure the preferred location for the garden

**Recommendation Two:** Begin the design concept phase based on the feedback presented in the report

**Recommendation Three:** Establish ongoing management arrangements of the community garden from the two options presented in the report.

**Recommendation Four:** Explore and develop partnerships that fit with design, ongoing use, maintenance stages etc

**Recommendation Five:** Identify funding sources and secure project budget.

Two of the recommendations have commenced.

**Recommendation One:**

Recommendation one was undertaken during the initial stakeholders meeting held on the 10 February 2011. During this meeting the qualities of all for sites were discussed with the most favourable being lot # 5991 (adjacent to the JD Hardie Centre).

The main reasons for the primary selection of this site were due to its location. The selected site is situated along Cottier Drive which is recognized as the 'spine' of South Hedland.

The location of the site allows for direct and indirect surveillance of a community garden and with works being undertaken along Cottier Drive including construction of the Water Park, upgrade to the JD Hardie Centre, plans by BHP to upgrade pathways to incorporate an interactive walk up to the water park it stands to reason that surveillance will only increase.

The size of the lot was also a major factor to its selection as it lends itself to not only housing a community garden but other community relevant activities such as potentially a Men's Shed which is currently under investigation by the Community Development Directorate.

The site also lends itself to the development of other potential small business opportunities such as a small Coffee Shop and other casual fitness opportunities such as a BMX track or fitness walk, creating an activated open space that can allow for many activities to be undertaken by all members of a family simultaneously.

Recommendation Four has also commenced. Partnerships have been created and will be strengthened and given greater impetus once a 'Working Group' has been established. General consensus is that the project will grow and develop as more 'visual' progress is in evidence. (please see minutes from the initial stakeholders meeting held on the 10 February for greater detail)

The other 3 recommendations can be auctioned as the direction of the community garden becomes more defined.

Unfortunately, FMG who was a partner in hosting the Community Garden is unable to comment on its continued support at the time of writing this report. I am currently waiting for a response.

Elements of other Stakeholder's commitment have been noted in the Minutes from the initial stakeholders meeting, with exception of Frontier Services and the Community Dietitian who were unable to attend. However, both of these organizations have offered their support and agreed to be part of the Working Group, should this be formed.

**ATTACHMENT 2 TO AGENDA ITEM 11.3.1****Attachment Two****Community Garden – Stakeholder Meeting**

Thursday 10 February 2011

**1.0 PRESENT**

Mayor Kelly Howlett (KH) – Care for Hedland  
Sheila Cleaver (SC) – Town of Port Hedland  
Lorna Secrett (LS) – Town of Port Hedland  
Porscha Cox (PC) – FORM  
Kate Antonas (KA) – FORM  
Tepina Smith (TS) - Water Corporation  
Simon Liddell (SL) – TAFE

**2.0 PROJECT INTRODUCTION AND PROGRESS REPORT – Sheila Cleaver**

- Initiative started in July with community consultation forum involving Josh Byrne
- Report identified four major potential sites
- ToPH Community Development team would like to get stakeholders' views on the suggested locations

**3.0 DISCUSSIONS REGARDING THE SITES**

- Community Development team favours the JD Hardie site due to the size (large enough for a considerable garden with different sections as well as the potential for a café etc), and the future activation of this area with the Youth Zone to be opened shortly, and perhaps a Men's Shed
- KH adds that Marquee Park will also be opening just down the road.
- KA advises that other than concerns that it must be clear to the public that the Youth Zone and the Garden are not aligned, she likes the location – it is a busy thoroughfare through South Hedland, without being CBD. Adds that if there is plenty of space that is a big bonus – Shay Gap is gorgeous but might be limited on space.
- KH: Public transport and access to the JD Hardie site is good – it lends itself to being a good initial site

*Discussion regarding the Youth Zone being so nearby to the Garden site*

- KA raises concerns about the Youth Zone being so close and the possibility that this might lead to public perception that the Community Garden is just for youths. Asserts that there will need to be clear a definition / boundary between the Garden and the Youth Zone to make it clear that it's not aligned with the Youth Zone
- LS counters that it will not be a Youth Centre Garden, although the youths can use it and the presence of the Youth Zone will increase traffic to the Garden.

- There is enough space on the site for there to be a clear separation between the Youth Zone and the Garden.

#### 4.0 LEVEL OF STAKEHOLDER INVOLVEMENT

##### *WATER CORPORATION'S HOMESITE PROGRAMME: DEMONSTRATION GARDEN*

- TS advises that Water Corporation are trying to find a high profile site to launch a 'demonstration garden' to show the community how it is possible to cultivate an attractive garden in this climate using water sparingly and efficiently by using local plants, clever irrigation etc.
- Josh Byrne is working with Water Corporation on this Demonstration Garden project
- LS asks how closely the Community Garden could be aligned with the Demonstration Garden initiative – would it just be with regards to the Community Garden entrance, or the framework...? What would be involved in such an alliance?
  - TS advises that this would depend on the designers and that she will talk to Martin to find out.
- SC: Once the Demonstration Garden is in, would that be where the support from Waterwise would end, or would they provide help maintaining it?
  - TS advises that Water Corporation only have Josh Byrne for launching the Demonstration Garden, however they would be looking at other Waterwise initiatives following on from the garden
- LS asks what size garden the Demonstration Garden is expected to be.
  - TS advises that she believes it would be around the size of a domestic garden, however expects that there may be some flexibility on this.
- TS advises that Water Corporation are also looking at sponsorship for implementation of the garden. The whole process is still in the early stages due to not having picked a site, but once a site is selected they will looking to move forward quickly on this Demonstration Garden project
- LS advises that if the proposed site for the Community Garden can be signed off, there is no reason why the Community Garden project cannot progress quickly, particularly if Water Corporation & Josh Byrne get involved
- SC comments that since Josh Byrne was the person who helped get the Community Garden project off the ground back in July with the Forum, it would be particularly good to get him involved again.
- KH believes that the priority is to make sure we meet Water Corporation's minimum requirements to be the Demonstration Garden.
- LS asks how much can be said about Water Corporation's involvement in this Project in the upcoming Agenda Item
  - TS advises that it is not her responsibility to choose where the site of the Demonstration Garden will be, but at this stage can certainly refer to Water Corporation's involvement even just from a Waterwise perspective

TAFE

- It would be good to get students off campus so TAFE are keen on getting involved, and the JD Hardie site would not be too far to get to from campus
- Hard to say level of involvement from TAFE because the timetable changes all the time – it would not be a regular involvement, it would just depend when working on the Garden can be fitted into the curriculum.
- SL offers TAFE's facilities, for example use of the potting sheds
- Comments that security is a major issue with such gardens

#### *CARE FOR HEDLAND*

- Care for Hedland had originally said that they would not be able to get involved in driving this project due to lack of funding
- Care for Hedland have just had some BHP funding approved and are looking to recruit a Garden Coordinator for 6 months (to work on other projects such as the schools' vegetable gardens)
- Following this development, Care for Hedland might be interested in assisting with driving this Project – whoever fills the new position could be a 'front passenger' person to support the driver.
- Comments that March is 'growing time' so need to move quickly

#### *FORM*

- FORM would be able to be involved primarily in connection with the West End Markets – they already have stallholders that bring fresh produce to sell at the markets
- Currently offer professional development with the stallholders and would be able to offer the workshops not only for the stallholders but also for the wider community
- Would like to encourage people to bring what's being grown at the Community Garden to sell at the markets and put the takings back into the Garden
- Discussion regarding public liability – FORM previously ended up subsidising public liability insurance for stallholders. Care for Hedland has public liability but would need to check whether it's possible to extend it to cover other community members. FORM and Care for Hedland to work together to resolve this.

#### 5.0 OTHER COMMENTS

- Sue Baker could not attend but is keen for the Community Garden provide the opportunity for cultural / ethnic groups to grow herbs and vegetables that they use in traditional dishes but cannot easily obtain in Port Hedland.
- Greening Australia:
  - More interested in dune rehabilitation, encouraging birdlife etc. however would be good to get them on board anyway in order to educate the community, and also to assist with licenses to buy seeds etc
  - Share an office with Care for Hedland
- Suggestion to link in with the Community Garden in Roebourne

## 6.0 NEXT STEPS

- CD Team looking to suggest that ToPH facilitate a working group that has to go out and secure funding etc. No funding is available from Council but ToPH can facilitate the meetings to get things moving.
- Working Group can include those at this meeting as well as flexible membership to those who are interested
- FORM, Water Corporation, and TAFE all confirm that they are happy to be on the Working Group
- Agenda item to go to Council 23 February 2011, will include:
  - Information about identified sites
  - Working Group proposal
  - Masterplan
- Community Gardens don't work well as a Council project – needs to be a community owned project, but conversely also needs a push to get off the ground and a structure/body to underpin it
- No community body has volunteered to 'drive' the project yet

## 7.0 CLOSE

*ATTACHMENT 3 TO AGENDA ITEM 11.3.1***Attachment Three**

**From:** Wendy Moon [<mailto:moonmarkers@optusnet.com.au>]

**Sent:** Saturday, 27 November 2010 11:25 AM

**To:** Records

**Subject:** Re; community garden

To . . ? . . . whom it may concern, Port Hedland community garden

I am new to Port Hedland but my husband I will be residents for the next 1-2 years (or even longer) I miss my vegetable garden in Melbourne and became very excited when I found the report on a possible "Port Hedland Community Garden"

Most of my concerns were addressed in the report. The two main areas I questioned were 1<sup>st</sup> security, which appears to be covered with the inclusion of youth programs/involvement.

My 2<sup>nd</sup> concern, there is a lot of development (community and business) in South Hedland but minimal in Port Hedland. The move of the hospital further reduces business from the Port area. As a new resident, to me it appears that South Hedland is becoming the hub of the community and Port Hedland will be relegated to residential with minimal business.

Has anyone suggested 2 community gardens, 1 in each area ? The region appears to be developing as 2 separate communities. A garden in each area may develop competition, alternative ideas and cater to each community.

Some brilliant ideas in the report were the inclusion of recycling, a café with the normal inclusions but also sale of the fresh produce grown, an art gallery (indigenous and non-indigenous works) and meeting rooms for other groups or functions.

I ask that I please be added to any mailing list (if one exists) with regard to the Community Garden. I would like to be involved.

Regards

Wendy Moon

[moonmarkers@optusnet.com.au](mailto:moonmarkers@optusnet.com.au)



## ATTACHMENT 4A TO AGENDA ITEM 11.3.1

**Attachment Four (a)**

Government of **Western Australia**  
Department of **Health**  
WA Country Health Service

Town of Port Hedland  
Civic Centre  
McGregor St.  
Port Hedland WA 6721

February 14<sup>th</sup> 2010

To the Community Development Officer,

I am writing today to express my support for the proposed community garden as discussed on February 10<sup>th</sup> 2010.

Dietitians and nutritionists are becoming increasingly involved in community gardens, as they provide valuable opportunities to improve nutritional intake and prevent chronic disease in local communities. They are fast becoming popular as effective health promotion tools.

Recent literature suggests that involvement in shared gardens (both in schools and in the wider community) is linked with greater vegetable consumption, and greater interest in, and willingness to try, a variety of vegetables. Data from the 2005 HWSS\* showed that only 33% of children aged 4-15, and 18% of adults in the East Pilbara region meet the daily recommended number of serves of vegetables. Hence, the proposed garden could help improve nutritional intake for the East Pilbara region.

Community gardening may also have positive outcomes for food security, as it can improve access to affordable fresh produce, particularly in areas where cheap, nutritious food is difficult to access.

Both myself and our Nutrition Co-ordinator would be available and willing to conduct a variety of health promotion activities at the site, which may include healthy cooking classes, group education sessions (one-off or series), and/or other relevant activities as key stakeholders deem appropriate.

We look forward to seeing the project develop and the associated positive outcomes for the community.

Kind regards,

Jenna Cowie  
Community Dietitian  
Pilbara Population Health

Gemma Barich  
Nutrition Co-ordinator  
Pilbara Population Health

*\*Western Australian Department of Health's Health and Wellbeing Surveillance System*

## ATTACHMENT 4B TO AGENDA ITEM 11.3.1

**Attachment Four (b)****Care For Hedland Environmental Association Inc.**

A.B.N. 11 873 448 055  
Registered Association Number A1011932D

PO Box 436,  
Port Hedland, Western Australia, 6721

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Town of Port Hedland  
Community Development Officer  
PO Box 41  
Port Hedland WA 6721

Dear Sheila

**Letter of Support – Community Garden**

The Care for Hedland Environmental Association would like to express its support for a Community Garden in Hedland.

During some strategic planning meetings, the Care for Hedland Environmental Association was able to successfully plan for the Associations future by identifying our core business. Through this process we also identified four Key Result Areas (KRA), one of these four KRAs is our Garden Club.

As part of the planning process the Garden Club identified a Community Garden as being a goal in which would help achieve their primary objectives:

- Increased awareness in local gardening and plant propagation
- Promotion of a healthy lifestyle with garden exercise
- Increased networks and member interactions by community activity and engagement
- Promotion of healthy local organic garden produce
- Work towards sustainable living in Hedland.

Care for Hedland is willing to support the Community Garden initiative by committing a representative on a working group and potentially offering a support person to help drive the project further should our funding/recruitment of such person is successful.

We wish the Community Garden project well and look forward to the results that fall out of the report to Council.

Kind Regards,

Kelly Howlett  
Chairperson

10<sup>th</sup> February 2011

## ATTACHMENT 4C TO AGENDA ITEM 11.3.1

## Attachment Four (c)

**form.**

building a state of creativity

357 Mungby Street Perth  
Western Australia 6000  
T +61 8 9226 2799  
F +61 8 9226 2250  
E mail@form.net.au  
W www.form.net.au

**Re: Support for Community Garden**

To whom It may concern,

As Regional Development Manager for FORM, and Manager of the Courthouse Gallery I am delighted to endorse the Town of Port Hedland's application to secure a dedicated space for a community garden in Port or South Hedland.

FORM has undertaken cultural and creative development in Port Hedland and the wider Pilbara community for the past seven years through our management of the Courthouse Gallery, on behalf of the Town of Port Hedland.

One outcome from FORM's recent Pilbara Place Making workshops was the community support for a dedicated community garden in Port or South Hedland – although feedback gathered indicated a greater desire for the site to be located in South Hedland.

Recently FORM has established the West End Markets, a dedicated makers' market allowing local artists, crafters and growers to sell their products in an entertaining and lively market setting which fosters the creative spirit in the North West. The markets serve to link the customer directly to the maker of the product and are the first makers' markets in Port Hedland.

Leading up to each market date the Gallery hosts a series of creative and professional development workshops aimed at fostering the growth of local makers. These workshops involve creating a range of products including crafts, textile products and food products.

I believe a strong link can be forged between the development of a community garden and the West End Markets with local growers and community groups taking their produce to sell at the markets with profits going directly back into the garden, allowing the groups involved with running the markets to further develop and expand the practice. There will be four market dates per year.

Through the West End Markets workshop program FORM will facilitate a chutney and jam making workshop which we would engage the Hedland Garden Club and encourage members of the community garden working group to attend. This will work to enhance the practices surrounding the community garden and increase the potential revenue raised through the community garden at the West End Markets.

Please feel free to contact me if you require any further information.

Kind regards,



Kate Antonas  
Regional Development Manager  
FORM Contemporary Craft & Design Inc.

## ATTACHMENT 4D TO AGENDA ITEM 11.3.1

**Attachment Four (d)**  
14<sup>th</sup>/02/2011

Community Development Dept,  
Town of Port Hedland  
Civic Centre  
Port Hedland 6721

To whom it may concern,

Re: community garden.

I am writing to lend my support to the community development dept of Port Hedland in their endeavor to start up a local community garden here in South Hedland.

I work for Frontier Services as the community migrant worker and feel this will be of great benefit to our local (CALD) community. Hedland has a growing migrant population and there is an increasing need for community activities of this kind in the community.

Social inclusion is very important to the new migrants. Isolation and loneliness are a very big factor in the lives of new migrants and what better way to include all members of the community than a community garden. This activity crosses all barriers and can be a shared interest for all cultures.

In September of last year (OMI) held a community consultation regarding issues facing our (CALD) community. This discussion brought forward the many issues facing our culturally and linguistically diverse community. One of the issues that were raised was the unavailability and also the high cost of spices and vegetables used by members of this part of our community.

The garden will allow our members of the community to grow their own specialized spices vegetables and fruits at a more reasonable cost and also in an inclusive and relaxed environment. The community can share their knowledge and expertise thus making them a more integral part of this widely diverse Town of Port Hedland.

Yours Sincerely,  
Sue Baker  
Community Migrant Service,  
Lotteries House 2a Leake Street,  
South Hedland, 6722,  
PH: 0400736766.

**Patron**  
Hon Tim Fischer

**Frontier Services**  
ABN 77 231 384 646  
PO Box 2235, South Hedland WA 6722  
Tel: 08 9172 1639 Fax: 08 9140 1745

Email: [frontier@kisser.net.au](mailto:frontier@kisser.net.au)  
Website: [www.frontierservices.org](http://www.frontierservices.org)



6:20pm Councillor Daccache declared a Financial interest in Agenda item 11.3.2 "Advertising of Business Plan and Calling for Design and Construct Request for Proposal for a Housing Accommodation Model for Provision of General Practitioners Housing throughout the Town of Port Hedland" as he is a BHP Billiton shareholder.

Councillor Daccache left the room.

6:20pm Councillor S J Coates declared a Financial interest in Agenda item 11.3.2 "Advertising of Business Plan and Calling for Design and Construct Request for Proposal for a Housing Accommodation Model for Provision of General Practitioners Housing throughout the Town of Port Hedland" as he is a BHP Billiton employee and shareholder.

Councillor Coates left the room.

Mayor advised that an approval to consider Agenda Item 11.3.2 "Proposed Advertising of Business Plan and Calling for Design and Construct Request for Proposal for a Housing Accommodation Model for Provision of General Practitioners Housing throughout the Town of Port Hedland" with a reduced quorum of 3 has been received from the Minister office.

*11.3.2 Advertising of Business Plan and Calling for Design and Construct Request for Proposal for a Housing Accommodation Model for Provision of General Practitioners Housing throughout the Town of Port Hedland (File No.: 15/01/0020)*

Officer Debra Summers  
Acting Director Community  
Development

**Date of Report** 26 January 2011

**Disclosure of Interest by Officer** Nil

Summary

This report suggests to Council the steps to be undertaken to progress the GP Housing project by actioning Council Decision 201011/170 from the OCM of 10 November 2010.

Firstly Council's permission is being sought to advertise the Business Plan required by the Local Government Act 1995 to explain the impact of the raising of a self supporting loan and the development of preferred site for the provision of General Practitioners (GP) housing within the Town of Port Hedland.

Permission is also being sought from Council to request the Chief Executive Officer (CEO) to call for Design and Construction Request for Proposals for a Housing Accommodation Model for Provision of General Practitioners Housing throughout the Town of Port Hedland.

Feedback is also provided to Council in this report on consultation undertaken with effected landowners and residents.

Background

At the Ordinary Council Meeting on the 10 November 2010 it was resolved (Council Decision 201011/170)

*"That Council:*

- 1. Endorse the Dempster Street site as indicated in Attachment Three as preferred location for the provision of General Practitioners Housing throughout the Town of Port Hedland;*

2. *Endorse Option Three as outlined on the GP Housing Preliminary Cost Breakup attachment on page 148 as the preferred accommodation model for the provision of General Practitioners Housing to be progressed to the design, approvals and detailed costing stage to confirm the exact accommodation yield and report back to Council;*
3. *Request the Chief Executive Officer to develop a Business Plan in accordance with Section 3.59 of the Local Government Act to facilitate the development of the recommended site and the construction of the recommended accommodation model; and*
4. *Requests the Chief Executive Officer to consult with nearby residents and property owners about this proposal.”*

#### Consultation

To undertake the work to date on this project consultation has been undertaken with the following:

- PCG
- Manager Planning, ToPH
- Manager Economic and Land Development, TopH
- WA Country Health Services
- OHS Medical
- RFDS
- Gemini Medical Practice
- First National Real Estate, Port Hedland
- Surrounding residents, ratepayers and non resident ratepayers.
- BCG Consulting Engineers

#### *Feedback on Consultation with Residents and Property Owners*

A letter drop was undertaken with surrounding land owners, residents and non resident land owners (Attachment 1.) The period for submission or comment passed with only one phone call from a resident who needed to be reassured that the development was not to the street frontage. Once this clarity was given he expressed his support for the proposal.

#### Statutory Implication

Under Section 3.59 of the Local Government Act (1995), any major trading undertaking or land transaction that a local government is to carry on or enter jointly with another person must be supported by the development of a Business Plan.

As Council's financial contribution to this project will be funded through the raising of a self supporting loan of \$1.5 million, a Business Plan has been prepared to comply with this section of the Act (Attachment 2.)

### Policy Implications

A table in the background outlines compliance with new procedures for calling tenders for major projects (soon to be Council policy)

### Strategic Planning Implications

#### Goal 4 - Healthy Community

Immediate Strategies-Implement plans for the development of subsidized housing for General Practitioners within the Town

### Budget Implications

The following table outlines the income sources to complete GP Housing Project:

Income	Amount	Status
ToPH self supporting loan	\$1,500,000	Included in 2010-2011 budget/subject of Business Plan
BHP Billiton Iron Ore	\$1,500,000	Confirmed
Royalties for Regions	\$1,500,000	Confirmed
Total	\$4.500,000	

The Council has resolved that its contribution to the funding model for this project will be a self supporting loan of \$1.5million. Local governments receive a particular interest rate and enter into loans with mandatory conditions of borrowing. Current costs of servicing a loan of \$1.5million at the current rate of interest available to the Town of Port Hedland would be \$11,870.00 per month.

Further work is being undertaken to determine the maximum accommodation yield on the preferred site through a Request for Proposal for a Design and Construct tender process. Once this information is know a firm financial model will be placed before Council for its determination.

As a guide for community comment on this aspect of the Business Plan, financial modelling used in the project to date indicates that for the loan to be self supporting the rental required on each residence to service the loan and cost of maintenance would be approximately \$486 per week.

The worst case scenario for the community would be that the housing once completed remains unable to be rented to GPs for this level of rent. Given the close communication with the owners/operators of current medical practices in Town, this circumstance seems unlikely.



Strategies to mitigate this financial risk to the community are available to the Council such as renting the properties to other “health practioners” such as dentists, physiotherapists etc in the unlikely event that the housing is not required by GPS.

Once adopted by the Council, the resulting financial model associated with the project will then be accommodated within the Town’s proposed Ten Year Financial plan.

#### Attachments

1. Attachment One: Letter to Surrounding Landowners, Residents and Non Resident Ratepayers
2. Attachment Two: GP Housing Business Plan-Facilitation of the Development of 1.08 Hectares of Lot 5551 Dempster St, Port Hedland and the Construction of the Recommended Accommodation Model for the Provision of General Practioners Housing throughout the Town of Port Hedland

#### Officer’s Comment

Advice has been sought from the West Australia Local Government Association (WALGA) on the best procurement approach to provide Council with the firm clarity it needs in respect to exact yield, most appropriate designs and firm costs of all elements of the project. Their recommendation is to query the market through a Request for Proposal (RFP) This process will allow more flexibility in responses from potential tenders but still provides all the robustness of a Request for Tender. Therefore Council’s permission is being sought to request the CEO to call for a Design and Construct Request for Proposal in respect to its endorsed accommodation model with a scope of works as outlined in the table below.

Council Resolution	Action / Outcome / Status
That Council requests the CEO to call for a Request for Proposal (RFP) for the GP Housing Project based on the below:	
* Design and Construct Tender for Civil Works & House Constructions on Lot 5551 Dempster Street, Cooke Point.	Included
* Detailed Design for all Civil Works including; - Earthworks; - Road; - Sewer; - Water; - Electrical; and - Telecommunications.	Included
* BCH consulting engineers are engaged to write the scope of works for the Civil component given their history on the project to date.	Included

* RPS to write the Performance Specifications for the Housing component encompassing energy efficiency standards, executive style finishes and fittings and emphasising innovation.	Included
* Respondents are to provide full design documentation, demonstration of previous similar work and full cost breakdown of both design and construction components.	Included
* Previous lot layout designs, survey, engineering and geotechnical information is provided within the RFP	Included

It is important to note that the rationale for the above methodology for a Design and Construct RFP for both Civil Works and Housing Construction was to provide as much flexibility to respondents as possible. By not commissioning / prescribing a lot layout for house builders to provide dwelling types in response to specific lots, a more holistic urban design outcome is able to be achieved and innovation is better facilitated.

A longer tender period will allow respondents to adequately compile a consultant team to produce a land development concept and price houses appropriately.

As part of the procurement process for projects \$1 - \$5 million, the following steps have been undertaken:

Item	Action / Outcome / Status
Bill of Quantities	Responsibility of Successful Tenderer in a Design and Construct RFP
Third party peer review of documentation/engineering drawings/ specifications	Will be undertaken on documentation/engineering drawings/specifications of Successful Tenderer in a Design and Construct RFP
Pre Tender estimate prepared	Completed
Sign off of drawings by Architect /Designer	Responsibility of Successful Tenderer in a Design and Construct RFP
Site meeting of tenderers optional	Will be included
RFP document presented to the ToPH Executive Meeting for approval prior to release.	Will be undertaken

The development of this project has been thoroughly undertaken to date by the Project Control Group (PCG) with appropriate consultation and now needs to go to the market to provide Council with the firm clarity it needs in respect to exact yield, most appropriate designs and firm costs of all elements of the project. It is recommended that Council accept the suggested procurement process which will allow maximum flexibility in responses but still provide required contractual robustness.

Council is being asked for its permission to advertise the Business Plan in respect to this project in accordance with the Local Government Act. Two advertisements will be placed in the West Australian and the North West Telegraph advising the public that copies of the Plan can be viewed on the Council website, and hard copies will be available at the Port and South Hedland libraries and the customer service counter at the Administration Centre. The public advertising period will be six weeks from the advertised date with a report on any submissions being presented to the Council in April.

Council can feel confident that the advertisement of the Business Plan in accordance with the Local Government Act will prove of interest to the community and given the positive outcome of consultation with surrounding and effected landowners should continue to have the support of the community for the projects significant contribution to the attraction and retention of quality General Practitioners.

The table below suggests a timeline to support the recommended procurement process inclusive of the advertising of the Business Plan.

Date	Item
23 Feb-6 <sup>th</sup> April 2011	Business Plan advertised
9 <sup>th</sup> – 23 <sup>rd</sup> February 2011	RFP document prepared for review
23 <sup>rd</sup> Feb – 2 <sup>nd</sup> March 2011	RFP review by Executive
5 <sup>th</sup> Mar – 15 <sup>th</sup> Apr 2011	RFP Advertised
OCM 6 <sup>th</sup> April 2011	Responses to Business Plan presented to Council
18 <sup>th</sup> Apr – 25 <sup>th</sup> Apr 2011	RFP evaluation
Council briefing in early May 2011	Tender presentation /negotiation
OCM in 25 <sup>th</sup> May 2011	Tender Award
August 2011	Construction commences (depending upon approvals timeframes)

### **201011/258 Council Decision/Officer's Recommendation**

**Moved:** Cr D W Hooper

**Seconded:** Cr J M Gillingham

#### **That Council:**

- 1. Request the CEO to Advertise the GP Housing Business Plan-Facilitation of the Development of 1.08 Hectares of Lot 5551 Dempster St, Port Hedland and the Construction of the Recommended Accommodation Model for the Provision of General Practitioners Housing throughout the Town of Port Hedland in accordance with Section 3.59 the Local Government Act with a report back to Council at the close of submissions**
- 2. Requests the CEO to call for a Request for Proposal (RFP) for the GP Housing Project based on the following:**

- 3. Design and Construct Tender for Civil Works & House Constructions on Lot 5551 Dempster Street, Cooke Point**
- 4. Detailed Design for all Civil Works including earth works, road, sewer, water, electrical and telecommunications**

*CARRIED 3/0*

6:22pm Councillors Daccache and Coates re-entered the room and resumed their chairs.

Mayor advised Councillors Daccache and Coates of Council's decision.

*ATTACHMENT 1 TO AGENDA ITEM 11.3.2*

15/01/0020

To The Home Owner / Resident  
[Address]

Debra Summers

9158 9322

Dear Home Owner / Resident,

**RE: Proposed GP Housing Development Lot 5551 Dempster Street, Cooke Point**

This letter serves to inform you of the proposed housing development located at Lot 5551 Dempster Street for the purposes of supplying General Practitioner (GP) housing.

**Background**

You may be aware of, or have attended, Council's "Gearing Up" presentations which have been held over recent months to inform the wider community of the intended growth of Port and South Hedland. These presentations have included various projects which are underway or planned to begin soon to cater for the expected population growth of Hedland to between 40,000 – 50,000 people by 2035.

To cater for this anticipated growth, it is vital that essential Health Care services are improved in line with population increase. The new South Hedland Health Campus (Hospital) is an example of this.

Attracting, and more importantly retaining, quality GPs in Port Hedland and the wider Pilbara has always proved challenging. Accommodation shortages, affordability and housing choice are amongst some of the reasons it has proven hard to retain GPs. These issues are currently confronting Medical Service Providers for Port Hedland.

In response, The Town of Port Hedland through its partnership with BHP Billiton and with assistance from Royalties for Regions, has identified this particular need as one which requires an urgent solution. In August this year Council put together a consultant team and steering group committee to deliver a value for money housing solution.

A site assessment was undertaken on potential housing sites with a matrix assessment resolving that Lot 5551 Dempster Street, best addressed the nominated criteria. The steering committee agreed with these findings and the site selection was put before Council on Wednesday 10<sup>th</sup> November 2010. Council endorsed this selection and authorised the next phase of on-ground investigations and costings to occur.

**Proposed Development**

The proposal is to be developed as a staged project anticipated to be delivered in three phases. The proposal at the present time has a maximum yield of 23 lots with a central park and loop road.

The project yield might vary from this projection by +/- 2 or 3 lots depending upon further design development.

It should be noted that the proposal:

- Is for a Grouped Housing development meaning that lots will not be individually titled and won't be available for commercial sale;
- Is only for the parcel of land shown in the attachment and will constitute 1.08ha;
- Ensures the parcel of land will remain in the control of The Town of Port Hedland but will be altered from its current vesting to reflect "Health Services Housing";
- Will provide pedestrian and green links to the foreshore and dunes;
- Will accommodate a mix of housing typologies and include landscaping;
- Will have vehicular access from Dempster Street via a newly created road; and
- Will be designed to consider adjacent dwellings including maintaining view corridors and amenity

The proposal will follow the same development application process as a private development and will be subject to conditions. Housing design have not yet been produced for the project, these are anticipated to be complete early in the new year.

**Contact:**

If you would like to pass comment on this proposed development please do not hesitate to contact the below:

<b>Acting Director of Cultural Development</b>	Debra Summers
<b>Phone:</b>	(08) 9158 9322
<b>Email:</b>	<a href="mailto:directorcd@porthedland.wa.gov.au">directorcd@porthedland.wa.gov.au</a>
<b>Date</b>	On or before 31 <sup>st</sup> January 2011

Yours sincerely,

**Debra Summers**  
Acting Director, Community Development  
Town of Port Hedland

# GP Housing Business Plan

***Facilitation of the Development of 1.08 Hectares of  
Lot 5551 Dempster St, Port Hedland and the  
Construction of the Recommended Accommodation  
Model for the Provision of General Practitioners  
Housing throughout the Town of Port Hedland***



**Prepared by: Debra Summers**

**Date of current plan: January 2011**

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## 1. EXECUTIVE SUMMARY

This Business Plan has been prepared in accordance with the Local Government Act 1995, in relation to the development of 1.08 hectares of Lot 5551 Dempster St, Port Hedland and the construction of the recommended accommodation model for the provision of General Practitioners housing throughout the Town of Port Hedland.

Under section 3.59 of the Local Government Act (1995), any major trading undertaking or land transaction that a local government is to carry on or enter jointly with another person must be supported by the development of a Business Plan.

The purpose of the Business Plan is to present an overall assessment of the proposed major land transaction or major trading undertaking detailing:

- Its expected effect on the provision of facilities and services by the local government;
- Its expected effect on other persons providing facilities and services in the district;
- Its expected financial effect on the local government;
- Its expected effect on matters referred to in the local government's current plan prepared under section 5.56 of the Local Government Act (1995); and
- Any other matter prescribed for the purposes of this subsection.

The preparation and subsequent advertising of the Business Plan presents an opportunity for interested members of the public to make a submission to the Town in relation to the raising of the self supporting loan as the Town's contribution towards the development of the site or the construction of the housing accommodation model. The Business Plan is one step in the process for formally allowing public submissions to assist the Council in its deliberation of whether to proceed with the transaction or not. I encourage you to review this Business Plan and make comment on this important decision designed to position the Town of Port Hedland as a City of up to 50,000 people.

Mr. Paul Martin  
Chief Executive Officer

## 2. BACKGROUND INFORMATION

At the Ordinary Council Meeting of 14 July 2010 the Council considered a report to deliver sufficient housing for GP's required to provide medical services to the Town of Port Hedland.

Attracting, and more importantly retaining, quality GPs in Port Hedland and the wider Pilbara has always proved challenging. Accommodation shortages, affordability and housing choice are amongst some of the reasons it has proven hard to retain GPs. These issues are currently confronting Medical Service Providers for Port Hedland.

In response, The Town of Port Hedland through its partnership projects and with assistance from Royalties for Regions, has identified this particular need as one which requires an urgent solution. The project to address this need was supported by a Business Case which proposed a funding model whereby BHPB Iron Ore and the State Government through Royalties For Regions each contribute \$1.5 million in cash and the Town of Port Hedland contributes \$1.5 million via a self supporting loan (repaid from rental income) to fund the construction of housing on vacant crown land in Port Hedland. The provision for this self supporting loan has been reflected in the Town of Port Hedland 2010/11 budget.

A site assessment was undertaken on potential housing sites with a matrix assessment resolving that Lot 5551 Dempster Street best addressed the nominated criteria. The Project Steering Committee agreed with these findings and the site selection was put before Council on Wednesday 10<sup>th</sup> November 2010

The portion of Lot 5551 Dempster St Port Hedland recommended by officers to the Council to be developed is approximately 1.08ha of the total lot. This portion was selected by Council because although slightly more expensive to service, it is easier and cheaper to procure, provide maximum yield and can be ready for construction within the project timeline. It also offers opportunities for expansion past the initial project should this prove necessary into the future. A process needs to be undertaken to have the management order changed from "Parks and Recreation" to "Health Services Housing." This process has commenced by Council resolution.

At the Ordinary Council Meeting of 10 November 2010 the Council (Council Decision 201011/170) resolved:

1. Endorse the Dempster Street site as indicated in Attachment Three as preferred location for the provision of General Practitioners Housing throughout the Town of Port Hedland;
2. Endorse Option Three as outlined on the GP Housing Preliminary Cost Breakup attachment on page 148 as the preferred accommodation model for the provision of General Practitioners Housing to be progressed to the design, approvals and detailed costing stage to confirm the exact accommodation yield and report back to Council;
3. Request the Chief Executive Officer to develop a Business Plan in accordance with Section 3.59 of the Local Government Act to facilitate the development of the recommended site and the construction of the recommended accommodation model; and
4. Requests the Chief Executive Officer to consult with nearby residents and property owners about this proposal.

Further work is continuing in respect to parts 1 and 2 of the Council decision, and this Business Plan is the subject of Council's determination outlined in part 3. The development and advertising of this Business Plan, coupled with a letter drop to surrounding residents and landowners is to enact part 4.

This resulting Business Plan is designed to:

1. Outline details of the proposed development to enable the community to be informed and assess the benefits of the outcome to the community, justifying the raising of the self supporting loan of \$1.5 m as required by both the Local Government Act and the Council resolution.
2. Provide information as to how community can make informed submissions to aid the Council's final decision regarding this matter.
3. Demonstrate compliance with Section 3.59 of the Local Government Act 1995.

### 3. STATUTORY ENVIRONMENT

#### a. Local Government Act 1995

In accordance with Section 3.59(2) & section 3.59(3) of the Local Government Act 1995, before it enters into a major land transaction, or enters into a land transaction that is preparatory to entry into a major land transaction, or a major trading undertaking a local government is to prepare a business plan.

*(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- a. *its expected effect on the provision of facilities and services by the local government;*
- b. *its expected effect on other persons providing facilities and services in the district;*
- c. *its expected financial effect on the local government;*
- d. *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
- e. *the ability of the local government to manage the undertaking or the performance of the transaction; and*
- f. *any other matter prescribed for the purposes of this subsection.*

*[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

Section 5.56 of the Local Government Act requires that a local government is to plan for the future of the district. In accordance with this provision, the Town of Port Hedland has planned for the future through its Strategic Plan 2010-2015. This project will have no adverse effect on any plans prepared in accordance with section 5.56 of the Local Government Act 1995 and indeed is included in this Plan as an immediate strategy.

**GP Housing  
Business Plan****b. Town of Port Hedland Strategic Plan 2010-2015 Implications**

Council has identified the need to provide housing to attract and retain General Practitioners to support its growing community and to provide services and facilities required to become a regional city and as such included the following goal in its Strategic Plan 2010-2015:

Goal 4 - Healthy Community

*Immediate Strategies-Implement plans for the development of subsidized housing for General Practitioners within the Town*

**c. Advertising**

The Local Government Act 1995 requires the local government to -

- a. on at least 2 days, give State-wide public notice stating that -
  - i) the local government enter into a major land transaction described in the notice;
  - ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
  - iii) submissions about the proposed transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is first given; and
- b. make a copy of the business plan available for public inspection in accordance with the notice.

After the last day for submissions, the local government is to consider any submissions made and may decide (Absolute majority required) to proceed with the transaction as proposed or so that it is not significantly different from what was proposed.

Submissions on this business plan are to be forwarded by COB April 6 2011 to the Town of Port Hedland, PO Box 41, Port Hedland WA 6721

Further enquiries should be directed to the Chief Executive Officer on 9158 9300.

**d. Matters to be Included in a Business Plan**

The Local Government Act 1995 requires that a Business Plan is to include an overall assessment of the major land transaction or the major trading undertaking and is to include details of:

**a) its expected effect on the provision of facilities and services by the local government**

Lot 5551 in its current form and ownership have no impact upon the services and facilities offered by the Local Government. The development of the land will add a significant new (and primarily) undeveloped asset to the Town.

The proposal is to be developed as a staged project anticipated to be delivered in three phases. The proposal at the present time has a maximum yield of 23 lots with a central park and loop road. The first stage, and the only stage funded at this time will see the construction of between 5-8 executive style residences.

It should be noted that the proposal:

**GP Housing  
Business Plan**

- Is for a Grouped Housing development meaning that lots will not be individually titled and won't be available for commercial sale;
- Is only for the parcel of land shown in the attachment and will constitute 1.08ha;
- Ensures the parcel of land will remain in the control of The Town of Port Hedland but will be altered from its current vesting to reflect "Health Services Housing";
- Will provide pedestrian and green links to the foreshore and dunes;
- Will accommodate a mix of housing typologies and include landscaping;
- Will have vehicular access from Dempster Street via a newly created road; and
- Will be designed to consider adjacent dwellings including maintaining view corridors and amenity.

The proposal will follow the same development application process as a private development and will be subject to conditions. Housing designs have not yet been produced for the project, these are anticipated to be complete early in the New Year.

The resulting positive impact on the community through the provision of subsidised housing for General Practitioners will be to increase the number of long term residential GP's who will provide an enhanced service to current and future community members. The variety and quality of health services and support will increase and ensure parity in this regard for community members in the Town of Port Hedland with those of communities in the metropolitan area.

These important professionals and the families will add to the fabric of the wider community to ensure greater community capacity.

***b) its expected effect on other persons providing facilities and services in the district***

It is not expected that the development of this site and the resulting construction of the accommodation model will impact upon any other persons providing facilities and services in the district. As the residences will be at subsidized rental for General Practitioners who are currently housed in free industry residences, there will be no negative impact on the private rental market in this regard.

Lot 5551 is currently vested in the town of Port Hedland for "Parks and Recreation". The identified 1.08 hectare portion the subject of this Plan will need to have the management order changed from "Parks and Recreation" to "Health Services Housing". Indications from the relevant state agency is that the change will be supported based on the perceived benefit to the community of this project.

This proposal and management order is for a Grouped Housing development for General Practitioners, meaning that lots will not be individually titled and won't be available for commercial sale. This should ensure this project will have a neutral effect on real estate aspirations of the current and future community.

All current medical practices and their owners and managers have been closely consulted and involved in the development of this project and as such are highly supportive of the project and the benefits it will bring to both medical service providers and the community receiving the benefits of the service.

**GP Housing  
Business Plan****c) its expected financial effect on the local government**

The Council has resolved that its contribution to the funding model for this project will be a self supporting loan of \$1.5million. Local governments receive a particular interest rate and enter into loans with mandatory conditions of borrowing. Current costs of servicing a loan of \$1.5million at the current rate of interest available to the Town of Port Hedland would be \$11,870.00 per month.

Further work is being undertaken to determine the maximum accommodation yield on the preferred site through a Request for Proposal for a Design and Construct tender process. Once this information is known a firm financial model will be placed before Council for its determination.

As a guide for community comment on this aspect of the Business Plan, financial modelling used in the project to date indicates that for the loan to be self supporting the rental required on each residence to service the loan and cost of maintenance would be approximately \$486 per week.

The worst case scenario for the community would be that the housing once completed remains unable to be rented to GPs for this level of rent. Given the close communication with the owners/operators of current medical practices in Town, this circumstance seems unlikely. Strategies to mitigate this financial risk to the community are available to the Council such as renting the properties to other "health practitioners" such as dentists, physiotherapists etc in the unlikely event that the housing is not required by GPs.

Once adopted by the Council, the resulting financial model associated with the project will then be accommodated within the Town's proposed Ten Year Financial plan.

**d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56**

The Town of Port Hedland has developed a plan for the future in accordance with section 5.56 of the Local Government Act 1995. In its Strategic Plan 2010-2015 the Council has identified the need to provide housing to attract and retain General Practitioners to support its growing community and to provide services and facilities required to become a regional city and as such included the following goal ::

**Goal 4 - Healthy Community**

*Immediate Strategies-Implement plans for the development of subsidized housing for General Practitioners within the Town*

The Strategic Plan goals, immediate strategies and actions are translated into actions and projects on an annual basis, costed, prioritised and then are included in annual work plans supported by the annual budget. All these documents and all associated feasibility and project plans are on the public record and hence available for public information.

**e) the ability of the local government to manage the undertaking or the performance of the transaction**

Officers' of the Town of Port Hedland, supported by members of the Project Steering Committee has the ability to manage the undertaking and the performance of the transaction and the community consultation in relation to this Business Plan.

**f) Any other matter prescribed for the purpose of this subsection;**

**GP Housing  
Business Plan**

If a local government is required to prepare a Business Plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person the Business Plan is to include details of the whole undertaking or transaction, even though the town of Port Hedland is not the only joint venturer. The whole details of this project have been included in this Business Plan.

As this project will have other joint venturers' other than the Town of Port Hedland, the community is required to be informed that both BHPBilliton and the state government through allocation of "Royalties for Regions" funding are project partners.

Despite both allocating funds to the project, the resulting housing stock will be owned by the Town of Port Hedland on Crown land vested in the Town of Port Hedland. Details of this vesting and its implications are included elsewhere in this Plan.

#### **4. PUBLIC CONSULTATION PROCESS**

Section 3.59 of the Local Government Act 1995 requires that the local government advertise its intent to enter into any Major Land Transaction or any Major Trading Undertaking, and through statewide advertising, seek public submission upon this intent.

Submissions received during this public consultation phase are required to be considered by Council, at a further Council meeting, prior to any decision on this matter being made. Any person making a submission will also be advised as to when these submissions will be formally considered by Council.

**11.4 Governance and Administration**

## 11.4.1 Finance and Corporate Services

**11.4.1.1 *Request to Waive Legal Fees and Penalty Interest for Assessment A804513 (File Nos: )***

Officer Carmen Hanisch  
Senior Rates Officer

**Date of Report** 2 February 2011

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider the request to waive the legal fees of \$353.77 and late payment fee of \$39.77 on assessment A804513 Airport, Port Hedland.

**Background**

On the 12<sup>th</sup> July 2010, Chalkwest Pty Ltd notified the Town of Port Hedland of their change of postal address.

On advice from the Senior Rates Officer Dun & Bradstreet issued a warning notice to Chalkwest for outstanding rates on the 30<sup>th</sup> November 2010. The warning letter was mailed to the address that Council had recorded on file, this mail was not returned to Dun & Bradstreet as unclaimed mail. Upon nonpayment from the warning letters, the Senior Rates Officer then instructed Dun & Bradstreet to proceed with the General Procedure Claim. Dun & Bradstreet issued the claim on the 3<sup>rd</sup> December to an alternative address that they had sought through searches that they are able to conduct.

The General Procedure Claim was received by Chalkwest, who then made contact by phone on the 20<sup>th</sup> December 2010 to the Rates Department to advise that they were in receipt of the General Procedure Claim and had not received any Rate Notices prior to this. Upon investigation it was noted that the incorrect address was entered against the property.

On the 11<sup>th</sup> January 2011 Chalkwest Pty Ltd attended to payment in full as per the Final Notice issued from Dun & Bradstreet on the 3<sup>rd</sup> December 2010.

Chalkwest Pty Ltd are requesting that Council waive the legal fees and interest on their account on the basis that they did not receive any Rates Notices through an administration error of Council.

**Consultation** Nil



## **Statutory Implications**

Section 6.12 of the Local Government Act 1995 provides that Council may resolve to write-off any amount of money as debt, which is owed to the Local Government.

*6.12. Power to defer, grant discounts, waive or write off debts*

*(1) Subject to subsection (2) and any other written law, a local government may —*

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

*(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

*(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

*(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

## **Policy Implications**

2/004 Rating

## **Budget Implications**

All legal charges are paid directly to Dun & Bradstreet by the Town of Port Hedland and then on charged to the respective properties to recover costs. To write off the \$353.77 legal fees and \$39.77 penalty interest will result in a cash impact to Council and not to Chalkwest Pty Ltd.

## **Officer's Comment**

While it is normal practice for changes of address to be confirmed in writing it appears that there is no formal correspondence recorded for the change of address for Chalkwest Pty Ltd. The Rates Officer has recorded the change correctly in the memos section of the properties details but unfortunately has placed the incorrect address in the address section.

This error was identified until correspondence had been received from Chalkwest Pty Ltd on the 11<sup>th</sup> January 2011.

In this particular case the ratepayer's mail was not returned to Council so it was assumed that the Rates Notice was received. In the event that mail is returned to Council, officers try to determine the correct mailing address for the ratepayer by searching the white pages or contacting the Water Corporation.

As per Council Policy 2/004 Rating, outstanding rates that have not been paid within 69 days after issue of the original assessment, are then forwarded onto the Council debt collection agent. The debt collection agency, in this case Dun & Bradstreet then proceed to recover the debt on the Councils behalf by issuing a "General Procedure Claim".

Due to an administrative error by the Rates Department when entering the company's address, Chalkwest's mail has always been sent to the incorrect address and the company has never received their rates notices. It should be noted that the property was rated for the first time in the financial year 2010/11 so the company was unaware that rates needed to be paid.

Chalkwest made full payment of the outstanding rates on the 11<sup>th</sup> January as per correspondence from Dun & Bradstreet and have confirmed in writing details of their postal address for future correspondence.

### **Attachments**

Letter from Russell Chapman, Managing Director, 11 January 2011.

### **Officer's Recommendation**

That Council:

1. Approve the request to write-off the penalty interest of \$39.77 and the legal fees of \$353.77, a total of \$393.54.

or

2. Decline the request to write-off the penalty interest of \$39.77 and the legal fees of \$353.77, a total of \$393.54.

### **201011/259 Council Decision/Officer's Recommendation**

**Moved:** Cr S J Coates

**Seconded:** Cr D W Hooper

**That Council approve the request to write-off the penalty interest of \$39.77 and the legal fees of \$353.77, a total of \$393.54.**

*CARRIED 5/0*

## ATTACHMENT 1 TO AGENDA ITEM 11.4.1.1



Document #: ICR11827  
Date: 12.01.2011  
Officer: LEE CROMBIE + Rates - Jasmine  
File: 12/11/0002 24/03/0002



7<sup>TH</sup> January 2010

Mr Paul Martin  
Chief Executive Officer  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND

Dear Sir

We are in receipt of your final notice and related correspondence from Dunn and Bradstreet collection agents in relation to non-payment of rates for the sum of \$1146.77 plus collection costs.

We have been somewhat alarmed that our reputation has been damaged by having this debt pursued through a court procedure without us having any prior written or verbal notice or receipt of invoice from the council.

I am in good faith however, forwarding a cheque in payment of the rates, despite not having received an invoice from the council detailing the specific title detail or which lease property the amount relates to.

I would also point out that the recovery costs will need to be payable by the council which, through its own administration error, failed to send its invoice to us at our correct address. As a result, the only notification we received was that from the collection agency.

For your future reference our address is the same as it has been for many years being:

Chalkwest Pty Ltd  
PO Box 483  
BELMONT WA 6984

Would you please forward a formal invoice for the sum of \$1146.77 and include therein precise details of the land (C/T Vol etc) and how the amount has been calculated.

Yours sincerely

Russell B Chapman  
Managing Director

*11.4.1.2 Review of Audit Services Contract*

Officer Abby Carter  
Executive Assistant  
Corporate Services

**Date of Report** 9 February 2011

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to note that the contract with UHY Haines Norton (the Town's current auditors) will expire upon their completion of the 2009/10 Annual Financial Statements, and to consider options for future engagements.

**Background**

Council's audit contract with UHY Haines Norton will conclude after receiving the Audit Report for the 2009/10 Annual Financial Statements. Council will then be working with UHY on a pay for service basis given their WALGA Preferred Supplier status until a new contract is entered into.

Quotations were requested from both UHY Haines Norton and WHK Howarths who both hold WALGA Preferred Supplier status. Unfortunately WHK Howarths were unable to submit a quotation in writing before 20 February 2011.

From a purely price perspective the UHY quotation received disclosed the following costs (GST exclusive) for the Town of Port Hedland for the next 3 years:

<b>Year</b>	<b>UHY Haines Norton</b>
2011/2012	\$24,000
2012/2013	\$25,000
2013/2014	\$26,000
<b>Total</b>	<b>\$75,000</b>

In comparison to the quotation from the previous three years:

<b>Year</b>	<b>UHY Haines Norton</b>
2007/08	\$18,500
2008/09	\$19,000
2009/10	\$20,500
<b>Total</b>	<b>\$58,000</b>

This is an increase of \$17,000 over the three year period and does not include costs associated with travel and accommodation, or acquittals, which are charged on an hourly rate.

### Consultation

UHY Haines Norton  
ToPH Chief Executive Officer

### Statutory Implications

Local Government Act 1995

#### *3. Appointment of auditors*

*(1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint\* a person, on the recommendation of the audit committee, to be its auditor.*

*\* Absolute majority required.*

*(2) The local government may appoint one or more persons as its auditor.*

*(3) The local government's auditor is to be a person who is <sup>3</sup>/<sub>4</sub>*  
*(a) a registered company auditor; or*  
*(b) an approved auditor.*

#### *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.*

*\* Absolute majority required.*

### Strategic Planning Implications

Nil

### Budget Implications

Should the Council award the audit contract to UHY Haines Norton, Council will need to commit the following budgets over the next 3 years.

<b>Year</b>	<b>Minimum Budget</b>
2011/2012	\$24,000
2012/2013	\$25,000
2013/2014	\$26,000
<b>Total</b>	<b>\$75,000</b>

This is an increase of \$17,000 over the three year period and does not include costs associated with travel and accommodation, or acquittals, which are charged on an hourly rate.

If the Committee agrees with the Officer's Recommendation to go through a complete tender process, it is uncertain as to what the budget impact will be, and will be considered in due course upon review of the tender proposals.

### **Officer's Comment**

The statutory function of the Audit and Finance Committee is to recommend the appointment of an Auditor to Council. Given that there is no contract for 2010/11 and effectively only 3 months remaining in the current financial year, it is imperative that the Audit and Finance Committee recommend to Council that it appoint an auditor (or auditors), in order to commence the interim audit process in April/May 2011.

While Council has previously used UHY Haines Norton and there are advantages with retaining their services due to UHY Haines Norton not requiring to spend time exploring past financial history or financial management practices and processes, it is believed that the Town should go through a tender process to secure future services.

The tender would encompass not only the standard audit features, but also include probity advice, probity auditors and the development of a 10 Year Financial Plan. This has been recognised as an area that the Town needs to focus on given the Departments new Integrated Strategic Planning and Reporting model that needs to be developed by 2012.

It is intended that the 10 Year Financial Plan would be established as a "live" model whereby it would be passed over to the Town upon completion, but then reviewed by the audit company on a regular basis to take into account current trends in line with the Growth Plan – which is envisaged to form many of the assumptions required for the Financial Plan. The successful tenderer would be required to work in conjunction with RPS (the lead consultants for the Growth Plan) in order to factor in the assumptions required for the model.

Another area recognised as a shortcoming is the lack of information about financial (operational) requirements prior to the construction of new facilities. It is believed that the same company could provide advice or a separate model for when these construction projects are in their feasibility and/or design and construction stages.

It is the Officer's opinion that by going through a tender process, the Town could then ensure a wider range of services be provided and better value for money than if the Town were only to go through the preferred supplier option.

The Audit and Finance Committee considered this item on 16 February 2011 and made the following recommendation:

*“That Council accept the Audit and Finance Committee recommendation to Council that the Town enter into a tender process for the appointment of auditors for the next three (3) years and that the tender incorporates the usual audit and probity functions along with the development of a 10 Year Financial Plan, and operational (financial) plans or advice on a fee for service basis”.*

**Attachments**

Nil

**201011/260 Council Decision/Officer’s Recommendation**

**Moved:** Cr D W Hooper

**Seconded:** Cr J M Gillingham

**That Council accept the Audit and Finance Committee recommendation to Council that the Town enter into a tender process for the appointment of auditors for the next three (3) years and that the tender incorporates the usual audit and probity functions along with the development of a 10 Year Financial Plan, and operational (financial) plans or advice on a fee for service basis.**

*CARRIED 5/0*

### *11.4.1.3 Five Year Forward Capital Works Plan*

Officer Natalie Octoman  
Director Corporate Services

**Date of Report** 1 February 2011

**Disclosure of Interest by Officer** Nil

#### **Summary**

For Council to accept the Five Year Forward Capital Works Plan that has been prepared in conjunction with KPMG as part of the State Government's initiative to reform Western Australia's Local Government sector.

#### **Background**

The Western Australian Government's Royalties for Regions (RFR) is a commitment to put more back into the State's regions. RFR distributes benefits to regional communities through three supporting funds:

- Country Local Government Fund
- Regional Community Services Fund
- Regional Infrastructure and Headworks Fund (including the Regional Grants Scheme).

This report will address the key requirements of the Country Local Government Fund only.

The primary objective of the Country Local Government Fund (CLGF) is to address infrastructure backlogs across the country local government sector by providing additional money for the purposes of infrastructure provision and renewal.

The Country Local Government Fund allocations from 2009/10 are to assist with the costs of preparing a forward capital works plan, support capacity building; and improve the financial sustainability of country local governments in Western Australia through improved strategic and asset management planning.

#### **Consultation**

Consultation has occurred with the following parties:

- Staff across the Town of Port Hedland
- KPMG Officers

**Statutory Implications** Nil



**Strategic Planning Implications**

The Strategic Plan 2010-2105 outlines key result areas, goals, immediate priorities and other actions required to achieve the vision of Council. Ensuring that Council has adequate infrastructure is a key requirement to ensure that each of these can be achieved.

**Budget Implications**

The Department of Regional Development and Lands has indicated to all country local governments that no further Royalties for Regions funding would be provided without having an endorsed Five Year Forward Capital Works Plan. This could have significant impacts on the financial viability for construction of future projects if the Five Year Forward Capital Works Plan is not endorsed.

**Officer's Comment**

The Department of Regional Development and Lands initially identified \$35,000 for each country local government to access expertise to develop a forward capital works plan that is consistent with strategic plans and asset management plans.

This has been coordinated by the Pilbara Regional Council (PRC) whereby a regional contract was established between the PRC and KPMG to provide advisory services that would assist with a range of reform projects for the PRC, the Town of Port Hedland, the Shire of Ashburton, the Shire of Roebourne and the Shire of East Pilbara. This was agreed to be a sound strategy in conjunction the Department who provided an extended timeframe for this to be undertaken with the results due on the 12<sup>th</sup> of February 2011.

KPMG has consulted with many staff at the Town of Port Hedland to ensure that the Five Year Forward Capital Works Plan prepared for the Department was developed with the best information available, recognising that outside of the current five year programs approved by Council for some items such as kerbing and road construction, the Town does not currently have a 10 Year Financial Plan or an Asset Management Plan. This has resulted in the information being rather difficult to obtain and cashflow in some cases, and although a 10 Year Financial Plan will be prepared in the near future, officers are very mindful that the Growth Plan currently being undertaken will significantly influence the assumptions and financials that will be developed.

Within the Five Year Forward Capital Works Plan developed by KPMG there are several key areas. In order to provide further clarification around the areas, they have been explained below.

### *Section 2 - Five Year Forward Capital Works Plan*

There is a large reduction in expenditure allocated for future years. This is due to the plan incorporating only the infrastructure items and five year plans that Council have endorsed as part of the 2010/11 Budget Process. It does not incorporate any items from Hedland's Future Today document, nor other projects that are still in the feasibility stage.

#### *Section 2.1 – Five Year Forward Capital Works Plan – Potential Projects*

This area identifies the infrastructure items that have been incorporated into the Hedland's Future Today document where it is anticipated that the funding will flow through the Town of Port Hedland with the ToPH leading their construction. The details of these projects are then incorporated into section 5. The purpose of identifying them in this section also was to outline to the department that there has been some level of planning across the Town, so that when you review the financial table there appears to be a plan in place and there isn't such a significant reduction in expenditure.

SUMMARY TABLE

	2010-11	2011-12	2012-13	2013-14	2014-15	TOTAL
Total Capital Works Currently Approved by Council	77,117,438	4,478,092	4,070,433	3,275,128	3,080,415	92,021,506
Total Hedland's Future Today Projects	-	15,350,000	32,150,000	9,000,000	17,650,000	74,150,000
<b>TOTAL</b>	<b>77,117,438</b>	<b>19,828,092</b>	<b>36,220,433</b>	<b>12,275,128</b>	<b>20,730,415</b>	<b>166,171,506</b>

### *Section 3 – 2010-11 Forward Capital Works Plan*

This purely outlines the current year's infrastructure program. It uses the Original Budget, of which there have now been variations approved by Council as part of the first quarter budget review, and it has outlined the funding sources for each project. Where funding was provided in prior years from various sources, this has been included in the Unclassified column.

### *Section 4 – 2010-15 Forward Capital Works Plan*

This outlines the capital works plans that were approved by Council during the 2010/11 Budget Process. It does not include any items in the Hedland's Future Today document.

*Section 5 – Future potential projects without fully developed project plans*

Incorporates only the Hedland's Future Today Projects that will be the responsibility of the Town of Port Hedland to deliver, irrespective of who is funding them.

*Section 6 – Future priority projects without fully developed project plans or allocated funding*

This area outlines the Top 10 Strategic Priorities for the Town of Port Hedland. These are the items that align with the Strategic Plan and therefore the vision of Council. While some of these projects are not solely for the Town to deliver, it was thought to be beneficial to include them as an outline of the partnerships that are being entered into in order for the Town to achieve its vision.

The Audit and Finance Committee met on 16 February 2011 and recommended that Council:

*“a. Accept the Audit and Finance Committee recommendation that Council adopt the attached Five Year Forward Capital Works Plan;*

*b. Note that the Forward Capital Works Plan is a “live document” and is subject to ongoing review through the Town’s Annual Budget Process and in conjunction with any review of the Town’s Strategic Plan, This will also be workshopped with a revised plan prior to 30 June 2011.*

*c. Recommends to Council that it forwards the Five Year Forward Capital Works Plan to the Department of Regional Development and Lands after incorporating the Town of Port Hedland’s approved branding.”*

**Attachments**

Town of Port Hedland Capital Works Plan for the financial year ended 30 June 2011 to 2015 – Attached separately

**Officer’s Recommendation**

That Council:

- a. Accept the Audit and Finance Committee recommendation that Council adopt the attached Five Year Forward Capital Works Plan;

- b. Note that the Forward Capital Works Plan is a “live document” and is subject to ongoing review through the Town’s Annual Budget Process and in conjunction with any review of the Town’s Strategic Plan, Workshop Plan with revised plan to 30 June 2011;
- c. Recommends to Council that it forwards the Five Year Forward Capital Works Plan to the Department of Regional Development and Lands after incorporating the Town of Port Hedland’s approved branding.

### **201011/261 Council Decision**

**Moved:** Cr S J Coates

**Seconded:** Cr D W Hooper

#### **That Council:**

- a. **Accept the Audit and Finance Committee recommendation that Council adopt the attached Five Year Forward Capital Works Plan;**
- b. **Note that the preliminary Forward Capital Works Plan is a “live document” and is subject to ongoing review through the Town’s Annual Budget Process and in conjunction with any review of the Town’s Strategic Plan, Workshop Plan with revised plan to 30 June 2011;**
- c. **Recommends to Council that it forwards the preliminary Five Year Forward Capital Works Plan to the Department of Regional Development and Lands after incorporating the Town of Port Hedland’s approved branding.**

*REASON: Council believes the word ‘preliminary’ had to be inserted as the finance committee chairman suggested there is still a lot of work to do on the plan and a better definition of where the works are currently at is required.*

*CARRIED 5/0*

#### 11.4.1.4 *Second Quarter Budget Review (File No.: - )*

Officer Lee Crombie  
Acting Manager Financial  
Services

**Date of Report** 11 February 2011

**Disclosure of Interest by Officer** Nil

#### **Summary**

For Council to review the results of the second quarter budget review for the 2010/11 financial year and to approve the adjustments outlined in the attachments as recommended by the Audit and Finance Committee.

#### **Background**

In every organisation there are many factors, both internal and external that can have an effect on program expenditure anticipated throughout the year, after the original budget is adopted. Part of ensuring that an organisation has effective financial management practices in place is for regular budget reviews to occur, and reports to be provided to Council on any modifications that may be required.

While management are required to monitor their particular programs frequently in order to ensure their departmental targets are being achieved, it is also important that senior management regularly review the income and expenditure in order to assess the achievement of the overall financial targets of Council.

The second budget review has been conducted with the actual data being used as at the end of December 2010. The review is an extremely detailed review, highlighting known adjustments to the budget, including a critical review of significant projects for 2010-11 and the Town's capacity to complete them by 30 June 2011. In some instances, savings generated from this process have been reallocated to areas of additional expenditure needed to complete projects.

#### *Budget Shortfall Discussion*

During the second quarter budget review an approximate \$0.767 million shortfall was identified mainly as a result of an initial budget assumption in relation to interest earned on funds that were meant to be received by the Town in July 2010, that are now not going to be received until progress payments for the project are due to be made.

In order to ensure a balanced budget, Executive met to discuss alternatives as to how this may be achieved. As a result, adjustments have been made to the following items that have ensured a balanced budget for the second budget review:

- \$0.164 million – sourced from the Waste Reserve given the additional resources required to ensure that the asbestos from the Hospital demolition works can be treated appropriately;
- \$0.120 million – impact of the Council approval for the Turf Club costs have been sourced from the Community Facilities Reserve;
- \$0.100 million – additional revenue from Pilbara Cities for planning resources
- \$0.100 million – the costs associated with the relocation of the sporting groups from the Kevin Scott Oval due to the Multi Purpose Recreation Centre Upgrade have been sourced from the project funds instead of a separate allocation;
- \$0.100 million – Foreshore Parks Planning – has been delayed until 2011/12 given the late timing of the appointment of the Director to undertake the Murrupikarinya Park planning;
- \$0.078 million – funds from the Spoilbank Reserve used to fund the feasibility work that has been undertaken;
- \$0.054 million – costs associated with the management plan for the Multi Purpose Recreation Centre have been sourced from the project funds instead of a separate allocation;
- \$0.026 million – reduction in costs associated with Parks Upgrades;
- \$0.025 million due to the Child Care Review being undertaken in-house and external consultants not being required.

### **Consultation**

The Budget review was prepared by the Executive team, after meeting with each Manager, where all revenue and expenditure accounts within that Manager's responsibility was reviewed in detail.

### **Statutory Implications**

Local Government Act 1995 states (in part):

*“(c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*(1a) In subsection (1) -*

*-additional purpose~ means a purpose for which no expenditure estimate is included in the local government's annual budget.*

*(2) Where expenditure has been incurred by a local government -*

*(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

*(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.”*

**Strategic Planning Implications** Nil

### Budget Implications

The proposed budget amendments ensure that the Council's budget remains balanced for the 2010/11 financial year.

### Officer's Comment

While the outcome of the 2009/10 financial year is in its final stages, it is anticipated that the overall surplus will be slightly higher than initially anticipated by approximately \$0.290 million. Including this increase, there was an initial deficit after the review that has been sourced through either additional revenue sources, or utilizing reserve or project funding where appropriate.

A summary on the effect on the cash surplus with the above options recommended by Executive included is list below:

	<b>Original Budget</b>	<b>Amended Budget</b>	<b>Total Adjustments</b>	<b>Proposed New Amended Budget</b>
Operating Expenditure	36,035,746	37,959,09	394,823	38,353,920
Operating Revenue	(82,499,700)	(86,661,047)	(4,269,434)	(90,930,481)
Non Operating Expenditure	96,949,942	121,647,390	4,564,514	126,211,904
Non Operating Revenue	(41,865,913)	(62,562,374)	(399,744)	(62,962,118)
<i>Sub-Total</i>	<i>8,620,077</i>	<i>10,383,066</i>	<i>290,159</i>	<i>10,673,225</i>
Add Back Non Cash items	(4,535,573)	(4,458,754)	0	(4,458,754)
CFWD Projects from 2009-10	(4,084,504)			
Surplus BFWD from 2009-10		(5,924,312)	(290,159)	(6,214,471)
<b>Cash (Surplus) / Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

MOVEMENT SUMMARY					
	Adjustments	Council Decisions	Accounting Adjustments	Carryover into 2011-12	Total
Operating Exp	423,120	71,701	1	(100,000)	394,823
Operating Revenue	(3,669,434)	0	(600,000)	0	(399,744)
Non Operating Exp	3,828,532	135,983	599,999	0	4,564,514
Non Operating Revenue	(279,744)	(120,000)	0	0	(399,744)
<b>Total</b>	<b>302,474</b>	<b>87,685</b>	<b>0</b>	<b>(100,000)</b>	<b>290,159</b>

A detailed listing of proposed budget amendments are attached.

As all budget allocations require an absolute majority decision, the Committee has the power to only recommend budget amendments to Council.

The Audit & Finance Committee met on 16 February 2011 and made the following recommendation that Council:

*“That Council:*

- a) *Notes that the initial shortfall has been recouped through various funding strategies implemented by the Executive team;*
- b) *Accepts the Finance and Audit Committee recommendation for Council to amend the 2010/11 Budget as per the attached list, resulting in a balanced budget; and*
- c) *Accepts the Finance and Audit Committee recommendation for Council to approve the \$100,000 for Foreshore Parks Planning as carryover funds committed for the 2011/12 financial year therefore reducing any discretionary funding that may be available”.*

#### **Attachments**

1. Summary of Schedule 2.
2. Detailed budget amendments in Schedule 2 order.
3. Detailed budget amendments in the order of Operating Expenditure, Non Operating Expenditure, Operating Revenue and Non Operating Revenue.



**201011/262 Council Decision/Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr D W Hooper**That Council:**

- i) **Notes that the initial shortfall has been recouped through various funding strategies implemented by the Executive team;**
- ii) **Accepts the Finance and Audit Committee recommendation for Council to amend the 2010/11 Budget as per the attached list, resulting in a balanced budget; and**
- iii) **Accepts the Finance and Audit Committee recommendation for Council to approve the \$100,000 for Foreshore Parks Planning as carryover funds committed for the 2011/12 financial year therefore reducing any discretionary funding that may be available.**

*CARRIED 5/0*

*11.4.1.5 Interim Financial Reports to Council for Period Ended 31 January 2011 (File Nos: FIN-008, FIN-014 and RAT-009)*

Officer	Greg de Kwant Finance Officer
<b>Date of Report</b>	31 January 2011
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

The objective of this item is to present a summary of the interim financial activities of the Town to 31 January 2011, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2009/10. The reports are considered to be interim as the Finance Department is still in the process of finalising the 2009-10 Financial year that may affect the actual results indicated for July 2010 through to the current financial report.

**Background**

*1. Interim Financial Statements*

Presented (see attachments) in this report for the financial period ended 31 January 2011, are the:

- Statements of Interim Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Interim Financial Activity for the period ending 31 January 2011;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, BankWest, Commonwealth Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

*2. Utility and Fuel Costs*

Presented in graph form (see attached), is the 2010/11 monthly water, power and fuel costs compared with 2009/10.

*3. Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 23 February 2011 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costs.

Voucher No's		Value \$	Pages		Fund No.	Fund Name	Description
From	To		From	To			
CHQ20238	CHQ20263		1	5	1	Municipal Fund	
CHQ20264	CHQ20264		5	5	1	Municipal Fund	Cheque cancelled
CHQ20265	CHQ20284		5	7	1	Municipal Fund	
CHQ20285	CHQ20287		-	-	1	Municipal Fund	Cheque cancelled
CHQ20288	CHQ20306		7	9	1	Municipal Fund	
CHQ20307	CHQ20307		-	-		Municipal Fund	Cheque cancelled
CHQ20308	CHQ20311	\$176,441.33	9	9		Municipal Fund	
EFT32480	EFT33207	\$3,969,994.51	10	72	1	Municipal Fund	
CMS070111	CMS070111	\$192.39	72	72	1	Municipal Fund	Photocopier Lease – Engineering Dept
PAY110111	PAY110111	\$310,225.50	72	72	1	Municipal Fund	
PAY250111	PAY250111	\$321,536.59	72	72	1	Municipal Fund	
NMF040111	NMF040111	\$1,244.32	72	72	1	Municipal Fund	Photocopier Lease x2 – Regulatory Services
NMF040111	NMF040111	\$569.14	72	72	1	Municipal Fund	Photocopier Lease – South Hedland Library & JD Hardie
NMF061110	NMF061110	\$284.57	72	72	1	Municipal Fund	Photocopier Lease – Community Development (Airport)
WOW161210	WOW161210	\$873.53	72	72	1	Municipal Fund	Woolworths Direct Debit
	Municipal Total	\$4,781,472.88					
3002030	3002039	\$6,076.00	72	74	3	Trust Fund	
	Trust Total	\$6,076.00					
	Sub-Total	\$4,787,548.88					
LESS: one-off pays		-					
	Total	\$4,787,548.88					

**Consultation**

Nil

**Statutory Implications***Financial Statements*

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

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) budget estimates to the end of the month to which the statement relates;*
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing:*
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown:*
  - (a) according to nature and type classification;*
  - (b) by program; or*
  - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
  - (a) presented to the council:*
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
  - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in*

*statements of financial activity for reporting material variances.*

*In this regulation:*

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

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

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

*“(1) Subject to subsection (2) and any other written law, a local government may –*

*(a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*

*(b) waive or grant concessions in relation to any amount of money; or*

*(c) write off any amount of money, which is owed to the local government.*

*(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

## Policy Implications

### 2/003 Financial Statements – Copies for Councilors

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

- Monthly
  - Bank Reconciliation of the Municipal, Reserve and Trust Fund
  - +90 day outstanding Sundry Debtors Report
  - List of Accounts paid under Delegated Authority
  - Register of Investments
  - Rate Summary Trial Balance
  - Reserve Account Balances
- Quarterly
  - Quarterly Budget Review
  - Report on all Budgeted Grants of \$50,000 or more.

Irregular Financial reports will be presented to Council on request.

## Strategic Planning Implications

Key Results Area 5 Environment

Goal 2 Natural Resources

Strategy 1. Continue to monitor and report on the level of Council's energy, fuel and water use.

## **Budget Implications**

At the Special Meeting held on 7 July 2010, Council resolved to adopt item 6.1.1.1 '2010/2011 Budget Adoption' en block, which included Recommendation 13 as follows:

### *"Recommendation 13*

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

- 1. 10% of the Function amended budget; or*
- 2. \$100,000 of the Function amended budget*  
*whichever is the lesser, for the following categories of revenue and expenditure:*
  - a. Operating Revenue*
  - b. Operating Expenditure*
  - c. Non-Operating Revenue*
  - d. Non-Operating Expenditure"*

## **Officer's Comment**

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

### *Period Variation*

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

### *Primary Reason*

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

### *Budget Impact*

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

## **Attachments**

- Page 2–4. Schedule 2 being a Statement of Interim Financial Activity
- Pages 5 to 16. Notes 3 to 11 which form part of the Statements of Interim Financial Activity. Also Note 10 – January 2011 Bank Reconciliations.
- Pages 17 to 70. Detailed Interim Financial Activity by Program.

- Pages 71 to 72. Comparison Between 2010/11:2009/10 Utility & Fuel Costs
- January 2011 Accounts for Payment

**201011/263 Council Decision/Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr D W Hooper**That Council note the:**

- i)
  - a) **Statements of Interim Financial Activity (represented by Schedules 3 to 14);**
  - b) **Notes (1 to 11) to and forming part of the Statements of Interim Financial Activity for the period ending 31 January 2011; and**
  - c) **Review of Transaction Activity, as attached and/or presented be received;**
- ii) **graphic representation of the Town's energy, water and fuel use as attached be received; and**
- iii) **list of Accounts paid during January 2011 under Delegated Authority, as presented and/or attached be received.**

*CARRIED 5/0*

## 11.4.2 Governance

*11.4.2.1 Ordinary Council Meeting – Change of Meeting Date for March 2011 (File No.: ...)*

Officer Josephine Bianchi  
Administration Officer  
Governance

Date of Report 18 February 2011

**Disclosure of Interest by Officer** Nil

**Summary**

Report seeks Council's consideration to change the meeting date for the Ordinary Council Meeting from 23 March 2011 to 30 March 2011.

**Background**

The Local Government (Administration) Regulations require that at least once each year "...a local government is to give local public notice of the dates on which and the time and place at which the ordinary meetings and committee meetings are to be held in the next 12 months".

At its Ordinary Meeting held on 28 April 2010, Council determined the Ordinary Council meeting dates up to 22 June 2011.

However, it has been noted that the Ordinary Council Meeting scheduled for the 23 March 2011 conflicts with the Kimberley Pilbara Joint Forum meeting date. It is therefore proposed to change the date of the Ordinary Council Meeting from 23 March 2011 to 30 March 2011.

**Consultation** Nil

**Statutory Implications**

Division 2 of Section 5 of the Local Government Act (1995) specifically relates to the establishment and operations of committees of Council.

The requirements of Committee Meetings are largely the same as those that apply to formal Council meetings. Council is required to determine at least once each year the Airport Committee meeting program, and this is to be set and advertised in the local newspaper.

Local Government (Administration) Regulations 1996



*“12. Public notice of council or committee meetings (s. 5.25(g))*

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) the ordinary council meetings; and*
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).”*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### **Budget Implications**

Budget allocation for advertising Council Meetings is included in Administration General Expenses, General Ledger Account Number 404287 ‘Advertising and Promotions’.

### **Officer’s Comment**

It is proposed to change the date of the Ordinary Council Meeting 23 March 2011 to 30 March 2011 so there is no conflict with the Kimberley Pilbara Joint Forum meeting date.

**Attachments** Nil

### **Officer’s Recommendation**

**That the Ordinary Council Meeting to be held at 5:30 pm in Council Chambers on Wednesday 23 March 2011 be rescheduled to:**

**- Wednesday 30 March 2011**

**and be advertised accordingly.**

*CARRIED 5/0*

*11.4.2.2 Appointment of Community Members to Town of Port Hedland Spoilbank Marina Stakeholder Committee and Setting of Meeting Dates (File No.: 18/17/0001)*

Officer Paul Martin  
Chief Executive Officer

**Date of Report** 18 February 2011

**Disclosure of Interest by Officer** Nil

**Summary**

Report seeks Council's appointment of two (2) community representatives to formalise the establishment of its Spoilbank Marina Stakeholder Committee and to set the meeting dates from March 2011 through to March 2012.

**Background**

At its Ordinary Council Meeting held on 8 December 2010, Council resolved the establishment of its Spoilbank Marina Stakeholder Committee in accordance with Section 5 of the Local Government Act 1995, following the appointment of two (2) community representatives as follows:

*"That Council:*

*... iv) establishes the Spoilbank Marina Stakeholder Committee in accordance with Section 5.8 of the Local Government Act (1995):*

*Purpose/Aim*

- 1. to provide advice to LandCorp on the development of the Spoilbank Marina project;*
- 2. to provide a means of engagement with key stakeholders about the project;*
- 3. investigate and make recommendations on management structures and operations of the Spoilbank Marina.*

*Membership:*

*The membership of the committee be as follows:*

*Mayor Kelly A Howlett;  
Councillor Stan R Martin;  
Councillor Arnold A Carter;  
Councillor Jan M Gillingham  
Councillor Michael A (Bill) Dziombak*

*A representative to be nominated from the following organisations:*

*Port Hedland Port Authority  
Port Hedland Yacht Club  
Port Hedland Returned Services League  
2 x Community Members*

*Quorum:*

*The quorum for the Committee be a minimum of 50% of its membership.*

*Delegation:*

*Nil but can be reviewed.*

*Tenure: Ongoing.*

*Responsible Officer: Chief Executive Officer"*

### **Consultation**

Expressions of Interest were called through the Public Notices section (classifieds) of:

- the North West Telegraph circulated on Wednesday(s) 26 January 2011; and

Applications were requested to include a brief CV and a letter stating why the applicant wants to be on the Committee. Applications closed on Monday 14 February 2011.

### **Statutory Implications**

Division 2 of Section 5 of the Local Government Act (1995) specifically relates to the establishment and operations of committees of Council. In summary the legislation:

- Requires committees to have at least three members if they are established.
- Outlines the prescribed method of appointment of committee members
- Details the tenure of committee representatives.
- Details quorum requirements of committees.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Council's current Strategic Plan includes the following statements that are relevant to this matter:

Goal 1 – Tourism

That Tourism is a significant industry within the Town.

### Immediate Priorities

2. Progress the development of the Spoilbank Marina Precinct.

### Budget Implications

Budget allocation for advertising Council Meetings is included in Administration General Expenses, General Ledger Account Number 401275 'Public Relations'.

### Officer's Comment

Three (3) applications were received for the two (2) vacant positions from the following members of the public:

- Steve Burns
- Shelley Wood
- Andrew Mitchell

A summary the applicant's reason for interest in being a member is provided below:

Applicant:	Summary of Reason to be a Community Representative on Council's Spoilbank Marina Stakeholder Committee:
Steve Burns	Very active in the community. Caretaker at the Port Hedland Yacht Club. Trained and assessed over 300 people in Hedland for Recreational Skippers Tickets. Comes from a strategic background and is a good thinker, planner, researcher and marketing consultant. Excellent facilitator.
Shelley Wood	Background knowledge of the marina project from liaising with MP Rogers Engineers and Landcorp when Bloomoons proposed that a Floating Hotel be berthed in the new marina. Passionate and committed in endeavour to see the town grow and reach its full potential and would like the opportunity to contribute to this Marina Project Development.
Andrew Mitchell	Boat owner and member of 5 yacht clubs, including Fremantle Sailing Club, where he owns an 18m Pen. Business owner in Port Hedland, part of which constructs boat ramps, jetties, sea walls and marinas. Currently working on the following projects: Johns Creek Boat ramp and marina works – Pt Samson, Finucane Island Boat launching facility, Carnarvon East Fascine Boat Launching Facility – Currently under construction. In preliminary talks with the

	Department of Transport in respect to major marine facilities coming up in Broome.
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Full applications and CVs (providing personal details) have been distributed to elected members under separate cover.

Council is required to appoint two (2) community representatives to enable the formal establishment of members of the Airport Committing in accordance with the provision of Section 5.8 of the Local Government Act 1995. However Council could consider to appoint 3 community representatives to the committee should it deem it appropriate.

It is also recommended that the Town of Port Hedland Spoilbank Marina Stakeholder Committee take place on a monthly basis, in Council Chambers, starting in March 2011 and be advertised accordingly.

**Attachments**

Nil

**201011/265 Council Decision/Officer's Recommendation**

**Moved:** Cr G J Daccache

**Seconded:** Cr D W Hooper

**That Council:**

1. **appoints the following community representatives to the newly established Town of Port Hedland Spoilbank Marina Stakeholder Committee in accordance with Section 5.8 of the Local Government Act:**
  - a) **Steve Burns; and**
  - b) **Shelley Wood; and**
  - c) **Andrew Mitchell**
  
2. **approves and advertises the following dates, for the Town of Port Hedland Spoilbank Marina Stakeholder Committee meetings to start at 5:30pm in Council Chambers:**

**15 March 2011  
19 April 2011  
17 May 2011  
21 June 2011  
19 July 2011**

**16 August 2011**  
**20 September 2011**  
**18 October 2011**  
**15 November 2011**  
**20 December 2011**  
**17 January 2012**  
**21 February 2012**  
**20 March 2012**

*CARRIED 4/1*

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

*12.1 Awarding of the various Sub-consultants tenders associated with the preparation of the Port Hedland City Growth Plan, Tender 11/01 – Indigenous Heritage Consultant, 11/02 – Landscape Architectural Consultant, 11/03 – Property Consultant, 11/04 – Stakeholder & Community Engagement Consultant, 11/05 – Sustainability Consultant, 11/06 – Traffic & Transport, 11/07 – Civil Engineering Consultant, 11/08 – Economic Development Consultant and 11/09 – Environmental Consultant (File No.: 18/16/0001; 18/16/0002; 18/16/0003; 18/16/0004; 18/16/0005; 18/16/0006; 18/16/0007; 18/16/0008; 18/16/0009)*

Officer Leonard Long  
Manager Planning Services

**Date of Report** 16 February 2011

Disclosure of Interest by Officer Nil

**Summary**

The report before Council is to award the various sub-consultant tenders associated with the preparation of the Port Hedland City Growth Plan.

**Background**

In order to realise the vision of Council and Pilbara Cities to transform the Town into a City with a population of 40 000 to 50 000, it is necessary to prepare a City Growth Plan and an Implementation Plan.

In November 2010, the Town awarded RPS the tender for the Lead Consultant (LC) who will be responsible for the preparation of the Growth Plan and the Implementation Plan.

As part of the first phase of the LC brief, it was required that tender briefs are prepared for the various consulting disciplines required to prepare a City Growth Plan. In order to prepare a City Growth Plan of this magnitude it is considered the following disciplines are required as part of the overall team.

*Indigenous & Heritage Consultant – Tender 11/01*

A total of two (2) submissions have been received:

- RPS
- Aecom

*Landscape Architectural Consultant – Tender 11/02*

A total of six (6) submissions have been received:

- Blackwell & Associates
- Ecoscape
- Cardno Splat
- Urban Initiatives
- RPS
- Aecom

*Property Consultant – Tender 11/03*

A total of three (3) submissions have been received:

- State Property Advisory
- Marco Plan Australia
- AEC Group

*Stakeholder & Community Engagement Consultant – Tender 11/04*

A total of three (3) submissions have been received:

- CCS Strategic
- GHD
- Creating Communities

*Sustainability Consultant – Tender 11/05*

A total of nine (9) submissions have been received:

- Parsons Brinkerhoff
- GHD
- ENV Australia
- VDM
- Creating Communities
- 360 Environmental
- Kinesis
- Aecom
- URS

*Traffic & Transport Consultant – Tender 11/06*

A total of six (6) tender submissions have been received:



- CPG
- OPUS International Consultants
- Cardno Epell Olsen
- Parsons Brinkerhoff
- URS
- Aecom

*Civil Engineering Consultant – Tender 11/07*

A total of six (6) submissions have been received:

- Wood & Grieve Engineers
- Parsons Brinkerhoff
- ARUP
- GHD
- Aecom
- URS

*Economic Development Consultant – Tender 11/08*

A total of four (4) submissions have been received:

- SGS
- AEC Group
- AECOM
- Macroplan

*Environmental Consultant – Tender 11/09*

A total of eight (8) tenders have been received:

- Ecoscape
- Range to Reef Environmental
- Site Environmental & Remediation Services Pty Ltd
- GHD
- ENV
- Natural Area Consulting
- 360 Environmental Management Consultants
- RPS

**Non-compliant Tender**

The various tender briefs were made available on request to consultants wanting to submit a tender. Section 2.2 of the tender brief reads as follows:

**2.2 TENDER LODGEMENT REQUIREMENTS**

*The closing date for submissions is **Wednesday, 2 February 2011**  
@ **2.30pm (WST)** be accepted.)*

*Three (3) hard copies and one (1) electronic copy (cd or usb included with hard copies) of the tender are required to be submitted to:*

*The Tender Box  
Chief Executive Officer  
Town of Port Hedland  
Civic Centre, McGregor Street (PO Box 41)  
Port Hedland WA 6721*

**TENDERS SUBMITTED AFTER THE CLOSING TIME OR BY  
FACSIMILE OR BY ELECTRONIC MAIL SHALL NOT BE  
ACCEPTED.**

A tender received from Smithson Planning (Albany) arrived on the 3<sup>rd</sup> of February 2011, being after the closing date. The late arrival of the tender was recorded and the matter discussed with the Probity Advisor, it was confirmed that the tender is to remain unopened and returned to the consultant as a non-compliant tender.

### **Consultation**

Internal consultation took place through the assessment process, internal staff and a Director was nominated to be part of the assessment panel.

In addition a Probity Advisor was consulted with the process being followed.

As joint funding partners the recommendations for the various disciplines have been discussed with the following organisations:

- Pilbara Cities: Chris Adams
- DPI Department of Planning: Phil Woodward, and
- LandCorp: Matt Read

### **Statutory Implications**

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

*3.57. Tenders for providing goods or services*

*(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*

*(2) Regulations may make provision about tenders.*

### **Policy Implications**

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

**Strategic Planning Implications** Nil

### **Budget Implications**

During the 2010/11 budget the Council allocated \$200,000 towards the preparation of the Port Hedland City Growth Plan, to part fund the appointment of the Lead Consultant. The Department of Planning and Infrastructure through the North West Planning Fund committed an additional \$850,000 to the project. In addition Pilbara Cities committed a further \$200,000, providing this project with a total budget of \$1,250,000.

During the first quarter budget review Council removed its \$200,000 contribution given the tight fiscal position, therefore reducing the total budget allocation to \$1,050,000.

These funds are to be made available as follows:

2010/11 Budget:

North West Planning Fund:	\$600,000
Pilbara Cities:	\$200,000

2011/12 Budget:

North West Planning Fund:	\$250,000
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Due to the magnitude of the project, provision must be made for a 10% contingency for the overall cost of the project. The total cost of the project is \$1,327,539.40 (excl GST), resulting in a deficit of \$277,539.40.

Should Council resolve to award Tender 11/01 through to 11/09, an additional amount of \$277,539.40 will have to be sourced through either the North West Planning Fund, Pilbara Cities or through the 2011/2012 budget.

### **Assessment Process**

Due to the multidisciplinary team required to prepare the Port Hedland City Growth Plan, the Lead Consultant being a multidisciplinary consultancy was not excluded from being able to submit tenders for any of the required sub-consultants. To ensure the assessment process of the various tenders remained fair the following steps were put in place:

- A Probity Advisor was appointed to participate in the assessment of any tender where a subsidiary of RPS had submitted a tender,

- No representatives from RPS participated in the assessment of a tender where a subsidiary of RPS had submitted a tender.
- A panel of three (3) members per tender discipline of which one was a ToPH Director, was formed to assess the various tenders, and
- Individual panel meetings were held to arrive at the various recommendations before Council.

### Officer's Comment

The preparation of the Growth Plan and Implementation Plan is one of the most important documents that will be prepared by the Town of Port Hedland. The Port Hedland City Growth Plan is required to ensure that the transition of Port Hedland from a Town to a City is sustainable and advocates proper and orderly planning. To achieve this outcome it is important to engage consultants that have a clear understanding of the critical issues that face the development of the Town into a City.

As part of the various tender briefs, consultants were required to address the aspects below. A weighting scoring system endorsed by the Probity Advisor was used to determine the best consultancy to be appointed for the various as lead consultant. This figures within the individual tables represent the average score of the three (3) panel members.

- Approach / Methodology, (25%)
- Track record and understanding of project / key issues, (30%)
- Key personnel, (20%) and
- Fee proposal (25%)

Below is a summary of each of the panels assessments for their respective tenders.

**Tender 11/01 – Indigenous Heritage Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 1 below:

Table 1:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
RPS – Indigenous Heritage	18.08%	22.80%	12.87%	25%	78.75%
Aecom – Indigenous Heritage	18.67%	19.25%	13.23%	10.20%	61.35%

The result of the above scoring places RPS – Indigenous Heritage as the preferred consultancy.

**Tender 11/02 – Landscape Architectural Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 2 below:

Table 2:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
RPS – Landscape	12.23%	14.97%	12.27%	23.60%	70.37%
Aecom – Landscape	10.43%	17.23%	11.13%	24.94%	70.34%
Urban Initiatives – Landscape	14.10%	14.07%	10%	25.00%	70.13%
Cardno – Landscape	15.13%	18.80%	5.60%	21.09%	66.82%
Blackwell & Ass – Landscape	10.50%	17.43%	9.50%	13.58%	58.11%
Ecoscape - Landscape	12.50%	17.60%	8.30%	10.00%	55.97%

The result of the above scoring places RPS – Landscape as the preferred consultancy.

**Tender 11/03 – Property Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 3 below:

Table 3:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
AEC Group – Property	14.27%	19.61%	9.90%	25%	68.78%
Macro Plan – Property	15.40%	14.45%	7.73%	23.66%	61.24%
State Property Advisory	14.20%	16.20%	8.26%	19.49%	58.15%

The result of the above scoring places the AEC Group – as the preferred consultancy.

**Tender 11/04 – Stakeholder & Engagement Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 4 below:

Table 4:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
CCS Strategic					Nil & Void
GHD					Nil & Void
Creating Communities					Nil & Void

After reviewing the various tenders received the assessment panel was unable to come up with a unified recommendation. The concern raised was that the required outcome would not be achieved. As a result the Chief Executive Officer and the Director Planning & Development have decided the recommendation to award this tender be held in abeyance in order to explore alternative options.

It is considered that this consultancy can be discussed with the lead consultant (RPS) and all the other successful sub consultants, at the initial stakeholder workshop. It is envisaged the scope of the project can be better refined at this stage.

This approach was discussed with the lead consultants who have expressed a concern.

**Tender 11/05 – Sustainability Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 5 below:

Table 5:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
Parsons Brinkerhoff - Sustainability	17.30%	24.40%	14.63%	25%	81.33%
Kinesis - Sustainability	17.28%	18.50%	14.17%	13.79%	63.74%

Creating Communities – Sustainability	15/80%	20.30%	13.50%	12.19%	61.79%
GHD - Sustainability	16.93%	22.47%	12.67%	8.45%	60.52%
Env Australia - Sustainability	16.8%	18.9%	13.6%	9.0%	58.23%
Aecom - Sustainability	14.60%	16.43%	10.95%	16.25%	58.23%
URS - Sustainability	18.53%	20.70%	11.97%	0%	51.20%
360 Environmental - Sustainability	11.75%	11.40%	10.03%	15.84%	49.03%
VDM - Sustainability	10.3%	9.90%	6.95%	10.79%	37.94%

The result of the above scoring places Parsons Brinkerhoff as the preferred consultancy.

**Tender 11/06 – Traffic & Transport Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 6 below:

Table 6:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
Aecom – Traffic & Transport	18.13%	22.37%	16.67%	25%	82.17%
Parsons Brinkerhoff – Traffic & Transport	19.50%	25.47%	16.40%	19.96%	81.33%
Cardno – Traffic & Transport	19.53%	21.27%	15.87%	23.05%	79.72%
Opus – Traffic & Transport	17.80%	19.20%	12.97%	23.30%	73.27%
URS – Traffic & Transport	20%	22.37%	16.57%	12.80%	71.77%
CPG – Traffic & Transport	17.37%	19.23%	13.53%	0%	50.13%

The result of the above scoring places Aecom as the preferred consultancy.

**Tender 11/07 – Civil Engineering Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 7 below:

Table 7:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
Wood & Grieve – Civil	17.90%	27.43%	17.20%	22.52%	85.06%
ARUP - Civil	21.67%	20.70%	17.33%	22.60%	82.30%
Aecom - Civil	21.80%	26.30%	16.33%	14.00%	78.43%
Parsons Brinkerhoff - Civil	17.17%	20.80%	13.43%	25.00%	76.40%
GHD - Civil	13.53%	20.23%	14.17%	15.99%	63.92%
URS - Civil	13.37%	19.00%	15.83%	0%	48.20%

The result of the above scoring places Wood & Grieve as the preferred consultancy.

**Tender 11/08 – Economic Development Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 8 below:

Table 8:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
AEC - Economic	16.70%	20.27%	11.70%	25.00%	73.67%
SGS - Economic	16.07%	19.37%	13.13%	20.48%	69.05%
Aecom - Economic	11.43%	13.00%	9.03%	21.19%	54.66%
Macro Plan - Economic	13.63%	12.24%	8.07%	15.56%	54.50%

The result of the above scoring places AEC as the preferred consultancy.

As part of the tender brief for the Economic Consultant it was requested that economic model be included as a value add. AEC through there submission has proposed an economic model considered to be an important value add to the project. The economic model will provide invaluable input into the overall City Growth Plan, and at the same time provide the Town the ability to calculate developer contributions effectively, assisting the in provision and maintenance of various public facilities.



**Tender 11/09 – Environmental Consultant**, comparison of each of the assessment criteria for the tender submissions received are indicated in Table 9 below:

Table 9:

Tender Assessment Criteria	Approach and Methodology 25%	Track Record and Understanding of Project 30%	Key Personnel 20%	Fee Proposal 25%	Total Score (100%)
	Ave Score	Ave Score	Ave Score	Ave Score	
RPS - Environmental	19.40%	22.87%	17.00%	19.22%	78.49%
360 Environmental	16.83%	18.70%	12.67%	25.00%	73.20%
Natural Area Consulting	19.13%	15.27%	16.40%	19.75%	70.55%
GHD	18.73%	20.97%	17.50%	10.00%	67.20%
Ecoscope	16.57%	19.17%	14.27%	13.65%	63.65%
Env Australia	15.77%	19.17%	15.67%	11.73%	62.33%
Range to Reef	15.40%	15.83%	5.33%	19.43%	56.00%
Site Environmental & Remediation	7.80%	7.07%	7.57%	19.00%	41.43%

The result of the above scoring places RPS as the preferred consultancy.

### ***Approach & Methodology***

The approach and methodology of the various recommended sub-consultants has been provided in a logical manner indicating that the consultants have a clear understanding of what the required outcome of the project is.

### ***Track Record & Understanding of project & Key Issues***

The recommended sub-consultants have through their experience of similar projects both in Port Hedland and elsewhere in the state demonstrated a clear understanding of the project and the key issues applicable to the Pilbara and more specifically Port Hedland.

Having the understanding and experience demonstrated in the tender submissions, places the sub-consultants in a favourable position to be able to deliver the project within the projected timeframe.

### ***Key Personnel***

All the recommended tenderers have nominated senior level personnel that will be involved in the project. The nominated personnel have demonstrated that they have both the qualifications and the experience to be able to successfully deliver the required outcomes.

**Attachments**

Nil

**Officer's Recommendation**

That Council

1. AWARDS Tender 11/01 – Indigenous Heritage Consultant to RPS;
  2. AWARDS Tender 11/02 – Landscape Architectural Consultant to – RPS;
  3. AWARDS Tender 11/03 – Property Consultant to AEC;
  4. DEFERS the awarding of Tender 11/04 – Stakeholder & Community Engagement, and seek appropriate levels of funding through the 2011/12 Budget Process;
  5. AWARDS Tender 11/05 – Sustainability Consultant to Parsons Brinkerhoff;
  6. AWARDS Tender 11/06 – Traffic & Transport Consultant to Aecom;
  7. AWARDS Tender 11/07 – Civil Engineering to Wood and Greive;
  8. AWARDS Tender 11/08 – Economic Development Consultant to AEC Group and that the value add of an Economic Growth Model be included in the overall Economic Development tender price;
  9. AWARDS Tender 11/09 – Environmental Consultant to RPS
1. REQUESTS the additional funds of \$277,539.40 to be sourced through the North West Planning Program and / or Pilbara Cities, should funds not be sourced APPROVES the additional funds to be provided for in the 2011/12 Budget Process.

<b>201011/266</b>	<b>Council</b>	<b>Decision/Officer's</b>	<b>Alternative</b>
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**Moved:** Cr G J Daccache**Seconded:** Cr D W Hooper**That Council:**

- a. **AWARDS the tenders below to commence phases one (1), two (2) and three (3) of the preparation of the Port Hedland City Growth Plan.**
  1. **awards Tender 11/01 – Indigenous Heritage Consultant to RPS;**

2. awards Tender 11/02 – Landscape Architectural Consultant to – RPS;
  3. awards Tender 11/03 – Property Consultant to AEC;
  4. defers the awarding of Tender 11/04 – Stakeholder & Community Engagement, and seek appropriate levels of funding through the 2011/12 Budget Process;
  5. awards Tender 11/05 – Sustainability Consultant to Parsons Brinkerhoff;
  6. awards Tender 11/06 – Traffic & Transport Consultant to Aecom;
  7. awards Tender 11/07 – Civil Engineering to Wood and Greive;
  8. awards Tender 11/08 – Economic Development Consultant to AEC Group and that the value add of an Economic Growth Model be included in the overall Economic Development tender price;
  9. awards Tender 11/09 – Environmental Consultant to RPS
- b. requests additional funds of \$277,539.40 + \$85,000 for open space strategy from the North West Planning Program and / or Pilbara Cities to enable phases 4 and 5 as described in the various sub-consultant tender briefs of the Port Hedland City Growth Plan to be undertaken.
  - c. should funds not be available in accordance with resolution B. above approves the additional funds to be provided for in the 2011/12 Budget Process.
  - d. approves the commencement of phases 4 and 5 as described in the various sub-consultant tender briefs upon confirmation of the required funds being received / available.

*CARRIED 5/0*

*REASON: Council believes it was necessary to insert the \$85,000 figure in part b of the Officer's Recommendations as this amount was approved as part of the second budget review.*

12.2 *Appointment of Community Members to Town of Port Hedland South Hedland CBD Stakeholder Committee and Setting of Meeting Dates (File No.:...)*

Officer Natalie Octoman  
Acting Chief Executive Officer

**Date of Report** 21 February 2011

**Disclosure of Interest by Officer** Nil

**Summary**

Report seeks Council's appointment of two (2) community representatives and two (2) Business Owners/Operators in South Hedland CBD to formalise the establishment of its South Hedland CBD Stakeholder Committee and to set the meeting dates from March 2011 through to March 2012.

**Background**

At its Ordinary Council Meeting held on 8 December 2010, Council resolved the establishment of its South Hedland CBD Stakeholder Committee in accordance with Section 5 of the Local Government Act 1995, as follows:

*"That Council:*

*...v) establishes the South Hedland CBD Stakeholder Committee in accordance with Section 5.8 of the Local Government Act (1995):*

*Purpose/Aim*

- ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD.
- provide input and advice to LandCorp in respect to Stage 1 and 2 of South Hedland CBD.
- develop and implement strategies to create a vibrant and safe CBD.

*Membership:*

*The membership of the committee be as follows:*

- Mayor Kelly Howlett
- Councillor S J Coates
- Councillor D W Hooper

*A representative from the following organisations:*

- LandCorp
- Lotteries House Board

- *Shopping Centre owners (Charter Hall)*
- *FORM*
- *South Hedland Police*
- *PANGO*
- *HYSAG*

*In Addition:*

- *2 x Business Owners/Operators in CBD*
- *2 x Community Members*

*Quorum:*

The quorum for the Committee must be a minimum of 50% of its membership.

*Delegation:*

*Nil*

*Tenure:*

*Ongoing.*

*Responsible Officer:*

*Chief Executive Officer*

- vi) advertises for the ... South Hedland CBD Stakeholder Committee; and*
- vii) seeks nominations for the positions from stakeholders for the ... South Hedland CBD Stakeholder Committee”*

### **Consultation**

Expressions of Interest were called through the Public Notices section (classifieds) of:

- the North West Telegraph circulated on Wednesday(s) 26 January 2011.

Applications were requested to include a brief CV and a letter stating why the applicant wants to be on the Committee. Applications closed on Monday 14 February 2011.

### **Statutory Implications**

Division 2 of Section 5 of the Local Government Act (1995) specifically relates to the establishment and operations of committees of Council. In summary the legislation:

- Requires committees to have at least three members if they are established.
- Outlines the prescribed method of appointment of committee members.
- Details the tenure of committee representatives.
- Details quorum requirements of committees.

### **Policy Implications**

*Nil*

### Strategic Planning Implications

Council's current Strategic Plan includes the following statements that are relevant to this matter:

Goal 1 – Roads, footpaths and drainage

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

Immediate Priorities

1. Undertake road works in South Hedland to improve road permeability (particularly in the CBD).

### Budget Implications

Budget allocation for advertising Council Meetings is included in Administration General Expenses, General Ledger Account Number 401275 'Public Relations'.

### Officer's Comment

Two (2) applications were received for the two (2) vacant positions from the following members of the public:

- Chris Whalley
- Gloria Jacob

A summary the applicant's reason for interest in being a member is provided below:

Applicant:	Summary of Reason to be a Community Representative on Council's South Hedland CBD Stakeholder Committee:
Chris Whalley	Has been attending Council meetings for over 6 years. Very interested about any new development regarding South Hedland Shopping Centre and CBD. In late 2009 attended meetings about formulation of a new square in South Hedland; these meetings being organised by UDIA and Landcorp. Interested in knowing what Charter Hall is proposing to do with the South Hedland Shopping Centre in terms of upgrade and modernisation. Self employed in the past 7 years with own painting business.
Gloria Jacob Managing Director Hedland Home Hardware & Garden	Local resident, lived in the community for 28 years and operated business in the area for 21 years. Strong advocate for youth issues, local business, sustainable growth and development of community and equitable

	return of investment to the Region by the Government. Good understanding of the way of life, business operations and other community issues surrounding the locality and knows that can contribute in a positive manner to discussions at various levels.
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Two (2) applications were received for the two (2) vacant positions from the following Business Owners/Operators:

- Hedland Well Women's Centre
- South Hedland Liquor Supplies

A summary the applicant's reason for interest in being a member is provided below:

Applicant:	Summary of Reason to be a Community Representative on Council's South Hedland CBD Stakeholder Committee:
Lisa Bowen Hedland Well Women's Centre	The HWWC is a core participant in the services offered in the South Hedland town centre to the whole of Hedland's community. In the past financial year the HWWC provided services to 12,240 people in Hedland and by extension their families. The centre is a key not-for-profit service provided from a stand-alone facility with an incorporated Board of Management. The HWWC was originally funded by a Federal grant of \$53,000 in 1975 (International Women's Year) to the Port Hedland Women's Action Group for Women's Health Services. The HWWC has been working pro-actively to identify needs in any new facility being considered, it's put together a Concept design brief and passed it to Mayor Kelly Howlett and Landcorp. The HWWC is currently researching future service needs and undertaking extensive community consultation in its Visioning process to inform service needs planning for the Hedland's future growth.
Brent Rudler South Hedland Liquor Supplies	SHLS is supportive of the redevelopment of the CBD and can offer the committee positive input due to Brent's experience in small business in South Hedland, Brent has been involved in the following in the Town over the past 18 years: NW Liquor supplies; South Hedland Liquor supplies; Mayor/Councillor at Toph and serving on committees including Townscape; Deputy Chairman at Pilbara

	Development Commission; Deputy Chairman at Port Authority; President at Chamber of Commerce.
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Full applications and CVs (providing personal details) have been distributed to elected members under separate cover.

Council is required to appoint two (2) community representatives and two (2) Business Owners/Operators to enable the formal establishment of members of the Airport Committing in accordance with the provision of Section 5.8 of the Local Government Act 1995.

It is also recommended that the Town of Port Hedland South Hedland CBD Stakeholder Committee meetings take place on a monthly basis, in Council Chambers, commencing in March 2011 and be advertised accordingly.

**Attachments**

Nil

**201011/266 Council Decision**

**Moved:** Cr S J Coates

**Seconded:** Cr D W Hooper

**That Council suspends Standing Orders.**

*CARRIED 5/0*

6:34pm Mayor advised that Standing Orders were suspended.

**201011/267 Council Decision**

**Moved:** Cr D W Hooper

**Seconded:** Cr J M Gillingham

**That Council resume Standing Orders.**

*CARRIED 5/0*

6:43pm Mayor advised that Standing Orders were suspended.

**Officer's Recommendation**

That Council:

1. appoints the following community representatives to the newly established Town of Port Hedland South Hedland CBD Stakeholder Committee in accordance with Section 5.8 of the Local Government Act:



- a) \_\_\_\_\_; and
  - b) \_\_\_\_\_.
2. appoints the following Business Owners/Operators to the newly established Town of Port Hedland South Hedland CBD Stakeholder Committee in accordance with Section 5.8 of the Local Government Act:
- a) \_\_\_\_\_; and
  - b) \_\_\_\_\_.
3. approves and advertises the following dates, for the Town of Port Hedland South Hedland CBD Stakeholder Committee meetings to start at 5:30pm in Council Chambers:
- 8 March 2011
  - 12 April 2011
  - 10 May 2011
  - 14 June 2011
  - 12 July 2011
  - 9 August 2011
  - 13 September 2011
  - 11 October 2011
  - 8 November 2011
  - 13 December 2011
  - 10 January 2012
  - 14 February 2012
  - 13 March 2012

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

That Council:

1. commends the applicants for their interest in being a representative on the Town of Port Hedland South Hedland CBD Stakeholder Committee;
2. expands the community promotion process seeking nominations for the Committee, recognising that the South Hedland CBD Redevelopment is quite significant in order to achieve the Town's Vision of becoming a City;
3. does not appoint any of the applicants to the Committee at this time until the expanded community promotion process is undertaken whereby their applications will be considered;

4. recognises that an additional Councillor has expressed their interest in being a member and appoints Councillor Michael (Bill) Dziombak to the Town of Port Hedland South Hedland CBD Stakeholder Committee.

#### **201011/268 Council Decision**

**Moved:** Cr D W Hooper

**Seconded:** Cr J M Gillingham

#### **That Council:**

1. **appoints the following community representatives to the newly established Town of Port Hedland South Hedland CBD Stakeholder Committee in accordance with Section 5.8 of the Local Government Act:**
  - a) **Gloria Jacobs**
  - b) **Chris Whalley**
  - c) **Lisa Bowen; and**
2. **appoints the following Business Owners/Operators to the newly established Town of Port Hedland South Hedland CBD Stakeholder Committee in accordance with Section 5.8 of the Local Government Act:**
  - a) **Brent Rudler**
3. **increases the number of business owners/operators and community representatives to 3 for each group; and**
4. **expands the community promotion process seeking further nominations for the Committee, recognising that the South Hedland CBD Redevelopment is quite significant in order to achieve the Town's Vision of becoming a City;**
5. **recognises that an additional Councillor has expressed their interest in being a member and appoints Councillor Michael (Bill) Dziombak to the Town of Port Hedland South Hedland CBD Stakeholder Committee.**

*CARRIED 5/0*

*REASON: Council believes it needs to expand the community promotion process due the significance of the South Hedland CBD Redevelopment process.*

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

Nil.

**ITEM 14      CONFIDENTIAL ITEMS**

Nil.

**ITEM 15      APPLICATIONS FOR LEAVE OF ABSENCE****ITEM 16      CLOSURE**

## 16.1      Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 9 March 2011, commencing at 5.30 pm.

## 16.2      Closure

There being no further business, the Chairman declared the meeting closed at 6:45pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE