



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 16 NOVEMBER 2011

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

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*Paul Martin*  
*Chief Executive Officer*



## OUR COMMITMENT

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

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**ITEM 1      OPENING OF MEETING**

## 1.1          Opening

The Mayor declared the meeting open at 5:33 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 Stan R Martin  
Councillor David W Hooper  
Councillor Julie E Hunt

Mr Paul Martin	Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Gordon MacMile	Director Community Development
Mr Russell Dyer	Director Engineering Services
Mr Eber Butron	Director Planning & Development
Ms Josephine Bianchi	Governance Coordinator

Members of the Public	9
Members of the Media	2
Members of Staff	4

## 2.2          Apologies

Councillor Arnold A Carter  
Councillor Jan M Gillingham  
Councillor Gloria A Jacob

## 2.3          Approved Leave of Absence

Councillor Michael B Dziombak

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

## 3.1          Questions from Public at Special Council Meeting held on Monday 17 October 2011

Nil

## 3.2          Questions from Elected Members at Special Council Meeting held on Monday 17 October 2011

Nil

3.3 Questions from Public at Ordinary Council Meeting held on Wednesday 19 October 2011

*3.3.1 Mr Chris Whalley*

*Does Council know when we will be able to put forward proper naming rights for the new sports centre presently being built in South Hedland?*

Manager Recreation Services advised that the Council has previously resolved to engage the community in the naming of the Multi Purpose Recreation Centre (MPRC).

Therefore the Town is proposing to activate a process of community input into the naming of the new facility. Suggestions for the naming process will be considered by Council and the announcement of the naming will be at the grand opening of the MPRC as per Council's resolution.

*With the expansion of Cemetery Beach Park soon to take place, could Council consider renaming Cemetery Beach to a name more suitable to its usage? I would suggest renaming the beach to "Pioneer Beach" or to "Turtle Beach."*

Manager Planning advised that, if this park was to be renamed, community consultation would be undertaken. If a request is received in writing it will be progressed. Officers would then process the request and present a report to Council for its consideration. Following Council's decision the Geographic Names Committee will be required to approve the proposed park name.

*3.3.2 Mr Kane Williamson*

*Why does the Council report refer to Council being "given an opportunity to include the portion of Trumpet Way during the initiation of the Scheme Amendment" when senior Council staff advised that they did not present the rezoning request to the Council meeting without the portion of land first being removed from the plan?*

Director Planning and Development advised the issue of whether or not to include the land (portion of Trumpet Way) was part of the Scheme Amendment discussed at the Ordinary Meeting of Council held on 8 June 2011. Council considered the Amendment to be initiated as part of Agenda Item 11.1.1.5 'Proposed Scheme Amendment No.42 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode various Lots, Reserves and closed Road Portions in South Hedland to "Urban Development" "R30" (File No.: 18/09/0056).'

### 3.3.3 *Mr Christopher Modra*

*Should the Town of Port Hedland recreation department have the right to force the hockey club into the tennis club facility without first undergoing a process with the tennis club as to a lease and consultation of the additional club's use of the same facility?*

Manager Recreation Services advised that the Port Hedland Hockey Club has for some time been seeking access to the rear tennis courts at the Port Hedland Tennis Club. The courts are not well used and hockey as a sport has been limited in its capacity to develop due to a lack of facilities.

In order to determine if the concept of the hockey club using the tennis courts is a viable option, a trial period was offered by the Town. The Tennis Club were engaged alongside the Hockey Club regarding the idea. A number of the members of the Tennis Club were not supportive of the Hockey Club using the facility.

A due diligence process was conducted by Council Officers into the suitability of the courts surface for use by the sport of hockey and the relevant liability cover for users. The investigation by the officers indicated that there was no reason not to proceed with a trial period until December. The trial period was decided upon in order to provide the members of the Tennis Club with a clearer idea as to how the shared usage may be good for both clubs

The Hockey Club are paying a user fee of \$5 per head and are using the courts in Tuesday and Thursday evenings for approximately 90 minutes.

Guidelines outlining the use of the courts were drafted by the Town and provided to the Tennis Club for consideration. These guidelines were designed to ensure that the Tennis Club were not inconvenienced and their facilities were protected against improper usage. The Tennis Club have not provided any feedback on the guidelines provided.

The use of the facilities has been encouraging with up to 15 players from the Hockey Club attending the sessions. A review of all arrangements will occur in the New Year and a decision regarding the ongoing use of the courts will be made.

### 3.4 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 19 October 2011

#### 3.4.1 *Councillor J M Gillingham*

*Regarding the West End Markets which are run by FORM and the Courthouse Art Gallery, it is disappointing to hear that they have pulled out of this weekend's Heritage Market. I thought that would be something that was self-sufficient. Could they not afford to have a stall? Does this mean they have run out of funding?*



Director Community Development advised, after speaking with representatives from FORM, that they currently receive \$280,000 per annum from the Town of Port Hedland.

This funding provides for the operation of the Courthouse Art Gallery, West End Markets, Spinifex Hill artist programming and other activities including artist and photography camps. Combined with funding from other sources, FORM raises \$1.2 million per annum to undertake these and other initiatives in Hedland.

The primary reason behind FORM's decision not to participate in the Heritage Markets was because the organisation is focussing its resources over the next few months on the upgrade of Wedge Street.

FORM is currently collaborating with the Town and BHP Billiton to upgrade the landscaping along Wedge Street. This will make the street a nicer entrance way and encourage more 'pop up' projects like the Locker Installation.

Another reason for the decision was based on the success of the four markets already held by FORM over the past twelve months. Since last October the West End Markets have grown substantially and the organisers want to keep up the momentum with four more excellent, high quality markets next year.

Each market event is labour-intensive for FORM's small team; FORM must organise stall holders and performers, as well as set-up and pack down all necessary equipment. FORM must also purchase public liability insurance for each event.

The first markets organised by FORM in 2012 will be held at the end of March to tie in with the unveiling of the new-look Wedge Street. In the interim, FORM has contacted all its regular stallholders and encouraged their participation in the Historical Society's Heritage Fair, as well as the Yacht Club Markets, the Cruise Ship Markets, and the Andrew McLaughlin Centre Christmas Fair.

*I would like to thank Mr Chris Whalley for bringing up the suggestion of renaming Cemetery Beach. He is correct, my understanding is that this is not the beach's designated name. As part of the expansion, perhaps we could think about involving the community to decide upon a more suitable name for this facility. I think we can all agree that the name "Cemetery" does not have the most positive connotations attached to it.*

Manager Planning advised that, if this park was to be renamed, community consultation would be undertaken. If a request is received in writing it will be progressed. Officers would then process the request and present a report to Council for its consideration. Following Council's decision the Geographic Names Committee will be required to approve the proposed park name.

**ITEM 4 PUBLIC TIME**

5:30 Mayor opened Public Question Time

4.1 Public Question Time

*4.1.1 Bob Neville*

*In relation to item 11.3.4, petition regarding use of recreation land for Transitional Workforce Accommodation, it is stated that an Expression of Interest for 'Temporary Transient Workers Accommodation' was advertised in the West Australian on 9 July 2011. Can a reason be given as to why this EOI was not advertised in the two local newspapers, the Northwest Telegraph and the Pilbara Echo?*

Chief Executive Officer advised that this question is taken on notice.

*In relation to the same item, and following from the wording of the Petition presented to Council on 21 September 2011. It is stated that 'A detailed program of consultation occurred with all of the sporting and user groups as part of the Active Open Space Strategy'. Was the issue of Council making application to the Minister of Regional Lands and Development for the change in vesting from recreation to Transient Workers Accommodation, for a portion of land of Reserve 31895 at Lot 5530 Hamilton Road South Hedland, ever discussed with the users of Marie Marland Reserve at the Active Open Space Strategy held in November 2010?*

Director Community Development advised that this question is taken on notice.

*On which date did Council make the application to the State Lands Services seeking consent to allow for a change in the vesting order for this portion of land from use of Recreation to Temporary Transient Workforce Accommodation for a period not exceeding six years?*

Chief Executive Officer advised that this question is taken on notice.

5:33pm Mayor closed Public Question Time

5:33pm Mayor opened Public Statement Time

4.2 Public Statement Time

*4.2.1 Bob Neville*

Transient Workforce Accommodation (TWA) in Port Hedland

It would appear that the situation in relation to homelessness and affordable housing is worsening in Port Hedland and indeed across the wider Pilbara region.

With the resources boom happening right here in our back yard involving the world's biggest mining companies, one might be forgiven for thinking that the community has actually lost more than it has gained over the past years.

Supporting this is the fact that over the years, thousands of beds have been provided for the Fly-IN, Fly-Out (FIFO) workforce, while our homeless numbers have grown considerably.

*Homelessness Australia determines that Homelessness:*

Is experience by people without conventional accommodation (eg. Sleeping rough or in improvised dwellings);

Is experience by people who frequently move from one temporary shelter to another (e.g. emergency accommodation, hostels, refuges, 'couch-surfing');

Is experienced by people staying in accommodation that falls below minimum community standards (e.g. boarding housing, backyards and caravan parks).

It is also a fact that affordable housing in Port Hedland has not satisfactorily eventuated in our community, despite reports and recommendations that were presented to governments by this community more than five years ago requesting some 100 affordable homes be made available in Port Hedland; although it is recognised that some 14 affordable housing units were made available in South Hedland by the State Government to the non-government sector recently.

Transitional workforces are basically recognised as a requirement in this community, with construction projects having a finite lifespan; while the use of FIFO for day-to-day operational matters is not so much accepted.

It would appear that the affordable housing crisis in our community will only be seen to reach critical levels when the services given by the not-for-profit sector, as well as services given by the small business community, are reduced considerably in our towns, or even cease to exist.

One area of community services sees child care as a vital and important service in more ways than one; not only does child care provide critically important learning for our children, but it also allows parents to go out to work, or return to workforce; work which is decisively important to the rest of the local economy, and without which, further community and small business services would have to be reduced.

The next level of transitional workforce accommodation recently announced by the Town of Port Hedland, will see FIFO numbers more than double over just a few years, and unless this Council, in partnership with relevant associates, makes an affordable housing project a reality as a precursor to more TWA within a very short space of time, then 'critical' will become not just a reality, but a normality within our community.

5:37pm Mayor closed Public Statement Time

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

Nil.

#### **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 D W Hooper
Cr G J Daccache	Cr J E Hunt
Cr S R Martin	

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

7.1 Confirmation of Minutes of Special Meeting of Council held on Monday 17 October 2011

201112/188 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache                      Seconded: Cr D W Hooper

That the Minutes of the Special Meeting of Council held on Monday 17 October 2011 be confirmed as a true and correct record of proceedings.

*CARRIED 5/0*

7.2 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 19 October 2011

201112/189 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache                      Seconded: Cr D W Hooper

That the Minutes of the Ordinary Meeting of Council held on Wednesday 19 October 2011 be confirmed as a true and correct record of proceedings.

*CARRIED 5/0*

**ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION**

Mayor Howlett's Activity Report for the October-November 2011 period to date as follows:

October 2011

Saturday, 15th October

- Mayor Coffee Session – Port Hedland
- Mayor Coffee Session – South Hedland

Monday, 17th October

- Special Council Meeting – Swearing In New Councillors
- FESA/BOM – Port Hedland Community Pre-Cyclone Season Presentation

Tuesday, 18th October

- Interview ABC NW Radio Re: Upcoming Cruise Ship Visit & Town Ambassador Program
- Weekly Mayor Chat On Spirit Radio 1026am
- Attended LEMC Meeting
- Meeting With South Hedland Veterinary Hospital Re: Future Development Plans
- Weekly CEO, Deputy Mayor & Mayor Catchup + Cr Hunt
- Travel To Karratha For Pilbara Development Commission Dinner

Wednesday, 19th October

- Attended Pilbara Development Commission Board Meeting
- Attended Pilbara Dialogue Event
- Chair OCM – October 2011

Thursday, 20th October

- Meeting CEO Support Program With Don Burnett (CEO City Kalgoorlie-Boulder), Stuart Fraser (Dept Local Government) + CEO
- Speech At 2011 Carers Week Event
- Meeting UWA – Dr Ben Killigrew (Project Director) & Mark Stickells (Deputy Director – Energy & Minerals Institute)
- Weekly Media Meeting With NWT
- Attended Town of Port Hedland Length Of Service Dinner + Deputy Mayor + Cr Carter + Cr Gillingham
- Volunteer Town Ambassador Sundowner & Information Session (Pre-Cruise Ship Visit)

Friday, 21st October

- Interview Hedland Community Radio 101.3FM Re Cruise Ship Town Ambassador Program
- Meeting With Walkabout Hotel (Brian Godfrey)
- Meeting With Geoff Diver & Harriet Davie
- Attended Dance Performance – Transitions + Cr Gillingham

## Saturday, 22nd October

- Attended Heritage Festival + Cr Carter + Cr Hunt
- Attended 2011 Beer Fest – Cooke Point Rec Club

## Sunday, 23rd October

- Interview ABC Radio Australia All Over With Macca Re: Pioneer Cemetery Consultation

## Monday, 24th October

- Meeting With Shadow Minister For Local Government (Paul Papalia) + Member For Pilbara (Tom Stephens) + Deputy Mayor + Cr Hunt + CEO
- Attended Annual Arts Showcase HSHS + Cr Hooper

## Tuesday, 25th October

- Weekly Mayor Chat Spirit Radio
- Attended HSHS IPS Board Meeting
- Flight To Perth

## Wednesday, 26th October

- Interview ABC Radio Perth 720AM Re: Premier Anna Bligh's Comments Re Luring WA Workers FIFO To QLD
- Attended 2011 Commonwealth People's Forum

## Thursday, 27th October

- Attended 2011 Commonwealth People's Forum
- Attended State Reception In Honour Her Majesty The Queen's WA Visit
- Attended WALGA's CHOGM Function Event

## Friday, 28th October

- Participated As A Town Ambassador For Radiance Of The Sea Cruise Ship Visit

## Sunday, 30th October

- Attended Old Pioneer Cemetery Consultation Session At Cemetery Beach Park + Cr Carter + MCD + CCD

## Monday, 31st October

- ABC NW Radio 603AM Interview Re Qantas Strike & Port Hedland Flight Interruptions
- ABC NW Radio 603AM Interview Re Recent Cruise Ship Visit & Town Ambassadors
- Meeting RDA – Review Of The Pilbara Plan Scope (Teleconference)
- Meeting With Questus + DPD
- Meeting With Anis Haque Re Taxi Service & Housing Issues

November 2011

Tuesday, 1st November

- Meeting With Morag Lowe (Affordable Housing)
- Attended Melbourne Cup Event

Wednesday, 2nd November

- Fortnightly Pilbara Shire Presidents/Mayor Teleconference
- Meeting With Malcolm Hay Re Leeuwin Sail Ship + DCD

Thursday, 3rd November

- Councillors - Precinct 3 Briefing
- Cruise Ship Town Ambassador Program De-Brief
- Dinner Pilbara Region Planning Committee + Deputy Mayor + Cr Martin

Friday, 4th November

- Attended 2011 WWC/BHPBIO Pink Breast Cancer Breakfast Event
- Attended Pilbara Region Planning Committee Meeting +DPD
- Meeting LandCorp's Sth Hedland CBD Project Manager

Monday, 7th November

- Meeting Pilbara Regiment (Major Anthony Mews) Right Of Entrance Ceremony 26th January 2012 + CEO
- Meeting With J&R Training Services (Jim Stanley)
- Meeting PDC (Trish Barron & Gemma Dodge) & TOPH + CEO
- Meeting Bob Neville (Affordable Housing)

Tuesday, 8th November

- Weekly Mayor Chat Spirit Radio
- Weekly CEO, Deputy Mayor & Mayor Meeting + Cr Carter + Cr Jacob
- Photo Re Cricket Pitch Installation KSO
- Special Council Meeting – Confidential Item

Wednesday, 9th November

- Meeting – ADF Posture Review (Teleconference) + CEO
- Special Council Meeting – Confidential Item

Thursday, 10th November

- Flight To Perth
- Lunch WA Parliament House WA RRR Network Thank You With Minister Grylls & Minister Redman and Hon Wendy Duncan
- Dinner WA Regional Cities Alliance (Bunbury)

Friday, 11th November

- WA Regional Cities Alliance Meeting (Bunbury)
- RDA – Pilbara AGM (Teleconference)
- Spirit Radio Farewell (Jeff Tighe)

Mayor read out comments regarding the Radiance of the Seas cruise ship visit to Port Hedland on Friday 28 October:

Sarah Dagostino – Ambassador on the day

*“As a new arrival to Port Hedland I must say I was very impressed with the welcome put on for the cruise ship passengers. All the feedback from the passengers I met on that day was very positive. The suggestions I have for future visits are to meet the visitors off the bus with a bottle of water as well as maps and info. They almost all asked for water as they had long waits to get off the ship and also get on to the bus. Overall it was a fantastic day and I would like to congratulate you and your tea for all your energy, enthusiasm and hard work.”*

Jan Ford – Ambassador on the day

*“What a fantastic day, and wonderful promotion of Port Hedland for industry and community, I heard the sales around town were amazing! Great! Money to our town and small businesses. Thanks to everyone for organising a wonderful showcase of Port Hedland. It was such fun listening to so many people telling us how wonderful we all are, so well done fellow ambassadors. The town looked beautiful, clean, tidy and grass was cut so thanks to the Council staff and all our clean up days. I also heard for more promotion on Port Hedland on the ship, maybe PowerPoint of beautiful pictures? So a great day for the economy, for tourism, for staff recruitment, environmental and industrial awareness, and I am sure for the share market too.”*

Kyara Newport – International Travel Consultant

*“Every passenger I spoke to returning to the ship that day said Port Hedland was a highlight of their trip! Well done Port Hedland!”*

Carol & David Cronshaw – Christchurch, Dorset, UK

*“Dear Kelly,  
Many, many thanks to you and to the rest of the town for the very warm welcome we received when we were in Port Hedland today from the Radiance of the Seas. We must admit we had done a little research on the internet prior to our visit from the UK and we a little dubious about getting off the ship – how wrong we were. Everyone has been so nice, courteous and accommodating. A well organised event that appeared to involve the whole town. Please pass this on to all that helped with the organisation of today and give them our warm wishes for a job well done.”*

Mayor thanked Brie Holland, Phil Kelly, Cecile Lucas, Nur Halik and all the Town of Port Hedland outdoor staff for helping to promote the event and make the town look green and smart.



Mayor also attended on Sunday 30 October the consultation session at the Old Pioneer Cemetery. It was great to hear about the plans and the work undertaken to date. Examples from Cooktown and Townsville were presented on the day and it was good to see that there are ways to respectfully showcase this area whilst remembering relatives and people that have passed away.

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

### *9.1.        Councillor G J Daccache*

Councillor Daccache attended on behalf of Council the Remembrance Day Ceremony on 11 November; there was a good turnout of people with lots of children. On the same day Councillor Daccache, together with Director Planning and Development Eber Butron, met with Ian Fletcher the Independent Chair for the Regional Development Council; a report about this meeting will be presented to Council shortly.

### *9.2        Councillor D W Hooper*

Councillor Hooper recently attended all the meetings regarding Precinct3. He also stated that one of the highlights was when the cruise ship Radiance of the Seas came to town. Councillor Hooper was also a judge at the Hedland Senior High School Art awards. It was a great show however it would be desirable to improve on attendance in future years, as the work showcased was very good.

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

Nil.

**ITEM 11      REPORTS OF OFFICERS****11.1          Planning and Development Services****11.1.1      *Proposed Park Name 'Yikara Park' at Lot 8003 Yikara Drive, Port Hedland (File No.: 804069G)***

Officer	Caris Vuckovic Lands Officer
Date of Report	4 November 2011
Disclosure of Interest by Officer	Nil

**Summary**

This report seeks to obtain direction from Council regarding the naming of the public open space, now known as Lot 8003 Yikara Drive, Pretty Pool.

**Background**

At the Ordinary Council Meeting of 21 September 2011, Council resolved to support the name "Yikara Park", being the "Public Open Space" on Lot 8003 Yikara Drive, Port Hedland, subject to no adverse comments being received during a 30 day public consultation period.

Council officers received an objection to the proposal, suggesting instead that the park be named "Sunshine Park" or "Sea Eagle Park".

**Consultation**

Geographic Names Committee Principles, Guidelines and Procedures May 2009 states the following:

*"Naming of Parks and Reserves;  
General Guidelines*

- 1. Priority will be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area. The 'road type' is not to be included as part of the name.*
- 2. 'Reserve' is only to be used as part of the name if the whole of the area to be named is reserved under the Land Administration Act 1997 and therefore has a reserve number.*
- 3. Names that commemorate or may be construed to commemorate living persons will not be considered for parks or reserves over 1ha.*

4. *Proposals to name parks or reserves should include evidence of strong community support for the name. This support can be ascertained by some of the following:-*
  - i) *Advertising proposals to name parks and reserves in local papers, inviting comments.*
  - ii) *Advertising proposals to name parks and reserves in local libraries.*
  - iii) *Erection of signs on the park or reserve, advising of the proposed name.*
  - iv) *Advising residents in the area surrounding the park or reserve of the proposed name in writing.*
  - v) *Advising local progress associations of proposed names and requesting their comments.*
  
5. *For personal names, the person being honoured by the naming should have either had a direct long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve, or the State. Association or contribution can include:-*
  - i) *Two or more terms of office on a local government council.*
  - ii) *Twenty or more years' association with a local community group or service club. Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area.*
  
6. *Service to the community or organisation must have been voluntary.*
  
7. *Given names may be included as part of the naming proposal, and given and surname combinations are acceptable.*
  
8. *Death and former ownership of land are not acceptable reasons for proposing a name, unless previous criteria apply.*

#### *Naming of Parks and Reserves under 1ha*

1. *The approval of the Minister for Land Information is not required, but LANDGATE must be advised of all names assigned.*
2. *The names of living persons are acceptable except for those persons holding any form of public office.*
3. *The general guidelines listed above shall apply for the naming of such parks and reserves.*

*Advice to LANDGATE*

*All naming proposals for parks and reserves shall include:-*

- 1. Proof of community support, including evidence of consultation.*
- 2. A map showing the location of the park or reserve.*
- 3. The reason for the choice of name.*
- 4. For personal names: biographical details, including dates of birth and death (if relevant), length and years of service or association.*

*Advice of names assigned to parks and reserves under 1ha should also include the above details so that these names can be included on maps and in the names database.”*

## Statutory Implications

Nil

## Policy Implications

Nil

## Strategic Planning Implications

Nil

## Budget Implications

Nil

## Officer's Comment

While the suggestions provided are more descriptive and creative in nature, the park name recommended is in keeping with the Geographic Names Committee Principles, Guidelines and Procedures and is in keeping with the general theme of the area, being mainly aboriginal words associated with coastal areas.

*Options*

Council has the following options when considering the request:

1. Reaffirm its support for the name “Yikara Park” on Lot 8003 Yikara Drive, Port Hedland.

Supporting this request will result in the park being named as per the Geographic Names Committee Principles, Guidelines and Procedures.

2. Withdraw its support for the name “Yikara Park”, and support the name “Sunshine Park”,

3. Withdraw its support for the name "Yikara Park", and support the name "Sea Eagle Park".

Withdrawing its support to name the park "Yikara Park" and supporting either names proposed in 2 and 3 above will require Council to re-advertise the proposed name.

As this park name has not been utilised within the Town, the name 'Yikara Park' is recommended for approval.

#### Attachments

1. Locality Plan

201112/190 Officer's Recommendation/Council Decision

Moved: Cr D W Hooper                      Seconded: Cr S R Martin

That Council:

1. Supports of the name "Yikara Park", Lot 8003 Yikara Drive, Port Hedland;
2. Delegates the Manager Planning Services to forward the approved park name to the Geographic Names Committee for final approval.
3. Notifies the objector of the above resolution.

*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 11.1.1



*11.1.2 Proposed Permanent Closure of Recreation Reserve 44778, Lot 5961 Cottier Drive, South Hedland (File No.: 804908G)*

Officer Caris Vuckovic  
Lands Officer

Date of Report 20 October 2011

Disclosure of Interest by Officer Nil

#### Summary

Council has received a request from Taylor Burrell Barnett on behalf of South Hedland New Living to permanently close Reserve 44778, Lot 5961 Cottier Drive.

The reserve closure is required to facilitate the overall subdivision of the land (ATTACHMENT 2). The closed reserve will form part of a new road reserve providing a link within the subdivision.

The request is supported by Council officers who recommend that Council agrees to the cancellation of the reserve.

#### Background

Reserve 44778, being Lot 5961 Cottier Drive, is currently vested to the Town of Port Hedland for "Park" and "Recreation" uses.

Scheme Amendment No. 42, which is currently under assessment, indicates that the purpose of the reserve closure is to facilitate its conversion to a road reserve which will link Lovell Place. Ultimately this will form part of the overall subdivision of the land.

The proposed reserve closure will not adversely affect the Towns Parks Improvement Program.

#### Consultation

Comments were sought from internal departments, as per table below:

Department	Comments
Manager Community Recreation Services	<ol style="list-style-type: none"> <li>1. Not identified within the Active Open Space Strategy as one of the parcels of POS that the town may potentially dispose of.</li> <li>2. Size and location of area is not overly conducive to POS.</li> <li>3. No objections to revoking the management order.</li> </ol>
Infrastructure and Development Services	No objections to the proposal.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

*Development Constraints*

The reserve has been identified through the Land Rationalisation Plan as land better suited for development other than for "Parklands" or "Recreation" purposes.

The reserve, being relatively small 945m<sup>2</sup> in size, is currently not utilised for parklands or recreation purposes. In addition to the difficult shape of the lot there are a number of easements contained within the reserve which make the development of the lot for any other purpose other than road extremely difficult.

Closing the reserve and developing this portion of land as road reserve would ensure protection of water and electricity infrastructure as well as utilising the land to its optimum potential.

*Overall Outcome*

The closure of the reserve will ultimately result in the inclusion of an unused / un-kept recreation reserve into a larger subdivision. The portion will be dedicated as a road reserve to allow for additional access to the proposed subdivision. Once the subdivision infrastructure (i.e roads) is completed it will improve the traffic flow and connectivity for the entire area.

*Options*

Council has the following options when considering the request:

1. Support the request for closure of Reserve 44778 located at Lot 5961 Cottier Drive, South Hedland.



The closure of this reserve will result in additional residential properties becoming available to the market and at the same time will enhance the streetscape of the area with new modern residential developments.

2. Reject the request for closure of Reserve 44778 located at Lot 5961 Cottier Drive, South Hedland.

Should Council choose not to support the closure, the reserve will remain undeveloped, and may compromise the subdivision as show on attachment 2.

Option 1 is recommended.

#### Attachments

1. Locality Plan
2. Draft Subdivision Plan (Subject to approval of Scheme Amendment No. 42.)
3. Scheme Amendment Documentation

201112/191 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache                      Seconded: Cr D W Hooper

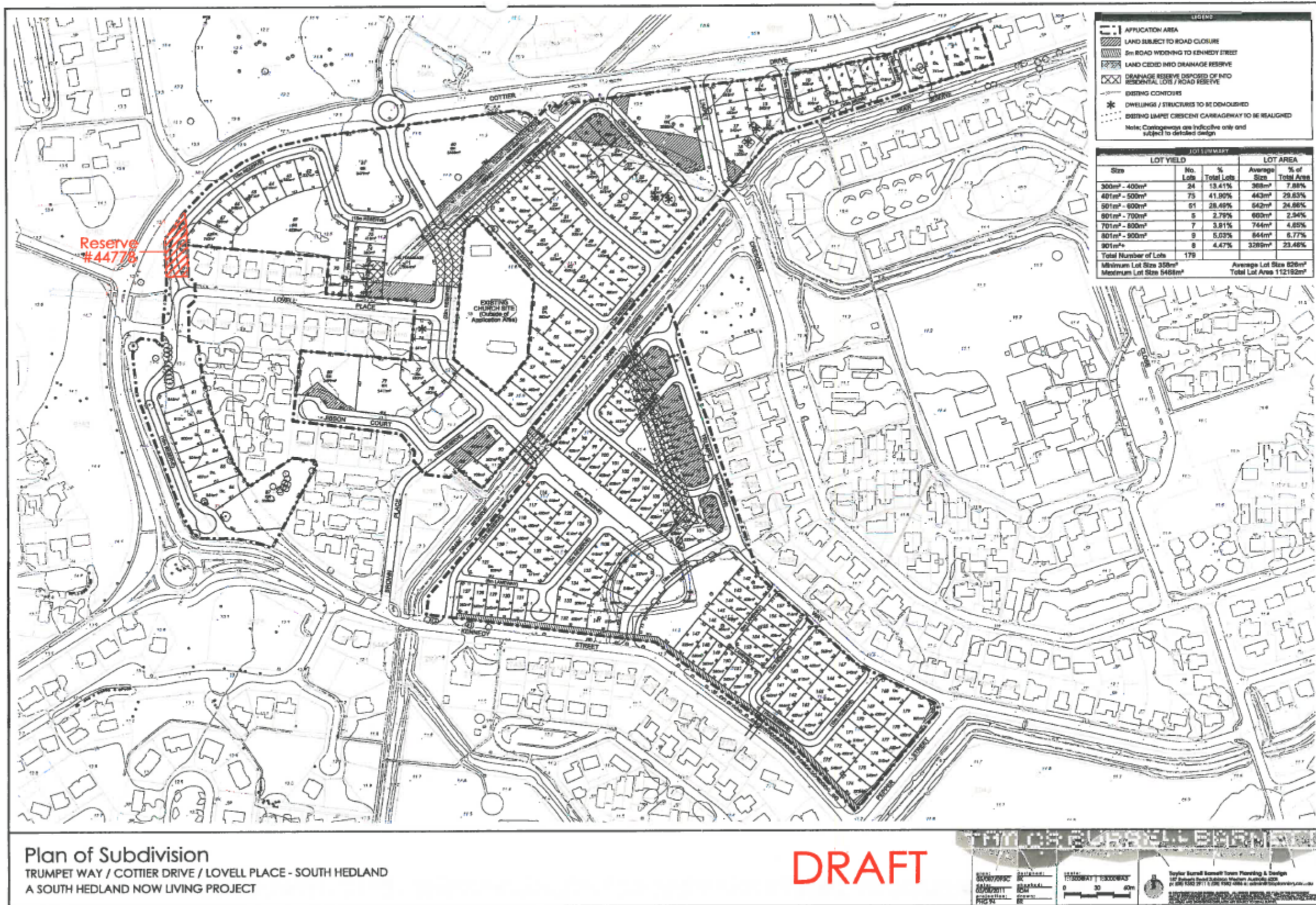
That Council:

1. Approves the request from Taylor Burrell Barnett on behalf of South Hedland New Living to permanently close Reserve 44778 at Lot 5961 Cottier Drive, South Hedland subject to all services currently contained within the site being secured by way of an easement at no cost to Council.
2. Delegates the Manager Planning Services to submit the reserve closure request to the Department of Regional Development and Lands (State Land Services).

*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 11.1.2

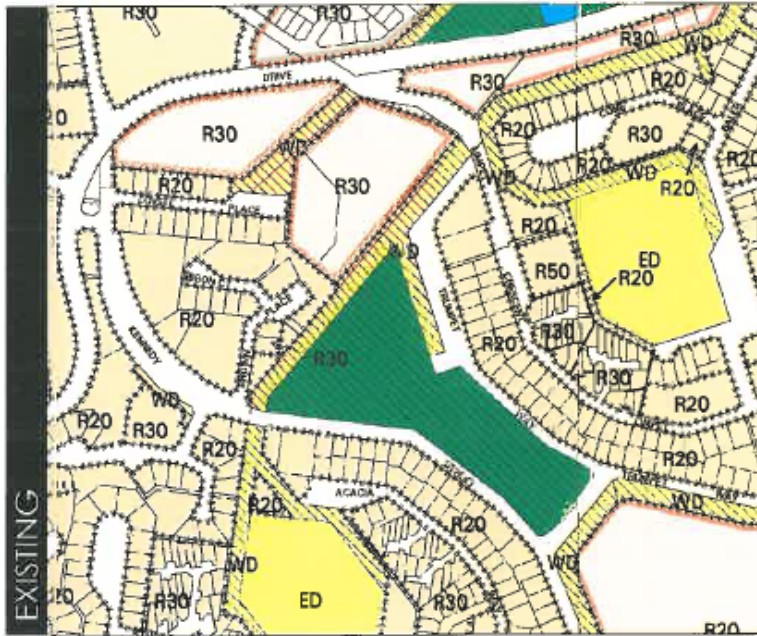




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ATTACHMENT 3 TO ITEM 11.1.2

### TOWN OF PORT HEDLAND Town Planning Scheme No.5 Amendment No. 42



SCALE: 1:5000 @ A4  
DATE: 05/08/2011  
DRA: [unintelligible]  
05/08/2011

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*11.1.3 Reconsideration of Agenda Item 11.1.1.9 "Proposed Noxious Use – Ammonium Nitrate Emulsion Production and Storage Facility within Reserve 29323 at Lot 63 Pippingarra Road, Pippingarra (File No.: 802295G)*

Officer Leonard Long  
Manager Planning

Date of Report 7 November 2011

Disclosure of Interest by Officer Nil

Summary

Greg Rowe and Associates, on behalf of Orica Mining Service appealed, through the State Administrative Tribunal, various conditions Council imposed on its Planning Approval for a Noxious Industry Ammonium Nitrate Emulsion Plant at the subject site. As a result of mediation through the State Administrative Tribunal process between the applicant and the Council Officers, agreement has been reached to remove / reword certain conditions, namely conditions 4, 10, 11 & 12.

In light of the above mediation Council is requested to re-consider the conditions as captured in the Ordinary Council Meeting Minutes dated 27 July 2011.

Background

Council at its Ordinary Meeting held on 27 July 2011, resolved to approve the application submitted by Greg Rowe and Associates on behalf of Orica Mining Service on Reserve 29323, Lot 63 Pippingarra Road, Pippingarra, as follows:

*201112/029 Council Decision / Officer's Recommendation*

*Moved: Cr AA Carter                      Seconded: Cr DW Hooper*

*"That Council approves the application submitted by the application submitted by Greg Rowe and Associates on behalf of Orica, for an Industry Noxious – Ammonium Nitrate Emulsion Plant at Lot 63 Pippingarra Road, Pippingarra subject to the following conditions:*

- 1. This approval relates only to the proposed "ANE Plant" on Lot 63 Pippingarra and other incidental development, as indicated on the approved plans 2011/220/drg1, 2011/220/drg2 and 2011/220/drg3. It does not relate to any other development on this lot.*

2. *The Town of Port Hedland Town Planning Scheme No. 5 defines "Industry - Noxious" as: "an industry which is subject to licensing as "Prescribed Premises" under the environmental Protection Regulations 1987 (as amended)."*
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. *Prior to the submission of a Building License Application, written advice is to be submitted to Council demonstrating that the developer has liaised with Main Roads Western Australia (MRWA) and Council's Manager Infrastructure Development with regard to the construction and location of the intersection and crossovers from Pippingarra Road.*
5. *Within 30 days of this approval or such further period as may be agreed by Councils Manager Planning Services, a detailed landscaping and reticulation plan must be submitted to Council's Manager Planning Services. The plan to include a suitably landscaped bund to screen the proposed development from Pippingarra Road and Great Northern Highway.*

*The plan is 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. Council would prefer native species be utilized.*

6. *Within 60 days, or such further period as may be agreed by Councils Manager Planning Services, landscaping and reticulation to be established with the use of mature trees and shrubs, in accordance with the approved detailed plans to the satisfaction of Council Manager Planning Services.*
7. *No on-site accommodation or human habitation is permitted.*
8. *An approved effluent disposal system is to be installed to the specification of Environmental Health Services and/or the Health Department of Western Australia to the satisfaction Councils Manager Planning Services.*
9. *Where petrol, benzene or other inflammable or explosive matter, grease, oil or greasy/oily matter is likely to be discharged, a sealed wash down area and a petrol and oil trap are to be installed and connected to an approved leach drain to the specification of the Health Department of Western Australia to the satisfaction Council's Manager Planning Services.*

10. *Developer shall be responsible for all road construction / upgrade (including the intersection of Pippingarra Road and the Great Northern Highway) required as a result of the proposed development.*
11. *The applicant / proponent is to enter into a maintenance agreement with the Town of Port Hedland and contribute toward upgrading/maintaining Pippingarra Road (including the Pippingarra and Great Northern Highway Intersection).*
12. *In regard to condition 4, any requirements regarding the crossover design or location requested by the Main Roads Western Australia shall be implemented to their specifications, prior to the use of the subject building and to the satisfaction of Council's Manager Infrastructure Development.*

#### FOOTNOTES

1. *You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.*
2. *The applicant is required to obtain a Works Approval and License from the Department of Environment (DEC) and is also required to finalise the change in reservation from the Department of Lands and Development.*
3. *In regard to condition 5, the bund is to be constructed in such a way that it screens the development from the Pippingarra Road and the Great Northern Highway, this may require the bund to be constructed along the side boundaries as well as the road frontage boundary.*
4. *The applicant/owner is required to lodge an application for a Building License under the provisions of the Building Regulations and approval from the Town of Port Hedland before commencing any works whatsoever.*
5. *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 License is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.*



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

*CARRIED 6/0*

*REASON: Council believes it needs to indicate that preference be given to native plants to be utilised as part of the landscaping plan in the area outlined in Agenda Item 11.1.1.9 'Proposed Noxious Use - Ammonium Nitrate Emulsion Production and Storage Facility within Reserve 29323 at Lot 63 Pippingarra Road, Pippingarra.'*

In regard to the conditions imposed the applicant requested that conditions 4, 10, 11 and 12 (above) be removed / reworded, and offered the following justification:

1. *The relocation of the intersection is not necessary for the facility to operate safely;*
2. *The relocation will involve excessive and unwarranted time, effort and cost (associated with both acquiring the land for the Pippingarra Road realignment and construction of the realignment and the intersection); and*
3. *The intersection is between two public roads and the facility is not the only source of traffic on Pippingarra Road.*

#### Consultation

Internal	
Manager Infrastructure Development	Agree with the proposed amendments of the conditions however would add the following note to condition 4:  <i>Crossovers to be designed and constructed in accordance with Town of Port Hedland requirements.</i>
External	
Main Roads WA	The traffic type and volumes used by Orica are not significant in relation to the existing traffic using Pippingarra Road and on that basis the need for Orica to have a Deed of Agreement with Main Roads and fund, design and construct a new intersection particularly with its close proximity to the bridge on Great Northern Highway.  Main Roads concerns still exist with regard to the location of the intersection particularly with its close proximity to the bridge on Great Northern Highway.

	In order that safety standards are met Main Roads proposes that the Town of Port Hedland and Main Roads jointly address this issue with the relocation of the intersection within the 18 month timeframe and source funding from available programmes.
--	--

### Statutory Implications

Section 31 (1) of the *State Administration Tribunal Act 2004*, enables the State Administrative Tribunal to invite the original decision maker to reconsider the decision that is the subject of review proceeding before the State Administrative Tribunal.

#### *The Local Government Act 1995*

##### *“5.25 . Regulations about council and committee meetings and committees*

*(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —*

*(a) the matters to be dealt with at ordinary or at special meetings of councils;*

*(b) the functions of committees or types of committee;*

*(i) the holding of council or committee meetings by telephone, video conference or other electronic means;*

*(c) the procedure to be followed at, and in respect of, council or committee meetings;*

*(d) methods of voting at council or committee meetings;*

*(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);.....”*

#### *The Local Government (Administration) Regulations 1996:*

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

*1. If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*

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

#### Policy Implications

Nil

#### Strategic Planning Implications

Nil

#### Budget Implications

Should the sourcing of funds from the available funding programmes not materialise, Council may have to allocate funds in a future budget.

#### Officer's Comment

The conditions that the applicant has requested be removed / reworded relate to conditions imposed to reconstruct / relocate the intersection of Pippingarra Road and Great Northern Highway. The applicant has had discussion with both Main Roads WA and Council's Manager Infrastructure Development, through mediation with the State Administrative Tribunal consensus has been met by all involved.

As a result the State Administrative Tribunal has issued the following Order:

1. *Standing Order 3 pursuant to section 31 of the Act. The Council is invited to reconsider its decision.*

2. *By 23 November 2011 the Applicant is to notify the Tribunal and the Respondent as to whether it is content with the substituted decision, and if so, whether it wishes to withdraw the application. If the Applicant applies to withdraw the application by 23 November 2011 the Respondent consents to withdraw.*

#### Options

Council has the following options when considering the subject request.

1. Resolve to re-consider the conditions as requested by the State Administrative Tribunal.

This will allow the applicant to submit the relevant documentation to begin construction of the \$35,000,000.00 Ammonium Nitrate Emulsion Production and Storage Facility. In addition Council would be liable for a portion of the cost to relocate and construct the intersection of Pippingarra Road and Great Northern Highway.

2. Resolve not to re-consider the conditions imposed on 27 July 2011.

This will result in the applicant taking matter back to the State Administrative Tribunal for a decision.

Option 1 is recommended.

#### Attachments

1. Extract of applicants submission to the State Administrative Tribunal
2. Locality Plan
3. Proposed Site Plan
4. Proposed Elevations

*NOTE: Mayor called for a show of hands by one third of members to consider revoking Council Decision 201112/029 of 27 July 2011 and recorded on page 107 of those Minutes. The following Councillors indicated their intent to do so:*

*Councillor S R Martin  
Councilor D W Hooper  
Councillor G J Daccache*

## 201112/192 Officer's Recommendation1/Council Decision

Moved: Cr D W Hooper

Seconded: Cr S R Martin

That Council revokes Decision 201112/029 of 27 July 2011 and recorded on page 107 of those Minutes on the grounds that the effect of the removal of conditions 11 and 12 and the rewording of conditions 4 and 10 would render the decision substantially different.

*CARRIED BY ABSOLUTE MAJORITY 5/0*

## 201112/193 Officer's Recommendation2/Council Decision

Moved: Cr D W Hooper

Seconded: Cr G J Daccache

That Council approves the application submitted by Greg Rowe and Associates on behalf of Orica, for an Industry Noxious – Ammonium Nitrate Emulsion Plant at Lot 63 Pippingarra Road, Pippingarra subject to the following conditions:

1. This approval relates only to the proposed "ANE Plant" on Lot 63 Pippingarra and other incidental development, as indicated on the approved plans (DRG2011/220/1, DRG2011/220/2, DRG2011/220/3, DRG2011/220/4.) It does not relate to any other development on this lot.
2. The Town of Port Hedland Town Planning Scheme No. 5 defines "Industry - Noxious" as: "an industry which is subject to licensing as "Prescribed Premises" under the environmental Protection Regulations 1987 (as amended)."
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. Written advice is to be submitted to Council demonstrating that the developer has liaised with Main Roads Western Australia (MRWA) and Council's Manager Infrastructure Development with regard to the specifications for works for ingress and egress to Lot 63. The specifications will be provided to Council and will be implemented by the developer to the satisfaction of Council's Manager Infrastructure Development. Crossovers on Pippingarra Road for ingress and egress to Lot 63 be designed and constructed in accordance with Town of Port Hedland requirements.

5. Within 30 days of this approval or such further period as may be agreed by Council's Manager Planning Services, a detailed landscaping and reticulation plan must be submitted to Council's Manager Planning Services. The plan to include a suitably landscaped bund to screen the proposed development from Pippingarra Road and Great Northern Highway.

The plan is 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. Council would prefer native species be utilized.

6. Within 60 days, or such further period as may be agreed by Councils Manager Planning Services, landscaping and reticulation to be established with the use of mature trees and shrubs, in accordance with the approved detailed plans to the satisfaction of Council Manager Planning Services.
7. No on-site accommodation or human habitation is permitted.
8. An approved effluent disposal system is to be installed to the specification of Environmental Health Services and/or the Health Department of Western Australia to the satisfaction Council's Manager Planning Services.
9. Where petrol, benzene or other inflammable or explosive matter, grease, oil or greasy/oily matter is likely to be discharged, a sealed wash down area and a petrol and oil trap are to be installed and connected to an approved leach drain to the specification of the Health Department of Western Australia to the satisfaction Council's Manager Planning Services.
10. The developer shall enter into a road maintenance agreement (Agreement) with the Town of Port Hedland, under which it will contribute toward maintaining Pippingarra Road. The Agreement is to include the following specifications:
  - a) **The period during which the Agreement will operate.**
  - b) **The contribution value, being the Standard Rate per Tonne per Kilometre per month during the period specified in condition (a) above.**
  - c) **For the purpose of condition (b) above, the Standard Rate is the standard "Unsealed Road Maintenance Contribution" published by the Council for the relevant period.**

- d) For the purpose of condition (b) above, the Kilometres are to be calculated based on the length of road used by the developer.**
- e) For the purpose of condition (b) above, the Tonnes are to be calculated based on the approximate tonnage hauled by the developer per month.**

## FOOTNOTES

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The applicant is required to obtain a Works Approval and License from the Department of Environment (DEC) and is also required to finalise the change in reservation from the Department of Lands and Development.
3. In regard to condition 5, the bund is to be constructed in such a way that it screens the development from the Pippingarra Road and the Great Northern Highway, this may require the bund to be constructed along the side boundaries as well as the road frontage boundary.
4. The applicant/owner is required to lodge an application for a Building License under the provisions of the Building Regulations and approval from the Town of Port Hedland before commencing any works whatsoever.
5. 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 License is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
6. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

*CARRIED 5/0*

## ATTACHMENT 1 TO ITEM 11.1.3

ATTACHMENT 2 (1/7)

Applicant's grounds  
of review**1 Introduction**

- (a) In May 2011 Greg Rowe & Associates, on behalf of Orica Mining Services (the **Applicant**), lodged an application with the Town of Port Hedland for planning approval to construct the proposed Ammonium Nitrate Emulsion Production and Storage Facility (**Facility**) on Reserve 29323 Lot 63 Pippingarra Road, Pippingarra (**Site**) (**Application**). The Application is included as **Attachment B**.
- (b) On 27 July 2011 the Town of Port Hedland Council (**Council**) unanimously approved the Application and gave Development Approval (**DA**) subject to a number of conditions.
- (c) By letter dated 17 August 2011, the Council advised the Applicant of its decision and outlined the conditions imposed (see **Attachment C**).
- (d) The Applicant wishes to appeal the following conditions imposed by the Council:
- 4 *Prior to the submission of a Building License Application, written advice is to be submitted to Council demonstrating that the developer has liaised with Main Roads Western Australia (MRWA) and Councils Manager Infrastructure Development with regard to the construction and location of the intersection and crossovers from Pippingarra Road.*
  10. *Developer shall be responsible for all road construction / upgrade (including the intersection of Pippingarra Road and the Great Northern Highway) required as a result of the proposed development.*
  11. *The applicant / proponent is to enter into a maintenance agreement with the Town of Port Hedland and contribute toward upgrading/maintaining Pippingarra Road (including the Pippingarra and Great Northern Highway Intersection).*
  12. *In regard to condition 4, any requirements regarding the crossover design or location requested by the Main Roads Western Australia shall be implemented to their specifications, prior to the use of the subject building and to the satisfaction of Councils Manager Infrastructure Development.*

**2 Summary of Applicant's position**

- (a) Together, conditions 4, 10, 11 and 12 make the Applicant responsible for all works to be undertaken at the Intersection and on Pippingarra Road and require that the Applicant liaise with MRWA and implement MRWA's requirements regarding the design or location of the intersection between Great Northern Highway and Pippingarra Road (the **Intersection**).
- (b) Currently, it appears that MRWA intends to require the Applicant to relocate the Intersection within 6 months of the Facility being operational and for the Applicant to enter into a Deed of Agreement stating that it will fund, design and construct the new intersection and realign a portion of Pippingarra Road within 18 months of commencement of construction. As a result, the practical effect of



**ATTACHMENT 2 (2/7)****2 Summary of Applicant's position**

- conditions 4, 10, 11 and 12 is to permit MRWA to require relocation of the Intersection and construction of a new section of Pippingarra Road in accordance with as yet undefined MRWA specifications.
- (c) The Applicant submits that:
- (1) the relocation of the Intersection is not necessary for the Facility to operate safely;
  - (2) the relocation will involve excessive and unwarranted time, effort and cost (associated with both acquiring the land for the Pippingarra Road realignment and construction of the realignment and the Intersection); and
  - (3) the Intersection is between two public roads and the Facility is not the only source of traffic on Pippingarra Road and the Intersection.
- (d) As a result, the Applicant submits that it should not be made responsible for the relocation of the Intersection, and appeals against the imposition of conditions 4, 10, 11 and 12 of the DA on the following grounds:
- (1) conditions 4 and 12 constitute an abrogation of power by the Council;
  - (2) conditions 4, 10, 11 and 12 are uncertain;
  - (3) conditions 4, 10, 11 and 12 are unnecessary;
  - (4) conditions 4, 10, 11 and 12 are unreasonable; and
  - (5) conditions 4, 10, 11 and 12 are not sufficiently related to the Application.
- (e) The Applicant respectfully submits that it is appropriate for conditions 4, 10, 11 and 12 of the DA to be removed and replaced with the following condition:
- (1) The developer is to undertake the following works on the intersection between Great Northern Highway and Pippingarra Road:
    - apply swept paths for design vehicles and fix the fishtails with radius of between 18 and 20 metres. There is to be a 2.0m shoulder on Great Northern Highway when fixing the fishtails;
    - kerb the fishtails for at least a 10m straight section on Great Northern Highway with the provision of kerb opening if required for drainage purpose. Whether a kerb opening is necessary is to be determined based on a finished road contour plan of the intersection;
    - widen the road opposite the intersection (making use of the existing left turn pocket to a decommissioned site) to accommodate triple road trains turning right onto Great Northern Highway;
    - seal Pippingarra Road for at least 100 metres from its intersection with Great Northern Highway;
    - erect intersection warning and 'Road Trains Entering' signs on both sides of the Great Northern Highway before its intersection with Pippingarra Road;
    - erect a street name sign for Pippingarra Road (or Port Hedland-Wittenoom Road); and
    - apply Main Roads WA standard road markings to the intersection.

### 3 Background

#### 3.1 The Facility

- (a) The Facility will consist of an Ammonium Nitrate Emulsion Plant (**Plant**) and storage facility. The Site is zoned as "Rural" under the Town of Port Hedland Town Planning Scheme No. 5.
- (b) The Site is located along Pippingarra Road and comprises an area of approximately 37.95 hectares. It is situated in the locality of Pippingarra and bound by Pippingarra Road to the west and Lot 202 (Pippingarra Station) to the east. The Site's northern boundary is approximately 364m south of Great Northern Highway.
- (c) The Site is located on Reserve 29232 which has a Management Order in favour of the Department of Mines and Petroleum (**DMP**) as the Management Body, for the purpose of "Manufacture and Storage of Explosives and Security Risk Substances". DMP has the power to lease the Reserve for this designated purpose for a term of up to 21 years.
- (d) DMP has agreed to lease the Site to the Applicant and is finalising the lease documentation.
- (e) It was determined that development of the Facility was an 'SA' land use within the "Rural" zone, and the application was referred to the Town of Port Hedland Council (**Council**) for determination.

#### 3.2 The Intersection

- (a) The Intersection will be used by traffic entering and leaving the Facility during the construction and operational phases.
- (b) Pippingarra Road is a local road which the Town of Port Hedland has responsibility for, while the Great Northern Highway and the Intersection are maintained by MRWA.

#### 3.3 Discussions with MRWA regarding the Intersection

- (a) The Applicant commenced discussions with MRWA in relation to the Intersection at the end of last year. MRWA first suggested that the Intersection be relocated in December 2010.
- (b) In a meeting between representatives of the Applicant and MRWA on 21 February 2011, MRWA requested that the Applicant obtain a consultant report in respect of the Intersection. The Applicant engaged GHD to prepare the Traffic and Transport Report for Ammonium Nitrate Emulsion Plant, Pippingarra Road, Port Hedland dated May 2011 (**Traffic Report**) (see **Attachment D**). The Traffic Report noted that MRWA had suggested that the Intersection should be relocated further west to overcome possible sight distance issues. However, GHD's recommendation was that the existing Intersection did not need to be relocated, but that it be upgraded to include:
  - (1) intersection warning signs on Great Northern Highway;
  - (2) 'Road Trains Entering' warning signs on Great Northern Highway;
  - (3) a street name sign for Pippingarra Road (or Port Hedland-Wittenoom Road); and
  - (4) clearing or pruning of vegetation within the creek to the east of the Intersection,

GHD also recommended that the Applicant consider the construction of a **sealed** section of Pippingarra Road between the existing Intersection and the proposed site in lieu of a maintenance fee associated with RAV access along Pippingarra Road following the preparation of a detailed estimate.

- (c) Following the Traffic Report being provided to the MRWA Port Hedland office (**MRWA Port Hedland**), GHD met with representatives of MRWA's Perth Road and Traffic Engineering Branch (**MRWA Perth**) to discuss GHD's recommendations and the proposal raised by MRWA to relocate the Intersection. GHD advised the Applicant that, at this meeting, MRWA appeared to be satisfied with GHD's recommendations.

- (d) By email dated 8 July 2011 (**MRWA Email**) (**Attachment E**), MRWA Perth advised MRWA Port Hedland of two options. One option included the upgrade of the existing Intersection, of a similar nature to those recommended by GHD, described as an 'interim' measure. The other option was to ultimately relocate the Intersection. The email stated the following in relation to the basis for the need for the relocation:

Considering traffic growth on GNH (3% as per the report) and potential future developments in the vicinity of the area and also the percentage of heavy vehicles on GNH, it is anticipated that this intersection will need to be developed to at least Main Roads WA 'Type B' standards intersection to maintain smooth flow of through traffic on GNH. Austroads 2009 also warrant a AUL (Type B in Western Australia) intersection considering the 5 yr projected traffic volume on GNH.

It appears from this email that the relocation of the Intersection was considered as a long term project to be undertaken by MRWA (and not paid for by the Applicant) because of increased use by multiple future users.

- (e) The upgrade works recommended as the first option by MRWA, and proposed as the substituted condition by the Applicant, are estimated to cost \$500,000-\$600,000 to undertake.
- (f) By letter to the Town of Port Hedland, dated 25 July 2011 (**MRWA Letter**) (**Attachment F**), MRWA's Port Hedland office stated that it had 'concerns' regarding the ongoing use of the Intersection with respect to the increase in traffic that would use the Intersection as a result of the Facility (further details of these concerns were not provided). The letter went on to recommend that the Application be granted subject to a number of conditions which included requiring Orica Australia Pty Ltd to enter into a Deed of Agreement with MRWA that will require it to fund, design and construct a new intersection that meets the required safety standards within 18 months of commencing construction of the Plant.
- (g) The Planning Officer Report presented to Council prior to it reaching a decision which is reproduced in the Minutes of the Ordinary Meeting of the Town of Port Hedland Council held on Wednesday 27 July 2011 (**Council Minutes**) (**Attachment G**), states that MRWA 'noted that there are issues that need to be addressed' with regard to the Intersection and that 'these matters are currently being dealt with by Infrastructure Development and can be dealt with by a condition of approval without prejudicing Council.' The Planning Officer's recommended conditions were adopted by the Council as the DA conditions.
- (h) The relocation of the Intersection is estimated to cost approximately \$3.5m, (exclusive of costs associated with securing the necessary land).
- (i) Based on the Applicant's understanding of the proposed realignment of Pippingarra Road, the land required for the realigned portion of Pippingarra Road is Crown land vested in the Aboriginal Lands Trust (**ALT**) (see **Attachment H**). Accordingly, there are significant issues associated with

securing this land, these are likely to include negotiations with native title holders, Indigenous Heritage issues and permissions associated with the vesting of the land in the ALT. As a result, the proposed relocation is likely to impose a significant further financial cost and a lengthy timing delay (likely to be in the order of years) to commencement of operations at the Facility at best, and potentially may not be possible if the Applicant is unable to obtain all the necessary consents or approvals.

### 3.4 Current users of the Intersection

- (a) Quarrytech runs a mining, processing and heavy haulage fleet from Pippingarra Quarry located south of the Facility, off Pippingarra Road. According to the Traffic Report, the quarry currently uses Pippingarra Road for approximately 21 heavy vehicle movements per day (of the total 70 vehicles per day). Based on Quarrytech's stated capabilities of producing and delivering in excess of 3 million tonnes per annum (based on the Pippingarra Quarry Brochure which is Attachment I), the quarry has the potential to result in an additional 50 heavy vehicles per day accessing the Intersection.
- (b) Downer has applied for a clearing permit in relation to a lot to the north of the Applicant's proposed Facility. Traffic accessing this site is also likely to utilise Pippingarra Road and the Intersection.

## 4 Grounds for review

---

### 4.1 Abrogation of power

- (a) The Council made its decision without the issues raised by the MRWA Letter being assessed by the Town's Infrastructure Development Unit. Instead of considering the access requirements for the Facility, the responsibility for determining the requirements was delegated (by way of conditions 4 and 12) to MRWA, with no limits placed on the requirements MRWA could impose in relation to the Intersection. Therefore the condition lacks finality as ultimately MRWA will determine the requirements to be fulfilled and these requirements will not be open to the same avenue of review. While applications for review are available for failing to clear conditions, that remedy is unsuitable for the Applicant given the time which must elapse before the remedy could be exercised.
- (b) The Applicant submits that conditions 4 and 12 are invalid as they constitute an abrogation of power by the Council.

### 4.2 Uncertain

- (a) Conditions 4, 10, 11 and 12 are uncertain because it cannot be determined from them what road construction and upgrades are necessary, the amount that the Applicant must contribute for the upgrade and maintenance of the road and how far into the future the Applicant's obligations will continue.

### 4.3 Unnecessary

- (a) Although conditions 4, 10, 11 and 12 do not specifically require that the Applicant be responsible for the relocation of the Intersection, they make it clear that the Applicant will be responsible for all works undertaken at the Intersection and on Pippingarra Road and require that the Applicant liaise with MRWA and implement any requirements regarding the design or location of the Intersection

that is required by MRWA. Further, MRWA has made it clear in the MRWA Letter that it will require the relocation of the Intersection within 6 months of the Plant being operational and the Applicant will be required to fund, design and construct the new Intersection to the required safety standards within 18 months of commencement of construction.

- (b) On the basis of the Traffic Report, which was prepared at the request of MRWA, the relocation of the Intersection is not necessary to ensure vehicles associated with the Facility can safely use the Intersection. The Traffic Report states that:
- (1) the operation of the Facility will result in daily traffic volumes on Pippingarra Road increasing by approximately 47 vehicles per day (traffic is estimated to be less than this during construction of the Facility). This would result in a significant increase in the number of vehicles using Pippingarra Road which is currently stated to be 70 vehicles per day. However, the Traffic Report notes at page 12 that this still represents 'a very low level of activity';
  - (2) the 5 year crash statistics for the Intersection indicate that there is not a safety problem as there are no reported crashes (page 7);
  - (3) sight distance is restricted to the east for vehicles approaching the Intersection from Pippingarra Road, due to vegetation at a nearby creek. Great Northern Highway crosses the creek by a bridge approximately 119m to the east of the Intersection. As a result the measured sight distance to the east for a vehicle approaching Great Northern Highway is in excess of 300m. On this basis the site distance requirement at the Intersection is met by the current conditions. However as it is necessary to design the Intersection with road trains in mind, 350m visibility is recommended. This can be achieved by appropriate clearing being undertaken of vegetation at the Creek (page 16);
  - (4) the Council stated it would not require relocation of the Intersection and would not contribute towards the relocation or the extension of the current sealed section on Pippingarra Road (page 7);
  - (5) based on the anticipated use of the Intersection during the operation phase of the Facility and the site distance at the Intersection, 'there would appear to be no requirement to relocate the intersection' (page 16); and
  - (6) GHD recommends the existing Intersection is upgraded (page 24).
- (c) The MRWA Email also suggests that an upgrade of the current Intersection will be sufficient for the operation of the Facility, and that relocation of the Intersection will only be necessary to accommodate traffic generated from potential future developments.

#### 4.4 Unreasonable

- (a) The Traffic Report, and the MRWA Email, demonstrate that the requisite safety standards associated with vehicles accessing the Facility can be met through the upgrade of the Intersection.
- (b) The Applicant is likely to face significant difficulties in acquiring or obtaining access to the land on which the realignment of Pippingarra Road and the relocated Intersection is proposed. As noted above, the land is Crown land vested in the ALT and the site of a Registered Aboriginal Heritage site, therefore there are complex land access issues including native title, Indigenous Heritage and obtaining the relevant consents and permits from the ALT. It cannot be known how long the process would take to acquire access rights to the land along with the necessary consents and approvals, or whether the

**ATTACHMENT 2 (7/7)**

Applicant would in fact be able to obtain these rights, but this process is likely to take years. This would result in a significant time delay to the Applicant commencing operations at the Facility.

- (c) The estimate for the relocation of the Intersection is \$3.5 million. However, this does not include any costs associated with securing the necessary land which are likely to be significant and are uncapped.
- (d) Given the significant costs and the potential difficulties associated with relocation of the Intersection, and the ability for a significantly less expensive upgrade to enable the Intersection to be used safely, the Applicant submits that it is manifestly unreasonable for the Applicant to be required to relocate the Intersection (which is the practical effect of conditions 4, 10, 11 and 12).
- (e) The Applicant submits that, instead of the relocation of the Intersection, it is reasonable for the Applicant to undertake the upgrade of the Intersection as proposed in the MRWA Email. The Applicant is willing to take responsibility for these works despite the fact that the Intersection is already used to access facilities in the area and is likely to be used by others in the immediate future.
- (f) In the alternative, if the relocation is deemed to be necessary to service current and future users of the Intersection, it is unreasonable for the Applicant to be responsible for undertaking the works and paying the entire cost of the relocation.

**4.5 Not sufficiently related**

- (a) As noted above, there are other existing and future users of the Intersection. MRWA has stated in the MRWA Email that the need for the relocation of the Intersection is due to the anticipated increase in general traffic using the Intersection and new facilities that may use the Intersection in the future. As a result, the Applicant should not be responsible for undertaking the relocation of the Intersection as the need for the relocation is not sufficiently related to the Facility.
- (b) In the alternative, the Applicant should not be responsible for the full cost of the relocation. In line with *State Planning Policy 3.6 'Development Contributions for Infrastructure'*, contributions should be charged equitably among those benefiting from the infrastructure and facilities to be provided, based on their relative contribution to need. Therefore, the cost of the relocation should be shared with other present and future users of the Intersection and MRWA.

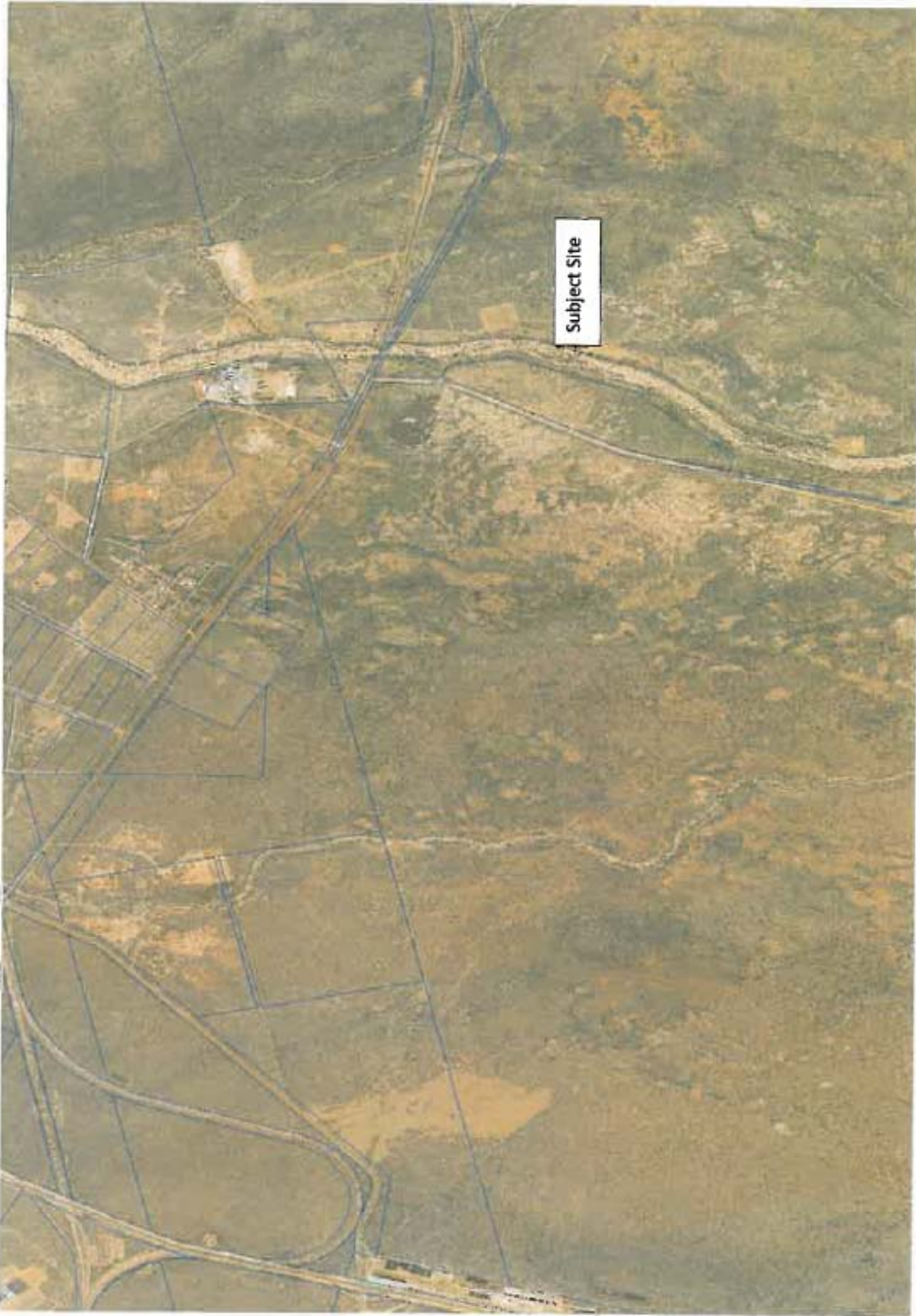
**5 Attachments**

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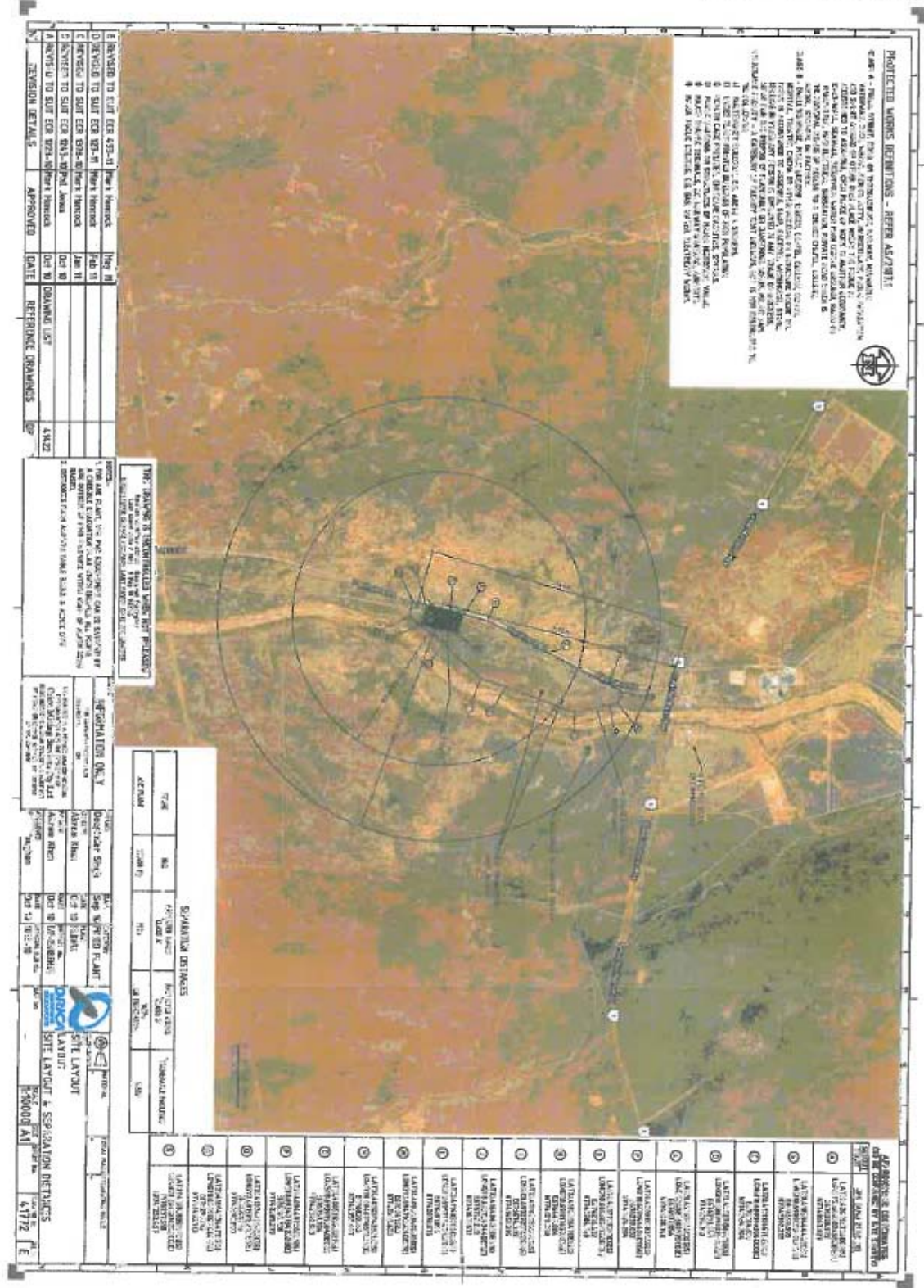
Attachment B	The Application
Attachment C	Approval letter from the Town of Port Hedland
Attachment D	The Traffic Report
Attachment E	MRWA Email
Attachment F	MRWA Letter
Attachment G	Council Minutes
Attachment H	Certificate of Title for Lot 202 on Deposited Plan 220387 and maps of the land
Attachment I	Pippingarra Quarry Brochure

ATTACHMENT 2 TO ITEM 11.1.3

ATTACHMENT 3(1/3)



ATTACHMENT 3(2/3)





ATTACHMENT 3(3/3)

NO.	REVISION DETAILS	APPROVED	DATE
1	REVISED		

NO.	DESCRIPTION	DATE
1	REVISION	2011/11/16

NO.	DESCRIPTION	DATE
1	REVISION	2011/11/16

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DATE: 2011/11/16

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CLIENT: [Client Name]

CONSULTANT: [Consultant Name]

DATE: 2011/11/16

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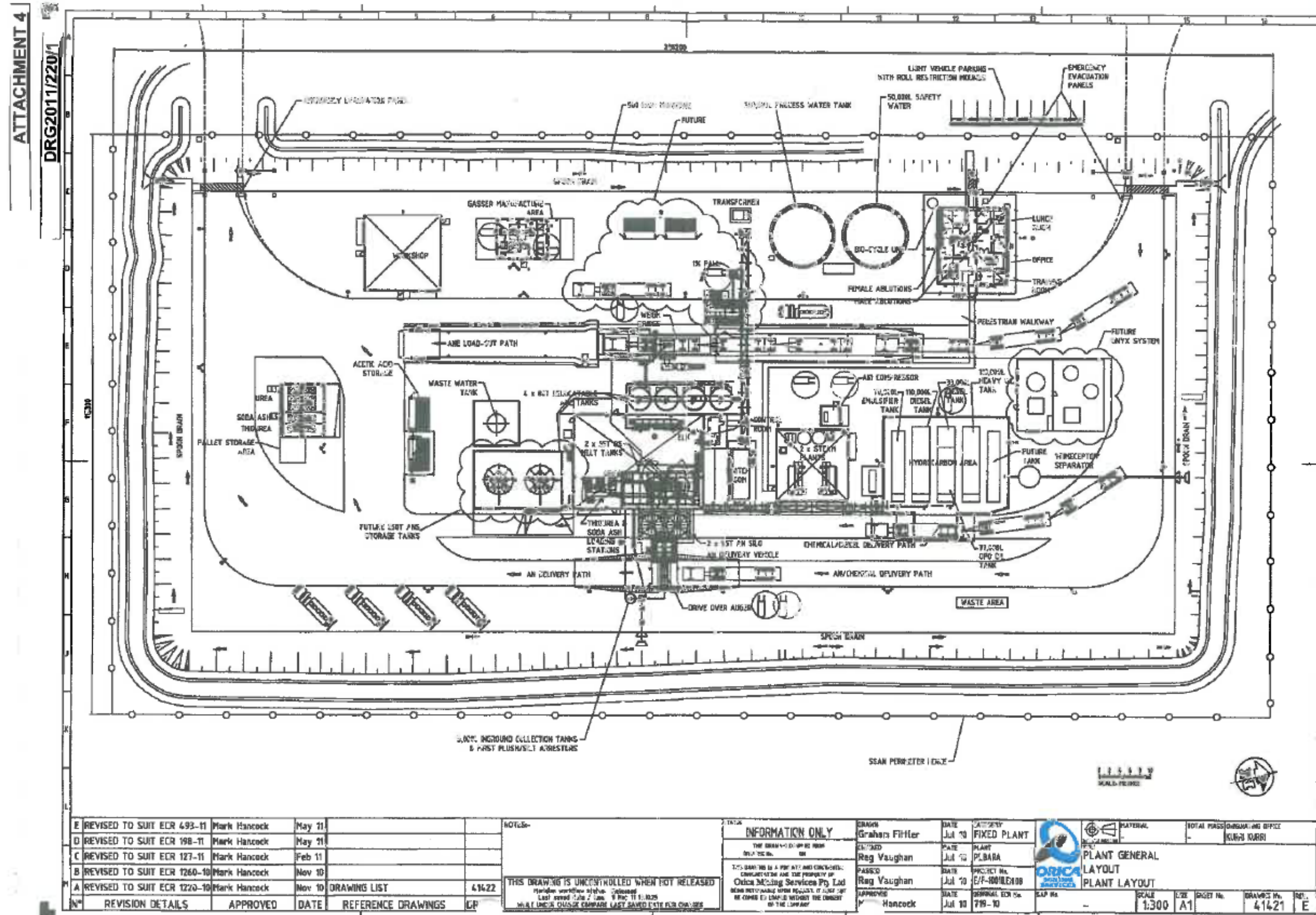
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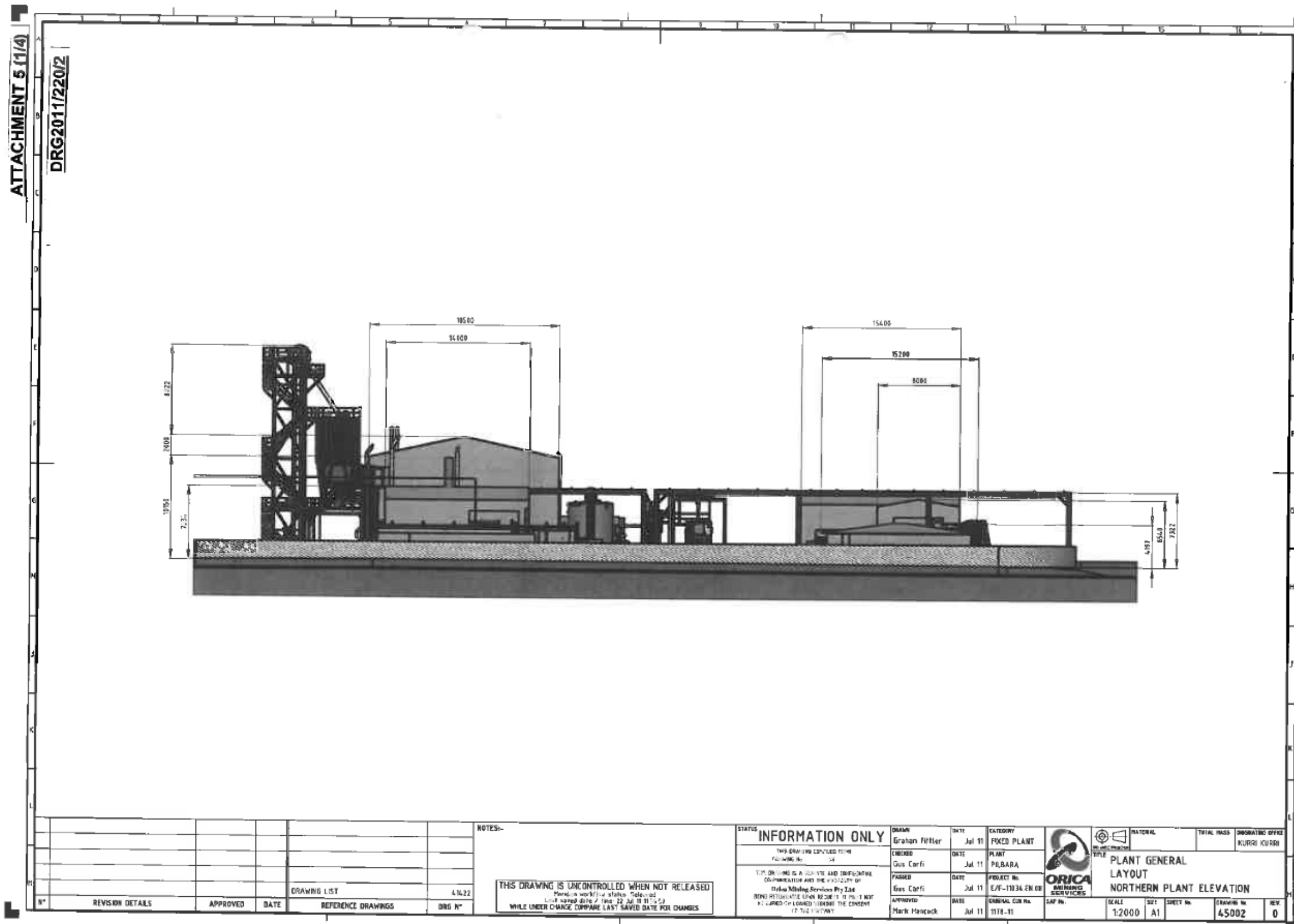
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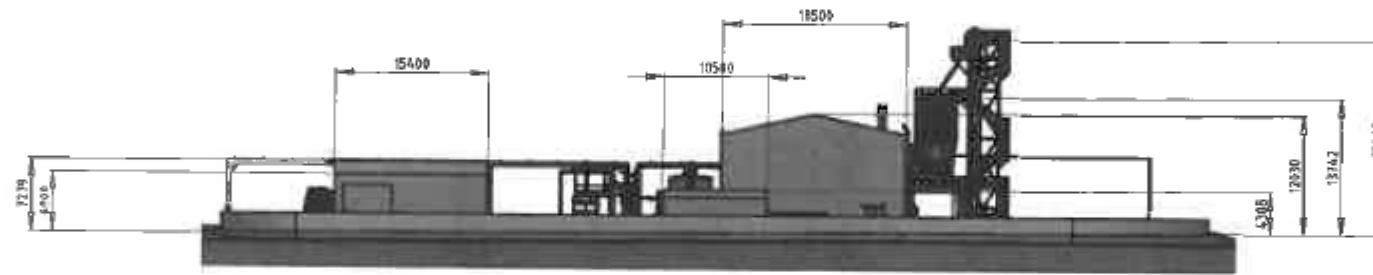
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ATTACHMENT 5 (2/4)

DRG2011/220/3



SOUTH VIEW

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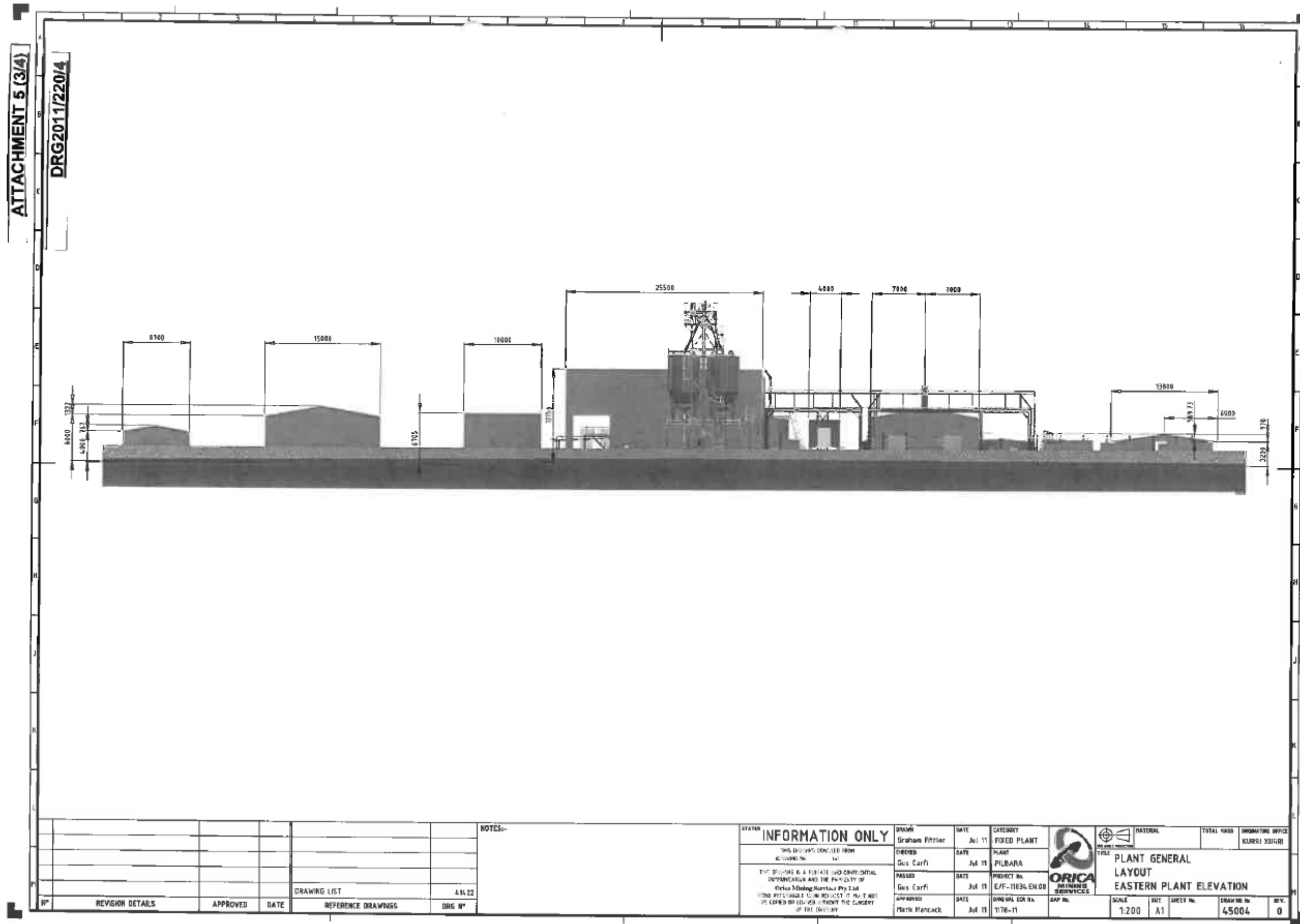
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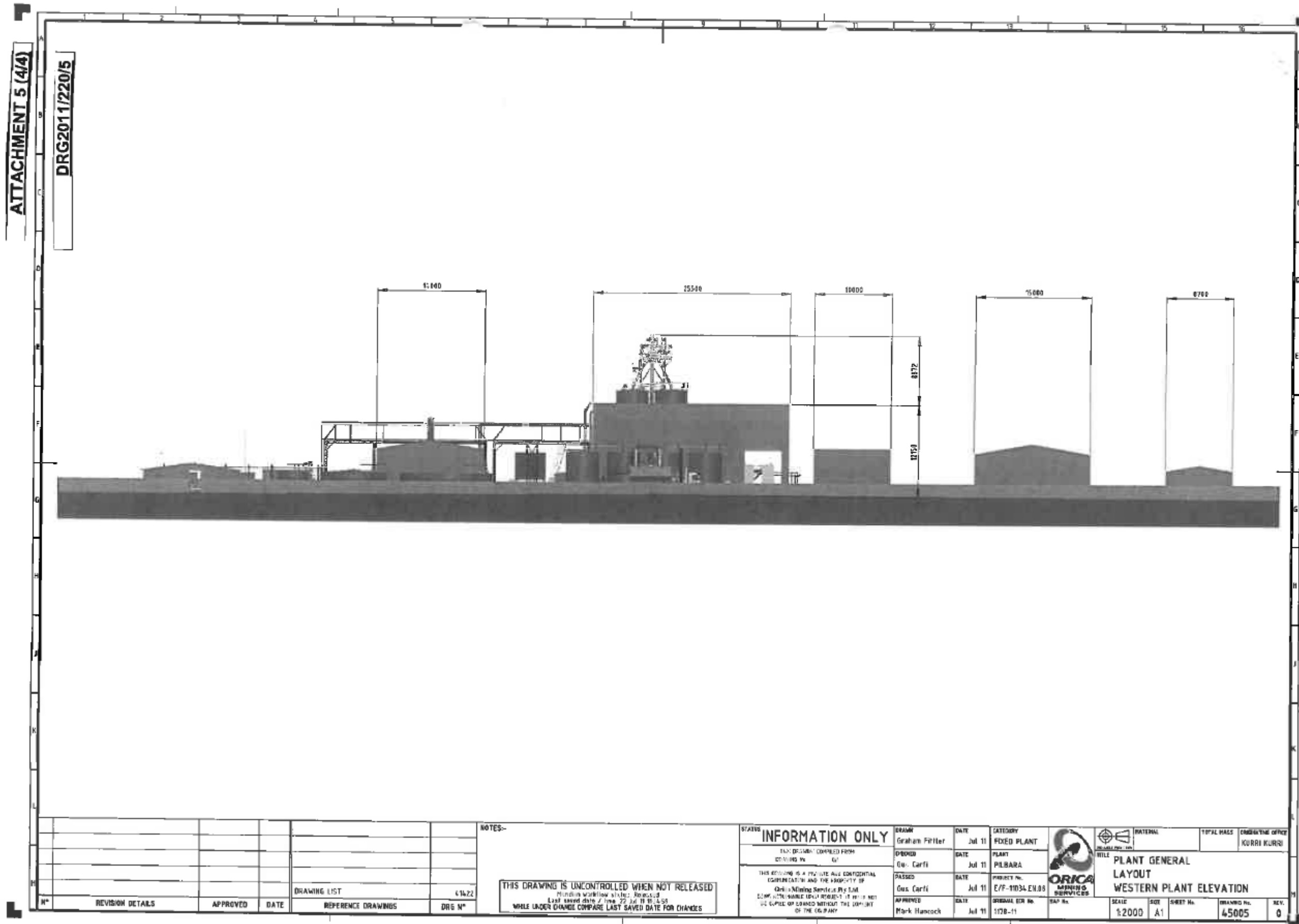
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DESIGNED BY	BRUN BERSTON	DATE	JUL 11
CHECKED BY	GUS CARPI	DATE	JUL 11
APPROVED BY	MARK HANCOCK	DATE	JUL 11

PROJECT NAME	PLANT GENERAL LAYOUT
PROJECT NO.	E/F-TN34 EN 08
SCALE	1:10
SHEET NO.	A1
TOTAL SHEETS	45003
REVISIONS	0







ATTACHMENT 5 (4/4)

DRG2011/220/5

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*11.1.4 Proposed Retrospective Shed at the Rear of the Port Hedland Yacht Club on Lot 5550 Sutherland Street Port Hedland. (File No.: 700010G)*

Officer Leonard Long  
Manager Planning  
Services

Date of Report 3 November 2011

Disclosure of Interest by Officer Nil

Summary

An application has been received from the Port Hedland Yacht Club (The Lessee's of land under Council Control), for the retrospective approval a shed at the rear of the Port Hedland Yacht Club.

The proposal is supported by Council officers subject to certain conditions. Council is requested to consider approval of the application.

Background

The redeveloped Port Hedland Yacht Club was opened in July 2011, allowing the old club house to be demolished. The design of the new modern club house did not take into account the provision of an adequate storage area.

As a result of this design oversight the club has not been able to fully demolish the old club house as this space is required for storage purposes.

Consultation

In addition to the internal circulation, Land Corp was verbally consulted due to the potential development of the marina. All the comments have been included in the table below:

External Consultation	
LandCorp	No objection to the proposed shed, subject thereto that the Port Hedland Yacht Club is made aware that should the marina development proceed, there is the potential that the proposed shed would have to relocated / removed.
Internal Circulation	
Manager Recreation Services and Facilities.	Recreation is supportive of the need for storage space at a facility such as the Yacht Club. Any club operation requires significant storage for equipment and supplies to meet their operational needs. Recreation has expressed concern over the aesthetic appearance of the building and has advised the development should be in keeping with the overall design of the Yacht club.

<p>Manager Investment &amp; Business Development</p>	<p>As Lessor, we are happy with this proposed shed to go ahead.</p> <p>In the future, the Lessee needs to be aware that any building works or alterations that are to be made, need to be assessed first with the Lessor, together with any approvals that may be required under written law, as per Schedule 1/12 of the lease agreement with the Town of Port Hedland</p>
<p>Manager Infrastructure Development</p>	<p>No objections from a technical point of view. However, the building aesthetics are contradictory to the high quality facilities provided at the yacht club and the overall masterplan for the entire spoilbank area. If possible, condition regarding aesthetics or screening should be imposed.</p>

#### Statutory Implications

Nil

#### Policy Implications

Nil

#### Strategic Planning Implications

Nil

#### Budget Implications

The applicant has paid the prescribed application fee of \$139.00.

#### Officer's Comment

The Port Hedland Yacht Club and the potential development of a marina and the old hospital site are strategic projects in the development of the Town. It is of paramount importance that the aesthetical appearance of the site from the north, east (Spoilbank / potential marina), and south (Sutherland Street / old Hospital) is not negatively impacted upon.

The location of the shed behind the redeveloped club house means that it is not visible from the north (Spoilbank / potential marina). Due to the variance is natural ground level (approximately 6m) between Sutherland Street and the Spoilbank, only a small portion of the roof would be visible to passing vehicular traffic.

Should the development of the marina go ahead there is the potential that the shed would be visible from the east. The visual impact could be alleviated with the use of appropriate colour and landscaping along the eastern wall of the shed.

In addition, the marina development of the old hospital site and adjoining lot may be developed with multi-storey residential/hotel developments, from which the shed would be visible. With the eastern wall landscaping could be used to alleviate the possible visual impact.

It is the officer's opinion that positioning of the redeveloped club house, with the back of house facilities facing to the south would have a greater impact on the visual amenity from any multi-storey development proposed on the old hospital site and adjoining lot.

#### Attachments

1. Site Plan
2. Elevations
3. Photos

#### Options

When considering the subject application Council has the following options:

1. Approve the application subject to conditions.

The conditions pertaining to the minor upgrades of the shed and the required landscaping would alleviate the potential visual impacts on the existing and proposed surrounding developments.

2. Refuse the application:

The shed is required for storage purposes, currently the old club house is used for this purpose. Should the application be refused the Port Hedland Yacht Club will not be able to demolish the old club house.

Option 1 is recommended

201112/194 Officer's Recommendation/Council Decision

Moved: Cr S R Martin

Seconded: Cr D W Hooper

That Council:

- a) Approves the application received from the Port Hedland Yacht Club (The Lessee's of land under Council Control), for the retrospective approval of the shed located at the rear of the Port Hedland club's building, subject to the following conditions:
  1. **The approval relates to only the shed and other incidental development, as indicated on the approved plans (drg 2011/535/1 – drg 2011/535/4.**

2. **The approval does not relate to any other development on the lot.**
3. **The shed shall be incidental to the predominant use, being the “Port Hedland Yacht Club”.**
4. **The shed is to be fenced as indicated on drg 2001/535/1.**
5. **No human habitation is permitted within the shed without Council approval.**
6. **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.**
7. **All dust and sand to be contained on the site with the use of suitable dust suppression techniques to the satisfaction of Council’s Manager Planning.**

Conditions to be complied with prior to the issuing of a building approval certificate:

8. **Prior to the issuing of a building approval certificate a detailed landscaping and reticulation plan showing landscaping details along the southern and eastern walls of the shed, is to be submitted and considered by Council’s Manager Planning.**
9. **Prior to the issuing of a building approval certificate landscaping and reticulation is to be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of Council’s Manager Planning Services.**
10. **Prior to the issuing of a building approval certificate, the shed is to be painted the same colour as the fence required in condition 3 above.**

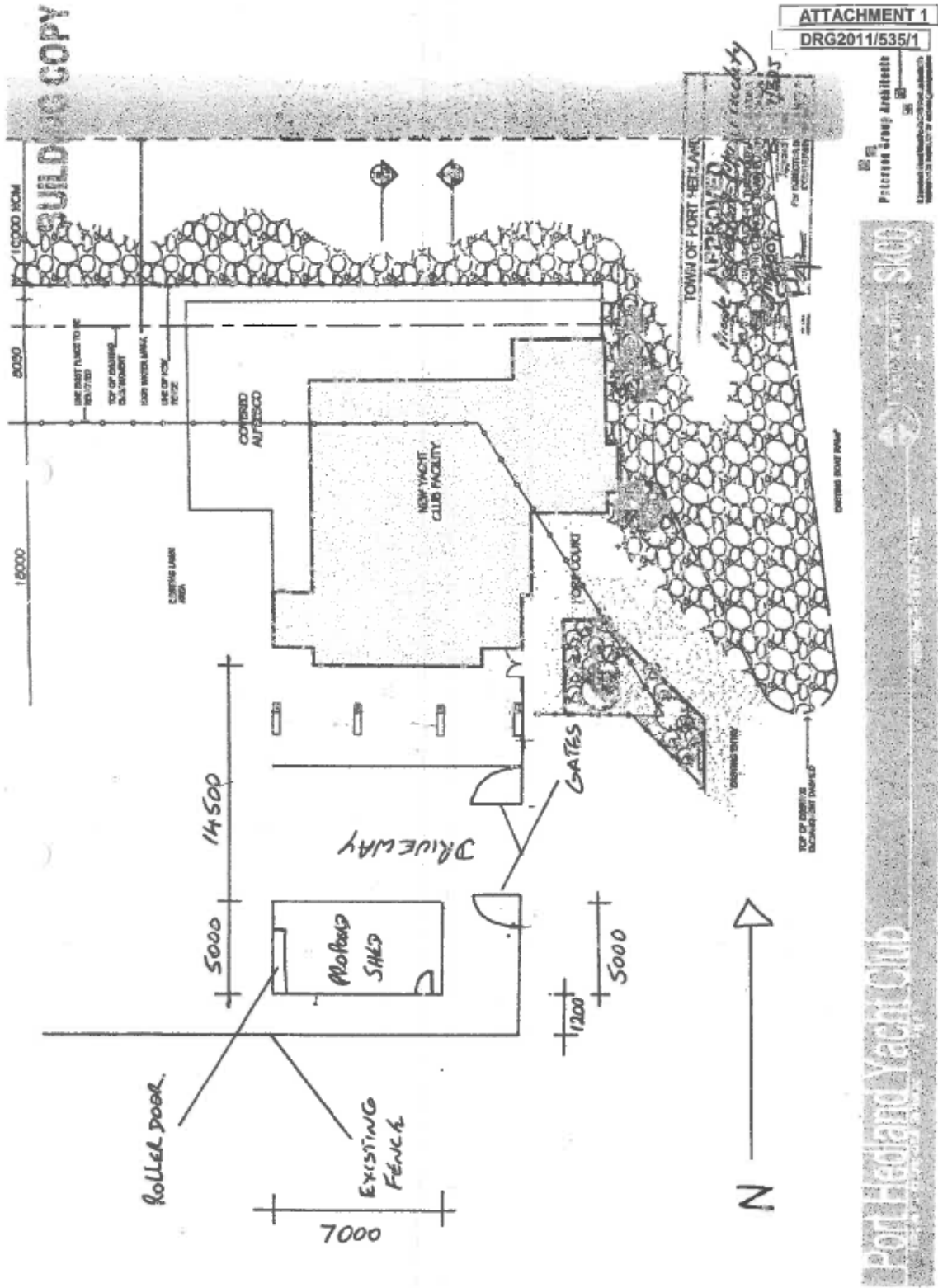
#### FOOTNOTES

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 and health requirements.
2. Be advised that in future, any building works or alterations that are to be made, need to be assessed first with the Lessor, together with any approvals that may be required under written law, as per Schedule 1/12 of the lease agreement with the Town of Port Hedland.

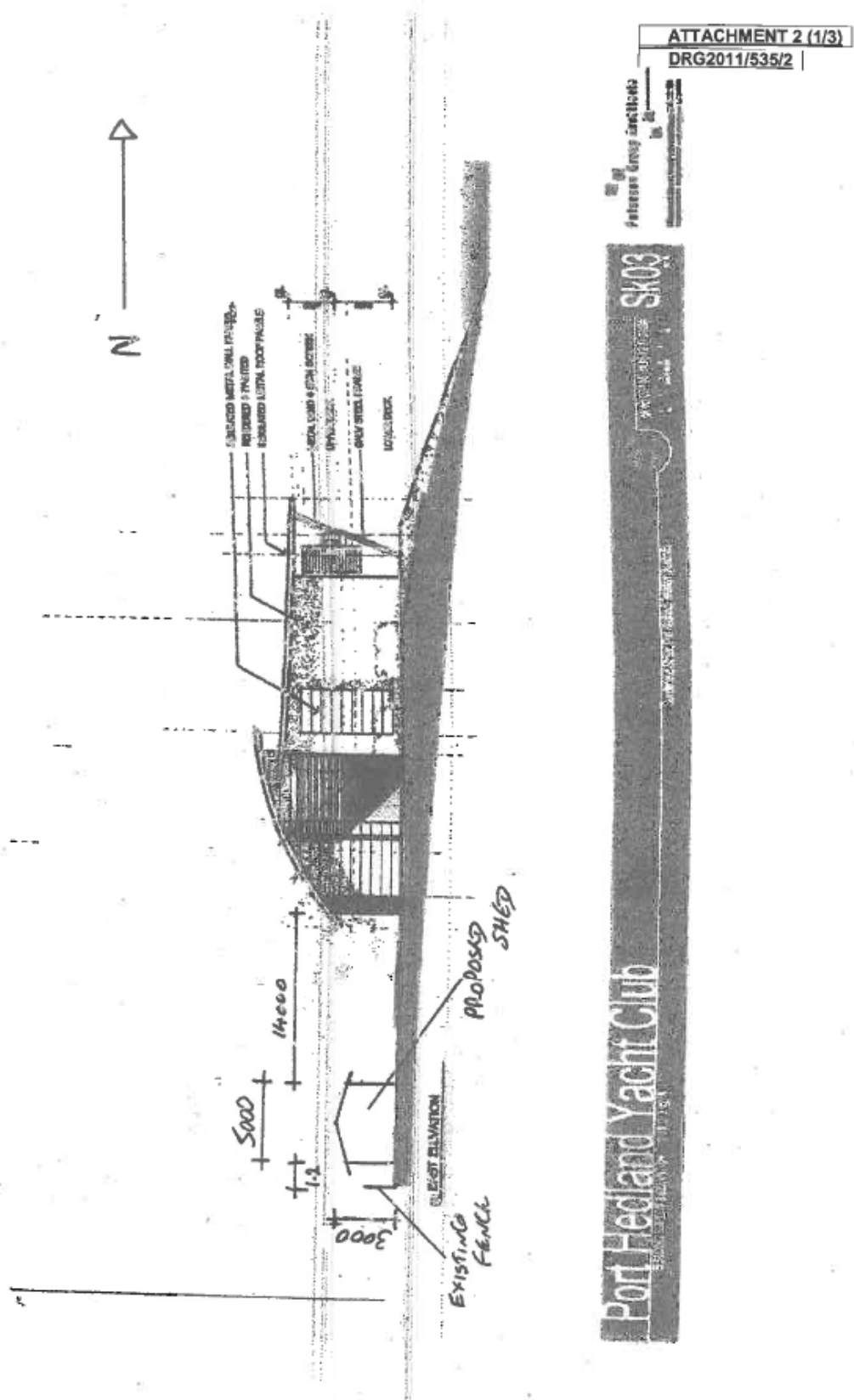
3. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below 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.

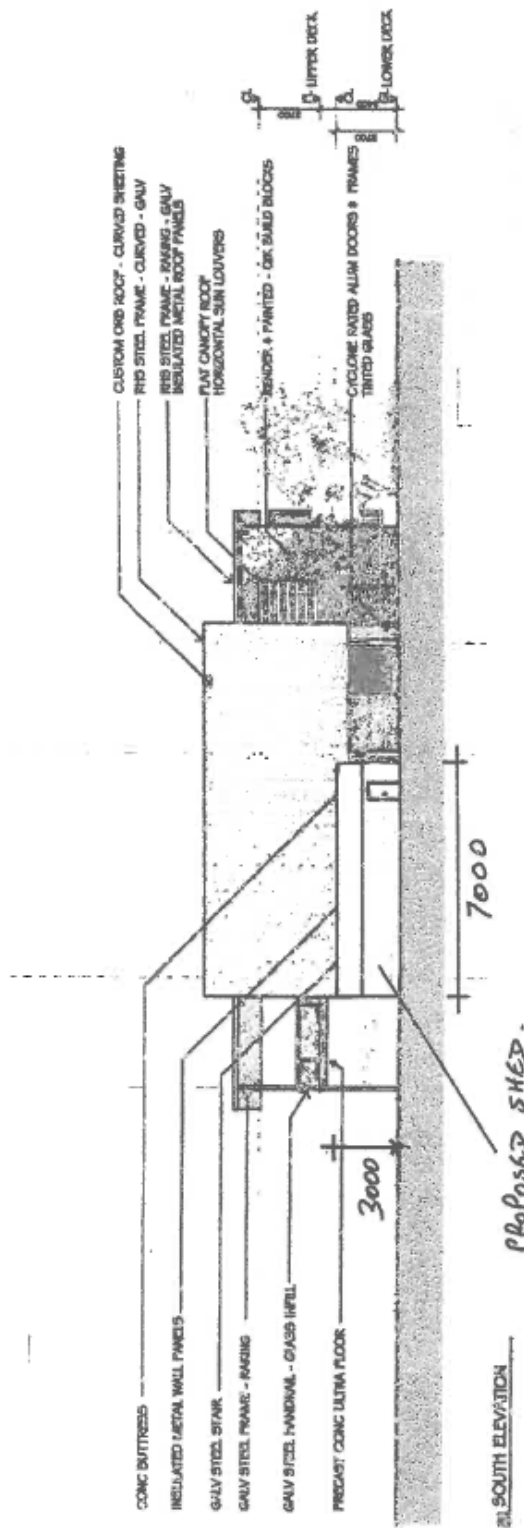
*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 11.1.4



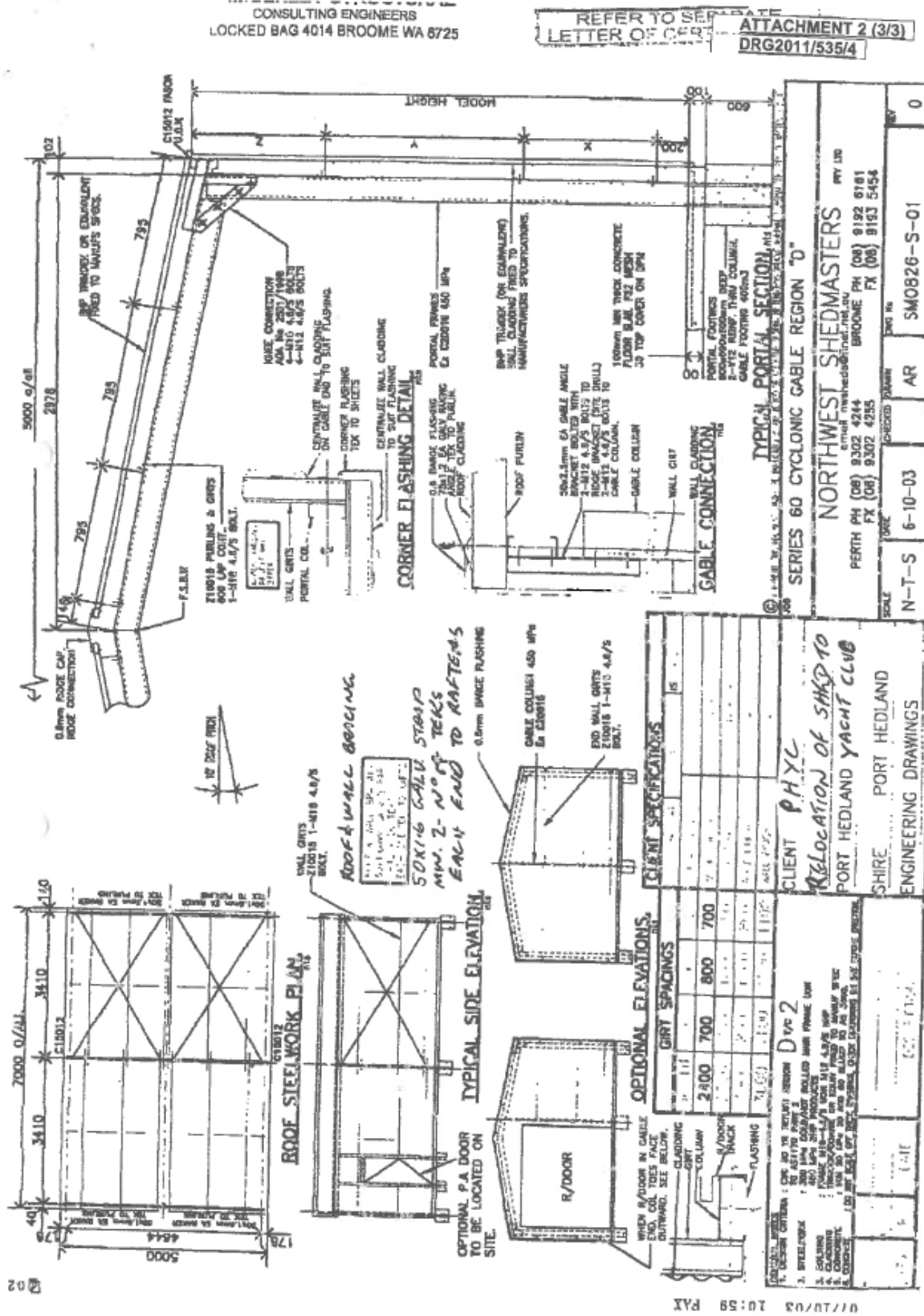
ATTACHMENT 2 TO ITEM 11.1.4





Port Hedland Yacht Club  
S105  
ATTACHMENT 2 (2/3)  
DRG2011/535/3  
PATERSON ARCHITECTS





ATTACHMENT 3 TO ITEM 11.1.4







*11.1.5 Proposed Permanent Partial Closure of Shoata Road and Permanent Closure of Reserve 48776, Boodarie (File No.: 156300G)*

Officer Caris Vuckovic  
Lands Officer

Date of Report 25/10/2011

Disclosure of Interest by Officer Nil

#### Summary

Council received a request from the Water Corporation to permanently close a portion of Shoata Road Reserve to facilitate the upgrade of the South Hedland Waste Water Treatment Plant.

Upon further investigation it has become apparent that in addition to the proposed partial closure it will be necessary to permanently close Reserve 48776, (Lot 6086 and 6066 Quartz Quarry Road, Boodarie), currently reserved for "Chemicals".

Council is requested to support the initiation of the partial closure of Shoata Road Reserve and approve the permanent closure of Reserve 48776 (Lot 6086 and 6066).

#### Background

The Department of Regional Development and Lands announced a project to relocate the Port Hedland Wastewater Treatment Plant to South Hedland. The relocation will facilitate the development of a substantial amount of residential dwellings within the Port Hedland area.

The applicant has identified the need to secure further land around the South Hedland Wastewater Treatment Plant to accommodate the long term upgrade, the required road portion forms part of this project.

Lot 4508 Shoata Road is currently under Crown lease to the Port Hedland Pistol Club Inc. The Water Corporation have liaised with the club with regards to their current lease. Written consent has been received from the club agreeing to disband and vacate the site rather than relocate, thus making the access road and site available (Attachment 3).

Once the subject portion of road has been closed it will render Lot 4508 Shoata Road land locked. The Water Corporation will be required to amalgamate Lot 4508 Shoata Road and Lot 6086 and 6066 Quartz Quarry Road with Lot 6067 Shoata Road (Reserve 31687, which is currently vested to the Water Corporation for the purposes of "Sewage").

## 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.”*

The following internal circulation has been done:

Department	Comments
Investment and Business Development	No objections.
Infrastructure and Development	No objections. Any relocation of services to be the responsibility of the developer at no cost to Council.
Building Services	No objections.
Health and Environmental Services	No objections.

The following external circulation has been done:

Department	Comments
Main Roads WA	No objections.
Telstra	No objections.
Water Corporation	No objections.

## Statutory Implications

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

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

The Town of Port Hedland Delegation Register 2011 / 12, 40(12) states:

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

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

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

#### Policy Implications

Nil

#### Strategic Planning Implications

Nil

#### Budget Implications

The prescribed application fee of \$115.00 has been received.

#### Officer's Comment

The relocation of the Port Hedland Wastewater Treatment Plant will allow for significant residential development within Port Hedland. Various options had been considered for the relocation of the plant, with the final decision being that the facility would be combined with the current South Hedland Wastewater Treatment Plant, which will undergo a substantial upgrade.

There will be several steps in preparing the land surrounding the South Hedland Wastewater Treatment Plant to allow for the expansion, with the proposed partial road closure and permanent reserve closure forming one of the first changes.

#### Options

Council has the following options when considering the request:

1. Support the request for partial closure of Shoata Road Reserve and permanent closure of Reserve 48776, Boodarie.

Approving the request will allow the applicant to purchase the closed road and Reserve 48776 and amalgamate it with Reserve 31687 to allow for future expansion of the South Hedland Waste Water Treatment Plant.

2. Reject the request for partial closure of Shoata Road Reserve and permanent closure of Reserve 48776, Boodarie.

Should Council choose to reject the request, the applicant will be required to put forward an alternative proposal and any result in the delay of Waste Water Treatment Plan Project.

Option 1 is recommended.

## Attachments

1. Locality Plan
2. Port Hedland Pistol Club Inc. Declaration

201112/195 Officer's Recommendation/Council Decision

Moved: Cr D W Hooper                      Seconded: Cr J E Hunt

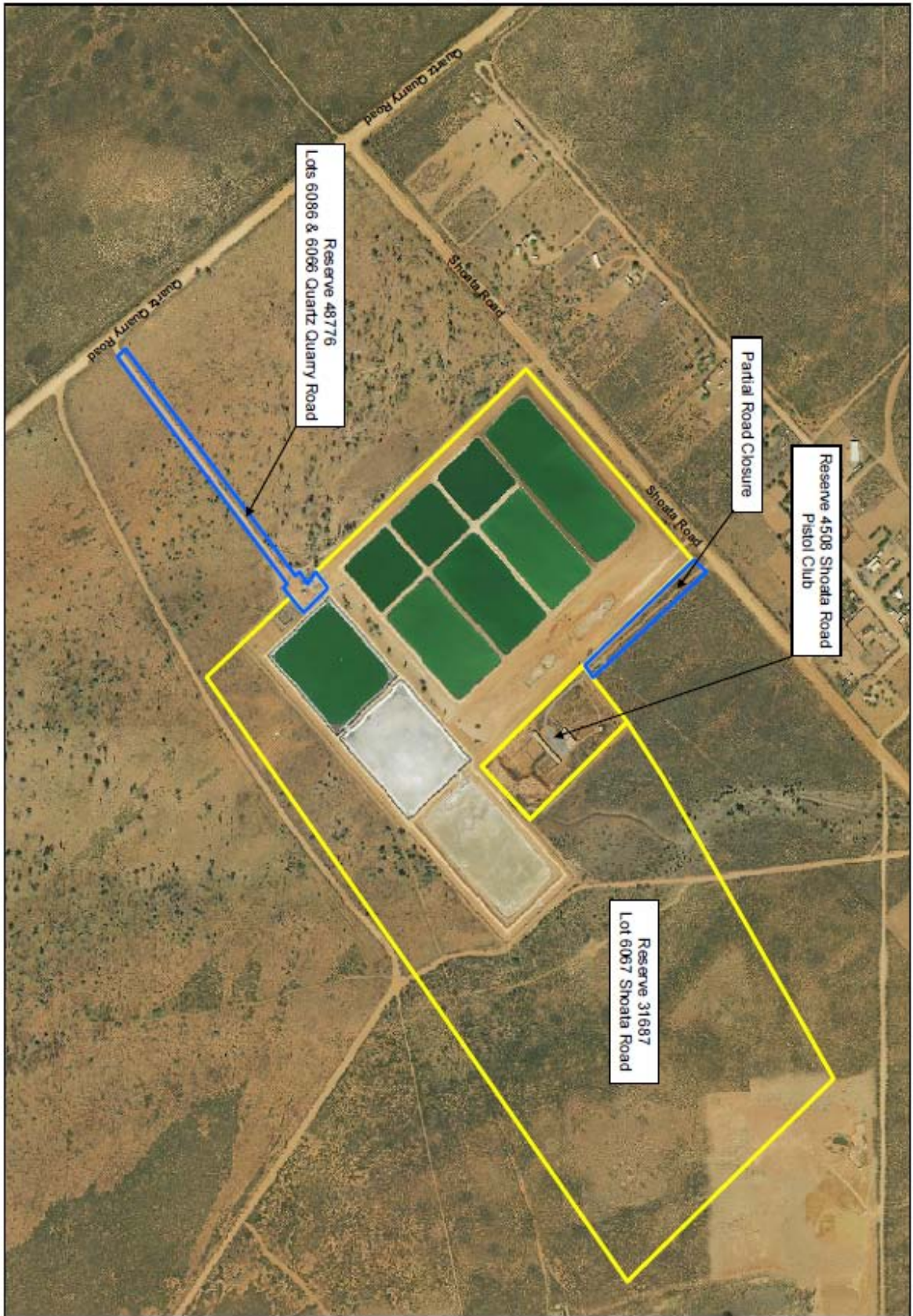
That Council:

1. Supports the request from the Water Corporation to permanently close a portion of Shoata Road Reserve, South Hedland, subject to the following conditions:-
  - a. **The proposed Road Closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997,**
  - b. **No objections being received during the advertising period.**
  - c. **The amalgamation of Lot 4508 with Lot 6067 Shoata Road**
2. Delegates the Manager Planning Services under Delegation 40(12) to submit the road closure request to the Department of Regional Development and Lands (State Land Services), subject to no adverse submissions being received during the statutory advertising period;
3. Supports the permanent closure of Reserve 48776 located at Lots 6086 and 6066 Quartz Quarry Road, Boodarie subject to the amalgamation of Lots 6086 and 6066 with Lot 6067 Shoata Road;
4. Delegates the Manager Planning Services to submit the reserve closure request to the Department of Regional Development and Lands (State Land Services).

*CARRIED 5/0*



ATTACHMENT 1 TO ITEM 11.1.5



ATTACHMENT 2 TO ITEM 11.1.5

Water Corporation  
Po Box 100  
LEEDERVILLE WA 6902

Attention: Marion Morton

We, the Port Hedland Pistol Club Inc hereby agree to vacate the current Pistol Club site to enable the expansion of the Waste Water Treatment Plant in South Hedland.

A unanimous resolution was passed by members to dissolve the Port Hedland Pistol Club Inc. We will therefore not require relocation to a new site.

We also agree to the following conditions:


1. Port Hedland Pistol Club Inc agree to surrender lease K480998 registered over Crown Land Title Lot 4508 on Deposited Plan 182534 Volume LR3008 Folio 258, in lieu of a new lease being signed with the Water Corporation on the current site. The Water Corporation lease with Port Hedland Pistol Club Inc will expire when the Pistol Club has vacated OR no later than 31 December 2011.
2. Port Hedland Pistol Club Inc will provide a list of items to be retained; remainder of items left on site can be disposed of by the Water Corporation. Items are to be removed from site no later than 31 December 2011.
3. Water Corporation will pay for any demolition, site clearing and decontamination required when pistol club have vacated.
4. Water Corporation to assist with reasonable costs for relocation of equipment to Port Hedland Sporting Shooters Club.
5. Port Hedland Pistol Club Inc confirms there will be no claim for compensation against the Water Corporation for loss of current lease and to disband club.

  
Signed

Jake Minna Chow  
Print full name

PHPC CLUB PRESIDENT  
Designated position of signatory

Date: 6/9/2011

  
Signed

Arthur Potomski  
Print full name

CLUB MEMBER  
Designated position of signatory

Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Sir/Madam

**CLOSURE OF GAZETTED ROAD GIVING ACCESS TO LOT 4508**

As Lessee of Reserve 4508 the Port Hedland Pistol Club Inc have no objection to the Town of Port Hedland formally closing the road giving access to Lot 4508, for the expansion of the South Hedland Waste Water Treatment Plant.

The Port Hedland Pistol Club have given their consent to the Water Corporation to vacate Lot 4508 to be vested in Reserve 31687 under Management Order to the Water Corporation

Signed

Yoke Munn Chew

Print full name

PHPC CLUB PRESIDENT

Designated position of signatory

Date: 28/11/2011

Signed

Arthur Peggini

Print full name

CLUBS MEMBER

Designated position of signatory

*11.1.6 Proposed Permanent Closure of Pedestrian Access Way at Daylesford Close, South Hedland (File No.: 802345G)*

Officer Caris Vuckovic  
Lands Officer

Date of Report 4 October 2011

Disclosure of Interest by Officer Nil

#### Summary

Council has received a request from RPS Town Planners on behalf of Landcorp to close a Pedestrian Access Way (PAW) located at Lot 3707 Daylesford Close, South Hedland.

It is recommended to support the proposed PAW closure which forms part of LandCorp's overall South Hedland Town Centre Redevelopment.

#### Background

Pedestrian access ways were originally established as part of land subdivision in accordance with Section 20A of the then, *Town Planning and Development Act 1928*. The purpose of the PAWs was to provide unimpeded movement for pedestrians and cyclists in and around residential neighbourhoods.

Reserve 35341, Lot 3707 Daylesford Close, is vested to the Town of Port Hedland for the purposes of "Pedestrian Access Way", but has never been developed for this purpose. The applicant proposes to close the PAW, amalgamate a portion of it with the adjacent drainage reserve, and dedicate the remaining portion as road reserve.

The subject portion of land (Reserve 35341 – Lot 3707) associated with this reserve is required to facilitate the drainage network proposed as part of the redevelopment of the South Hedland Town Centre and is linked with the subdivision works for Stage 1C.

#### Consultation

Comments were sought from internal departments with no objections raised.

Department	Comments
Building Services	Advised they have no objections to the proposal.
Infrastructure and Development Services	Advised they have no objections to the proposal.

### Statutory Implications

#### PAW Closure:

Section 87 of the *Land Administration Act 1997* establishes the procedure for closing and amalgamating a pedestrian access way with the adjoining land.

#### Road Dedication:

Section 56 of the *Land Administration Act 1997* establishes the procedure for dedicating a road.

### 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 land is currently not developed for the use of pedestrian access. It is evident that the pedestrian access way cannot be maintained on a regular basis and is subject to overgrown vegetation and accumulation of rubbish.

Incorporating a 387m<sup>2</sup> part of the reserve into the Daylesford Close road reserve will ensure a consistent reservation width for the length of this cul-de-sac.

Incorporating a 245m<sup>2</sup> part of the reserve into the adjacent Reserve 35326, currently "Drainage", will ensure that the land is available to be incorporated into the regional drainage network as part of the redevelopment of the South Hedland Town Centre.

### *Options*

Council has the following options for responding to the request:

1. Support the request for closure of Pedestrian Access Way 35341 and its amalgamation to road reserve and drainage reserve as indicated on Attachment 1.

Supporting the request will ensure that the unused Pedestrian Access Way land can be developed and/or maintained accordingly.

2. Reject the request for closure of Pedestrian Access Way 35341 and its amalgamation to road reserve and drainage reserve as indicated on Attachment 1.

Should Council choose not to support the closure, the pedestrian access way will remain in its current condition.

Option 1 is recommended for approval.

#### Attachments

1. Pedestrian Access Way Closure Plan
2. Locality Plan

201112/196 Officer's Recommendation/Council Decision

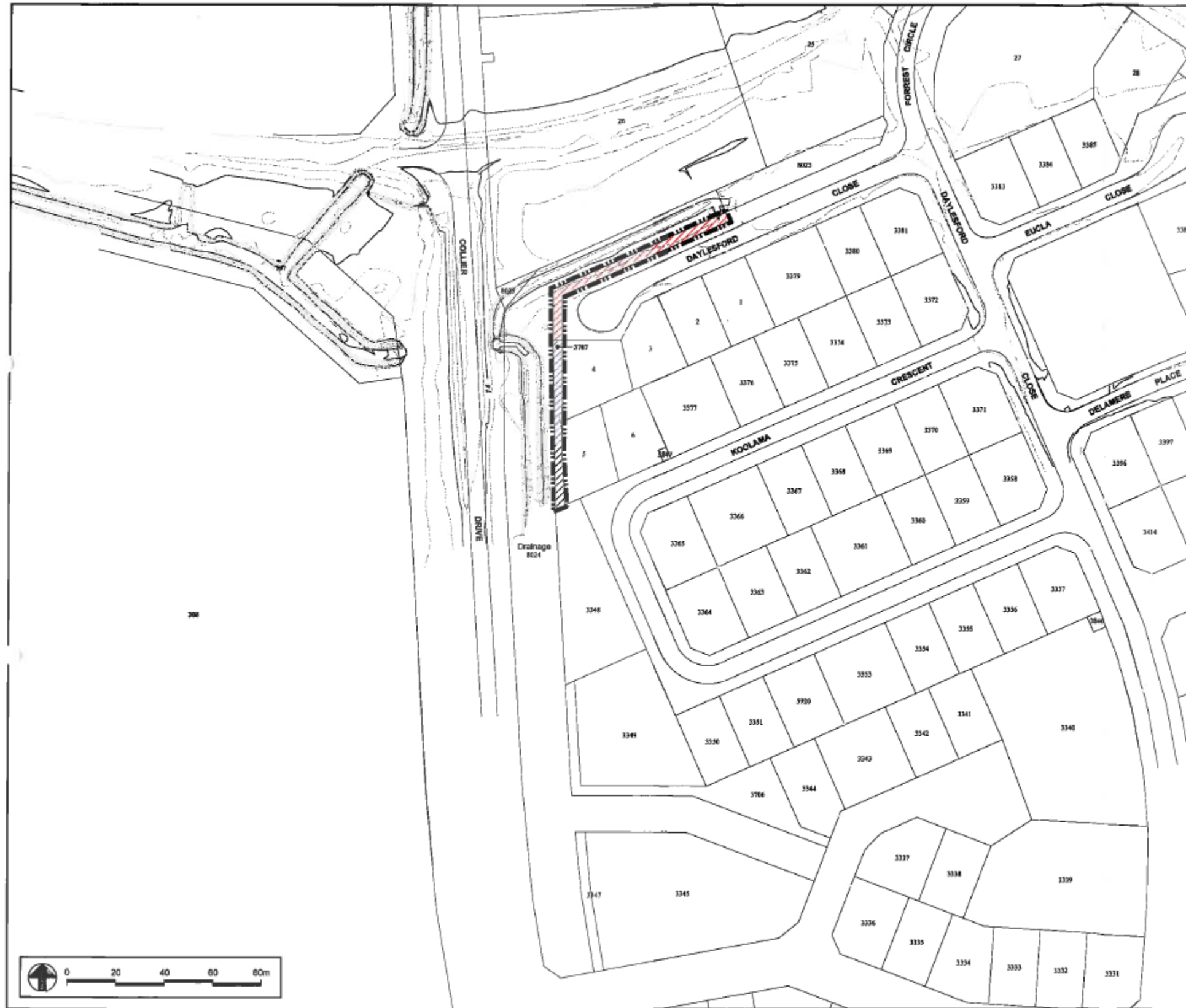
Moved: Cr G J Daccache                      Seconded: Cr D W Hooper

That Council:

1. Supports the permanent closure of Pedestrian Access Way Reserve 35341, Lot 3707 Daylesford Close, South Hedland;
2. Advertises the proposed Pedestrian Access Way closure for a period of 35 days pursuant to the *Land Administration Act 1997*;
3. Subject to no objections being received during the advertising period, delegates the Manager Planning to complete the following:
  - i. **To submit the Pedestrian Access Way closure request to the Department of Regional Development and Lands (State Land Services);**
  - ii. **To submit the request to dedicate a 387m<sup>2</sup> portion of the closed Pedestrian Access Way as "Road Reserve" to the Department of Regional Development and Lands (State Land Services);**
  - iii. **To submit the request to amalgamate a 245m<sup>2</sup> portion of the closed Pedestrian Access Way into Drainage Reserve 35326, being Lot 3346 Collier Drive, South Hedland.**

*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 11.1.6



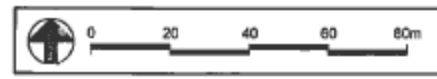
### LOCATION PLAN

#### Proposed Closure of Reserve 35341

Lot 3707 Daylesford Close, SOUTH HEDLAND

#### LEGEND

- Subject Site
- Drainage (245m<sup>2</sup>)
- Road Widening (387m<sup>2</sup>)



LandCorp	CLIENT
1:1,500@A3	SCALE
19 September 2011	DATE
2957_0-3-003.dgn	PLAN No
	REVISION
L.R.	PLANNER
R.F.	DRAWN
R.S.	CHECKED

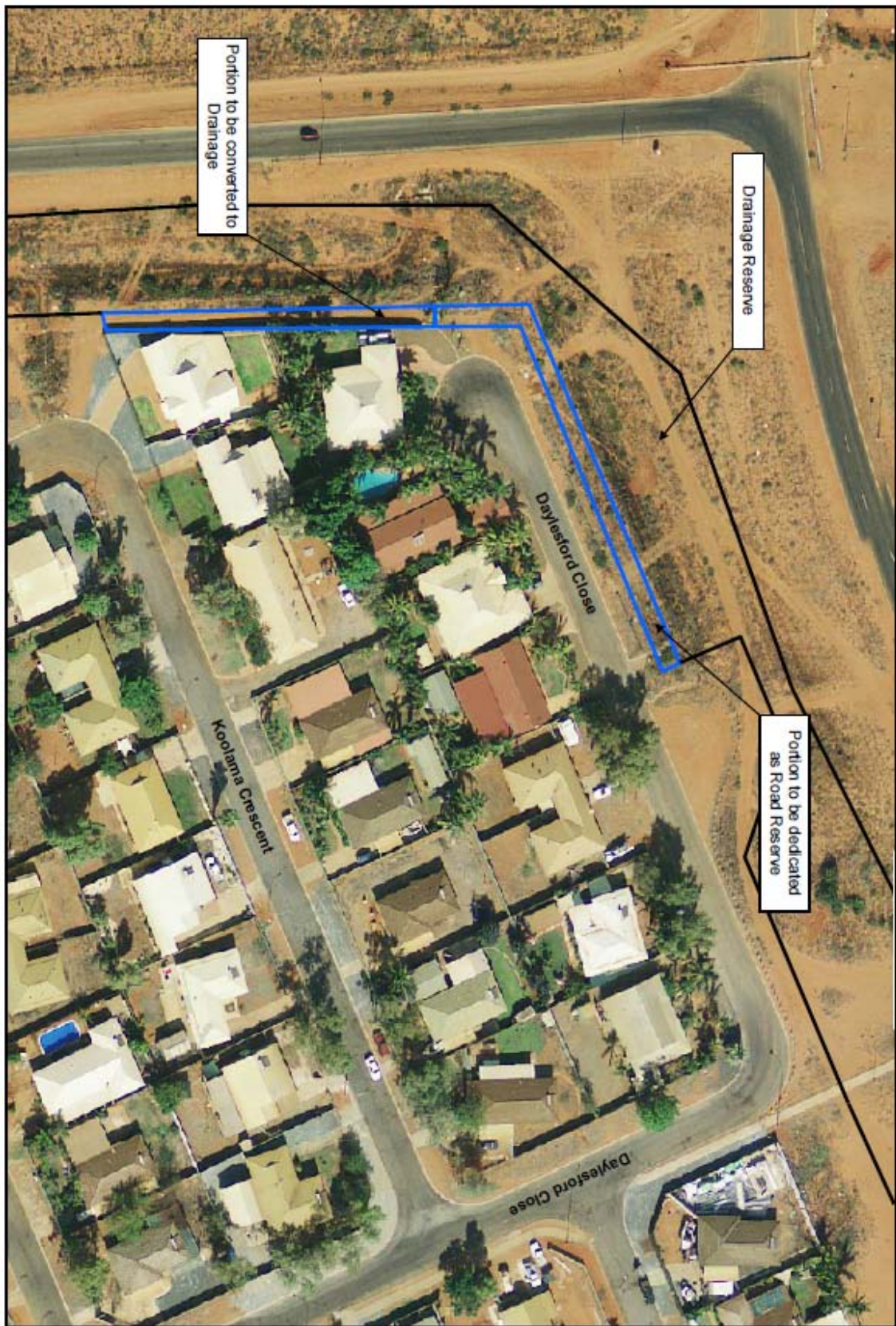
Base data supplied by MAPS, Projection: PNG 94  
 Areas and dimensions shown are subject to final survey calculations.  
 All coverages are shown for illustrative purposes only and are subject to detailed engineering design.

**RPS**  
 RPS Environment and Planning Pty Ltd  
 ACN 108 480 877  
 ABN 43 108 693 977  
 PO Box 402 Subiaco WA 6004  
 38 Station Street  
 Subiaco WA 6008  
 T +61 8 9211 1111  
 F +61 8 9211 1122  
 W rpsgroup.com.au

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ATTACHMENT 2 TO ITEM 11.1.6



*11.1.7 Delegated Planning, Building & Environmental Health Approvals and Orders for October 2011 (File No.: 18/07/0002 & 07/02/0003)*

Officer Liz Gaborit  
Executive Assistant  
Planning Development

Date of Report 5 November 2011

Disclosure of Interest by Officer Nil

#### Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of October 2011.

#### Background

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of October 2011 are attached to this report.

#### Consultation

Nil

#### Statutory Implications

Town of Port Hedland Delegation Register outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

#### Policy Implications

Nil

#### Strategic Planning Implications

Nil

#### Budget Implications

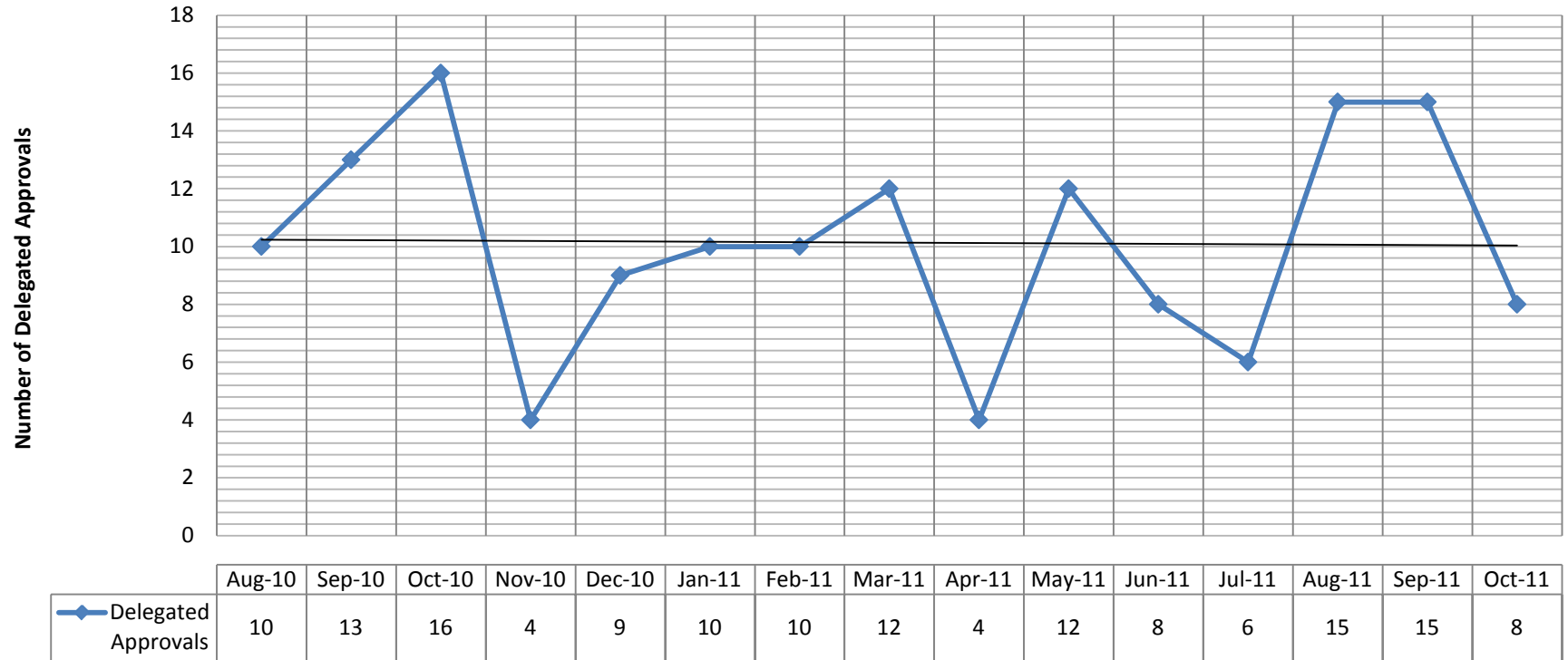
Nil

## DELEGATED PLANNING APPROVALS FOR OCTOBER 2011

PLANNING APPROVALS - DELEGATED AUTHORITY - OCTOBER 2011								
Applic No	Applic date	Date	Description	Lot	Address	Owners details	Applicants name	Development
2011/259	11/06/2011	05/10/2011	MULTIPLE DWELLINGS	290	10 GREENE PLACE SOUTH HEDLAND 6722	DAVID JAMES ROWE	OWEN HIGHTOWER	3300000.00
2011/358	09/08/2011	11/10/2011	MULTIPLE DWELLINGS CONSISTING OF 6 SINGLE BEDROOM UNITS AND 3 TWO BEDROOM UNITS.	911	8 BEACON CLOSE SOUTH HEDLAND 6722	GIL & DEH INVESTMENTS PTY LTD	HODGE & COLLARD ARCHITECTS	2600000.00
2011/366	15/08/2011	11/10/2011	3 x GROUPED DWELLINGS	2784	330 ACACIA WAY SOUTH HEDLAND 6722	PILBARA PUBLIC HEALTH	LEN MCDONNELL	1050000.00
2011/390	22/08/2011	06/10/2011	INDUSTRY - RESOURCE PROCESSING	3000	FINUCANE ISLAND ROAD WEDGEFIELD 6722	MURRAY RAVEN CROWN	MARK KOUWENHOVEN	3030149.00
2011/400	19/08/2011	04/10/2011	"TOWN CENTRE" - USE NOT LISTED - MIXED USE DEVELOPMENT	4	10 ANDERSON STREET PORT HEDLAND 6721	SITU INVESTMENTS PTY LTD T/F PORT HEDLAND DEVELOPMENT TRUST	MODU FORM CONSTRUCTION PTY LTD	1600000.00
2011/423	26/08/2011	10/10/2011	"RURAL RESIDENTIAL" - SINGLE HOUSE - SHED ADDITION	9	9 MANILINHA DRIVE PORT HEDLAND 6721	BRADLEY WILLIAM MCCAGH	BRADLEY WILLIAM MCCAGH	10000.00
2011/444	07/09/2011	10/10/2011	SINGLE HOUSE - R-CODE SIDE SETBACK VARIATION	5511	31 OSPREY DRIVE SOUTH HEDLAND 6722	JESSICA LOUISE VUCKOVICH	BRENDEN WOOLLEY	109090.00
2011/506	14/10/2011	31/10/2011	RESIDENTIAL - ANCILLARY ACCOMMODATION	3067	9 HOLLINGS PLACE SOUTH HEDLAND 6722	NEIL THOMAS & JACQUI RUTH PEET	NEIL THOMAS PEET	25000.00

DELEGATED PLANNING APPROVALS FOR OCTOBER 2011 Cont'd....

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

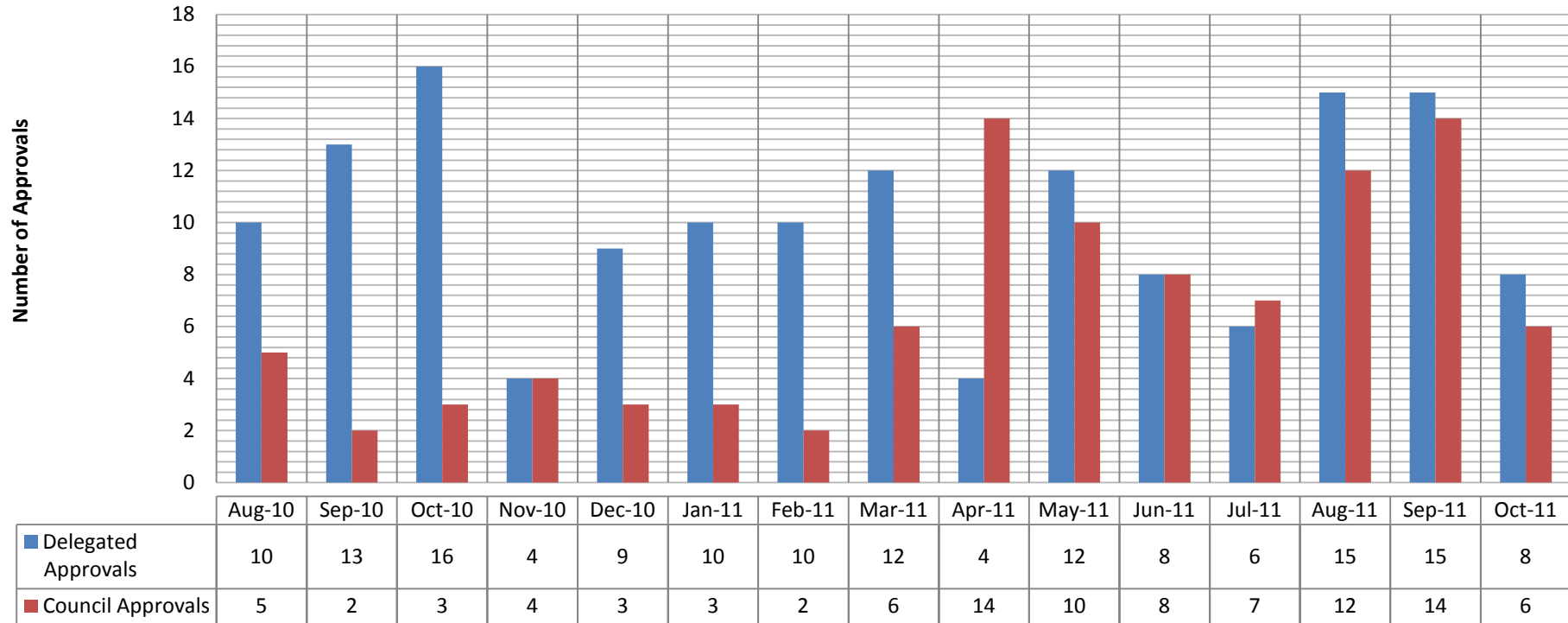


\* PLEASE NOTE THE ABOVE STATISTICS FOR 2010 HAVE BEEN UPDATED DUE TO A PLANNING ADMINISTRATION ERROR

\* STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

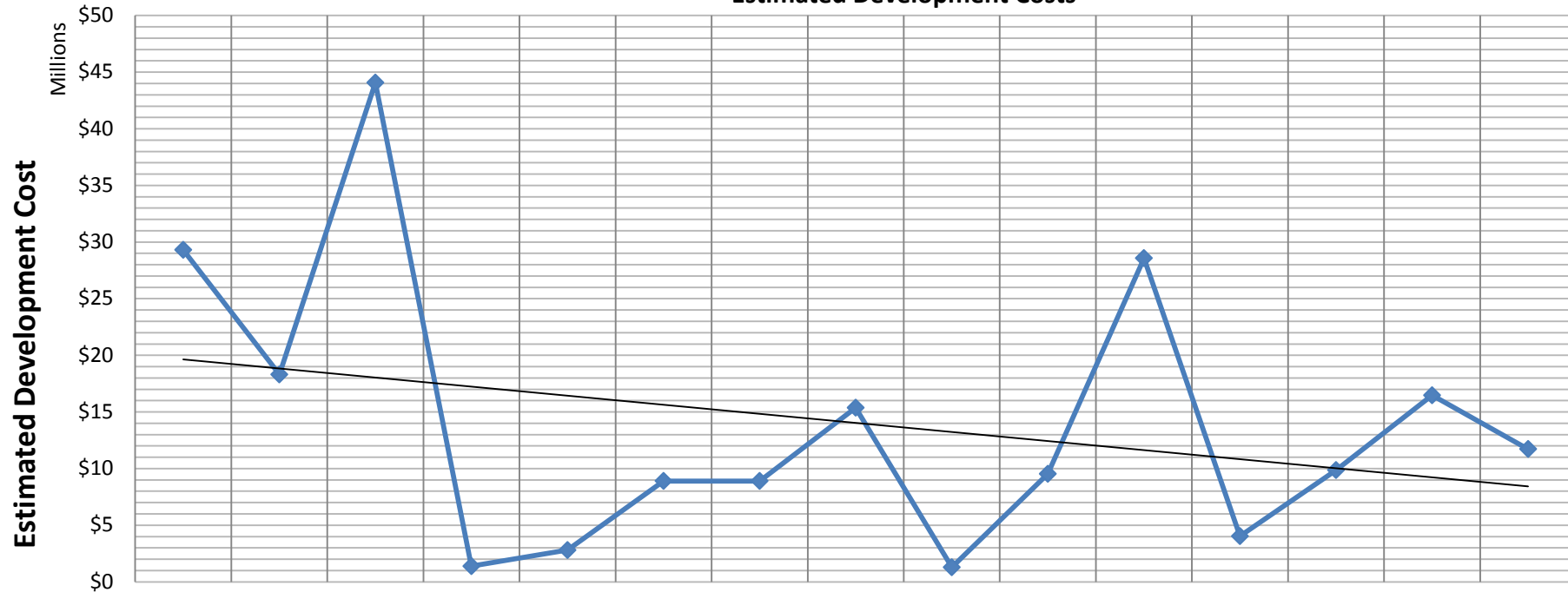
DELEGATED PLANNING APPROVALS FOR OCTOBER 2011 Cont'd...

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



DELEGATED PLANNING APPROVALS FOR OCTOBER 2011 Cont'd...

**Summary & Trendline of  
Town Planning Delegated Approvals  
Estimated Development Costs**



	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Delegated Approvals - Estimated	\$29.307.6	\$18.304	\$44.073	\$1.379.6	\$2.799.0	\$8.903.6	\$8.903.6	\$15.369	\$1.281.5	\$9.530.9	\$28.576	\$4.030.8	\$9.862.4	\$16.466	\$11.724

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

\* STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

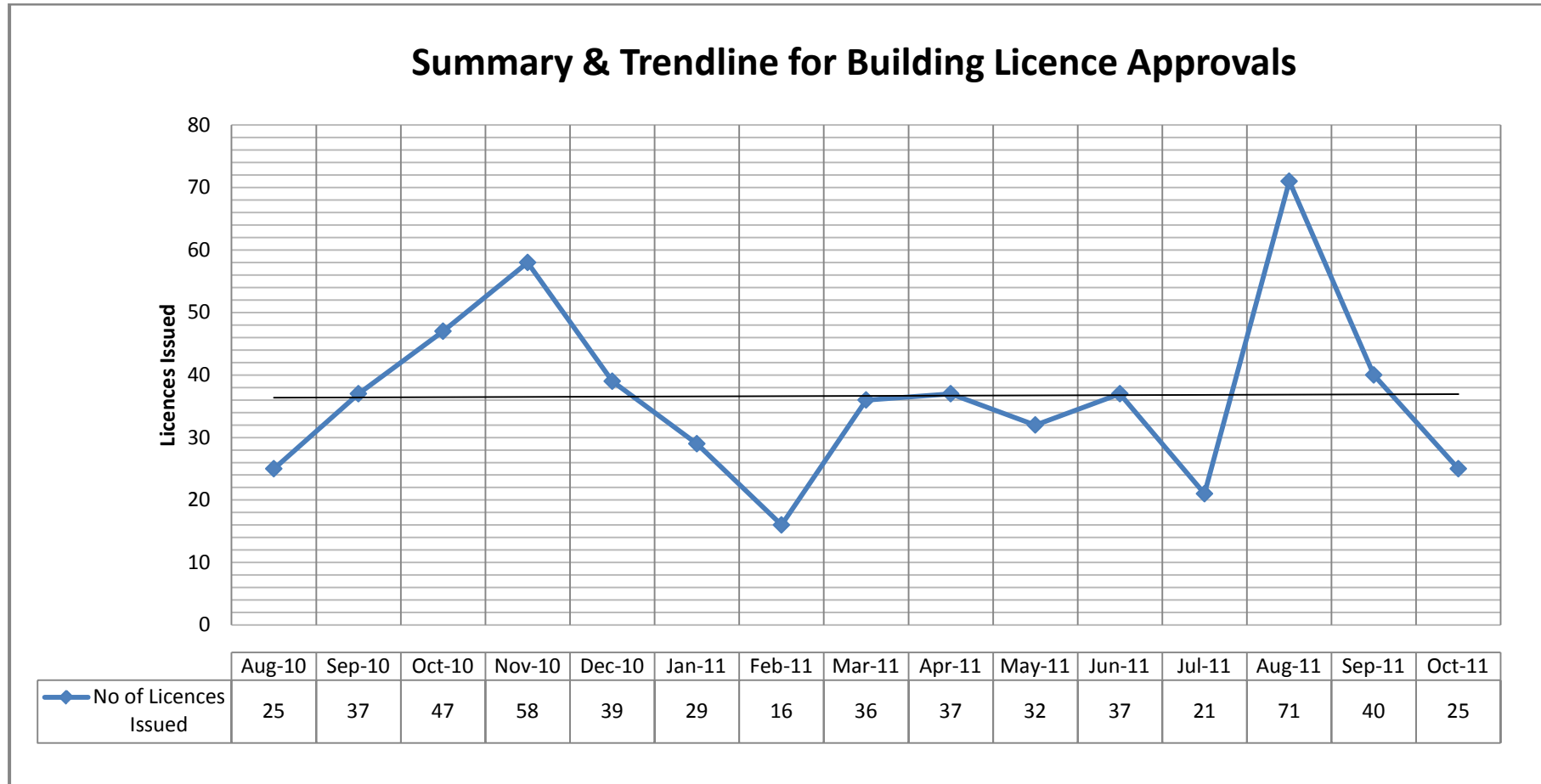
## DELEGATED BUILDING APPROVALS FOR OCTOBER 2011

<b>BUILDING LICENCES</b>						
License Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
100421	13.10.2011	SOUTH HEDLAND	New roof to existing Carport Store & Pa	\$ 18,720.00	36	Class 10a
100422	13.10.2011	SOUTH HEDLAND	Proposed new roof to Existing Carport &	\$ 15,600.00	30	Class 10a
102033	25.10.2011	SOUTH HEDLAND RURAL EST	1 x Outbuilding	\$ 40,000.00	108	Class 10a
105065	06.10.2011	SOUTH HEDLAND	1 x Above Ground Swimming Pool	\$ 1,000.00		Class 10b
105066	11.10.2011	SOUTH HEDLAND	1 x Below Ground Swimming Pool	\$ 33,000.00	25	Class 10b
105068	18.10.2011	SOUTH HEDLAND RURAL EST	1 x Below Ground Swimming Pool	\$ 36,000.00	36	Class 10b
105067	18.10.2011	SOUTH HEDLAND	1 x Below Ground Swimming Pool	\$ 34,750.00	24	Class 10b
105069	25.10.2011	SOUTH HEDLAND	1 x Below Ground Swimming Pool	\$ 40,000.00	45	Class 10b
100408	05.10.2011	SOUTH HEDLAND	1 x Single Dwelling	\$ 465,000.00	280	Class 1a
100390	27.10.2011	SOUTH HEDLAND	1 x Single Dwelling	\$ 500,000.00	164	Class 1a
100433	26.10.2011	SOUTH HEDLAND	2 x Dwellings including Carport Alfresco	\$ 728,840.00	231	Class 1a 10a and 10b
100434	31.10.2011	PORT HEDLAND	1 x Single Dwelling 1 x Outbuilding F	\$ 495,950.00	170	Class 1a 10a and 10b
100426	14.10.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Garage 1 x Alf	\$ 493,695.00	270	Class 1a and 10a
100401	18.10.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Carport 1 x Ve	\$ 489,000.00	215	Class 1a and 10a
100428	19.10.2011	PORT HEDLAND	Grouped Dwelling (8) Carports	\$ 2,000,000.00	450	Class 1a and 10a
100430	27.10.2011	SOUTH HEDLAND	1 x Single Dwelling and Fencing	\$ 537,078.00	257	Class 1a and 10b
100418	05.10.2011	SOUTH HEDLAND	Grouped Dwelling (60 Units)	\$ 2,773,650.00	1711	Class 1b
100429	21.10.2011	PORT HEDLAND	Grouped Dwelling (8 Units) 8 x Stores	\$ 2,400,000.00	450	Class 2
100425	21.10.2011	SOUTH HEDLAND	Phases 1 and 2 - 272 Accommodation units	\$ 10,745,413.00	4262	Class 3
100420	10.10.2011	WEDGEFIELD	1 x Office	\$ 485,000.00	24	Class 5
100407	05.10.2011	WEDGEFIELD	1 x Warehouse	\$ 699,800.00	498	Class 7b
100419	07.10.2011	SOUTH HEDLAND	Internal Alterations	\$ 2,800.00		Other
100423	13.10.2011	PIPPINGARRA	Bulk Earth works	\$ 500,000.00		Other
100427	14.10.2011	SOUTH HEDLAND	Footings/Slabs for Stages 1 & 2 for 272	\$ 1,534,037.00		Other
	31.10.2011	PORT HEDLAND	Strata Title (6 Units)			Other
		<b>Total</b>		<b>25</b>	<b>\$ 25,069,333.00</b>	

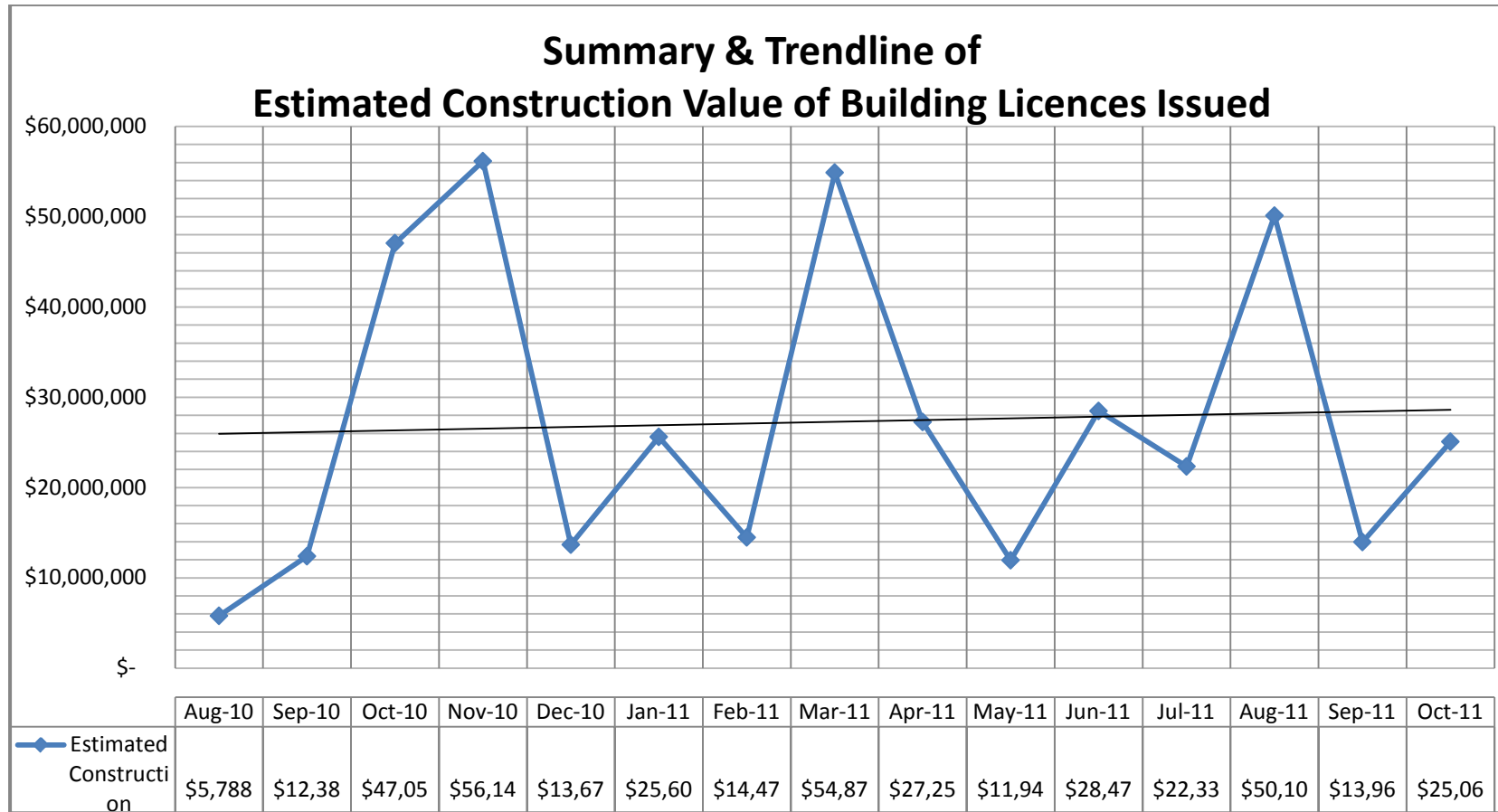
<b>SUMMARY</b>				
<b>No of Licenses</b>	<b>License Type</b>	<b>Estimated Construction Value</b>	<b>Floor Area in square metres</b>	<b>Average cost per square metre</b>
0	Demolitions	\$0	0	
9	Dwellings	\$8,483,213	3,748	\$2,263
3	Class 10a	\$74,320	174	\$427
5	Class 10b	\$144,750	130	
4	Commercial	\$14,330,213	5,234	\$2,738
4	Other	\$2,036,837	9,286	
<b>25</b>		<b>\$25,069,333</b>	<b>9,286</b>	



DELEGATED BUILDING APPROVALS FOR OCTOBER 2011 Cont'd...



DELEGATED BUILDING APPROVALS FOR OCTOBER 2011 Cont'd...



Attachments

Nil

201112/197 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache

Seconded: Cr D W Hooper

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 October 2011 be received.

*CARRIED 5/0*

*11.1.8 Proposed Use Not Listed "Information Sign" – Lot 309 Pinga Street, Wedgefield (File No.: 804857G)*

Officer Caris Vuckovic  
Lands Officer

Date of Report 3 November 2011

Disclosure of Interest by Officer Nil

#### Summary

Council has received a request from Sign Strategy on behalf of Landcorp to place a sea container displaying signage at Lot 503 Pinga Street, Wedgefield. The sign will provide information regarding the development of the approved Hedland Junction subdivision within Wedgefield.

Council is requested to approve the proposed "Information Sign".

#### Background

At the Ordinary Council Meeting of 24 November 2010, Council approved the subdivision of Lot 503 Pinga Street, Wedgefield.

The subdivision, comprising of 34 lots will improve the quality of the built environment and provide new opportunities for the development of appropriately located transport development and light industrial lots within Wedgefield.

It is proposed to install a 12m x 2.4m sea container within the development site, which will provide contact information for those interested in purchasing land.

#### Consultation

Department	Comments
Building Services	Sign Licence required.
Infrastructure and Development Services	No objections as it is within lot boundaries and not in road reserve.

#### Policy Implications

'Advertising' 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.”*

In addition, Council's “*Signs, Hoardings and Bill Postings*” Local Law applies to the proposal.

#### Strategic Planning Implications

Nil

#### Budget Implications

The prescribed application fee of \$139.00 has been paid.

#### Officer's Comment

The placement of the proposed sign is intended to promote the release of land as a result of the Hedland Junction subdivision in Wedgefield.

The proposed location of the sign will be clearly visible to vehicles travelling on the Great Northern Highway and will direct those interested to the correct contact for further information.

The Town's Local Laws are very prescriptive and while the proposal does not fit within the tight definitions within the local laws it is consistent with current industry standards and is not seen to be problematic.

#### *Options*

Council has the following options when considering the application:

1. Approve the application subject to conditions.

Should Council approve the application, it will result in local residents of the town being informed of the industrial land release and directed to the correct contact for further information.

2. Refuse the application.

The applicant will not be able to use the proposed method of advertising and may have to resort to a smaller less effective sign.

Option 1 is recommended.

## Attachments

1. Locality Plan
2. Applicants Proposal

201112/198 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache      Seconded: Cr J E Hunt

That Council:

1. Approve the Planning Application submitted by Sign Strategy on behalf of Landcorp to place a sea container displaying signage at Lot 503 Pinga Street, Wedgefield, as a "Use Not Listed" – "Information Sign" at Lot 503 Pinga Street, Wedgefield, subject to the following conditions:-
  - a. **This approval relates to the proposed "USE NOT LISTED" – "Information Sign" and other incidental development, as indicated on the approved plans. (DRG2011/534/1, DRG2011/534/2, DRG2011/534/3) It does not relate to any other development on this lot.**
  - b. **This approval is to remain valid until 1<sup>st</sup> January 2013 or until such time as the land release is complete, whichever occurs first.**
  - c. **Upon the expiry of the permit the sign must be removed to the satisfaction of Council's Manager Planning Services.**
  - d. **The proposed sign (Sea Container) is to be maintained at all times to the satisfaction of Council's Manager Planning Services.**
  - e. **The applicant is to obtain a Building Licence prior to the installation of the sign (Sea Container) to the satisfaction of Councils Manager Planning Services.**

*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 11.1.8



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12000mm



FRONT ELEVATION  
HEDLAND JUNCTION INDUSTRIAL ESTATE  
2.4M X 12M SEA CONTAINER

LandCorp  
LCS 0590 - Hedland Junction QtrSz 2.4m x 12m  
October 2011

Mounting of the sea container

The use of 4 large concrete footings will be used to mount the 40 foot sea container on. The sea container will be attached to these footings.

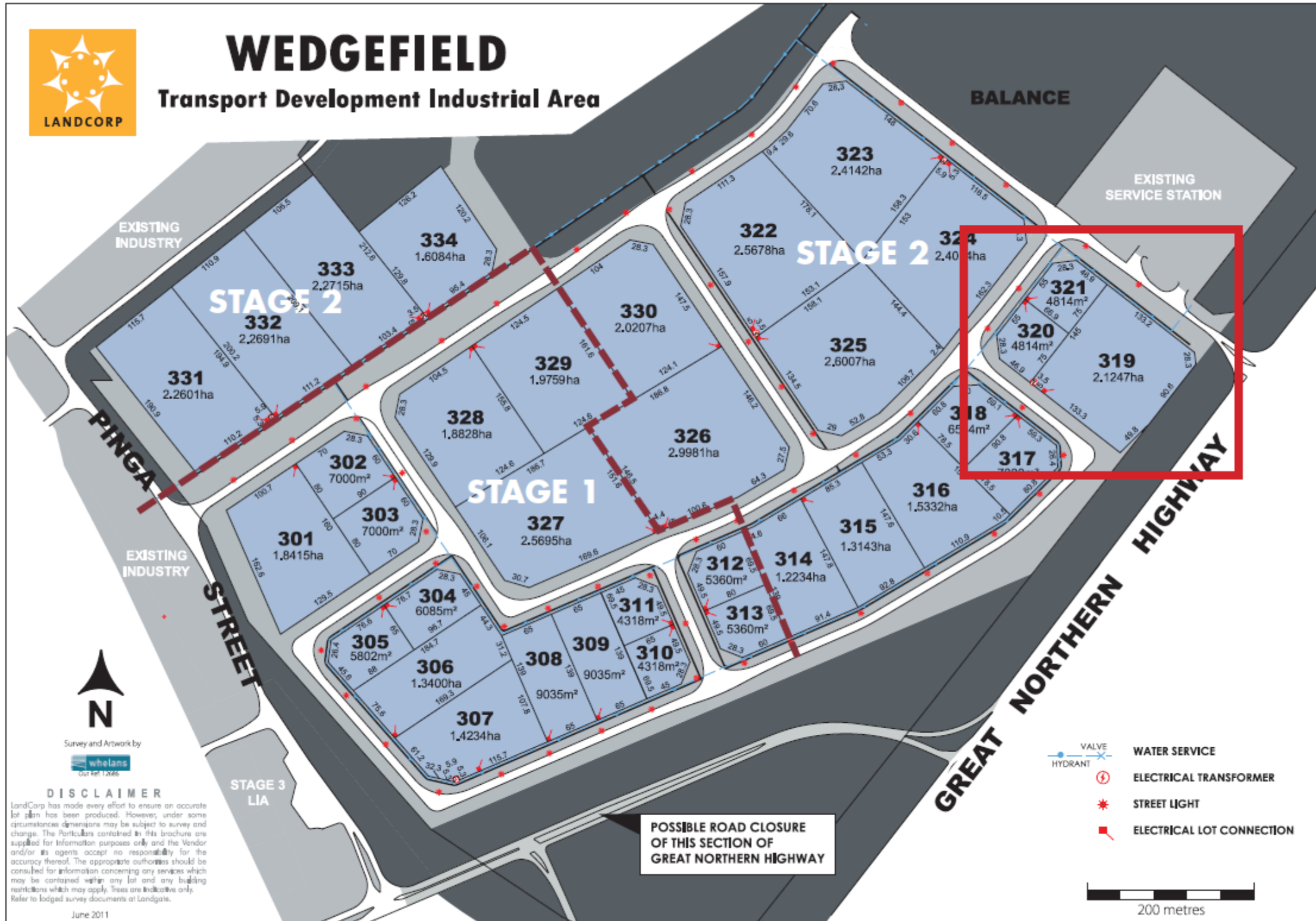
The same footings are used to hold down the same size donga's used in construction camps and railway camps, (they use just 2 footings), LandCorp are using double the footings.



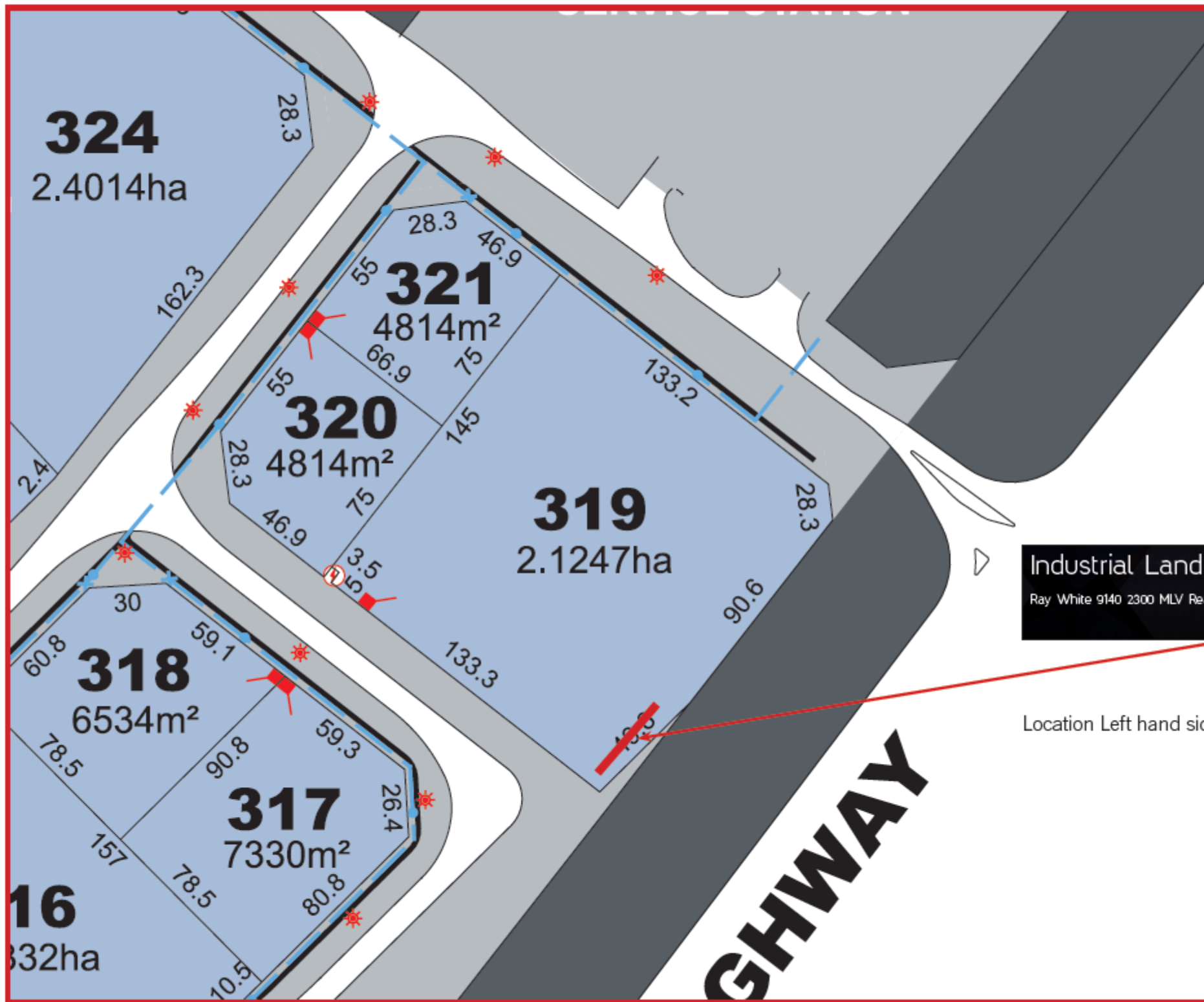
The sea container is bolted to the mounting blocks see above.



Bolts for mounting.



LandCorp to place one sea container sign only at Location 1 (TD2 area). LOT 19



**Industrial Land Now Selling**  
Ray White 9140 2300 MLV Real Estate 0411 597 952  
[landcorp.com.au/hedlandjunction](http://landcorp.com.au/hedlandjunction)

Location Left hand side of LOT 19

*11.1.9 Proposed Scheme Amendment No. 50 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Portions of Lot 502 North Circular Road from "Residential R20" to "Residential R30" (File No.: 18/09/0064)*

Officer Ryan Djanegara  
Planning Officer

Date of Report 4 November 2011

Disclosure of Interest by Officer Nil

#### Summary

Council have received a request from Burgess Design Group on behalf of Kariyarra Mugarinya Property Joint Venture Pty Ltd to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5, to amend the coding of portion of Lot 502 North Circular Road South Hedland from "Residential R20" to "Residential R30".

Final adoption of the scheme amendment will facilitate the development of a number of "Grouped Housing" sites.

The request is supported by the officers and Council is requested to support the initiation.

#### Background

Lot 502 North Circular Road, South Hedland is currently zoned "Residential R20". It is currently vacant and 11.9ha in size. The land has been identified as being ready for immediate development by the Town's draft "Pilbara's Port City Growth Plan".

The applicant proposes to rezone a portion of this land (being proposed lots 1-4) to "Residential R30" in order to facilitate additional dwellings on the proposed larger grouped/multiple dwelling sites identified in the subdivision application for the land.

#### Consultation

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the *Planning and Development Act 2005* (PDA) and then advertised for public comment.

### Statutory Implications

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

### Policy Implications

Nil

### Strategic Planning Implications

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

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

The following sections of the draft "Pilbara's Port City Growth Plan" are considered relevant to the proposal:

Section 5.7.12 Precinct 12:	South Hedland East
Precinct Highlight 1:	Immediate term housing supply opportunity.

### Budget Implications

The applicant has paid the prescribed fee of \$7,556.20.

### Officer's Comment

The applicant is proposing to rezone portion of the subject site from "Residential R20" to "Residential R30", in order to support the subdivision of Lot 502 North Circular Road.

Officers have identified criteria that should be met before supporting increased density. This 'criteria' is based on the accessibility to infrastructure and facilities (eg transportation infrastructure, park and recreation facilities, education and health facilities and commercial facilities such as supermarkets) and proximity to other higher density areas.

Within the context of the site, the surrounding area is predominately R20 with small pockets of R25 and R30 along Paton and Rutherford Roads. The applicant has argued that the scheme amendment should be supported as it allows for more housing diversity within the area. In addition, these lots are within close proximity to the proposed park that will be created via the proposed subdivision of the site. Given the above it is considered that the proposed scheme amendment is consistent with criteria to support higher density.

*The draft "Pilbara's Port City Growth Plan"*

The draft Pilbara's Port City Growth Plan has been reviewed in the assessment of the proposed scheme amendment. The document identifies the site to be developed immediately for housing at medium density (R30 to R60 as defined by the R Codes). The recommendation of this density is further supported with the potential development of a local commercial centre, recreation facilities and high school south of Murdoch Drive.

Although the document is still a draft, Council should consider the *"Pilbara's Port City Growth Plan"* in the context of this scheme amendment. Should Council require the applicant to recode the entire site for medium density development (i.e R30), it will not impact on the applicant's current subdivision proposal. However, it would give the applicant the ability to review its subdivision design to either create more lots or amend lot sizes to facilitate a greater dwelling yield. Given the current accommodation shortage and the recommendations of the Growth Plan, it is recommended that Council require the entire site be recoded to R30. This will facilitate a higher dwelling yield for the land and in an area where appropriate services and facilities are either existing or forecast by the *"Pilbara's Port City Growth Plan"* to provide for the increased dwellings and subsequent population.

Options

Council has the following options when considering the request:

1. Initiate the Scheme Amendment subject to changes to reflect Council's draft *"Pilbara's Port City Growth Plan"*

This option would see Council require the applicant code the entire Lot 502 at R30 in accordance with the Growth Plan's recommendation that the land be developed for "medium density".

2. Initiate the Scheme Amendment as requested

The initiation of the Scheme Amendment as proposed would see some of the land recoded to R30 but the rest remain R20.

3. Refuse to initiate the Scheme Amendment

The land would be developed at current R20 coding which is below that recommended by the Growth Plan and is considered to be an inefficient use of the land.

Option 1 is recommended.

#### Attachments

1. Locality Plan
2. Scheme Amendment Report
3. Exert of the Town's draft City Growth Plan

201112/199 Officer's Recommendation/Council Decision

Moved: Cr D W Hooper                      Seconded: Cr G J Daccache

That Council:

1. Approve the request from Burgess Design Group on behalf of Kariyarra Mugarinya Property Joint Venture Pty Ltd to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 over Lot 502 North Circular Road subject to the following changes:
  - a) **the entire site is to be rezoned to a minimum density of R30;**
2. Advise the applicant to prepare the amended (as per 1(a)) formal amendment documentation to enable referral to the Environmental Protection Authority.
3. Following approval from the Environmental Protection Authority to advertise the amendment, Council advertises the proposed amendment in accordance with section 83 of the Planning and Development Act 2005 to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the Planning and Development Act 2005.
4. Should there be no submission received during the statutory advertising period, Council formally adopts Scheme Amendment 50, in accordance with the provisions of the Planning and Development Act, and
  - i) **Delegates the Director Planning and Development to forward Town Planning Scheme Amendments to the Planning Commission for final approval in the case of:**
  - ii) **The proposal being of an uncontentious nature.**



- iii) **The date of adoption of Council's final approval shall be the date of the next Council Ordinary Meeting following the closing date of the advertising period**

*CARRIED 5/0*

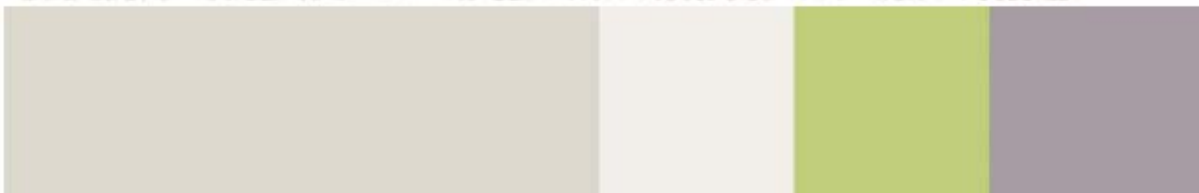
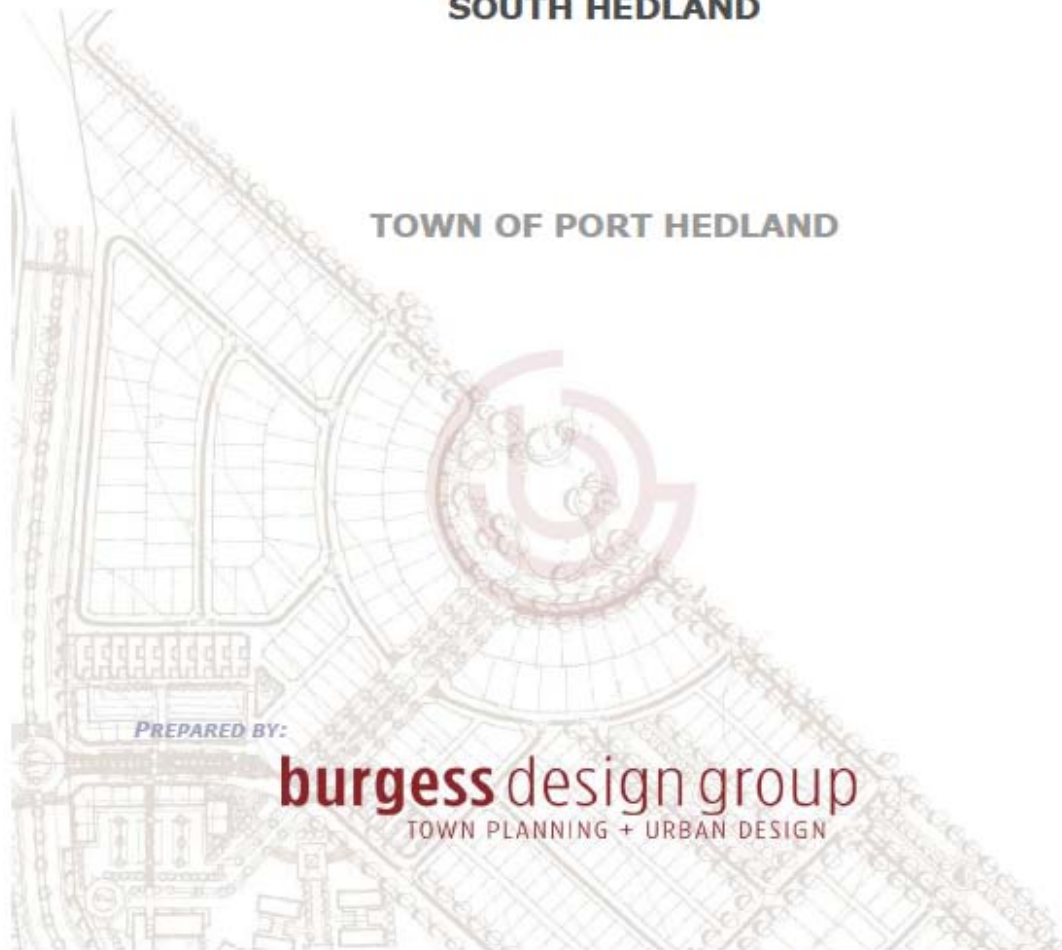
ATTACHMENT 1 TO ITEM 11.1.9





# PROPOSED SCHEME AMENDMENT

**LOT 502 NORTH CIRCULAR ROAD  
SOUTH HEDLAND**



**Portions of Lot 502 North Circular Road, South Hedland****Town of Port Hedland****Proposed Scheme Amendment**

Issue 1: October 2011

Prepared for: Kariyarra Mugarinya Developments Pty Ltd c/- NS Projects

Prepared by: Burgess Design Group  
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Project Planner: T. Durward  
Job code: KMD 50U  
File reference: 111019RLGA\_Scheme Amendment Application  
Revision No: 2

## Quality Assurance

Issue/Revision:	Date:	Author:	Reviewer:
1/1	11 October 2011	T. Durward	R. Van Santen
1/2	19 October 2011	T. Durward	Client – NS Projects

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Table 1	New Residential Dwelling Approvals
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Appendix 1	Certificate of Title
Appendix 2	Plan of Proposed Green Title Subdivision
Appendix 3	Correspondence from the Water Corporation
Appendix 4	Proposed Scheme Amendment

## 1. INTRODUCTION

### 1.1 INTRODUCTION

Burgess Design Group has been appointed by Kariyarra Mugarinya Developments Pty Ltd, c/- NS Projects on behalf of the registered owners, of Lot 502 North Circular Road, South Hedland (Area K) for the provision of town planning and urban design consultancy services for the preparation of a Scheme Amendment application for portions of Lot 502 North Circular Road, South Hedland (the "subject land").

The following report provides an overview of the background and planning framework, site characteristics and constraints, findings of preliminary investigations and explains the rationale behind the Scheme Amendment application.

The proposed Scheme Amendment has been formulated by Burgess Design Group in collaboration with a team of specialist consultants, who have provided technical input in relation to matters as follows:

Wood and Grieve:	Water Management and Engineering
Aurora Environmental:	Environmental Assessment
Whelans:	Surveying

### 1.2 DEVELOPMENT OBJECTIVES

A project charter has been prepared regarding the objectives and intent of the overall project. The objectives are summarised as follows:

*"To create a quality housing estate for the South Hedland locality, providing a walkable environment for the enjoyment of residents and incorporating passive environmental design principles.*

*This will provide an 'Enterprise Opportunity' for Kariyarra Mugarinya Joint Venture in the Pilbara economy through providing long term investment benefits to the Traditional Owners via an established income stream managed through an Aboriginal Property Trust.*

*The project is not targeting the provision of affordable or social housing however future revenue streams are proposed to be used for other social and community programs."*

## 2. PLANNING BACKGROUND

### 2.1 LAND DESCRIPTION

#### 2.1.1 Location

The parent lot is located at the eastern extent of the South Hedland urban area, at the corner of North Circular Road and Murdoch Drive and comprises a total land area of 11.9264 hectares. The land abuts the existing urban front to the west and an existing open drainage channel (drainage reserve) along the north and north western boundaries. Please refer to the attached Figure 1 – Location Plan and Figure 2 – Aerial Photograph.

#### 2.1.2 Legal Description, Restrictions and Encumbrances

Lot 502 is registered in the ownership of Kariyarra Mugarinya Property Joint Venture Pty Ltd and is formally described as Lot 502 on Deposited Plan No. 57847, Certificate of Title Volume 2708 Folio 482. A copy of the Certificate of Title is contained in Appendix 1.

#### 2.1.3 Existing and Surrounding Land Use

The site is currently vacant and has no historical land use. The land is located on the eastern urban front of the South Hedland urban area. It is surrounded by vacant 'Rural' land in the east and south, and the existing residential area in the north and west. The vacant 'Rural' land is expected to be zoned for urban purposes, following the outcomes of the Port Hedland Growth Plan.

The surrounding urban area is generally dominated by one dimensional R20 density housing product. Therefore there is a need for a greater variety in housing stock, and this is demonstrated by the recent rezoning of land along Rutherford Road, directly abutting the subject land in the west, to 'Residential R30'.

### 2.2 BACKGROUND

An application for Green Title Subdivision was approved by the Western Australian Planning Commission (WAPC Approval No. 134615) on 23 April 2008. This approval is for 115 R20 lots (including 3 grouped dwelling sites) and land for road and drainage reserves.


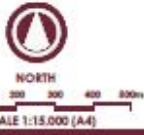
Following the above, an updated application was submitted on 6 October 2011, which provides for 121 R20 lots and 4 grouped dwelling sites. The intention of the current application is to update the plan and align the design with contemporary design philosophies and in particular it will facilitate the ability to rezone the grouped sites to R30 and provide for diversity in housing product. A copy of the current application is contained in Appendix 2.

The land was rezoned from the 'Urban Development' zone to 'Residential R20' in June 2011.

### 2.3 CONSULTATION

In accordance with best practise planning principles, BDG engaged with the Town of Port Hedland Planning Officers to discuss the merits of targeted upcoding of areas within the parent lot, as well as discussing the design of the currently submitted subdivision application.



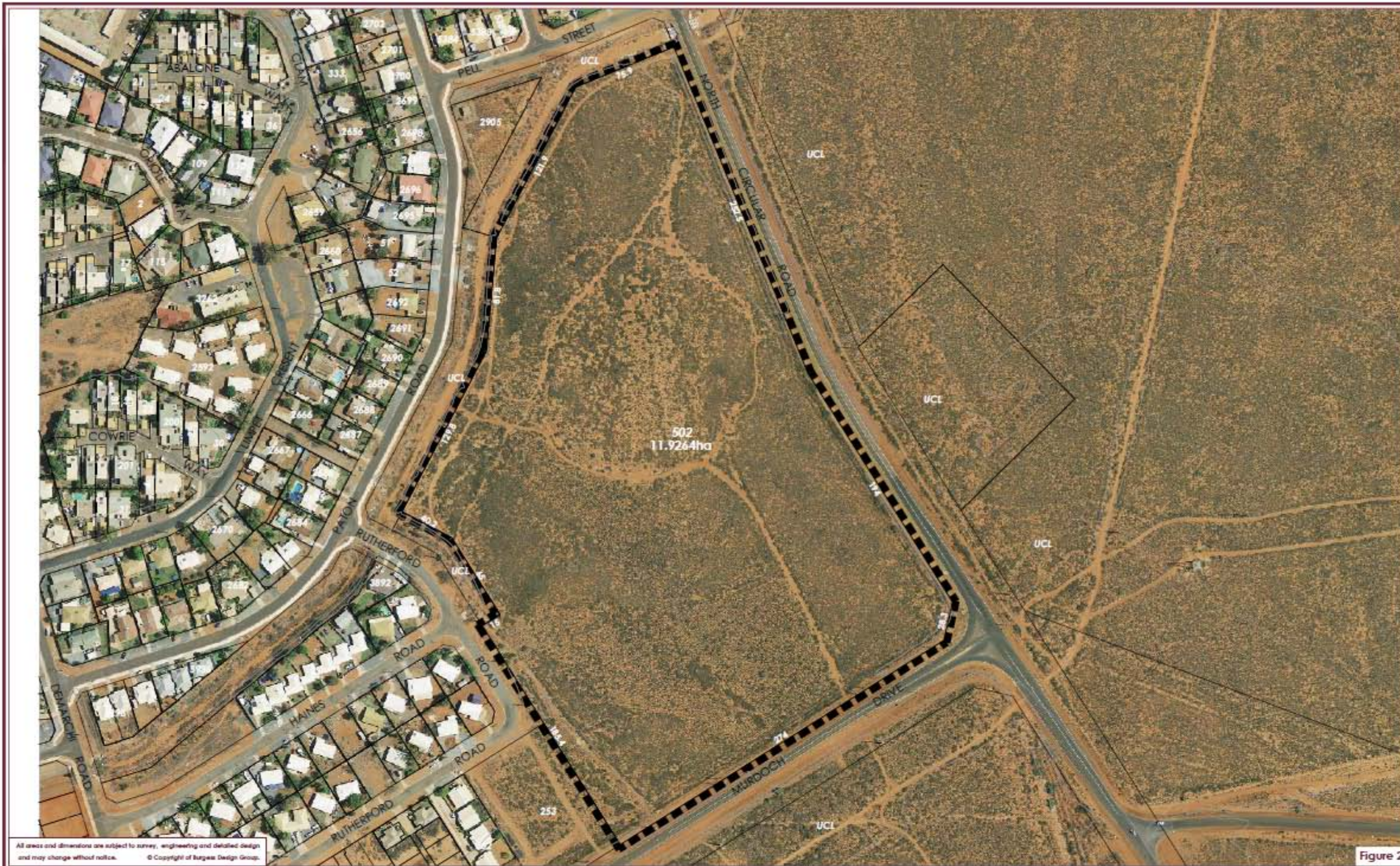
Plan No: EMD SOU 10-02b  
Date: 25.08.11  
Planner: TD  
Client: KARIYARRA MUGARINTYA DEVELOPMENTS

Location Plan  
Lot 502 North Circular Road  
South Hedland

**TOWN OF PORT HEDLAND**

**burgess design group**  
TOWN PLANNING + URBAN DESIGN  
PO Box 574 Northridge WA 6885  
www.burgessdesigngroup.com.au  
F (08) 9328 4411  
F (08) 9328 4811





All areas and dimensions are subject to survey, engineering and detailed design and may change without notice. © Copyright of Burgess Design Group.

Figure 2



**burgess design group**  
TOWN PLANNING • URBAN DESIGN  
PO Box 374 Northbridge WA 6855  
www.burgessdesigngroup.com.au  
P (08) 9328 4411  
F (08) 9328 4311

Legend:  
 Subject Land



NORTH  
0 20 40 60 80 100  
SCALE 1:2,500 (AS)

**Aerial Plan**  
**Lot 502 North Circular Road**  
**South Hedland**  
**TOWN OF PORT HEDLAND**

Plan No: EMD 501 10-02c\_AF Client: KARIYARRA MUQARINYA DEVELOPMENT  
Date: 04.10.11 Planner: TD

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These meetings and discussions have provided the landowners, and Burgess Design Group, with confidence that the upcoding to R30 aligns with the Council's objectives for development in South Hedland and that the land is appropriately located to accommodate a mix of R20 and R30 housing.

#### 2.4 PLANNING FRAMEWORK

Outlined below is a summary of the relevant strategic and statutory documents that guide the use and development of the site and/or support the development of the land for residential purposes.

##### 2.4.1 Town Planning Scheme No. 5

The subject land is zoned 'Residential R20' in the Town of Port Hedland Town Planning Scheme No. 5 (TPSS). Clause 6.3 addresses the provisions of the 'Residential R20' zone as follows:

###### *"6.3 RESIDENTIAL ZONE*

*6.3.1 In determining any application for planning approval within the residential zone, Council shall have regard for the Port Hedland Local Housing Strategy"*

There is no officially adopted Port Hedland Local Housing Strategy per se, but the Scheme Amendment Application provides for an increase in the underlying density to R30. This is supported by the Port Hedland Land Use Masterplan (LUMP), as discussed below. TPSS requires that development in the 'Residential' zones complies with the Residential Design Codes.

##### 2.4.2 Residential Design Codes of WA (November 2010)

The R Codes deal with site area requirements, as well as all other design elements of housing design. The R Codes aim to encourage a diverse range of housing product and innovative design, and ensure that new development matches in with existing development, to high levels of amenity and access for all users.

In upcoding the portions of Lot 502 to R30 the minimum and average lot size requirement will decrease to 270m<sup>2</sup> and 300m<sup>2</sup> respectively, while there will also be a reduction of the open space to 45% and deletion of any minimum frontage requirements. There is also the allowance for different provisions relating to multiple dwellings in areas coded R30 or above, where new provisions apply and there is no minimum and average lots size for each dwelling, but an overall plot ratio allowance of 0.5.

##### 2.4.3 Port Hedland Land Use Master Plan

The Port Hedland Land Use Master Plan (LUMP), as endorsed by the WAPC in September 2008, notes that housing in the Town of Port Hedland is generally in short supply, mainly due to the employment generating mining industry and significant economic investment this brings. Commentary is provided regarding South Hedland where the LUMP notes that it has traditionally suffered from a poor image due to a perception of crime, poverty and social dysfunction.

This scheme amendment will assist with providing a diverse range of housing product in South Hedland, and therefore help to redress the balance of housing supply, while also providing a range of housing product for all demographics and community members.

#### 2.4.4 Liveable Neighbourhoods

Liveable Neighbourhoods provides design elements for structure plans and urban area subdivision design. The principle aims of Liveable Neighbourhoods relevant to the proposed scheme amendment include; ensuring activation of street frontages and passive surveillance, provision of a variety of lots sizes and housing types to cater for the diverse needs of the community and to facilitate development with good access for all transport modes, including public transport, cycling and pedestrians.

#### 2.4.5 Gearing Up Port and South Hedland – A Pilbara City: Vision to Reality

The Town of Port Hedland's Gearing Up Port and South Hedland – A Pilbara City: Vision to Reality (Gearing Up) document highlights the growth being faced in noting that the operating expenditure of the Town has grown from \$18 million in 2005 to \$28.5 million in 2010 and is forecasted to be \$45 million by 2015.

In addition the Town notes that rateable properties have increased from 5,170 in 2004/5 to a forecasted 9,000 by 2014/15. Building approvals (total value) have grown from \$10 million in 2005 to \$241 million in 2010 and a forecasted \$800 million+ by 2015. Airport passenger numbers have also increased from 111,549 in 2005 to 280,000 in 2010 and forecasted 450,000 by 2015.

The extent of growth the Town of Port Hedland faces is substantial and is directly linked to its role as the economic powerhouse of the nation and the population pressures that this brings.

## 2.5 RESIDENTIAL DEMAND

### 2.5.1 Introduction

The 'Gearing Up' material produced by the Town of Port Hedland (July 2010) highlights the ever increasing demand for residential accommodation with evidence that new residential dwelling approvals (total number) are forecast to grow 8.75 times over between 2005 and 2015, refer to table 1 below:

Table 1 – New Residential Dwelling Approvals

Year	Dwelling Approvals
2005	80
2010	230
2015	700+

(Source: ToPH. 'Gearing Up'. 2010).

### 2.5.2 Pilbara Development Commission Housing and Land Snapshot

In addition to the above, the Pilbara Development Commission (PDC) releases a quarterly "*Housing and Land Snapshot*" which has been reviewed for this report. The recent Housing and Land Snapshot provides an important insight into the affects of sustained economic growth and housing pressures being experienced in Port and South Hedland. These are summarised below:

- Rental and sale prices for all types of housing stock was well in excess of acceptable inflation levels and well above metropolitan averages;
- There was generally very little housing stock available for rent or sale;
- The housing stock for sale and lease did not appropriately provide for diversity in housing stock to accommodate workforce aged people who may not have families (one and two bedroom multiple and grouped dwellings); and
- Since 2008 in South and 2006 in Port Hedland there has been a significant disparity in the gap between house prices and the number of homes sold, with prices increasing (demand) as there is less on the market (supply).

### 3. SITE CONDITIONS AND SERVICING

An environmental assessment has been undertaken by Aurora Environmental and servicing report by Wood and Grieve, with a summary of their investigations provided below.

#### 3.1 SITE CONDITIONS

- The subject land is underlain by red-brown sands and silt known locally as Pindan Sands. Geotechnical investigations completed by Golder Associates (2011) have revealed that the site consists of medium to coarse grained, red-brown poorly graded sand to clayey sand.
- A constructed drain traverses the western and northern boundary of the site and forms a part of the South Hedland drainage network. This drain comprises a deep open channel which provides a preferential pathway for stormwater discharge during large storm events to prevent widespread flooding of South Hedland.
- No threatened or priority ecological communities within 5km of the site have been recorded. Based on the available information about the vegetation present on the site and knowledge of ecological communities in the immediate region, it has been concluded no priority ecological communities are likely to be present on the site.
- No threatened flora (formerly known as Declared Rare Flora) is listed as occurring within the subject site. However, 13 priority flora species are listed as occurring within 50km of the subject site. None of the species have previously been recorded from the site itself.
- The subject site does not contain any unique fauna habitats that are not represented in the immediate vicinity, nor is the site important from an ecological linkage perspective and as such it is unlikely that fauna will present any significant constraint to future development of the site.
- Golder Associates (2011) reported that the disturbance of Acid Sulphate Soils (ASS) material will not be a risk during site preparation. Therefore, it is unlikely that ASS will be a constraint to future development.
- A search of the Department of Indigenous Affairs' Aboriginal Heritage Inquiry System conducted in August 2011 confirmed that no Aboriginal heritage sites have been previously recorded on Lot 502 or in the immediate vicinity of the site.

#### 3.2 SERVICING

- Road layout and widths will be consistent with the Local Planning Policy No. 2 – Residential Road Reserve Widths.
- Reticulated scheme water will be available to the development through an expansion of the existing Water Corporation water supply network. Water Corporation has confirmed the provision of water has been approved based on the WAPC Approval No. 134615. Additionally they will continue to support urban development in the event of a new approval. Email correspondence from the Water Corporation confirming this is attached at Appendix 3.
- The parent lot is within close proximity of the South Hedland Murdoch Drive Zone Substation which appears to have three transformers in operation.
- Waste water disposal will be available to the development through connection to the existing sewer reticulation network.
- To connect to the National Broadband Network, it is expected that the proposed subdivision will require the installation of 50mm and 100mm conduit and one pit between two properties.

- South Hedland is not located in a region where town site reticulated gas is supplied and accordingly no allowance has been made to provide a supply.

## 4. THE PROPOSED AMENDMENT

### 4.1 PROPOSED SCHEME AMENDMENT

This submission requests that the Town of Port Hedland Town Planning Scheme No. 5 be amended by:

1. Rezoning three (3) portions of Lot 502 (totalling 1.9641 hectares), North Circular Road, South Hedland within the Town Planning Scheme No. 5 Scheme Area from "Residential R20" to "Residential R30" under the Town of Port Hedland Town Planning Scheme No. 5.
2. Amending the Scheme Map accordingly.

Such a rezoning will ultimately provide for the use of portions of the subject land for residential purposes at a density of R30, allowing for a diverse range of housing product. A copy of the existing and proposed zoning is attached at Appendix 4.

### 4.2 JUSTIFICATION

#### 4.2.1 Location

The location of the portions of land at the northern and western extent of the parent lot, and the smaller site's access to the public open space and entry road, as well as the availability of essential services, demonstrates that the subject land can be subdivided in an orderly manner and accommodate the proposed R30 density.

#### 4.2.2 Logical

The proposed boundaries and lot layout within the proposed plan of green title subdivision give rise to portions of land for grouped dwelling development in logical locations. The grouped sites have been designed as part of the overall integrated subdivision design, refer to Appendix 2, in accordance with Liveable Neighbourhoods and WAPC policy, and are fully serviced by roads and infrastructure. In addition they will be subject to future detailed area plans to guide further subdivision and development.

The proposed R30 density in these locations will allow the logical redevelopment of these grouped sites to a minimum and average lot size of 270m<sup>2</sup> and 300m<sup>2</sup> respectively.

#### 4.2.3 Housing Diversity

The rezoning will facilitate diversity and variety in local housing stock delivery as there is currently a deficiency of medium density housing in South Hedland, with surrounding development dominated by R20 housing product. This is also an objective of the LUMP.

#### 4.2.4 Demonstrated Capability

The land is capable of supporting more intense development in targeted locations. This is supported by the detailed technical investigations and reporting including, engineering, servicing, local water and drainage constraints and general environmental assessment.



#### 4.2.5 No Detrimental Impact

The proposed Scheme Amendment will not detrimentally impact upon the existing residents of the South Hedland urban area, or rural land to the east and south.

#### 4.2.6 Transport, Access and Public Open Space Catchment

The proposed Scheme Amendment will assist in supporting a sustainable public transport opportunity by improving the viability of a catchment area due to increase in population, supporting the provision of quality public open space and supporting the reinforcement of a 'community' in South Hedland.

#### 4.2.7 Demand

The analysis of current and future growth demonstrates the importance of strategic planning to the Town of Port Hedland and the rapidly changing nature of both economic and therefore population pressures. Residential land availability and affordability have become key issues for the Town of Port Hedland and especially in South Hedland. The rezoning of these sites will help to redress the balance of available residential land in South Hedland.

#### 4.2.8 Conclusion

This planning report and justification for the scheme amendment confirms that the subject land is suitable for rezoning and is capable of being developed in a logical manner in keeping with contemporary planning principles, consistent with surrounding development and the requirements of both the Town of Port Hedland and the WAPC.

## 5. CONCLUSION

Burgess Design Group, on behalf of Karriyarra Mugarinya Property Joint Venture Pty Ltd, the registered owner of Lot 502 North Circular Road, South Hedland, have prepared the proposed scheme amendment application and report to facilitate the increase in density to R30 for portions of the parent lot.

The report has provided an overview of the background and planning framework, site characteristics and constraints, findings of preliminary investigations and explains the rationale and justification for the proposed scheme amendment.

Burgess Design Group respectfully seeks the initiation for advertising of the proposed scheme amendment, and thereafter that the Council forwards it to the Environmental Protection Authority.

**APPENDIX 1:**  
Certificate of Title

WESTERN



AUSTRALIA

REGISTER NUMBER <b>502/DP57847</b>	
DUPLICATE EDITION <b>1</b>	DATE DUPLICATE ISSUED <b>9/4/2009</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2708**      FOLIO **482**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

*B.G. Roberts*

REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 502 ON DEPOSITED PLAN 57847

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

KARIYARRA MUGARINYA PROPERTY JOINT VENTURE PTY LTD OF CARE OF JACKSON MCDONALD  
LAWYERS, 140 ST GEORGES TERRACE, PERTH

(TF K901081 ) REGISTERED 6 APRIL 2009

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. \*L462785 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 26.10.2010.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

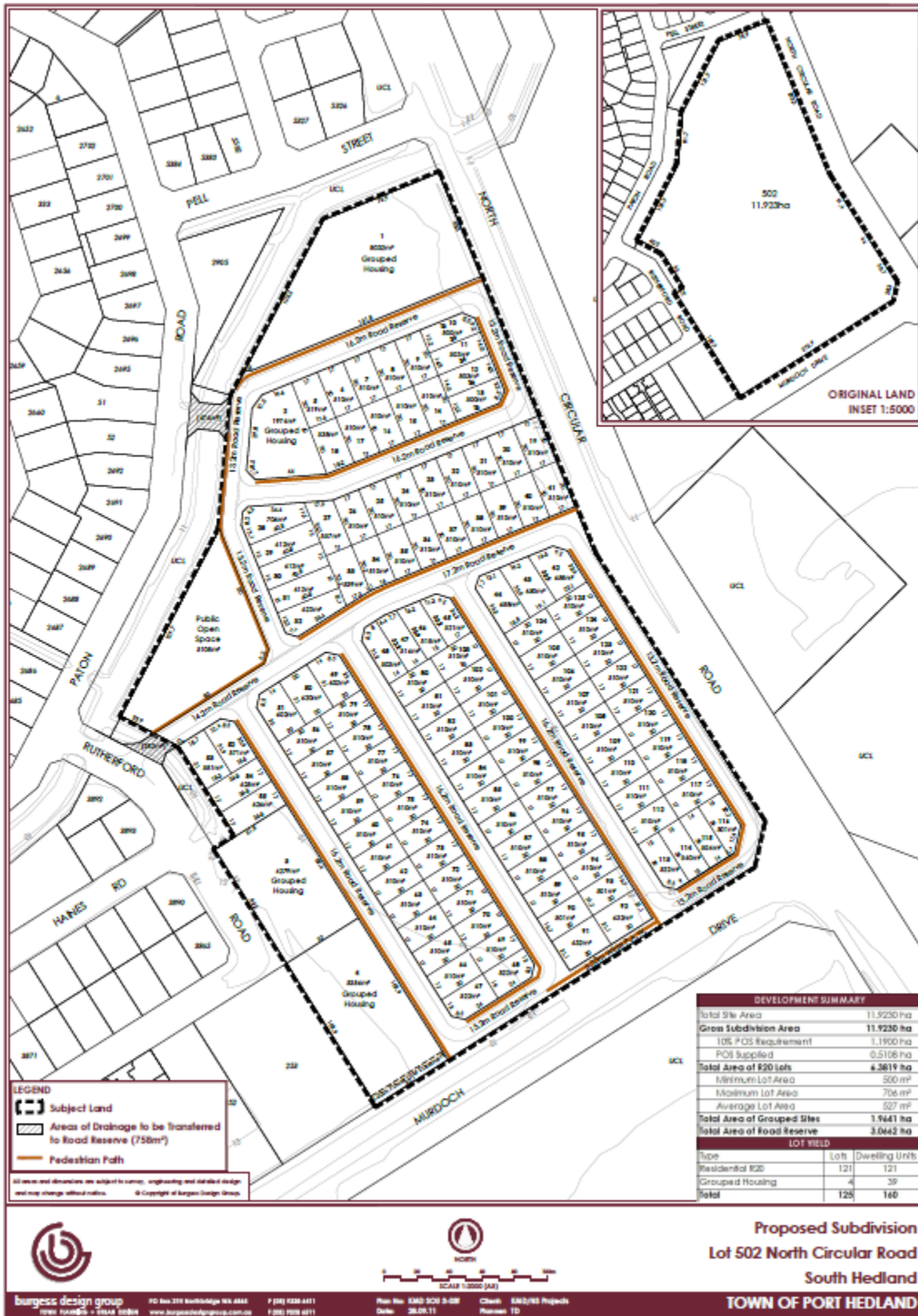
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:                      DP57847 [SHEET 1].  
PREVIOUS TITLE:                      LR3128-827, LR3128-826.  
PROPERTY STREET ADDRESS:        NO STREET ADDRESS INFORMATION AVAILABLE.  
LOCAL GOVERNMENT AREA:        TOWN OF PORT HEDLAND.

NOTE 1:                                  DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING  
L462785

LANDGATE COPY OF ORIGINAL NOT TO SCALE    Wed Jul 20 11:20:52 2011 JOB 37189587

**APPENDIX 2:**  
**Proposed Plan of Green Title Subdivision**



**APPENDIX 3:**  
Correspondence from the Water Corporation

**Trent Durward**

---

**From:** Ben Watson [BWatson@nspm.com.au]  
**Sent:** Thursday, 6 October 2011 8:53 AM  
**To:** Trent Durward  
**Subject:** FW: Water Allocation - South Hedland

**From:** John Todd [mailto:John.Todd@watercorporation.com.au]  
**Sent:** Wednesday, 1 June 2011 2:35 PM  
**To:** Ben Watson  
**Cc:** Lyle Robertson; Andrew Ducas; Mark Busher  
**Subject:** RE: Water Allocation - South Hedland

Ben

Further to our phone conversation of yesterday I can confirm that the Corporation will continue to support this development irrespective of whether a fresh WAPC application is involved.

Regards

**John Todd**

Manager Land Servicing  
Water Corporation  
Office Phone - 61 8 9420 2092  
Mobile - 0438 887 908  
Fax - 61 8 9420 3193  
E-mail - [john.todd@watercorporation.com.au](mailto:john.todd@watercorporation.com.au)

Visit our website: [http://www.watercorporation.com.au/business/land\\_index.cfm](http://www.watercorporation.com.au/business/land_index.cfm)

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---

**From:** Ben Watson [mailto:BWatson@nspm.com.au]  
**Sent:** Tuesday, 31 May 2011 3:12 PM  
**To:** John Todd  
**Cc:** Lyle Robertson; Andrew Ducas  
**Subject:** Water Allocation - South Hedland

John,

Thank you for returning my call earlier today.

As discussed, NS Projects is the Development Manager for a land subdivision in South Hedland, situated at the corner of Murdoch Drive and North Circular Drive and legally described as Lot 502 on Deposited Plan 57847, being the whole of the land contained in Certificate of Title Volume 2708 Folio 482.

There is currently a WAPC subdivision approval for a 115 lot subdivision, comprising 110 single residential lots, one duplex lot and three grouped dwelling sites (likely development potential between 44 and 75 grouped dwellings in



total) however, the approval expires in April 2012. We are in the process of finalising Royalties for Regions funding for the project which will enable it to proceed. Given the current status of the project, it is not going to be possible to complete the development prior to expiration of the current subdivision approval and therefore, a new approval will be sought. This will enable the project to be delivered, with an anticipated completion date of mid to late 2012.

Given that the current water allocation is tied to the WAPC approval, we are seeking confirmation that the Water Corporation will maintain the water allocation beyond expiry of the existing approval and in accordance with a new approval.

Please advise should you require any further information in relation to the above, otherwise I look forward to receiving your response.

Regards,

Ben Watson  
NS Projects Pty Ltd

Suite A7, 435 Roberts Road  
SUBIACO WA 6008  
[www.nspm.com.au](http://www.nspm.com.au)  
[bwatson@nspm.com.au](mailto:bwatson@nspm.com.au)

T: (08) 6363 0857  
F: (08) 6363 0899  
M: 0448 776 674

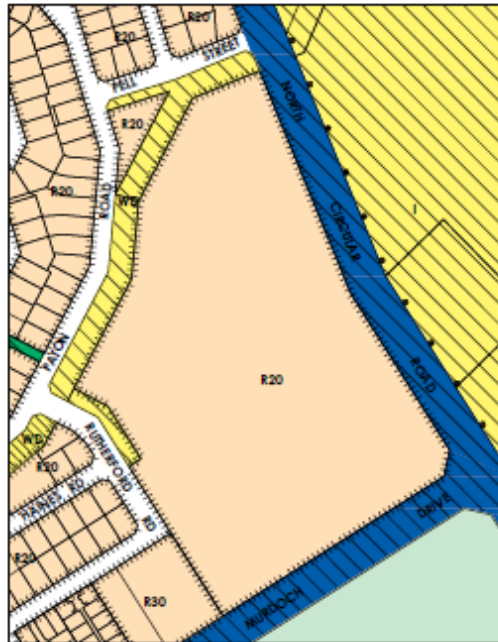
This email is confidential. If you are not the intended recipient, you must not use, copy or disseminate the information contained in this email. If you have received this in error please notify us immediately and delete it from your system. Recipients of this email are responsible for their own virus protection. NS Projects will not be liable for any loss or expense in relation to viruses.

Water Corporation E-mail - To report spam [Click here](#)

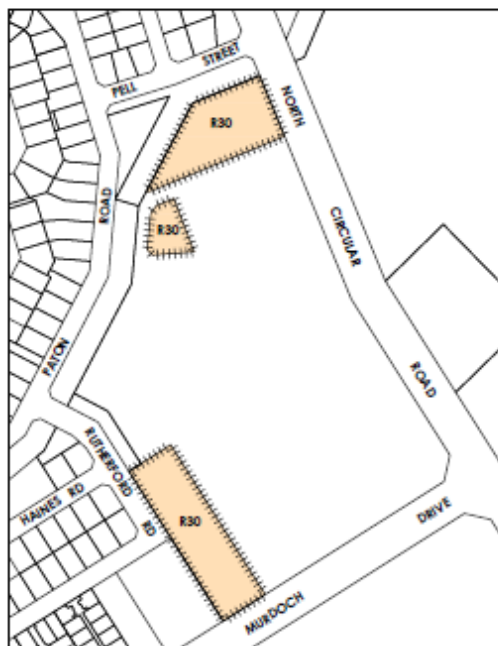
This Electronic Mail Message and its attachments are confidential. If you are not the intended recipient, you may not disclose or use the information contained in it. If you have received this Electronic Mail Message in error, please advise the sender immediately by replying to this email and delete the message and any associated attachments. While every care is taken, it is recommended that you scan the attachments for viruses. This message has been scanned for malware by Websense. [www.websense.com](http://www.websense.com)

**APPENDIX 4:**  
Proposed Scheme Amendment

**TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME No.5  
PROPOSED AMENDMENT No.?**  
LOT 502 NORTH CIRCULAR ROAD, SOUTH HEDLAND



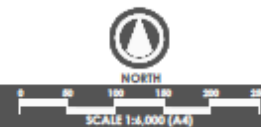
EXISTING ZONING

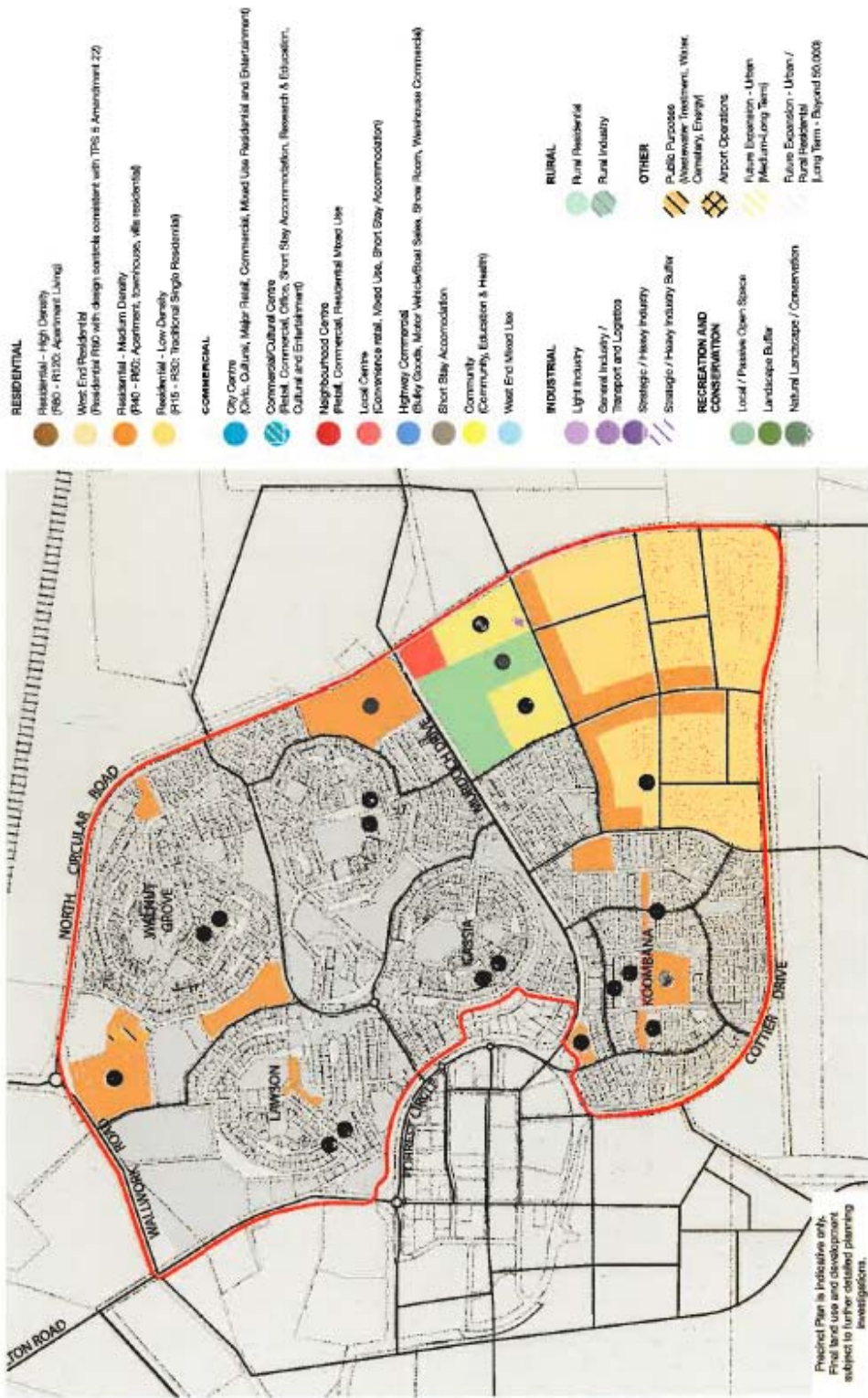


PROPOSED ZONING

- LEGEND**
- LOCAL SCHEME RESERVES**
- District Road
  - Local Road
  - Other Public Purposes (Denoted as Follows)
    - WD
    - I
  - Parks and Recreation
- ZONES**
- Residential
  - Rural
- OTHER**
- R Codes
  - Development Plan Area

Date: 10.10.11  
Plan No: KMD SOU 7-01





*11.1.10 Permanent Closure of Part Beart Street Road Reserve and Permanent Closure of Reserve 28839 at Lot 1399 Moore Street, Port Hedland (File No.: 28/01/0017)*

Officer Caris Vuckovic  
Lands Officer

Date of Report 8 November 2011

Disclosure of Interest by Officer Nil

#### Summary

Council has received a request from Landcorp to permanently close part Beart Street Road Reserve as well as Reserve 28839 (Lot 1399 Moore Street).

To facilitate the Mirvac Hotel Development and to give effect to the Cabinet's decision, Council is required to initiate the closure of part Beart Street Road Reserve and to surrender its management order over Lot 1399 (Reserve 28839) Moore Street, Port Hedland.

#### Background

On 8<sup>th</sup> August 2011 the Department of Regional Development and Lands announced the endorsement of the Mirvac Hotel Development. The development will be located on two sites being Lot 406 Acton Street and Lot 1399 Moore Street, Port Hedland.

Reserve 28839 (Lot 1399 Moore Street) Port Hedland, is currently vested to the Town for "Housing" purposes. The applicant has requested that Council close the reserve so that the land can be included into the Mirvac Hotel Development.

Council is also requested to close the unconstructed Beart Street Road Reserve which runs adjacent to Lot 1399 Moore Street, Port Hedland. It is the applicant's intention to amalgamate the closed portion of road reserve with Lot 1399 Moore Street.

#### Consultation

Department	Comments
Infrastructure and Development	No objections. Any relocation of services to be the responsibility of the developer at no cost to Council. Any development is subject to future application and assessment.

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.”*

Should Council approve the proposal, consultation with all interested parties, including service providers, will be undertaken as required.

Statutory Implications

*Road Closure*

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

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

The Town of Port Hedland Delegation Register 2011 / 12, 40(12) states:

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

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

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

### Officer's Comment

#### *Road Closure*

The road reserve currently known as Beart Street is currently not developed for road purposes. Closing and amalgamating this portion of land with Lot 1399 Moore Street will eliminate maintenance costs on the land as well as ensure that the land is developed for residential purposes accordingly.

#### *Reserve Closure*

Reserve 28839 at Lot 1399 Moore Street is currently vested to the Town for the purposes of "Housing". At present the land is not utilised for this purpose and the land remains vacant and undeveloped.

Closing this reserve will eliminate maintenance costs on the reserve and will facilitate the Mirvac Hotel Development.

### Options

Council has the following options for responding to the request:

1. Support the request for permanent closure of part Beart Street Road Reserve and permanent closure of Reserve 28839 at Lot 1399 Moore Street, Port Hedland.

The closure of the subject portions of land will improve the streetscape and amenity of the surrounding area.

2. Reject the request for permanent closure of part Beart Street Road Reserve and permanent closure of Reserve 28839 at Lot 1399 Moore Street, Port Hedland.

Should Council not support the proposal, the portions of unused land will remain vacant and possibly lead to the cancellation of the proposed Mirvac Hotel Development.

Option 1 is recommended.

### Attachments

1. Locality Plan

## 201112/200 Officer's Recommendation/Council Decision

Moved: Cr S R Martin

Seconded: Cr D W Hooper

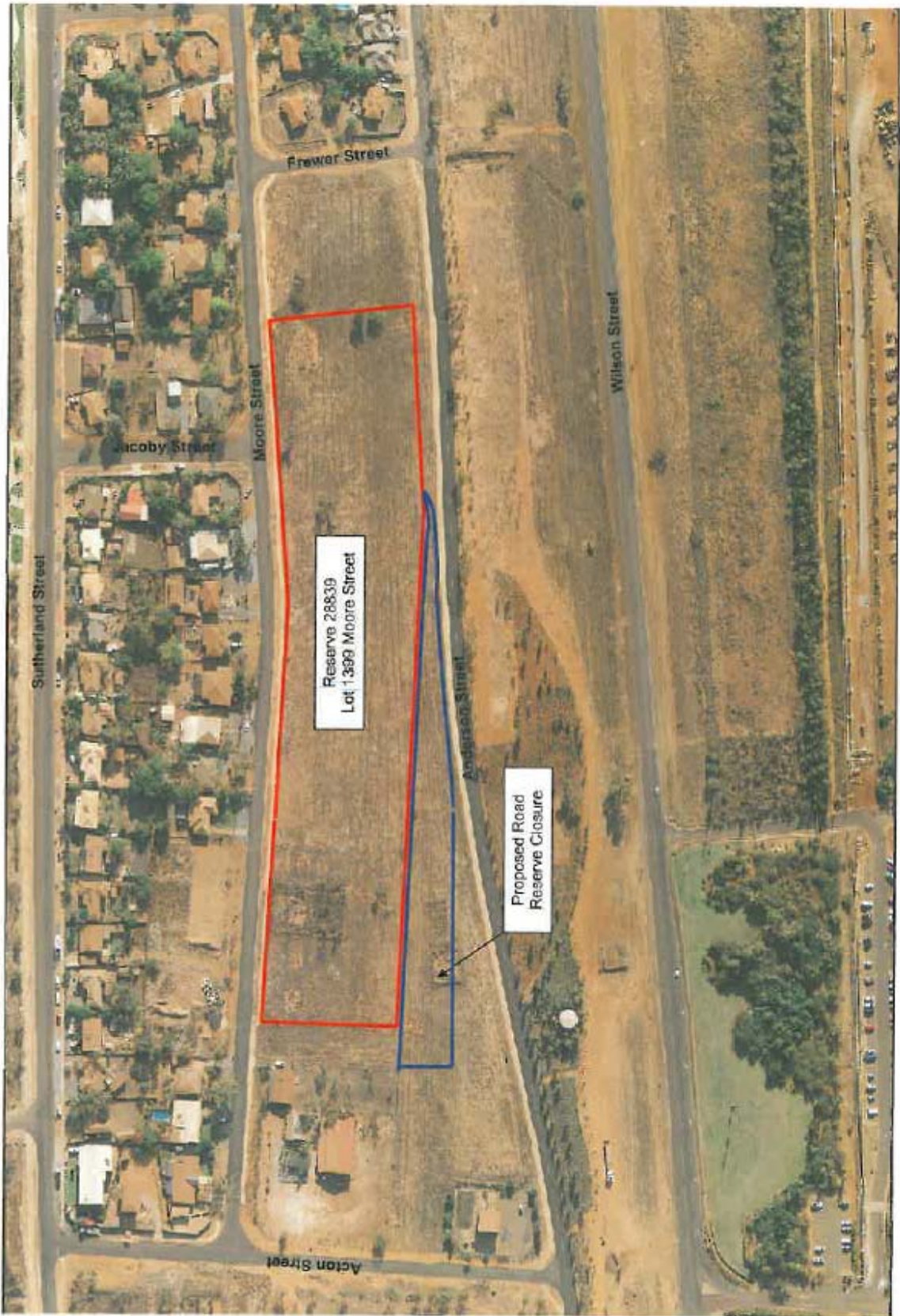
That Council:

1. Supports the request from Landcorp to permanently close the part Beart Street Road Reserve, Port Hedland, subject to the following conditions:-
  - a. **The proposed Road Closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997,**
  - b. **No objections being received during the advertising period,**
  - c. **The proposed Road Closure being amalgamated with Lot 1399 Moore Street, Port Hedland.**
2. Delegates the Manager Planning Services under Delegation 40(12) to submit the road closure to the Department of Regional Development and Lands (State Land Services), subject to no adverse submissions being received during the statutory advertising period.
3. Supports the request from Landcorp to relinquish the management order for Reserve 28839 at Lot 1399 Moore Street, Port Hedland.
4. Delegates the Manager Planning Services to submit the reserve closure request to the Department of Regional Development and Lands (State Land Services).

*CARRIED 5/0*



ATTACHMENT 1 TO ITEM 11.1.10



5:48pm Councillors G J Daccache and J E Hunt declared a Financial Interest in Agenda Item 11.1.11 'Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors G J Daccache and J E Hunt left the room.

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

Officer Michael Pound  
Planning Officer

Date of Report 12 September 2011

Disclosure of Interest by Officer Nil

Summary

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

The application is supported by the Council Officers subject to conditions.

Background

At its Ordinary Meeting of the 19 October 2011 and 21 September 2011 this item was laid on the table. The General Practitioner (GP) Housing project is a Partnership Project between Royalties for Regions, BHP Billiton Iron Ore and the Town of Port Hedland. The aim of the project is to provide high quality housing to attract additional medical professionals to service Port Hedland's growing population.

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

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

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

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

*Site Description (ATTACHMENT 1)*

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

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

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

*Proposal (ATTACHMENT 2)*

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

Consultation

Nil

Statutory Implications

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

*Scheme Amendment No. 45*

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

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 3:	Community Development
Goal Number 4:	Healthy Community
Immediate Priority 1:	Implement plans for the development of subsidised housing for general practitioners within the Town.

Other Actions 1: Ensure that future planning for health services covers both Port and South Hedland's growth plans, including attracting and retaining specialist health services.

#### Budget Implications

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

#### Officer's Comment

##### *Need & Desirability*

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

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

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

##### *Statement of Planning Policy 2.6*

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

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

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

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

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

#### Options

Council has the following options when considering the matter:

1. Approve the application as submitted subject to conditions:

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

2. Refuse the application as submitted:

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

It is recommended that option 1 be supported.

#### Attachments

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

#### Officer's Recommendation

That Council:

- 1 Approves the application submitted by RPS on behalf of the Town of Port Hedland, for Grouped Dwellings – 7 Grouped Dwellings on Part Lot 5551 Dempster Street Port Hedland, subject to the gazettal of Scheme Amendment 45, and further subject to the following conditions:
2. This approval relates only to a GROUPED DWELLINGS - 7 Grouped Dwellings and other incidental development, as shown on plan number 2011/.drg/1 to 2011/.drg/8. It does not relate to any other development on this lot.
3. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.

4. Access ways, parking areas, turning areas to be designed and constructed in accordance with Town Planning Scheme No. 5 (including kerbed, formed, drained & finished with a sealed or paved surface).
5. The parking areas and / or associated access ways shall not be used for storage (temporary or permanent) without the prior approval of the Town of Port Hedland.
6. The driveways and crossovers shall be designed and constructed to specifications of Council's Manager Infrastructure Development, and to the satisfaction of Council's Manager Planning, prior to the occupation of the building.
7. Stormwater disposal is to be contained onsite and designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of Council's Manager Planning.
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, to the satisfaction of Council's Manager Planning.
9. An Erosion Prevention and Sediment Control plan is to be submitted prior to the commencement of any works to Councils Manager Planning.
10. The submission of a construction management plan at the submission of a Building License application stage for the proposal detailing how it is proposed to manage:
  - i) The delivery of materials and equipment to the site;
  - ii) The storage of materials and equipment on the site;
  - iii) The parking arrangements for the contractors and subcontractors;
  - iv) Impact on traffic movement;
  - v) Operation times including delivery of materials; and
  - vi) Other matters likely to impact on the surrounding residents;to the satisfaction of Council's Manager Planning.

## FOOTNOTES:

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.

This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.

In relation to Conditions 5 and 6 please contact Councils Manager Infrastructure Development on 9158 9650 for further details.

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.

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

*NOTE: Chief Executive Officer advised that due to staffing issues the Department of Local Government did not consider the Town of Port Hedland's request for a reduction of quorum.*

Mayor advised that due to a lack of quorum Agenda Item 11.1.11 'Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland' will not be considered.

5:48 Councillors G J Daccache and J E Hunt re-entered the room and resumed their chairs.

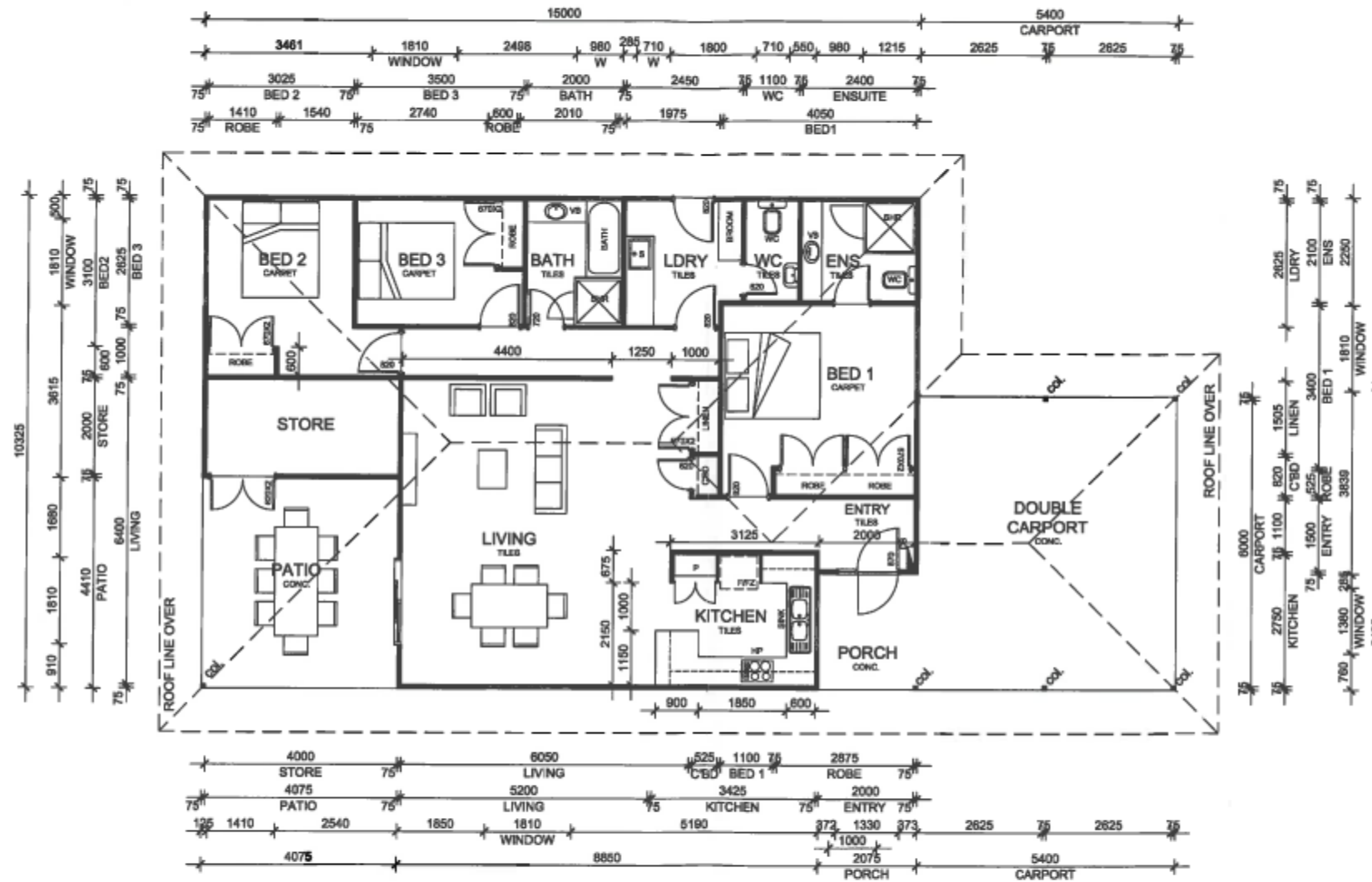
Mayor advised Councillors G J Daccache and J E Hunt that due to a lack of quorum Agenda Item 11.1.11 'Proposed Grouped Dwellings on Part Lot 5551 Dempster Street, Port Hedland' could not be considered.

ATTACHMENT 1 TO ITEM 11.1.11









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

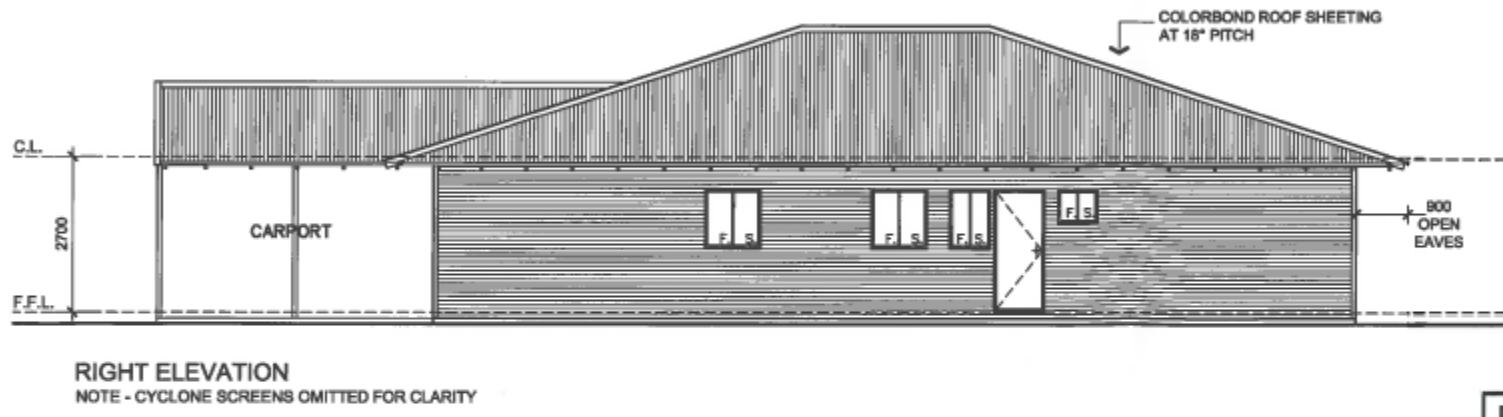
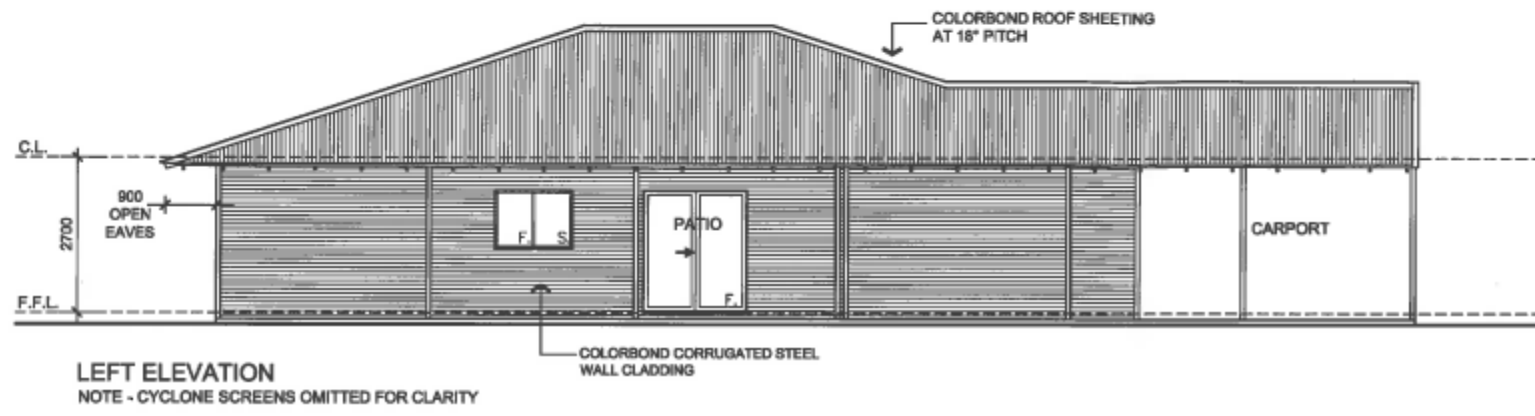
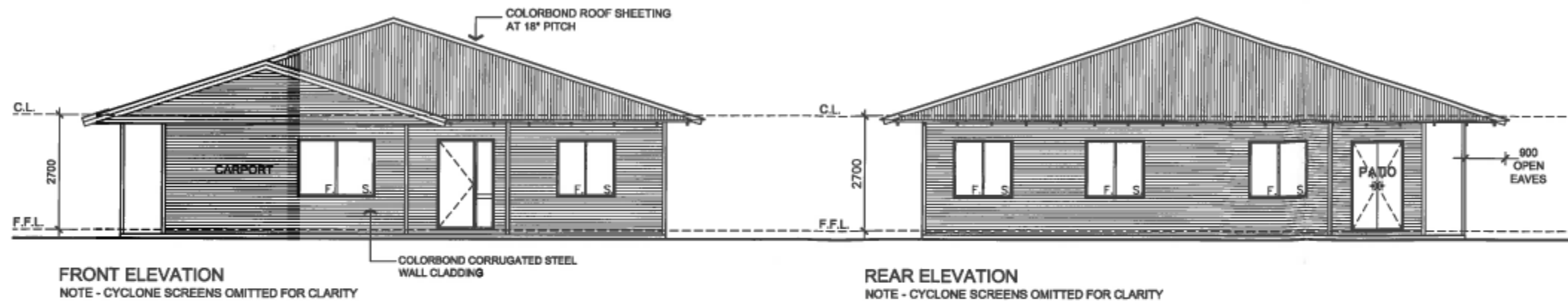


**PELSART STYLE HOUSE**  
**GP HOUSING – PORT HEDLAND**

**Hodge Collard Preston**  
 ARCHITECTS

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

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



**PILBARA**  
CONSTRUCTIONS PTY LTD

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

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



**PROPOSED SITE PLAN**  
 SCALE: 0 5 10 20M  
 CONCEPT SITE PLAN ONLY  
 NOTE: AERIAL PHOTOGRAPH SHOWING INDICATIVE 1.500 TIDAL SURGE BOUNDARY LINEWORK CORRECT TO WHELAN'S SURVEY (LANDGATE DEPOSITED PLAN 69967)



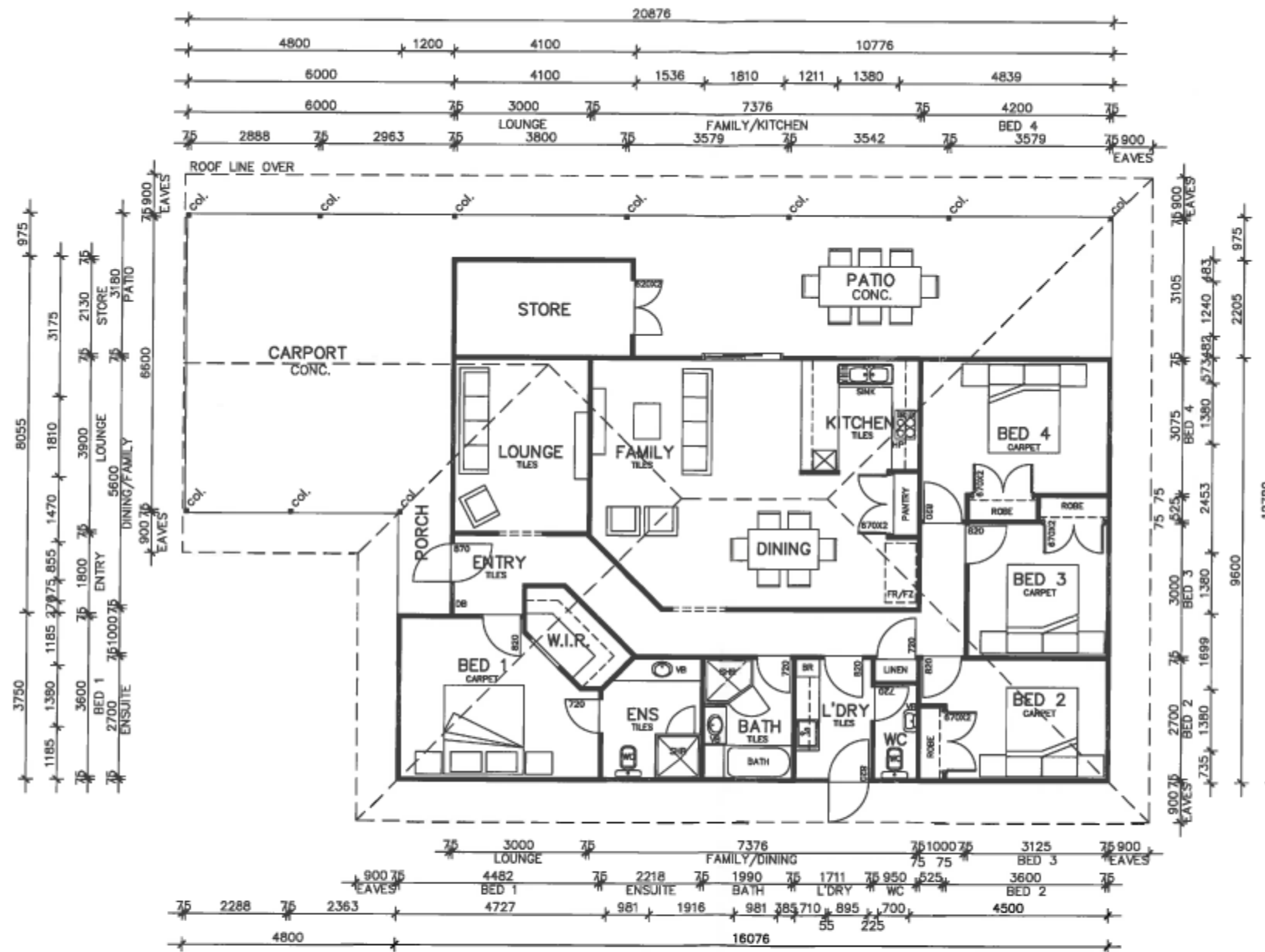
SITE AREA SCHEDULE		
*All areas to be confirmed		
SITE No.	SITE AREA	OPEN SPACE
SITE 1	388 sqm	64 %
SITE 2	367 sqm	64 %
SITE 3	400 sqm	66 %
SITE 4	388 sqm	64 %
SITE 5	470 sqm	67 %
SITE 6	427 sqm	66 %
SITE 7	410 sqm	66 %

**PROPOSED SITE PLAN**  
**GP HOUSING – PORT HEDLAND**

**Hodge Collard Preston**  
 ARCHITECTS

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

SCALE 1:500    DATE: 09.09.2011    DWG No. 26.11 SK02\_K



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



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

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*11.1.12 Proposed Short Stay Accommodation and Holiday Accommodation – Redevelopment of Existing Holiday Accommodation facility (File No.: 119200G)*

Officer Luke Cervi  
Senior Planning Officer

Date of Report 12 October 2011

Disclosure of Interest by Officer Nil

Summary

An application has been received for the redevelopment of the Port Hedland Caravan Park. The redevelopment will include the provision of the following facilities:

- 2 Hotels – New Development (identified in plans as North and South Hotels)
- A Place of Public Meetings, Assembly or Worship – New Development (Identified as Commercial Centre)
- Incidental Offices – New Development (within Commercial Centre)
- Incidental Shops (within Commercial Centre and South Hotel)
- 80 Holiday Accommodation Units – Redevelopment of existing facilities (identified as 2 storey Hotel)
- 36 Staff units – Redevelopment of existing facilities
- 51 long term caravan sites – Existing
- 37 backpacker beds – New Development

The application will result in a net increase to accommodation being provided on site and but will see existing caravan and camping facilities reduced (from 110 to 51).

Background

The site has an extensive development history including the recent approvals below:

Council received an application for the redevelopment of the existing Holiday Accommodation facility (known as Port Hedland Caravan Park) on 13 May 2009. The proposed redevelopment consisted of:

1. Re-organisation of the existing “Port Hedland Caravan Park” into:
  - a) “Port Tourist Park” – consisting of caravan and camping accommodation.
  - b) “Port Village” – Apartments and low cost accommodation retention.

2. Upgrading the communal services and amenities as follows:
  - a) Create central green space for social interaction, amenity and recreation.
  - b) Refurbish existing ablutions and laundry.
  - c) New commercial building (identified as kitchen/café on plans) incorporating a restaurant, internet café and newsagency.
  - d) New recreation building and bbq facility.
  
3. Accommodation upgrade  
"Port Village"
  - i. Refurbishment of 24 existing apartments
  - ii. 44 new apartments (6 apartment blocks containing 40 one bedroom apartments and 4 two bedroom apartments).
  - iii. 8 room staff accommodation (incorporated into Office building).

The application was ultimately approved by Council on 29 June 2009. This was then amended on the 16 August 2010 with minor alterations to facilities and layout.

On the 11 March 2011 a further application was received for further redevelopment of the existing holiday accommodation, primarily the area referred to as "Port Village". The redevelopment included the increase of capacity from 277 sites to 282 sites and including new chalets/units to replace existing chalets/apartments. This application was approved under delegation on 4 May 2011.

#### *Current proposal*

The current proposal consists of the following:

- Short Stay Accommodation – New Development (identified in plans as North and South Hotels)
- A Place of Public Meetings, Assembly or Worship – New Development (Identified as Commercial Centre)
- Incidental Offices – New Development (within Commercial Centre)
- Incidental Shops (within Commercial Centre and South Hotel)
- Holiday Accommodation Units – Redevelopment of existing facilities (identified as 2 storey Hotel)
- 36 Staff units – Redevelopment of existing facilities
- 51 long term caravan sites – Existing
- 37 backpacker beds – New Development

For ease of reporting, each component of the development will be described in accordance with the applicant's identification on plans within the report. However, the officer recommendation will use the terminology above.



The three facilities identified on plans as North, South and two storey Hotels will be configured as follows at the relevant stage:

*Base Model*

North Hotel – 125 rooms  
South Hotel – 61 rooms  
2 Storey Hotel – 80 rooms

The “base” model is proposed to be approved as the permanent use for the site and would consist of 266 rooms in addition to the staff accommodation, caravan park and other incidental commercial uses.

*Medium Model*

North Hotel – 125 rooms  
South Hotel – 61 rooms  
2 Storey Hotel – 240 rooms

The “medium” model is proposed to be approved for use until 31 December 2021 (being the date of expiry of the lease with Main Roads, that provides for 169 car bays within the Great Northern Highway road reserve) and would consist of 326 rooms in addition to the staff accommodation, caravan park and other incidental commercial uses.

*Peak Model*

North Hotel – 250 rooms  
South Hotel – 122 rooms  
2 Storey Hotel – 240 rooms

The “peak” model is proposed to be approved for a period of 5 years to assist in addressing the immediate accommodation pressures and would consist of 612 rooms in addition to the staff accommodation, caravan park and other incidental commercial uses.

Consultation

The application has been referred internally to the Engineering, Building and Health Departments and their comments have been incorporated into the report.

Additionally, extensive discussions with Main Roads and Water Corp have been undertaken (primarily by the applicant) with agreements being reached regarding the development. Conditions have been included within the Officer’s Recommendation section of the report that reflect these agreements.

Statutory Implications

In accordance with the *Planning and Development Act 2005*, the proposed development is subject to the provisions of the Town Planning Scheme TPS 5.

The Town Planning Scheme TPS 5 identifies the land as being within a Tourism Zone with the permissibility of the proposed uses being as follows:

Holiday Accommodation - AA  
Short Stay Accommodation – AA  
Place of Public Meetings, Assembly or Worship – IP  
Office – IP  
Shop – IP  
Residential Building - AA

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 2: Community Pride  
Goal Number 1: Townscape  
Immediate Priority 1: Undertake projects that upgrade the appearance of verges and streetscapes along major thoroughfares within the district.

Key Result Area 4: Economic Development  
Goal Number 5: Town Planning and Building  
Immediate Priority 2: Develop Structure Plans for key precinct areas with a particular focus on the Spoilbank Precinct, Airport and Pretty Pool.

Budget Implications

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

Officer's Comment

The proposal provides for a flexible internal design of many of the buildings that will provide for a varying number of guests. The development is designed around a base model that provides for more spacious accommodation options. However, due to the spacious base design, these accommodation options can be further split in two or three to still provide accommodation options albeit in a more compact manner. This is a unique approach not previously seen in Port Hedland and provides the applicant with an increased revenue stream in the short term (whilst the Town is experiencing an accommodation crisis) and provides the Town with an aesthetically pleasing, permanent response to accommodation.

The site has been the subject of numerous applications in recent times with traffic conflict (between the site and the Great Northern Highway) and parking (lack of) being the most critical issues. Permanent solutions have been provided to these issues for the “base” model. Furthermore, additional measures have been incorporated were necessary to facility the “medium” and “peak” models without further exacerbating these issues.

#### *Traffic Conflict*

Since Council issued an approval for the redevelopment of the site on 29 June 2009, the applicant has had significant discussions with Main Roads to address the traffic movement issues which have progressed to a stage of in principle agreement being reached between the parties relating to upgrades of the intersection of the Great Northern Highway and Stirrup Iron Street.

The agreement focuses on the commitment by the applicant to design and construct:

1. An Auxiliary Left Turn (AUL) and Channelised Right Turn (CHR) into Stirrup Iron Street
2. An AUL treatment into the airport

The above design will need to be to the satisfaction of both Main Roads and the Town of Port Hedland.

#### *Parking*

The applicant has taken the advice of Council and approached the Department of Regional Development of Lands (RDL) with the intent of obtaining adjoining lands to address current parking issues and provide for parking in perpetuity. The applicant/landowner has initiated the process to purchase Lot 5984 which is at the rear of the site. Furthermore, the application has sought to amend their lease relating to Lot 5820 which is currently used for sewerage settlement ponds which will become redundant due to proposed alternative sewerage disposal treatment (the subject of a joint venture agreement between the landowner and Water Corp).

The proposed Base development has a parking requirement of 252 bays according to a parking demand study provided by Cardno Eppell Olsen. TPS5 requires 601 bays consisting of the following:

- Holiday Accommodation – 51 for caravan guests (incorporated into sites), 10.2 for visitors
- Short Stay Accommodation (hotels) – 266 bays for guests, 22 staff, 53.2 for visitor guests
- Place of Public Meetings, Assembly or Worship – (330 person) 82.5 bays
- Office – (522m<sup>2</sup>) 17.4 bays

- Shop – (1391m<sup>2</sup>) 69.5 bays
- Residential Building – 18.5 for guests, 10.6 for visitors

Although the parking study identified that only 252 bays are required, the proposal includes 400 bays. The parking study is not supported by officers however, not being experts in the field and having regard to the proposal to provide 400 bays, it is recommended that Council require 400 bays for the proposed base development (this excludes the 51 bays that are incorporated into caravan sites).

To facilitate the medium and peak models, the study requires 347 bays and 483 bays respectively. This is achieved by the provision of the 400 bays on site and additional 169 bays available within the Great Northern Highway road reserve which is under lease to the owners of the land from Main Roads until 31<sup>st</sup> December 2021. It is considered appropriate to link via condition the temporary use over and above the base model to this leasehold that is necessary for the parking requirements associated with the medium and peak models.

#### *Need and Desirability*

It is undeniable that there is currently significant demand for accommodation related to major current and upcoming construction projects. What isn't so clear is the length of time that these construction projects and specifically the accommodation needs that result, will continue to exasperate the accommodation shortage within the town. This proposal provides an innovative way of meeting current demands whilst providing for a long term objective for the land. The base model is considered appropriate for the location having regard to current zoning and location on the eastern approach to Town and opposite the airport. The site is also considered appropriate for the temporary "peak" use having regard to the grouping of Transient Workforce Accommodation (TWA) in the vicinity of the development. This enables the issues associated with mass accommodation to be confined and addressed with greater ease.

Overall the accommodation capacity of the site will increase from 282 to 327 sites/rooms plus 37 backpacker beds on the base model with temporary peak model catering for 699 sites/rooms plus 37 backpacker beds. However, the number of caravan/camping sites will be reduced on the base model from 110 to 51. These 51 sites are existing 'long term' sites, with the short term/tourist sites being lost. It is proposed to develop land at the rear of the site (lot 5984) for 50 tourist caravan sites, 10 tent sites and 4 chalets in the future. Whilst it is disappointing that the budget short term/tourist sites will be lost in the interim, it is considered that the benefits received from the additional accommodation far outweigh the negatives.

In summarizing, it is considered that the facility has been well designed having regard to the site characteristics and location. The development if approved will become a prominent entry landmark for visitors or residents returning from the east and provide for tourists needs into the future.

#### Options

Council has the following options for dealing with the application:

1. Approve the application in its current form.

This option should be chosen if Council is of the opinion that the development has appropriately addressed the site characteristics and is appropriate for the site.

2. Refuse the application

This option should be chosen if Council is of the opinion that the design of the development is incompatible or inconsistent with the area or that the loss of budget short term/tourist sites is unacceptable.

3. Defer consideration until it can be demonstrated that budget short term/tourist sites will not be lost.

This option should be chosen if Council is of the opinion that the development has appropriately addressed the site characteristics and is generally acceptable except for the resultant loss of budget short term/tourist sites.

It has been recommended that the application be approved as it appropriately addresses the site and is compatible with surrounding land uses.

#### Attachments

1. Locality Plan
2. Site Plan
3. Artist Impression Plans

201112/201 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache      Seconded: Cr D W Hooper

That Council:

- i) Approves the application submitted by Centauri on behalf of Port Village Accommodation Pty Ltd for a Mixed Use Development – Hotels, Holiday Accommodation, Place of Public Meetings, Assembly or Worship, Shops, Offices and Residential Building on Lot 2 DP49811 and Lot 3 DP50910 Great Northern Highway, Port Hedland subject to the following conditions:

1. **This approval relates only to the proposed Mixed Use Development – HOTELS, HOLIDAY ACCOMMODATION, PLACE OF PUBLIC MEETINGS, ASSEMBLY OR WORSHIP, SHOPS, OFFICES AND RESIDENTIAL BUILDING and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
  
2. **The subject area must only be used for purposes, which are related to the operation of Mixed Use Development – HOTELS, HOLIDAY ACCOMMODATION, PLACE OF PUBLIC MEETINGS, ASSEMBLY OR WORSHIP, SHOPS, OFFICES AND RESIDENTIAL BUILDING. Under the Town of Port Hedland’s Town Planning Scheme No. 5 the following definitions apply:**

**“HOTEL”:**

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

**“HOLIDAY ACCOMMODATION”:**

**“any land and/or buildings used predominantly by travelers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding hotel and motel and Bed/Breakfast facilities”**

**“PUBLIC MEETING, ASSEMBLY OR WORSHIP”:**

**“any land or buildings used of designed for use by a body of persons united by a common interest such as private clubs or religions, organizations and may include the serving of liquor”**

**“SHOP”:**

**“any building and associated land where goods are displayed or offered for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, take-away food outlet and garage sale.”**

**“OFFICE”:**

**“a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.”**

**“RESIDENTIAL BUILDING”:**

**“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 purpose of human habitation:**

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

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

- 3. 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. The number of Hotel guest rooms provided must not exceed 408 (including 36 staff rooms) until the occurrence of any of the following events:**
  - a. The 31<sup>st</sup> December 2021;**
  - b. the cessation of the lease between Main Roads and the owner of the subject site;**
  - c. written notification from Council that car parking is insufficient.**

**After such event the number of guest rooms provided must not exceed 222 (including 36 staff rooms).**

- 5. The number of Holiday Accommodation units provided must not exceed 240 until the occurrence of any of the following events:**
  - a. The 31<sup>st</sup> December 2021;**
  - b. the cessation of the lease between Main Roads and the owner of the subject site;**
  - c. written notification from Council that car parking is insufficient.**

**After such event the number of Holiday Accommodation units provided must not exceed 80.**

- 6. The number of person permitted in the Place of Public Meetings, Assembly or Worship is limited to 330 at any one time.**
- 7. The Net Leasable Area of Shop must not exceed 1291m<sup>2</sup>.**
- 8. The Net Leasable Area of Office must not exceed 522m<sup>2</sup>.**
- 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. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- 11. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.**
- 12. No parking bays, pedestrian access-way(s) or landscaped areas shall be obstructed in any way or used for the purposes of storage.**
- 13. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.**
- 14. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.**

Conditions to be complied with prior to the submission of a Building Licence application

- 15. All stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of Council's Manager Planning. For applications regarding site stormwater overflow into Council's existing drainage network, please contact Engineering Technical Officer on 9158 9608.**
- 16. 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.**



17. **If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of Council's Health Local Laws 1999.**
18. **Simultaneously with the submission of a building licence application, a detailed floor plan is required to be submitted in order for the Town's to assess compliance with the Health Regulations 1992 (Public Buildings).**
19. **Prior to the submission of a building licence application, an Erosion Prevention and Sediment Control plan is to be submitted and considered by Council's Manager Planning.**
20. **Prior to the submission of a building licence application a detailed landscaping and reticulation plan including any street verge and / or common area, is to be submitted and considered by Council's Manager Planning. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
21. **Prior to the submission of a building licence application, a construction management plan is to be submitted and considered by Council's Manager Planning. The construction management plan is to indicate how it is proposed to manage the following during construction:**
  - a. The delivery of materials and equipment to the site;
  - b. The storage of materials and equipment on the site;
  - c. The parking arrangements for the contractors and subcontractors;
  - d. Impact on traffic movement;
  - e. Operation times including delivery of materials; and
  - f. Other matters likely to impact on the surrounding residents / businesses;

**to the satisfaction of Council's Manager Planning.**
22. **Prior to the submission of a building licence application, a car parking management plan is to be submitted and considered by Council's Manager Planning. The car parking management plan is to indicate how it is proposed to manage the following:**
  - a. The delivery of materials and equipment to the site;

- b. The parking arrangements of hotel guests for the medium and peak models;
- c. The parking arrangements for buses associated with transporting guests to and from site;
- d. Impact on traffic movements with particular regard to the impacts on the Great Northern Highway;
- e. Other matters likely to impact on the surrounding residents / businesses

**to the satisfaction of Council's Manager Planning.**

Conditions to be complied with prior to occupation of the development

- 23. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of Council's Manager Planning.**
- 24. A minimum of 400 car bays are to be provided on site to the satisfaction of Council's Manager Planning.**
- 25. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and Construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of Council's Manager Planning.**
- 26. The development is to comply with the Health (Public Buildings) Regulations 1992.**
- 27. Prior to the occupation of the development, a suitably screened bulk bin area is to be provided prior to the development first being occupied to the satisfaction of the Manager Planning.**
- 28. Prior to the occupation of the development, landscaping and reticulation is to be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of Council's Manager Planning.**

**FOOTNOTES:**

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. In regard to condition 16, be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.
3. In regard to condition 17, for further advice please contact Town's Environmental Health Services on 9158 9325.
4. In regard to condition 22, be advised that Council has concerns regarding the number of car bays proposed for the medium and peak models. The car parking management plan has been required to ensure appropriate management actions are in place to ensure parking is adequate for the needs of guests.

In accordance with clause 6.13.6 of Town Planning Scheme No.5, Council reserves the right to require additional car parking spaces to maintain desirable standards of safety, convenience and amenity. In the event that this cannot be achieved Council will advise the applicant in writing that the car parking is insufficient which will trigger the reduction of rooms to the base model in accordance with conditions 4 & 5.

5. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325.
  - a. It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations;
  - b. The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards;
  - c. Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and
  - d. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.

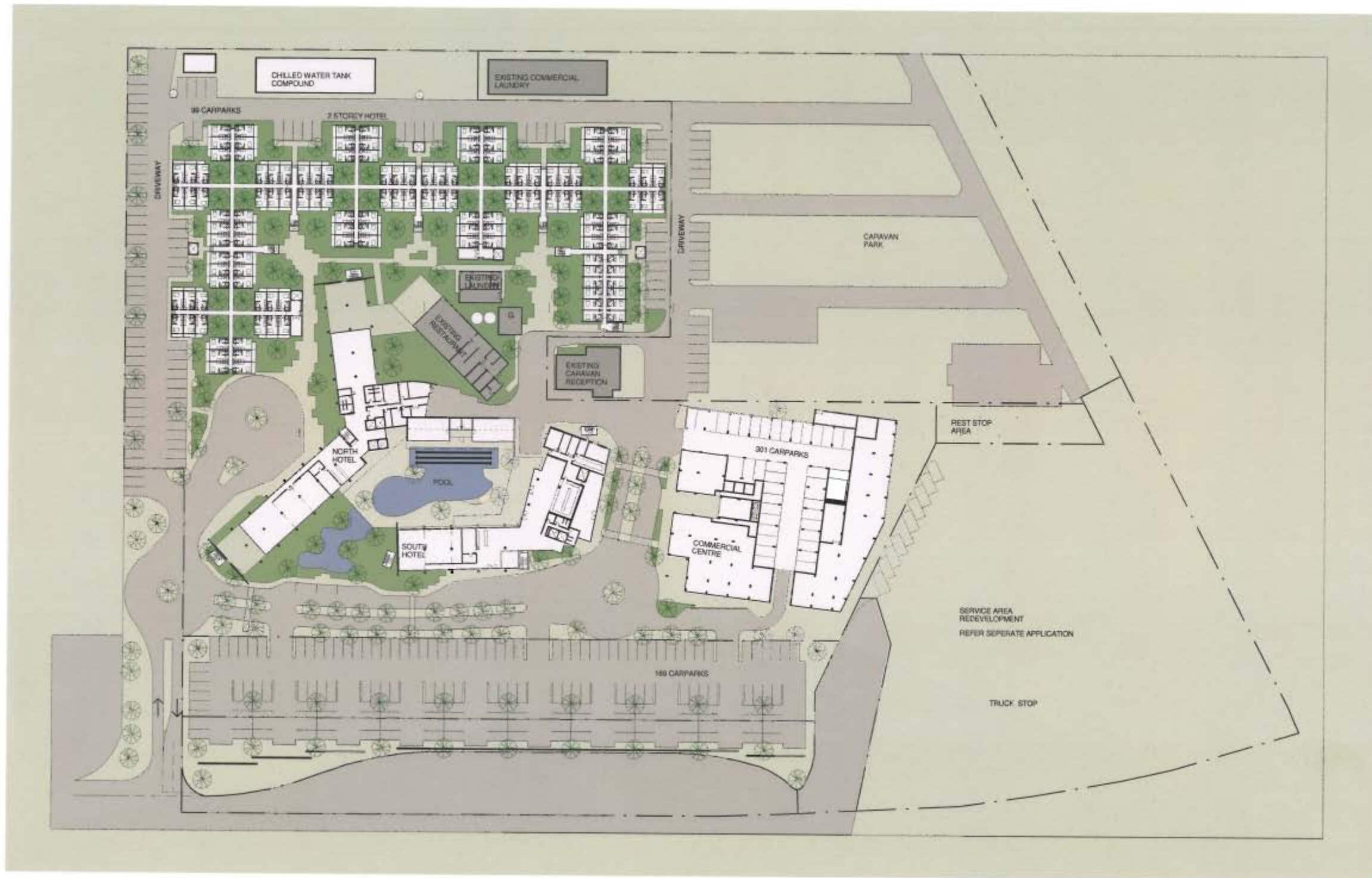
6. **The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below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

*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 11.1.12



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© Council of North Harbour 2010/11

The Landing Resort Precinct

Site Plan

53.091.B11  
WD02'00

16/09/11  
1:1000@A3





The Landing Resort Precinct

View from Entry

53.091.B11  
WD01.01

22/09/2011  
@A3







The Landing Resort Precinct

Aerial View

53.091.B11  
WD01.02

22/09/2011  
@A3





The Landing Resort Precinct

View to Pool

53.091.B11  
WD01.03

22/09/2011  
@A3





The Landing Resort Precinct

View from Highway

53.091.B11  
WD01.04

22/09/2011  
@A3



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*11.1.13 Proposed "Use Not Listed" – Fly Camp at Lot 500 Hamilton Road, South Hedland (File No.: 804910G)*

Officer Luke Cervi  
Senior Planning Officer

Date of Report 4 November 2011

Disclosure of Interest by Officer Nil

Summary

This Town has received an application from Emco Building, the intended lessees of Lot 500 Hamilton Road, South Hedland for a "Use Not Listed" – Fly Camp.

Emco are the builders for the approved development located on Lot 21, being part Lot 306 Colebatch Way, South Hedland.

The proposal is supported by Council officers and Council is requested to approve the proposed use, subject to conditions.

Background

*Location and site details*

The subject site is located directly north-west of the Port Hedland Health Campus on the north-west corner of Hamilton Road and Colebatch Way. The site owned by the Crown, comprises an area of approximately 4.54ha of which 1.02ha is proposed to be leased to the applicant for a period of 2 years.

*Previous approvals*

Council at its Ordinary Meeting held on 13 April 2011 approved Planning Permit 2011/6 for a "Mixed Use Development" consisting of 104 Multiple Dwellings, 1 restaurant, 1 office, 12 shops and 10 consulting rooms at proposed Lot 21 being part Lot 306 Colebatch Way, South Hedland.

*Current proposal*

The proposed "Use Not Listed" – Fly Camp consists of 38 transportable units (dongas) providing 152 beds. The Fly Camp is specifically required to facilitate the workers needed for the construction of the above approved "Mixed Use Development".

Consultation

The proposal was advertised as follows:

North West Telegraph	19 <sup>th</sup> and 26 <sup>th</sup> October. No comments received
Internal Comments	
Environmental Health Conditions	No objection subject to conditions
Site Notice	Dates 19 <sup>th</sup> October to 2 <sup>nd</sup> November

#### Statutory Implications

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

#### Policy Implications

Nil

#### Strategic Planning Implications

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

Key Result Area 2: Community Pride  
 Goal Number 1: Townscape  
 Immediate Priority 1: Undertake projects that upgrade the appearance of verges and streetscapes along major thoroughfares within the District.

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

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

#### Budget Implications

The prescribed application fee of \$2,285.00 was paid on lodgement.

### Officer's Comment

Council is under increasing pressure to provide accommodation options for the construction industry involved in building the Town into a City. The "Mixed Use Development" approved by Council will be the first major construction project associated with the South Hedland Town Centre Redevelopment. However, the delivery of the project depends on the ability to house the workforce required during construction.

It is preferable that uses such as the proposed use are accommodated on the development site. However, this can often be impractical on major projects due to the large proportion of site being unavailable at any time due to the construction works, as is the case with the proposed development on Lot 21, part Lot 306 Colebatch Way. Subsequently, the applicant has liaised with the administration to identify a potential location in close proximity to Lot 21, part Lot 306 Colebatch Way.

### *Need and desirability*

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

Whilst this project is expected to be completed within 2 years there are some concerns that there may be an ongoing need and desire for the site to be utilized as a Fly Camp to facilitate other projects within the SHTCDP area.

### *Amenity/streetscape*

The proposal would at best be described as being of low aesthetic quality. The buildings present poorly to adjoining properties (including the Hospital) due to the monotonous clustering of identical buildings of limited character. However, this is considered acceptable for a limited period of time (essentially short term pain for long term gain).

Development Applications require a development to be completed within a two year period from approval. It would therefore be reasonable to consider the subject approval for a 12 month period with the ability to extend this period for no more than 12 months. It is considered that any longer than a two (2) year period would change the dynamic of the camp from a "Fly Camp" to a "Transient Workforce Camp" requiring substantial upgrading.

### *Carparking*

Being a "Use Not Listed", it is up to Council to determine an appropriate amount of carparking as per clause 6.13.2 of the town planning scheme.

In this regard the applicant has provided the following justification relating to carparking:

*“Carparking for the fly camp is entirely contained on site. Up to 80 parking spaces are proposed in tandem arrangement. This provides a ratio of approximately 1 car space to 2 occupants. As most occupants will be travelling to site together, car numbers even at peak occupancy are not expected to exceed this number.”*

The above justification is considered reasonable and supported.

*Consistent with “Long Term Land Use Plan”.*

The facility is designed to be temporary only. Upon expiry of the 2 year period or completion of the Mixed Use development, the buildings will be removed enabling the site to be developed in a manner consistent with the South Hedland Town Centre Development Plan (SHTCDP). This timeframe has been discussed with LandCorp (the project manager for the SHTC) who have indicated that such a time frame is consistent with their staging of the project.

#### *Community benefit*

Does a “Fly Camp” provide a community benefit and/or should a community benefit be expected?. It could be considered that the benefit being provided by the “Fly Camp” is to facilitate the construction of the “Mixed Use Development”. However, it could be argued that the community benefit should be consistent with those obtained through TWA’s.

In this regard it is considered important to differentiate between the “Fly Camp” and TWA. The key differences being the “Fly Camp” will only be temporary (maximum of two (2) years) where as a TWA can be a permanent land use (ten (10) plus). TWA’s are often self contained incorporating facilities such as a dry mess/kitchen, recreation facilities such as gymnasiums and wet mess’s (taverns), “Fly Camp’s” only provide accommodation.

In the current situation of accommodation shortages, it is considered that the “Fly Camp’s” are necessary to facilitate construction projects. Due to the time period and the camp set up requiring workers to make use of local facilities, it is considered that an indirect community benefit will be achieved, removing the need for a contribution to be requested/required.

#### Attachments

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



201112/202 Officer's Recommendation/Council Decision

Moved: Cr D W Hooper                      Seconded: Cr J E Hunt

That Council:

- i) Approves the planning application submitted by Emco Building on behalf of the Crown, for "Use Not Listed – Fly Camp" at Lot 500 on Plan 63966, Hamilton Road, South Hedland subject to the following conditions:
1. **This approval relates only to the proposed "Fly Camp" and other incidental development, as indicated on the approved plans. (DRG2011/503/1 - DRG2011/503/3). It does not relate to any other development on this lot.**
  2. **This approval is only valid for a period of 12 months or completion of the approved development as per Planning Permit 2011/6, whichever occurs first the applicant will return the land to its original state, to the satisfaction of the Manager Planning.**
  3. **In regard to condition 2, the 12 months is calculated from the date of this approval. On expiry of the time stipulated in condition 2 above, the applicant may in writing to the satisfaction of Council's Manager Planning request a further 12 month extension.**
  4. **All vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the "Fly Camp" shall be contained within the development area (i.e. no parking is permitted on the road verge or any other land) and within designated vehicle parking locations/areas all to the satisfaction of Council's Manager 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. **All dust and sand to be contained on site with the use of suitable dust suppression techniques where any works/operations on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction of Council's Manager Planning.**
  7. **The premises to be kept in a neat and tidy condition at all times by the occupier to the satisfaction of Council's Manager Planning.**

Conditions to be complied with prior to the submission of a Building Licence application.

- 8. Prior to the submission of a building licence application, the applicant/operator of the camp shall submit an emergency evacuation plan and obtain approval from Council's Manager Planning.**
- 9. Prior to the submission of a building licence application, the applicant / operator shall submit a Rubbish Collection Strategy / Management Plan for approval by Council Manager Planning. The Rubbish Collection Strategy / Management Plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the Rubbish Collection Strategy / Management Plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of Council's Manager Planning.**
- 10. Further to condition 9, Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Council's Manager Planning Services.**
- 11. Prior to the submission of a building licence application a construction management plan is to be submitted detailing how it is proposed to manage:**
  - a) The delivery of materials and equipment to the site;
  - b) The storage of materials and equipment on the site;
  - c) Impact on traffic movement;
  - d) Operation times including delivery of materials; and
  - e) Other matters likely to impact on the surrounding land uses;

**to the satisfaction of Council's Manager Planning.**

- 12. Prior to the submission of a building licence application, a detailed plan indicating the type of fencing to be used is to be submitted and approved by Council's Manager Planning.**

Conditions to be complied with prior to the occupation of the development.

- 13. A minimum of 80 car bays are to be provided on site to the satisfaction of Council's Manager Planning.**

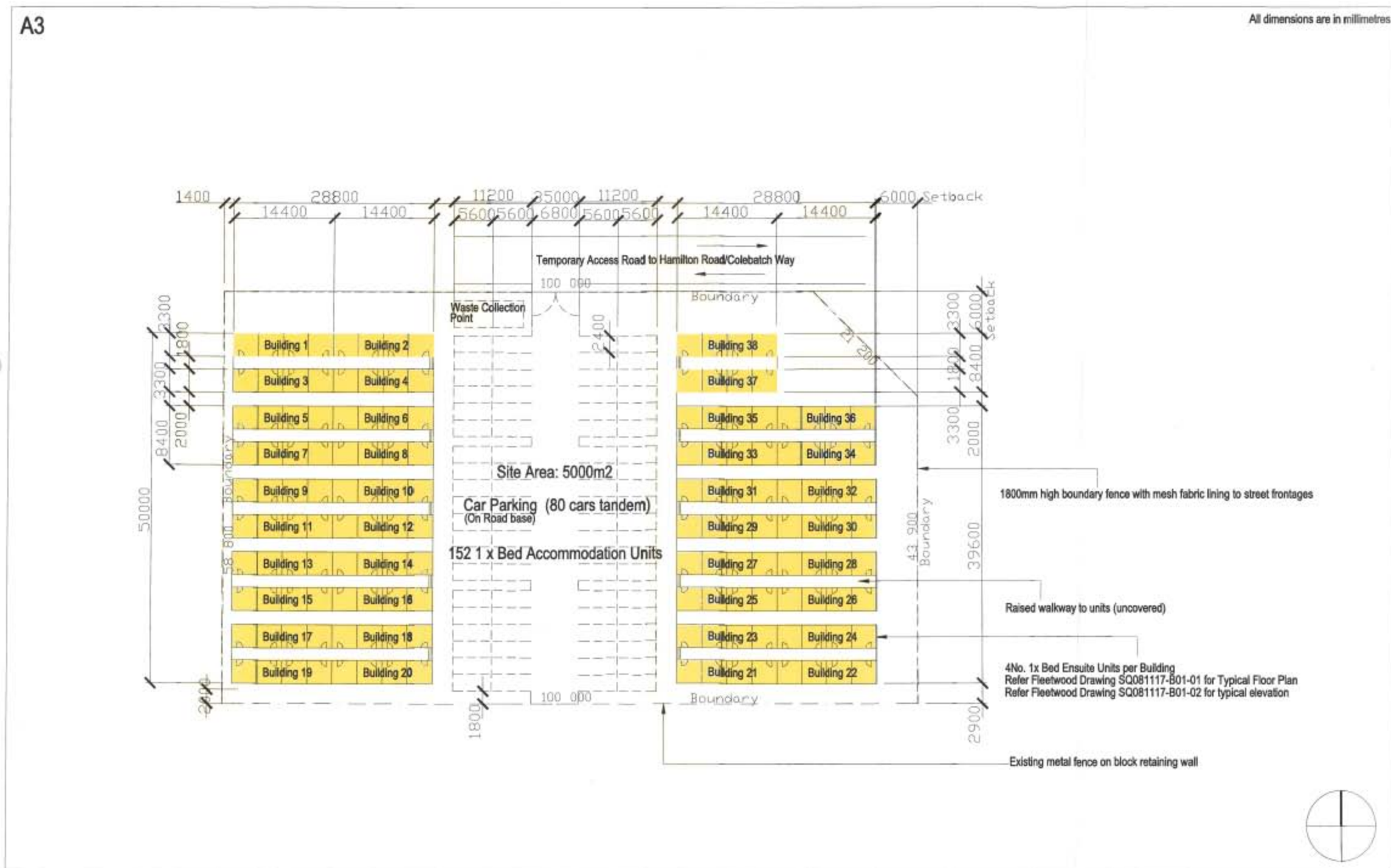
14. The development is to be connected to reticulated sewer. Alternatively, an effluent disposal system to the specification of the Department of Health and Council's Environmental Health Services is to be installed to the satisfaction of Council's Manager Planning.
15. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of Council's Manager Planning.
16. The applicant it to ensure that the development is adequately serviced with water, sewer and electricity to the satisfaction of Council 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. A Building Licence to be issued prior to the commencement of any on site works.
3. Be advised that all lodging houses are required be registered under the *Health Act 1911* and operate in accordance with that Act and the *Town of Port Hedland Health Local Laws 1999*.
4. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the *Town of Port Hedland Health Local Laws 1999*.
5. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
6. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Council's Health Local Laws 1999.
7. In relation to condition 17, all stormwater drainage (and associated infrastructure maintenance) is to be managed on site except where otherwise agreed by Council's Manager Infrastructure Development.

8. **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.**

*CARRIED 5/0*



**PROPOSED SITE PLAN**  
Based on site information provided by Landcorp



58-60 Edward Street  
Osborne Park WA 6017  
PO Box 258, Osborne Park WA 6917

Phone: (08) 9287 0100  
Fax: (08) 9287 0111  
Email: info@emco.com.au

**PROPOSED FLY CAMP**  
Lot 500 Hamilton Road  
SOUTH HEDLAND

For Transient Workforce To Construct  
Proposed Development at Lot 21, Colebatch Way  
South Hedland

CLIENT: Sunview Nominees Pty Ltd  
SCALE: 1:500 @A3  
DATE: 6th October 2011  
PLAN NO.: SHEDLAND\_01\_111004  
REVISION: 02  
DRAWN: DM

ATTACHMENT 2 TO ITEM 11.1.13

<b>BUILDING DESIGN CRITERIA</b> Wind Load - In Accordance with AS1170.2:2002 <b>REGION D, TERRAIN CATEGORY 2</b> Annual Probability of Exceedance 1:500 REGIONAL WIND SPEED - V500 = 88 m/s Built To: <b>BUILDING CLASS 1B</b> CLIMATE ZONES 1, 3, 4, 5 & 6	EXTERNAL DIMENSIONS - 14.4m x 3.3m INTERNAL DIMENSIONS - 14.20m x 3.10m = 44.02m <sup>2</sup>  BEDROOM - 2.53m x 3.10m = 7.84m <sup>2</sup> ENSUITE - 0.91m x 3.10m = 2.82m <sup>2</sup>	2400
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DESCRIPTION	QTY	DESCRIPTION	QTY
SMOKE DETECTOR - HARD WIRED - w/ BATT BUIP	4	CIRCUIT BREAKER BOARD - (POINT of ENTRY)	1
ABE TYPE FIRE EXTINGUISHER 4.5kg & SIGNAGE	1	SWITCH - LIGHT - SINGLE	4
		SWITCH - LIGHT - DOUBLE	4
		SWITCH - PHOTO-ELECTRIC (PIE CELL)	1
		LIGHT - CYSTER FITTING	8
		BUNK LIGHT - 18W FLUORESCENT - WALL MOUNTED	4
		LIGHT - EXTERNAL BULK-HEAD - W/PROOF	2
		GPO - 10 AMP SINGLE - HEIGHT SHOWN	8
		GPO - 10 AMP DOUBLE - HEIGHT SHOWN	4
		GPO - 10 AMP 4 GANG - HEIGHT SHOWN	5
		ISOLATOR - W/PROOF - HEIGHT SHOWN	4
		TELEVISION POINT	4
		DATA / COMMS POINT	4
		FAN - EXHAUST - WALL MOUNTED w/ SELF CLOSING LOUVER	4

**COLOUR SCHEDULE**

ROOF DECKING	- ZINCALUME
ROOF FLASHING	- DEEP OCEAN
EXTERNAL WALLS	- PAPER BARK
INTERNAL DOORS	- SURFMIST
CEILING	- MIRAGE PEARL
WINDOWS	- DEEP OCEAN
EXTERNAL DOOR FRAME	- DEEP OCEAN
VINYL TO BEDROOMS	- SLATE GREY
VINYL TO ENSUITE	- WOODLAND GREY
LOGOS	- YES
CUPBOARD DOOR & SIDE	- SOFT LEMON
CUPBOARD TOP & SHELVES	- WHITE
DESK TOP	- SOFT LEMON
DESK DRAWERS	- IRON STONE
CURTAINS	- BLUE/GREY
SKIRTING	- GREY
PERIMETER / BASE CHANNEL	- BLACK

**PANEL WALL BUILDING SHORT SPECIFICATION - REGION D - 2011 NCC**

- CHASSIS - STEEL BEAMS w/ GALV. JOISTS 75 x 40 CEE SECTIONS @ MAX 400 CTRS
- CHASSIS PAINT SPEC. - 425 ZINC PHOSPHATE PRIMER, 2 COATS ALKYLID PRIMER WET ON WET - BLACK - FOR CORROSION INHIBITION
- FLOORING - 22mm T&G AQUATITE TERNITE TREATED PARTICLE BOARD
- FLOOR COVERING - 1.5mm VINYL FLOOR FINISH TO BEDROOMS - refer colour schedule
- 2.0mm T&P RESISTANT VINYL FLOOR FINISH TO ENSUITES w/ 100mm HIGH COUING BEHIND DOOR, PVC SKIRTING TO ALL OTHER WALLS - refer colour schedule
- EXTERNAL WALLS - 150mm EPS CORE PANEL, R2.5 RATING w/ 1.5mm COLORBOND facings - refer colour schedule
- INTERNAL WALLS - 50mm PANEL w/ 9.4mm COLORBOND facings - refer colour schedule
- FLOOR INSULATION - R2.5 15750 INSULATION WITH BUILDERS MESH UNDER FOR SUPPORT
- PARTY WALL INSULATION - ACOUSTIC INSULATION within cavity wall
- ROOF INSULATION - R2.5 POLYESTER INSULATION between ceiling joists with 10mm E-THERM under roof sheets
- ROOF & CEILING FRAME - GALV. STEEL FRAMEWORK
- ROOF CLADDING - SMARTSPAN SHEETING - refer colour schedule
- CEILING - PRE-FINISHED PLYWOOD w/ ALUMINIUM CORNICE - refer colour schedule
- ROOF FLASHINGS & CORNER TRIMS - COLORBOND - refer colour schedule
- DOOR FRAMES - METAL POWDERCOATED FINISH - refer colour schedule
- INTERNAL DOOR FRAMES - ALUMINIUM POWDERCOATED FINISH - refer colour schedule

**EQUIPMENT LIST**

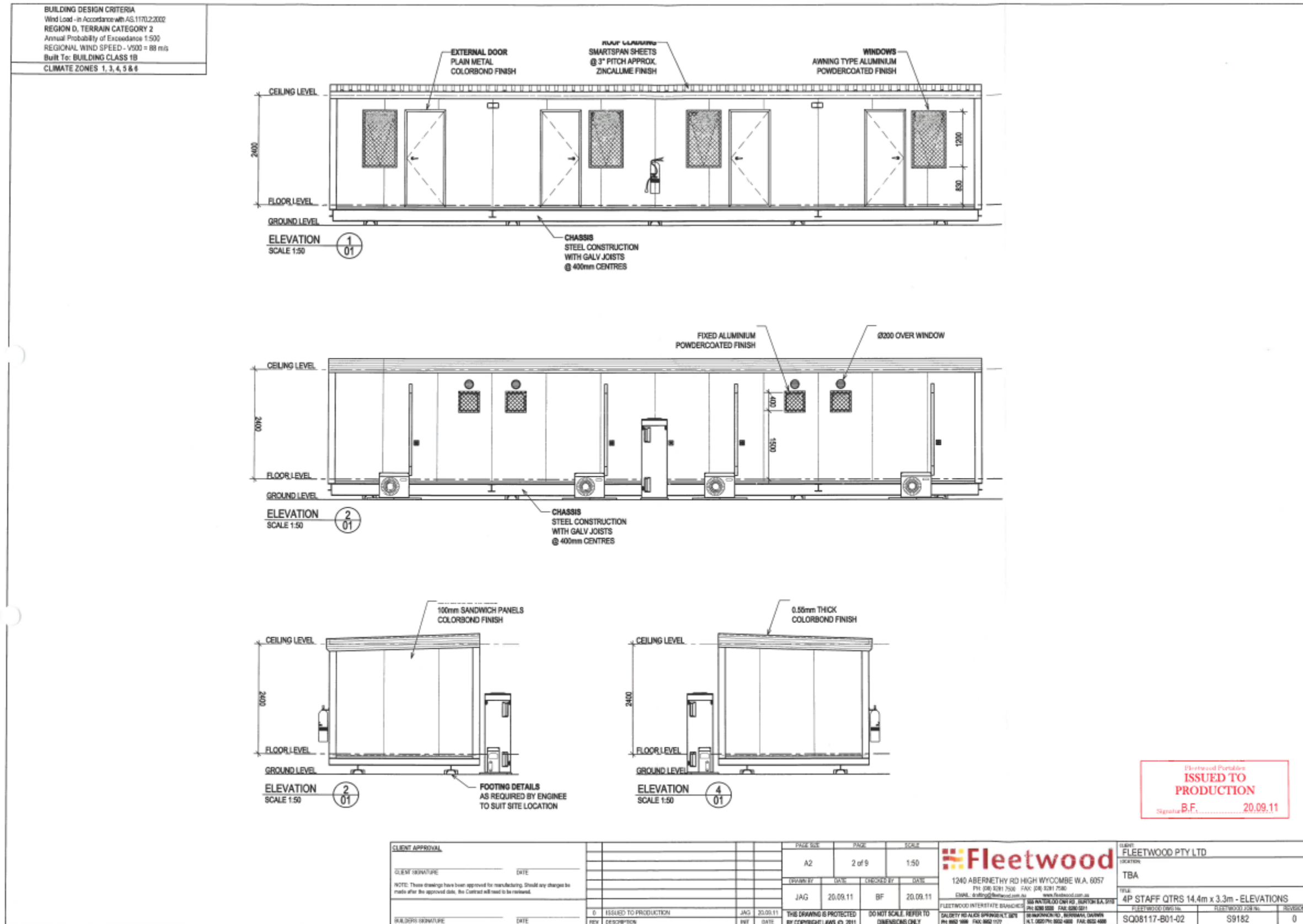
No.	DESCRIPTION	QTY
D1	2540h x 850w METAL PANEL EXTERNAL DOOR w/ KEY LOCK SET	4
D2	2540h x 850w HOLLOW CORE TIMBER INTERNAL SLIDING DOOR (2000h x 770w OPENING)	4
D3	2540h x 850w BARRIER DOOR w/ HANDLING LOCK & DOOR CLOSER	4
W1	1200h x 700w BARRING WINDOW w/ FLYSCREEN, BLOCKOUT CURTAINS & CYCLONE SCREEN	4
W2	400h x 400w FIXED WINDOW w/ CYCLONE SCREENS	4
C4	75 x 50 x 2.0mm RHS INTERNAL COLUMN w/ BRACKET FIXING	4
AC	INVERTER SPLIT SYSTEM REVERSE CYCLE AIR CONDITIONER - 2.0kW	4
1	KING SIZE SINGLE ENSEMBLE BED	4
2	1100 LONG WRITING DESK w/ STEEL PADDED CHAIR & BEDSIDE DRAWERS	4
3	500w x 500h x 1800h HIGH MELAM. WARDROBE w/ 1 HALF SHELVES, 1 FULL WIDTH SHELF & HANGING SPACE	4
4	115L BAR FREDGE	4
5	COAT HOOK	8
6	WALL MOUNTED TV BRACKET @ 1650 AFL - CW425	4
7	TOILET PAN w/ DUAL FLUSH CISTERN & PAPER HOLDER	4
8	S.S. HAND BASIN w/ MIRROR & SHELF OVER	4
9	500L LONG TOWEL RAIL	4
10	500 x 500 FIBREGLASS SHOWER UNIT w/ CURTAIN & RAIL	4
11	270 LITRE HEAT PUMP	1

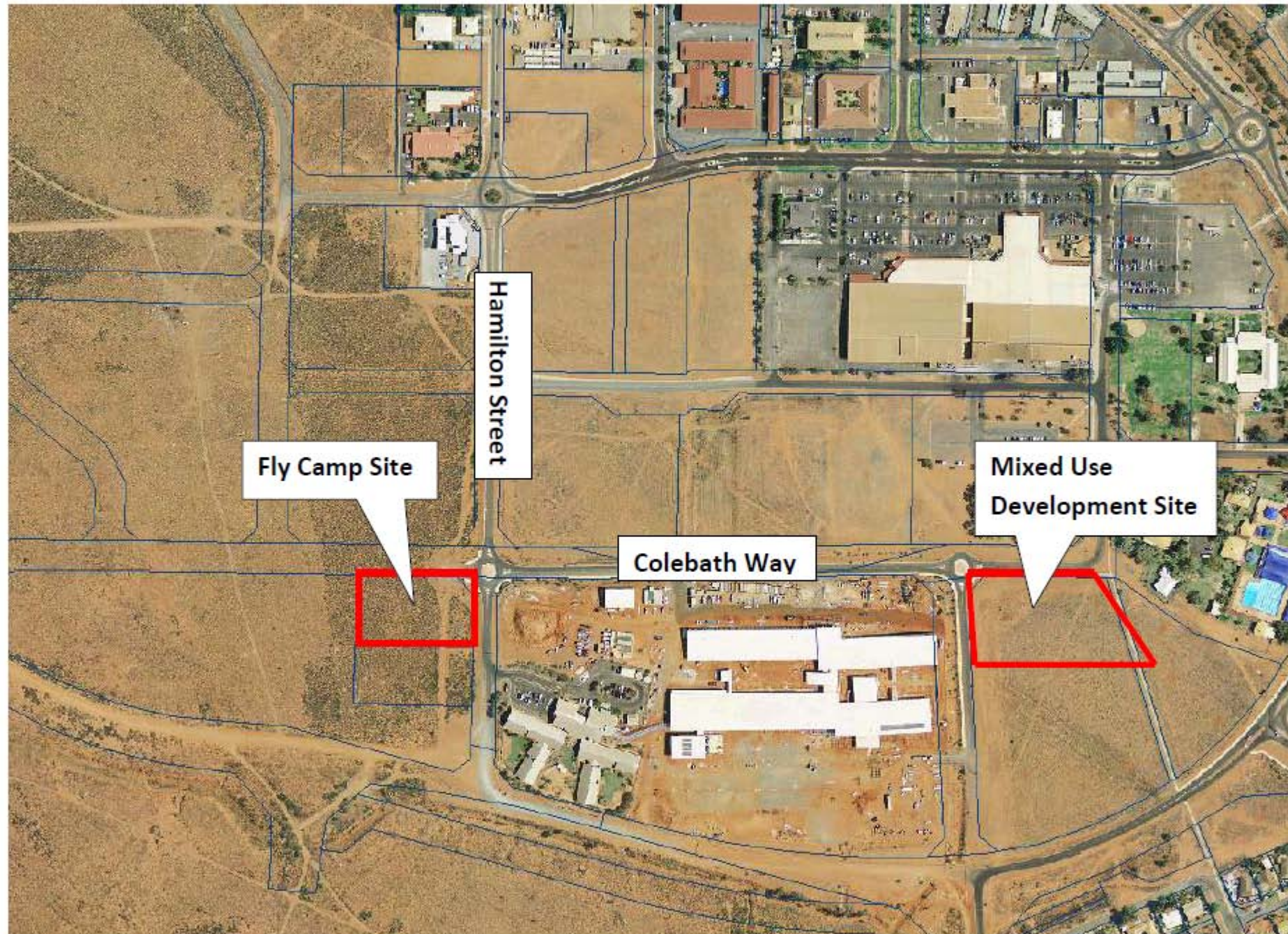
**PLAN VIEW**  
SCALE 1:50

**ELEVATION GUIDE**  
SHEET 02

Fleetwood Portable  
**ISSUED TO PRODUCTION**  
 Signature: B.F. 20.09.11

<b>CLIENT APPROVAL</b>	<b>FILE SIZE</b>	<b>PAGE</b>	<b>SCALE</b>	<p>1240 ABERNETHY RD HIGH WYCOMBE W.A. 6057                  PH: (81) 9281 7500 FAX: (81) 9281 7580                  EMAIL: <a href="mailto:info@fleetwood.com.au">info@fleetwood.com.au</a> www.fleetwood.com.au</p>	CDRP: FLEETWOOD PTY LTD LOCATION: TBA
CLIENT SIGNATURE: _____ DATE: _____ NOTE: These drawings have been approved for manufacturing. Should any changes be made after the approved date, the Client will need to be advised.	DRAWN BY: JAG DATE: 20.09.11 CHECKED BY: BF DATE: 20.09.11	ISSUED TO PRODUCTION DATE: 20.09.11	THIS DRAWING IS PROTECTED BY COPYRIGHT LAWS © 2011 DO NOT SCALE. REFER TO DIMENSIONS ONLY		TITLE: 4P STAFF QTRS MENS 14.4m x 3.3m - PLAN VIEW FLEETWOOD DWG No.: SQ08117-801-01 FLEETWOOD JOB No.: S9182 REVISION: 0







*11.1.14 Spoilbank Marina Committee (File No.: 18/17/0001)*

Officer	Eber Butron Director Planning & Development
Date of Report	9 November 2011
Disclosure of Interest by Officer	Nil

**Summary**

Over the last nine months the Spoilbank Marina Committee has been meeting to discuss the establishment of a Marina at the Spoilbank.

A committee meeting was scheduled for the 13 October 2011. Whilst there wasn't a quorum, there was a general consensus amongst the committee members present to support Concept 1A as prepared by LandCorp.

Council is now requested to support this concept.

**Background**

At the meeting of 23 February Council resolved to establish the Spoilbank Marina Committee. Since then the Committee has formally met five times (March, April, May, June and August).

**Consultation**

On 28 August 2011 the Town of Port Hedland held an Open Day to review concepts prepared by LandCorp for the proposed Marina Development in Port Hedland. LandCorp was invited to attend with key project team members.

A presentation was given by LandCorp's team and then attendees / community members were invited to discuss their comments and questions. It is estimated that approximately 100 to 120 people attended the presentation with a further 20 to 30 people wandering through and asking questions to the team.

The Town arranged for feedback forms to be available enabling comment by attendees on the options presented. The Town collected feedback forms and handed them to LandCorp. On behalf of LandCorp, NS Projects has collated this feedback and summarized key comments. Separate spreadsheets containing the submission content are attached.

Generally it was noted that attendance at the presentation / information session was not well reflected in the number of submissions received.

A summary of the submissions is as follows:

1. 20 submissions received (2 were from 1 person).
2. The weighted responses i.e. 1 to 5 were not well completed.
3. Most chose not to provide too much detail and many did not respond to all five questions.
4. RSL provided a separate letter submission dated 31 August 2011.

The key points evident from submissions were:

1. Most identified Option 1A as their preferred.
2. Several responses indicated that the Yacht Club and TS Pilbara must have direct access to the Marina. This is consistent with many of the comments heard by project team members present on the day.
3. TS Pilbara (Navy Sea Cadets) was a frequent request to be shown separately on the plan. It was clearly expressed to team members present on the day that in the opinion of the Yacht Club, RSL and TS Pilbara they must each have separate sites and buildings.
4. Reflected in each of the three points above is that a number of submissions indicated direct access to water for small boats (children) that cannot compete with larger craft at the main boat ramps.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Goal 1 -Tourism

2 -Progress Development of Spoilbank Marina Project

Goal 2 - Town Planning & Building

2 -Develop Structure Plans for Key Precinct Area

The development of the Spoilbank Marina is identified as one of the key priority projects in Council's Hedland's Future Today.

### Budget Implications

No Budget implications for Council at this point in time.

It is understood LandCorp will be seeking funding from Cabinet to deliver the project.

### Officer's Comment

The Spoilbank Marina Committee has formally met five times to discuss the project. An open day was held to seek public input on several marina options that were developed by LandCorp.

Three options were displayed upon which community input was sought.

All options generally provided for facilities including:

- Boat ramps
- Trailer and car parking
- Marina
- Boardwalks
- Community space
- Lookouts
- Caravan park
- Beach area
- Major Event space
- Existing Yacht Club, RSL and TS Pilbara facilities
- Aquatic centre

Each option showed these facilities being provided in various configurations.

The difference in options were:

- Option 1A provided for approximately 600 short stay accommodation units, 3,000 m<sup>2</sup> retail and 3,000 m<sup>2</sup> office space.
- Option 1B provided for 300 short stay accommodation units, 3,000 m<sup>2</sup> retail and 3,000 m<sup>2</sup> office space.
- Option 2A provided for approximately 300-500 residential units, 3,000 m<sup>2</sup> retail and 3,000 m<sup>2</sup> of office space.

LandCorp provided advice on the financial feasibility of the options, stating an option comprising permanent residential units was considerably more feasible than options that only provided for short stay accommodation.

LandCorp advised the delivery cost of either options was approximately \$160 million. However, the difference lies in the expected revenue expected to be generated from each of these options.

The option including permanent residential accommodation is estimated to provide revenue of approximately \$100 million, whereas the option providing only for short term stay accommodation are expected to provide a revenue return of only \$40 million.

Whilst the permanent residential accommodation option provides a distinctive advantage from an economical feasibility perspective it is considered that there may be significant political, environmental and planning issues and pressure that may inhibit the delivery of a concept that incorporates a permanent residential component.

It is considered that given the expected objections toward permanent residential accommodation in the West End from State agencies such as the EPA, Department of Environment and Conservation, Department of Health, the Noise & Dust Taskforce as well as the Resource Industry it is unlikely that such a concept would be supported.

After community consultation Option 1A presented by LandCorp appears to be the most preferred option.

A Committee meeting was scheduled for 13 October 2011. Unfortunately, due to members' absences, there was no quorum. However, members of the committee and general public that attended the meeting had an informal meeting to discuss the revised options as presented by LandCorp. At this informal meeting there was a consensus from all those present to support revised Option 1A as presented by LandCorp.

The Committee members requested that this consensus be forwarded to Council for its formal consideration.

A member of the public that was in attendance on the evening asked for minor changes to be considered including:

- The plan needs more coffee shops and recreation areas as per the Land Use Masterplan.
- b. The recreation area shown should be better integrated with the Marina and caravan park.
- c. The intent for the caravan park is unclear and should be better notated.

#### Options

Council has the following options:

1. Support the committee members' informal consensus recommendation to support Concept 1A as presented by Council.
2. Not support Concept 1A and request the Committee to formally consider this matter with a full quorum.

## Attachments

1. Marina Concepts 1A and 2A.

## Officer's Recommendation

## That Council:

1. Supports the Port Hedland Marina Concept 1A as presented by LandCorp subject to Landcorp providing more detailed designs and consultation; and
2. Request the CEO to write to the Premier and Minister Regional Development expressing Councils support for the development of a Marina on the Spoilbank.

## 201112/203 Council Decision

Moved: Cr G J Daccache      Seconded: Cr S R Martin

## That Council:

1. Supports the Port Hedland Marina Concept 1A as presented by LandCorp subject to Landcorp providing more detailed designs and consultation, and subject to
  - a. **space to be provided for the Marine Rescue quarters; and**
  - b. **a caravan park and echo resort to be part of stage 1;and**
2. Request the Chief Executive Officer to write to the Premier and Minister Regional Development expressing Councils support for the development of a Marina on the Spoilbank.

*CARRIED 5/0*

*REASON: Council believes it had to include in its decision a space for the Marine Rescue and a caravan park and an echo resort to be considered as part of Stage 1.*

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ATTACHMENT 1 TO ITEM 11.1.14



LEGEND

- ① Boat ramps x4 (2 in stage 1)
- ② Trailer and car parking
- ③ Marina lease area - spatial allowance for:
  - boat/lifter and hardstand;
  - Outboard/diesel mechanic;
  - Chandler;
  - Fibreglass and shipwright;
  - Marine electronics;
  - Luncheon;
  - Fuel Jetty;
  - Boat Sales; and
  - Diver/fishing Shop and bait supply.
- ④ Pedestrian boardwalk / promenade
- ⑤ Retail on ground floor with commercial on first floor and short stay accommodation above
- ⑥ Community / entry park / water play / amphitheatre / minor event space / night markets etc
- ⑦ Boat pens (Total 250 ultimate development - 50 in stage 1)
- ⑧ Lookout / platform on key pedestrian entries
- ⑨ Pedestrian connections into marina edge
- ⑩ Short stay accommodation
- ⑪ Residential (Amendment #22 style max 110sqm, 2 bedrooms and additional development requirements)
- ⑫ Hotel
- ⑬ Caravan park with permanent short stay units along western edge
- ⑭ Caravan park reception
- ⑮ Central facilities for caravan park
- ⑯ Pedestrian footpath to eastern beach
- ⑰ Resort style short stay accommodation
- ⑱ Existing Yacht club
- ⑲ Spend beach / informal boat launching
- ⑳ Public car park for aquatic centre
- ㉑ Major event space (Football / soccer / hockey / rugby pitches)
- ㉒ Eastern beach shelters
- ㉓ Sutherland Street partial closure to reduce road reserve
- ㉔ Possible Sutherland Street extension (not part of this project)
- ㉕ Residential development proposed by proponent
- ㉖ Relocated RSL
- ㉗ Relocated Aquatic Centre
- ㉘ TS Pilbara

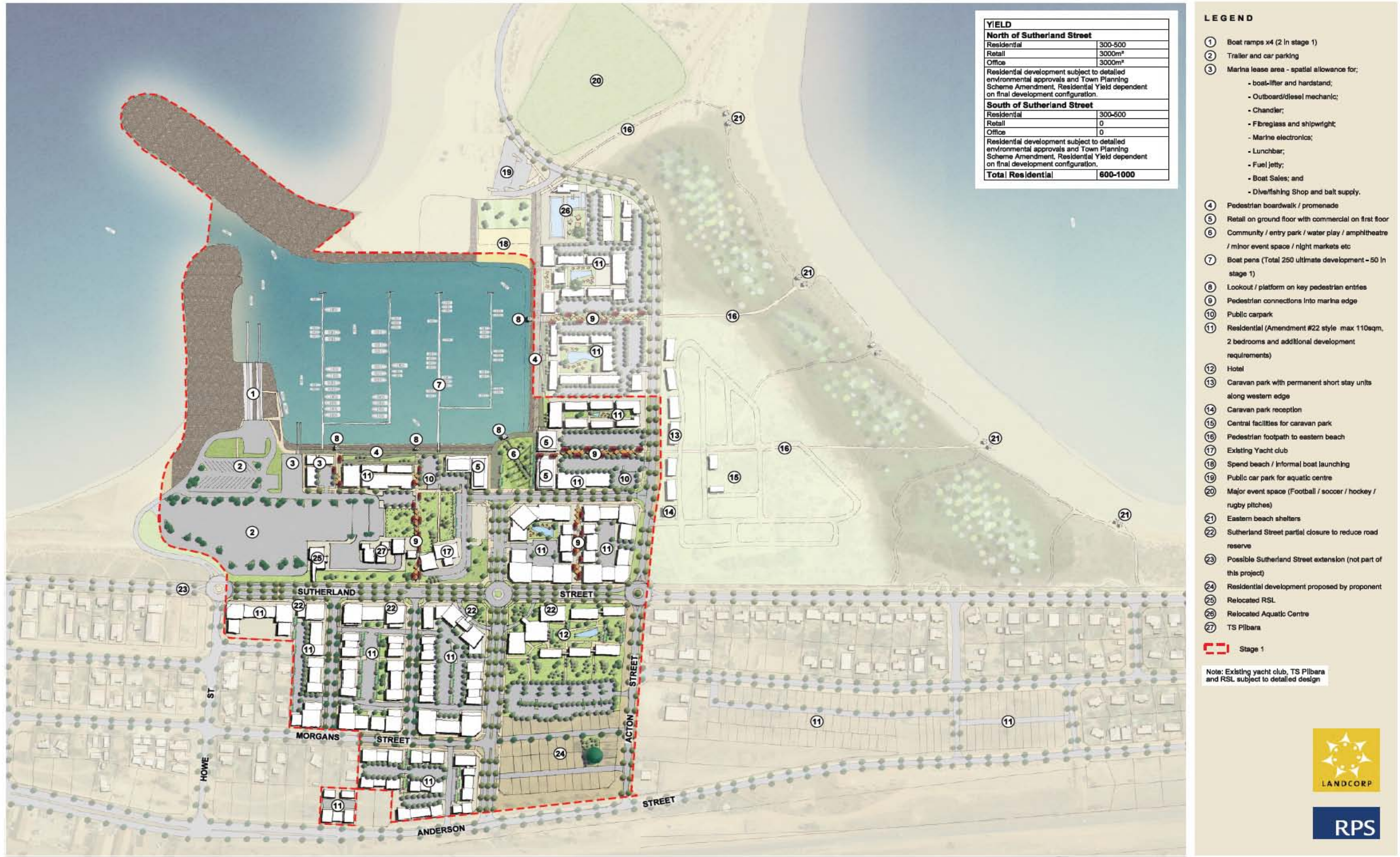
Stage 1

Note: Existing yacht club, TS Pilbara and RSL subject to detailed design



PROPOSED PORT HEDLAND MARINA CONCEPT - OPTION 1A





PROPOSED PORT HEDLAND MARINA CONCEPT - OPTION 2A





**11.2 Engineering Services**

5:51pm Councillor D W Hooper declared a Financial Interest in Agenda Item 11.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland' as FORM sells his paintings.

Councillor D W Hooper left the room.

5:51pm Councillor J E Hunt declared a Financial Interest in Agenda Item 11.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland' as she is a BHP Billiton employee with shares over the statutory limit.

Councillor J E Hunt left the room.

5:51pm Councilor G J Daccache declared an Impartiality Interest in Agenda Item 11.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland' as he is a BHP Billiton shareholder.

Councilor G J Daccache did not leave the room.

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

Officer Rob Baily  
Projects Coordinator

Date of Report 19 September 2011

Disclosure of Interest by Officer Nil

**Summary**

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

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

**Background**

This item was previously considered at the Special Council Meeting on 12 October 2011 and again at the Ordinary Council Meeting on 19 October 2011 though, due to lack of quorum the item has been resubmitted for council review.

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

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

Council resolution 201011/231 stated:

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

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

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

*“That Council:*

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

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

## Consultation

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

The main consultation team for the EOI consisted of:

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

## Statutory Implications

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

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

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

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

*"3.5.7 Tenders for providing goods or services*

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

## Policy Implications

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

### Strategic Planning Implications

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

### Budget Implications

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

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

### Officer's Comment

The Selection Criteria was based on the following information:

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

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

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

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

Table 1

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

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

Table 2

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

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

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

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

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

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

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

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

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

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

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

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

Attachments

Nil

Officer's Recommendation

That Council:

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

- FORM
  - Natural Play & Terry Farrell Architect
  - Judith Forrest
2. Invite the successful applicants to submit a tender for the artwork integration into adventure playground for the Cemetery Beach expansion project

*NOTE: Chief Executive Officer advised that due to staffing issues the Department of Local Government did not consider the Town of Port Hedland's request for a reduction of quorum.*

Mayor advised that due to a lack of quorum Agenda Item 11.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland' will not be considered.

5:52pm Councillors D W Hooper and J E Hunt re-entered the room and resumed their chairs.

Mayor advised Councillors D W Hooper and J E Hunt that due to a lack of quorum Agenda Item 11.2.1 'Expression of Interest (EOI) 11/24 Artwork Integration into Adventure Playground Cemetery Beach Community Park Duplication Port Hedland' could not be considered.

*11.2.2 Residential Lease for the Dwelling Situated at the South Hedland Aquatic Centre (File No.: .../...)*

Officer Gillian Campbell  
Leasing Officer

Date of Report 14 November 2011

Disclosure of Interest by Officer Nil

Summary

This agenda item seeks Council's consent to dispose of property namely the residence at the South Hedland Aquatic Centre (SHAC), by way of a lease, to the organisation that is performing the SHAC upgrades for the period whilst construction works are undertaken.

Background

The YMCA manages the South Hedland Aquatic Centre, pursuant to a management agreement with the Town of Port Hedland. Currently the Centre is being renovated and this necessitates construction works until October 2012.

The Center has a 3 x 1 brick dwelling situated on site and whilst not included in the terms of the management agreement, the Caretaker of the YMCA ordinarily resides in this dwelling.

The dwelling is currently unoccupied as the Caretaker has removed himself and his family from the dwelling due to the extent of construction to the South Hedland CBD. The Caretaker has no vehicle access to his residence as the roads have been blocked during reconstruction. The Caretaker has been experiencing loss of power, water and telecommunications up to the point of moving out. Additionally, the dust levels at the residence have been high with the civil works being undertaken adjacent to the SHAC.

AVP Constructions Pty Ltd, who are the preferred contractor for the upgrade project stage one, who are conducting the renovation have indicated a desire to lease the dwelling for the period of construction, for the purpose of housing their construction workers.

Consultation

*Internal*

- Recreation Coordinator
- Manager Community Recreation Services
- Manager Investment and Business Development



*External*

- WALGA
- Hedland First National Real Estate
- AVP Constructions Pty Ltd

## Statutory Implications

*The Local Government Act 1995**“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 describing the property concerned; and giving details of the proposed disposition; and 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.*

### Policy Implications

Nil

Strategic Planning Implications

Nil

### Budget Implications

Pursuant to section 3.58 of the Local Government Act, Officers requested a valuation of the residence at the SHAC. Hedland First National Real Estate provided a market rental of between \$1350 and \$1450 per week, provided in Attachment 2.

AVP Constructions Pty Ltd have indicated that they are prepared to pay a rental in the amount of \$2,200 per week from January 2011, when construction commences.

### Officer's Comment

It is not safe or practical for the Caretaker and his family to be residing in the dwelling at the SHAC from this point forward.

Ideally, AVPC who are already based on site for the construction, are the most suitable tenants for the following reasons:

- occupational health and safety regulations would make it unsafe for anyone else to be within this construction site;
- an incident may expose the Town to liability;
- short term and uncertain period of lease would make it unattractive for other tenants; and
- security of housing for AVP Constructions Pty Ltd to ensure that the workers are accommodated and the works are completed on time, without delays due to the unavailability of other accommodation currently being experienced in Hedland.

The period of construction will be between February 2012 – October 2012 and AVP Constructions Pty Ltd have indicated a desire to lease the property from January 2012.

### Attachments

1. Aerial View of Property on Reserve 41003 or Lot 9008 on Plan 66974
2. Valuation as conducted by Hedland First National Real Estate
3. Photos showing works being carried out around the SHAC

## 201112/204 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache

Seconded: Cr S R Martin

That Council:

1. Agree to dispose of the dwelling situated on Reserve 41003 South Hedland, also known as the Caretakers residence at the South Hedland Aquatic Centre, by way of a lease to AVP Constructions Pty Ltd in accordance with section 3.58 (3) of the Local Government Act 1995 (private treaty) on the following terms and conditions;

- a) **\$2,200 per week;**
- b) **For a term commencing on 1 January 2012 and expiring on 31 October 2012 or upon completion of the stage one upgrade project for the South Hedland Aquatic Centre, whichever arises first;**
- c) **For the purpose of housing AVP Construction Pty Ltd employees only**

subject to any adverse submissions being received within the requisite advertising period.

*CARRIED 5/0*

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## ATTACHMENT 2 TO ITEM 11.2.2

Real Estate Agents, Property, Commercial & Strata Managers



2, 20 Wedge Street, Port Hedland WA 6721  
Telephone: (08) 9173 9200 Facsimile: (08) 9173 2363  
www.hfn.com.au

November 8th, 2011

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## RENT APPRAISAL

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To whom it may concern,

After viewing the property – The Caretakers Residence, South Hedland Aquatic Centre – Leak Street, SOUTH HEDLAND, WA 6722, I would estimate the rent monies gained between \$1350 and \$1450 per week.

Due to the current location of the property and disturbances caused by upgrades to the roads and shopping complex the property is obviously not going to gain substantial rent. If you wish to discuss this appraisal further please do not hesitate to contact me direct on (08) 9173 9200 or via email at [management1@hfn.com.au](mailto:management1@hfn.com.au)

Kind Regards

A handwritten signature in black ink, appearing to read "Amy Lewer".

Amy Lewer  
Senior Property Manager  
Hedland First National

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*Correspondence:*

Westskye Property P/L ATF Westskye Trust & Riverpark Homes P/L  
ATF Angus James Family Trust T/A Hedland First National Real Estate ABN 42 759 657 213  
PO Box 391 Port Hedland Wa 6721  
email: [admin@hfn.com.au](mailto:admin@hfn.com.au)



FIRST NATIONAL REAL ESTATE

ATTACHMENT 3 TO ITEM 11.2.2

Attachment 3 – Works carried out around the South Hedland Aquatic Centre [SHAC]







*11.2.3 Port Hedland International Airport Paid Parking System – Variation Approval for CCTV Works (File No.: 30/12/0003)*

Officer Helen Taylor  
Project Officer

Date of Report 7 November 2011

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to seek approval from Council for a variation to the contract awarded to Sabar Technologies for the installation of the Airport paid parking system. The variation relates to stage 2 of the Airport car parking redevelopment works, specifically the installation of CCTV.

Background

In March 2011 the Airport Committee awarded the contract for the design, supply and installation of the Airport paid parking system to Sabar Technologies under the following resolution:

*“AC201011/052 Airport Committee Decision/Officer’s Recommendation*

*That the Airport Committee:*

- 1. Awards Tender 11/11 Design, Supply & Installation of Paid Parking System to Sabar Technologies Pty Ltd for a total of \$539,785 + GST*
- 2. Requests the preparation of an Operational Management Plan for the Port Hedland International Airport parking area, to be approved and implemented prior to commissioning the paid parking system”*

The installation works are being carried out currently in conjunction with the civil parking modifications awarded by separate tender to Road Contractors. All works will be completed in December 2011.

As part of the 2011/12 budget process Council allocated \$1,000,000 towards stage 2 of the Airport car park redevelopment works, which includes lighting, CCTV, improved pedestrian access and detailed design of layout modifications in the central parking area. In order to accommodate CCTV and prevent unnecessary remediation works, it’s required to install underground services at the same time as the current paid parking system and civil works. It is intended to achieve this under variation to the current contract to Sabar Technologies.

## Consultation

### *Internal*

- Director Engineering Services
- Manager Infrastructure & Development
- Manager Information Services
- Information Technology Coordinator

### *External*

- Sabar Technologies
- Downer EDI
- Road Contractors

## Statutory Implications

Section 5.42 of the *Local Government Act 1995* states:

*“The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.”*

The funds for this project are within the current adopted budget, however the formal definition of a ‘minor’ variation is:

*“Minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.”*

This definition is unclear, therefore as the total amount of the variation exceeds the CEO’s delegated purchasing authority of \$100,000, formal Council approval is deemed to be required.

## Policy Implications

Nil

## Strategic Planning Implications

- |                          |   |
|--------------------------|---|
| Key Result Area 1:       | Infrastructure  |
| Goal 2:                  | Airport   |
| Other Action Strategy 1: | Undertake upgrades to the terminal and surrounds to improve the functionality of the facility including: <ul style="list-style-type: none"><li>a) Creating more common-user check in points</li><li>b) Improving airport security screening arrangements</li><li>c) Review parking options and implement an agreed Airport Parking Plan</li></ul> |

### Budget Implications

The total value of the requested variation approval is \$125,981.00 plus GST, which is allocated within the 2011/12 budget allocation of \$1,000,000 to account 1210402. This budget is fully funded by Airport Reserves.

### Officer's Comment

Sabar Technologies contracted scope of works includes the trenching and laying of conduits underground to connect power to the paid parking ticket machines, boom gates and pay stations situated throughout the Airport short term and long term car parks. The provision of conduit for the cabling of the CCTV works in the variation scope can be accommodated within the same trenches for the extent of the paid parking system, plus requires additional trenching to the remainder of the car park. In some locations the cabling will be under the road modification works currently being undertaken by Road Contractors. It is logical to complete this work prior to the road modifications being finalized, negating the need to trench through the new road at a later date, disrupting traffic and impacting on the integrity of the road surface.

The installation of CCTV cabling conduit at the same time as the paid parking system installations will have no impact on the completion date of the paid parking system, however will fast-track the commissioning of the CCTV system. The CCTV network will improve security in the parking areas and provide protection for the paid parking equipment.

The approval of these works to Sabar Technologies also reduces the risk of conflict if 2 different contractors were on site at the same time, plus removes any concerns with defects or warranties.

Downer EDI is installing the CCTV system and have approved the use of Sabar Technologies for the underground infrastructure installations.

### Attachments

Nil

### 201112/205 Officer's Recommendation/Council Decision

Moved: Cr D W Hooper

Seconded: Cr S R Martin

That Council approves the variation to Contract 11/11 Design, Supply & Installation of Paid Parking System to Sabar Technologies for the installation CCTV cabling conduit for the amount of \$125,981 + GST

*CARRIED 5/0*

5:53pm Councillor G J Daccache declared a Financial Interest in Agenda Item 11.2.4 'Auzcorp Lease (Mia Mia Camp) - Request for Extension to Lease Term' as he is an Auzcorp employee.

Councillor G J Daccache left the room.

*11.2.4 Auzcorp Lease (Mia Mia Camp) - Request for Extension to Lease Term (File No: 05/05/0054)*

Officer Jasmine Person  
Manager Investment and  
Business Development

Date of Report 31 October 2011

Disclosure of Interest by Officer Nil

Summary

On 11 December 2009, Council entered into a lease agreement with Auzcorp for the accommodation camp on the Great Northern Highway, known as 'Mia Mia'. This agreement followed a tender in which Auzcorp were the successful tenderers.

The term of that lease agreement is for a five year period. Auzcorp have recently submitted a proposal to extend the term of the lease for an additional five year period, for Council's consideration.

This item will particularise the details contained in the current lease, the proposal currently being made by Auzcorp and the recommendation to grant the extension to the lease terms on a number of conditions.

Background

At Ordinary Meeting of Council on 27 May 2009, Council approved the advertising of a tender to dispose of a portion of the Port Hedland International Airport (lot 2444):

*"200809/347 Council Decision/Officer's Recommendation*

*Moved: Cr A A Gear*

*Seconded: Cr S J Coates*

*That Council:*

*Authorise the CEO (or his delegate) to commence the tender process to dispose of portion of Port Hedland lot 2444 (as per the attached diagram), by way of a tender, at the rental cost of \$6.30/m<sup>2</sup> pa + GST (indexed annual by Perth CPI), for a period of 5 years with the lease period commencing on the 11 September 2009.*

*Approve the following Tender Evaluation Criteria:*

- a) Meeting tender scope (10%)
- b) Experience (5%)
- c) Quality of development (20%)
- d) Facility Transition and Project Delivery (15%)
- e) Financial Plan (10%)
- f) Residual improvements (20%)
- g) Community Benefits (20%)

TOTAL = 100%

CARRIED 6/0”

At a Special Council Meeting of 29 July 2009, Council resolved the following:

*“200910/031 Council Decision/Officer’s Recommendation*

*Moved: Cr A A Gear*

*Seconded: Cr A A Carter*

*That Council:*

*advise the Auzcorp that they are the preferred tenderer for Tender 09/10 Land Lease available at the Port Hedland International Airport for Transient Workforce Accommodation; and*

*authorise the Chief Executive Officer or his nominated officer to finalise a land lease with Auzcorp; and*

*Receive a further report on leasing arrangements once negotiations/discussions have finalised.*

CARRIED 9/0”

Consultation

*Internal*

- Chief Executive Officer
- Director Engineering Services

*External*

- Auzcorp Representatives

Statutory Implications

*Section 3.59 Commercial enterprises by local governments*

*In this section —*

*(1) acquire has a meaning that accords with the meaning of dispose; dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —*

*(a) acquire or dispose of an interest in land; or*

- (b) *develop land;*  
*major land transaction means a land transaction other than an exempt land transaction if the total value of —*
  - (a) *the consideration under the transaction; and*
- (b) *anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*  
*major trading undertaking means a trading undertaking that —*
  - (a) *in the last completed financial year, involved; or*
  - (b) *in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*  
*trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction .*
- (2) *Before it —*
  - (a) *commences a major trading undertaking;*
  - (b) *enters into a major land transaction; or*
  - (c) *enters into a land transaction that is preparatory to entry into a major land transaction, 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.*
- (4) *The local government is to —*
  - (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
    - (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 undertaking or*

*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 6 weeks after the notice is given; and*

- (b) make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
  - \* Absolute majority required.*
  - (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) For the purposes of this section, regulations may —*
  - (a) prescribe any land transaction to be an exempt land transaction;*
  - (b) prescribe any trading undertaking to be an exempt trading undertaking.*

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

### Policy Implications

Whilst not specifically Policy, the Town of Port Hedland's "Guidance Note for Potential Developers of Transient Workforce Accommodation (TWA), published in August 2008, is relevant.



### Strategic Planning Implications

Key Result Area 1:	Infrastructure
Goal 2:	Airport
Immediate Priority 1:	Complete the development of the Airport Land Development Plan and commence implementation of the key initiatives that are identified.
Key Result Area 2:	Community Pride
Goal 2:	Events
Immediate Priority 1:	Play an integral part in the coordination, operation and communication of community events b (c) supporting community groups who are operating community events through training, support, advice and where appropriate, financial support.
Key Result Area 3:	Community Development
	Whilst not identified as a Goal, the community contribution currently paid by Auzcorp in the amount of will globally assist in the implementation and support of Community Development for the Town.
Key Result Area 4:	Economic Development
Goal 2:	Mining/Roads
Immediate Priority 2:	Actively pursue integration of FIFO workers into the local community.
Other actions:	Ensure that integrated accommodation options are available for resource related projects that do not artificially inflate the local real estate market.
Key Result Area 4:	Economic Development
Goal 3:	Business Development
Immediate Priority:	Investigate new business/revenue streams for the Town.
Key Result Area 4:	Economic Development
Goal 4:	Land Development Projects
Immediate Priority 1:	Fast track the release and development of commercial, industrial and residential land.

### Budget Implications

The base rental on the existing lease is \$173,228.00 (plus GST) per annum. The lease is subject to an annual Consumer Price Index increase and there is no provision for a market review during the five year term.

The community contribution amount as contained in the lease is \$350,000.00 (plus GST) per annum. With a recent development application approval for an additional 63 rooms, an increase to the community contribution was negotiated to equate to \$1,822.92 per room, per annum. Therefore the current community contribution amount is \$487,174.00 (plus GST) per annum.

Auzcorp are proposing a base rental of \$6.50/sqm which is the amount currently being paid by Auzcorp under the terms of their current lease. This amount is reflective of the base rental of \$6.30 plus the previous two years CPI increases. Further CPI increases are proposed for the next three years, which would have been consistent with the terms of their current lease. In three years time they are offering to pay a rental equivalent to the market value.

#### Officer's Comment

At the Ordinary Council Meeting of 23 September 2009, an item was presented to Council wherein details of the proposal were outlined, as contained in Tender 09/01 submitted by Auzcorp:

*"INDIRECT or NON-FINANCIAL benefits to the Council/community from the proposed transaction are:*

*The proposal will improve the availability of accommodation within the Town. Accommodation is currently critically short in supply.*

*The proposal involves providing full community access to a range of facilities that are proposed to be constructed on the leased land including:*

- *A training and conference centre*
- *External catering services*
- *A la carte restaurant and lounge bar*
- *Lockers and showers for travelling*
- *Coffee shop and business centre*
- *Shuttle bus service*

*Improvement of the visual amenity of the area through improved building design and upgraded landscaping of the area. These improvements become the Towns at the completion of the lease.*

- *Auzcorp will provide two complimentary rooms and meals for the pilots of the Royal Flying Doctor Services.*
- *The provision of four complementary rooms for apprentices (under the company's own 754 scheme which creates jobs for people within Australia, not to be confused with the Federal Government 457 scheme for overseas labour)*
- *Auzcorp has committed to partnering with local sporting communities.*
- *Auzcorp has committed to supporting the cultural affairs and activities in the Town.*
- *Auzcorp has committed to an apprenticeship development program and has committed to having 5% of their workforce as apprentices.*

- *Auzcorp has committed to having 10% local indigenous participation of the total work force.*
- *Auzcorp has committed to have at least 20% of suppliers sourced locally.*
- *Auzcorp has committed to have a minimum 75% of the work force from local communities.*
- *Auzcorp have committed to ongoing training and development of the local workforce via succession planning and on the job training.”*

It was advised by the Town's solicitors at the time to annexure the tender document as a schedule to the lease agreement to ensure compliance with the tender. Consequently, the tender comprises of schedule three to the lease and pursuant to clause 3.7 of the lease, the lessee (Auzcorp) is obligated to comply at all times with the Tender. These are attachments one and two to this item.

In light of the importance that the Town placed on the 'community' obligations with 20% of the tender weighting allocated to these commitments, the tender was largely awarded to Auzcorp because of its community commitments. Consequently, it was imperative to re-visit the current lease and assess compliance with the tender before considering this fresh proposal.

The Town wrote to Auzcorp and requested further information to assess compliance with the tender requesting them to address a number of points as outlined in the original tender proposal.

Attachment Three is a letter from Auzcorp dated 7 November 2011 which contains responses to the questions posed by the Town.

Overall, it would appear that there has been compliance thus far with the tender wherein circumstances permitted or allowed for the compliance. Auzcorp have provided community benefits where they have been within their control, particularly financially with the community contribution.

It appears that the speed with which their development has occurred has been somewhat hindered by a waste water solution, wherein they were originally reliant upon the Port Haven development to take their effluent. That solution was not implemented; consequently they installed leach drains as approved by the relevant planning and health authorities. Auzcorp advise that this has hampered their development to some degree.

Auzcorp confirm that they have not proceeded with beautification of the entrance to Mia Mia in light of the Airport Land Use Master Plan and the proposed slip road to run in front of Mia Mia. They have however indicated that they are prepared to undertake these works as soon as the Town provides some certainty to future road development in front of the development.

They have also indicated that they will liaise with the Town and address the concerns that have been raised over the aesthetics of the built form.

#### *Staging of the development*

Auzcorp have advised the following in respect of the staging and progress of the overall development.

Stage One of the development was recently completed with the addition of 63 rooms.

Stage Two is currently with the Town Planning department and this will involve the transformation of the al fresco dining area and beautification of the dining facilities. Auzcorp advise that when this stage is complete, the dining area will open to the public as it will be large enough to cater for the additional people. It is expected that stage two will be completed by March 2012.

Stage three will involve the addition of further facilities, including a reception area, al la carte restaurant with lounge bar, coffee shop, business centre, library and reception area, new kitchen and family rooms.

#### *Capital Expenditure*

In the tender, Auzcorp indicated a capital spend of \$19.9 million. To date they advise a total spend of \$9.27 million with the balance to be spend on the additional facilities in stage two and three of the development.

#### *Summary of Proposal*

Whilst the lease does not contain an option, pursuant to clause 7 of the schedule to the lease 'the parties within six months of the expiry of the term agree to consider in good faith a potential extension of the term on mutually agreeable terms and conditions'. Auzcorp are requesting that their request for an extension of the lease term be considered now, rather than in two and a half year's time. Consequently this agenda item presents their proposal for Council's consideration.

#### Rental Rate

Whilst \$6.50/sqm was proposed by Auzcorp, that being the equivalent to the rental currently being paid by Auzcorp for the 2010 – 2011 lease year (\$178,598 / 27,465m), the most recent CPI figures have been published with a 2.8% increase for the third year of their lease which would commence on 11 December 2011. Consequently, it is recommended that an amount of \$6.68 per square metre is inserted into the new lease as the base rental amount. (\$183,466.20/27,465m)

Area Required

Currently 27,465m<sup>2</sup>

Current Lease Term

Currently 3 years remaining on a 5 year lease

Proposed Lease Term

8 years commencing on the existing anniversary date of 11 December (in effect an additional 5 years) This will align with the 8 years currently remaining on the lease for Port Haven enabling Council at that time to make a decision as to the future of Precinct Two of the Airport.

Location

Part Lot 2443 and lot 2444 Great Northern Highway

Rent Review

Increased annually by CPI with a market review in 3 years

Community Contribution

\$1,822.92 per room or currently \$487,174.00 (plus GST) per annum

Tender

Compliance with the tender should continue to be attached to the Lease agreement. It is also recommended that milestones be inserted into the lease agreement with respect to the timing of the development and facilities that were proposed in the original tender. This will provide a benchmark against which Auzcorp must comply. The original tender does not contain timeframes for completion of milestones, so the performance is not clearly measurable.

As indicated above, overall the response to the queries raised in respect of compliance with the tender and lease agreement to date, is satisfactory. Circumstances beyond the control of Auzcorp have hindered the progress and speed of their development.

Whilst compliance is an important part of assessing this current proposal, the tender and lease documents do not contain any timing benchmarks for completion of the development. With three years remaining on their current lease agreement, performance is difficult to measure.

As at the date of this report, all lease payments and community contributions have been paid to the Town and there are no outstanding invoices.

### *Major Land Transaction*

It is clear that the proposal contains terms wherein the total consideration pursuant to this transaction will exceed \$1,000,000.00, consequently section 3.59 of the *Local Government Act 1995* is applicable. This section clearly states that prior to a local government entering into a 'major land transaction' it must first prepare a 'business plan' and give state-wide public notice of the same, for a period of at least 6 weeks.

In terms of the content required Section 3.59 (3) states:

*“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.”*

Following receipt of submissions received during the consultation period, the Council must first consider these and then make a decision, by way of absolute majority, as to whether to enter into the major land transaction.

Consequently, the Officer is requesting Councils consent to prepare a business plan in accordance with the governing provision with any submissions to be brought back to Council at the earliest opportunity.

### *Options*

Council has two available options in considering this item.

The first option is a decision to authorise the Chief Executive Officer to prepare and advertise a business plan for this major land transaction, if satisfied with the terms as contained in the proposal from Auzcorp.

Should Council resolve to prepare and advertise the business plan, all submissions received, if any, will be brought back before Council for consideration. After consideration of the submissions, Council must make a decision by way of absolute majority, whether it wishes to proceed or not proceed with the major land transaction.

The second option is to not to proceed to the next step in the proposal and decline the offer from Auzcorp, which will effectively see them finish the term of their current lease with the Town in three years. It is recommended that Council provide a rationale for this decision should the proposal be declined.

#### Attachments

1. The Schedule of the current lease agreement containing the essential terms
2. Annexure Three of the Lease; a copy of the tender
3. Letter received from Auzcorp on 7 November 2011

#### Officer's Recommendation

#### That Council:

1. Acknowledges discussions with Auzcorp to date;
2. Authorises the Chief Executive Officer to prepare a business plan for a 'major land transaction' and give state wide public notice of that plan in accordance with section 3.59 of the *Local Government Act 1995*; and
3. Requests the Chief Executive Officer to present the submissions received, if any, for consideration by Council in the determination of whether to enter into the Major Land Transaction or not.

*NOTE: Chief Executive Officer advised that due to staffing issues the Department of Local Government did not consider the Town of Port Hedland's request for a reduction of quorum.*

Mayor advised that due to a lack of quorum Agenda Item 11.2.4 'Auzcorp Lease (Mia Mia Camp) - Request for Extension to Lease Term' will not be considered.

5:54pm Councillors G J Daccache re-entered the room and resumed his chair.

Mayor advised Councillor G J Daccache that due to a lack of quorum Agenda Item 11.2.4 'Auzcorp Lease (Mia Mia Camp) - Request for Extension to Lease Term' could not be considered.

## ATTACHMENT 1 TO ITEM 11.2.4

**Schedule****1. The Lessee**

Mia Mia Port Hedland International Airport Pty Ltd (ACN 138 153 705) of Suite 39, 460 Stirling Highway, Peppermint Grove, Western Australia

**2. The Encumbrances**

Encumbrances shown on the Certificate of Title to the Land which affect the Premises.

**3. The Land**

Port Hedland Lot 2443 on Crown Plan 12197 and portion of Port Hedland Lot 2444 on Crown Plan 12197 being the whole of the Land in Certificate of Title Volume 2212 Folio 731.

**4. The Premises**

That part of the Land more particularly hachured on the sketch attached as **Annexure 1**, together with all new improvements on the Land including the Village. For the avoidance of doubt, the access road from Great Northern Highway and road to the sewerage ponds do not form part of the Premises.

**5. Date of Commencement**

11 December 2009

**6. Term**

Five Years

**7. Term of renewal**

This Lease contains no option of renewal however the parties within 6 months of the expiry of the Term agree to consider in good faith a potential extension of the Term on mutually agreeable terms and conditions (but the parties acknowledge the constraints on the Lessor under section 3.58 of the Local Government Act 1995 (WA)).

**8. (a) Rent**

\$173,228 (plus GST) per annum [calculated upon the basis of \$6.30 per square metre (plus GST)], payable monthly in advance by equal instalments.

**(b) Rent Review Dates**

Annually on the anniversary of the Date of Commencement.

**9. Permitted use of Premises**

The construction and use of temporary transient workers accommodation in accordance with all approvals, consents and licences.



**10. Public risk insurance**

TEN MILLION DOLLARS (\$10,000,000)

**11. Special terms****Community Obligations**

The Lessee covenants and agrees to:

- (a) pay the Lessor \$350,000 per annum in each year of the Term, payable in advance commencing on the Date of Commencement, as an unconditional contribution to the Lessor's community projects;
- (b) install and maintain an automatic public toilet on the Premises for use by the general public. The Lessor agrees that the public toilet is to remain the property of the Town following expiration of the Term;
- (c) provide 200 hours per annum of free hire of the training centre to the Lessor;
- (d) provide an a la carte restaurant and lounge bar open to members of the general public;
- (e) provide a coffee shop for Port Hedland International Airport patrons; and
- (f) provide a complimentary shuttle bus between the Premises, the Port Hedland International Airport and the Town of Port Hedland;
- (g) provide two rooms (and meals) at no cost to the pilots of the Royal Flying Doctor Service of Australia; and
- (h) provide twelve rooms for apprentices under the '754 Apprentice Scheme'.

**12. Trust**

Not applicable

**13. Guarantee Amount**

An amount equivalent to six months rent.

ATTACHMENT 2 TO ITEM 11.2.4



**MIA**  **MIA**  
PORT HEDLAND INTERNATIONAL AIRPORT  
Accommodating the Pilbara

**Mia Mia Port Hedland International Airport Hotel  
Tender 09/10—Land Lease Port Hedland International Airport**

**MIA MIA Port Hedland International Airport Hotel**

Mia Mia is a brand name we have used successfully in Newman, and given the quality and community integration it has achieved, it is a model with features that would be very acceptable in Port Hedland. For this reason we have lodged this tender in the name of Mia Mia Port Hedland International Hotel Pty Ltd, which is a member of the Auscorp Group.

Mia Mia is an indigenous term, meaning House in the Desert.

Many existing worker accommodation bases have an absence of design, style, quality of finish and quality of service, all elements that do not cost a lot more to put into a project but which deliver huge benefits via superior outcomes for residents, their employers, the community, the town and the operator. The Mia Mia Port Hedland International Airport Hotel project seeks to address this.

Mia Mia Port Hedland International Airport Hotel Pty Ltd is part of the Auscorp Group of companies (Auzcorp) which has a diverse portfolio of projects, services and multi-faceted interests in regional Western Australia. Auscorp is a substantial services provider to the resources industry in the Pilbara where it has developed Smart Partnerships with mining companies, private business partners, local government and communities, to provide holistic solutions to the growing needs of industry and society.

Auzcorp has a big-picture approach across a number of business streams, accommodation management and catering, boutique hotels, small and large-scale food and hospitality, function centres and commercial buildings. Participants in smart partnerships include housing contractors and key trades, specialists in earthmoving, landscaping, food and linen supplies and other essential services, and have initiated job-apprentice programs.

Auzcorp began its Pilbara operation as a service provider to BHP Billiton in Newman. As the company's activities and reputation grew it attracted the attention of government agencies and key mining and industrial players. It continues to innovate in numerous ways to alleviate the accommodation crisis, deliver more regional community services, and provide for a sustainable future.

Since 2005 Auscorp has recruited and retained indigenous trades people and developed this professional partnership on all of our major projects.

Auzcorp has maintained a community focus in its projects by regarding each development as a critical contributor to the prosperity of the location, in this case the Town of Port Hedland (the Town) and its residents. The team involved in this project is mindful that development requires careful planning, innovative construction and harmonious integration with the existing Town. Creating an appropriate Airport Accommodation Facility will see another component of the Town upgraded in a style, manner and time-frame that will deliver immediate benefits.

The primary objective of this tender proposal is to:

1. Provide quality temporary workers accommodation to address the short-term accommodation demand in the Town of Port Hedland. The reality is that a transient work force accommodation facility is a provider of hotel services, so what we envisage is providing these in a manner that raises the standard for residents, creates facilities the community can use and appreciate, and provides an interface and physical presentation that enhances the Town.

2. The proposal is designed to achieve development outcomes integrated with the greater Port Hedland community by:
  - i. Providing a state of the art Training & Conference centre for the Town's businesses & community.
  - ii. Providing versatile themed Events & Catering to support & engage the multicultural aspects of the Town.
  - iii. Supporting Local Sporting Groups and creating other community partnerships for widespread benefit.
  - iv. Assisting community organisations through use of the Training Centre and Subsidised Accommodation.
  - v. The promotion of Competitions and incentives to engage and benefit the community.
  - vi. Providing a contemporary & chic cafe restaurant and lounge bar with an alfresco area that will bring an extra dimension to the Town, by serving quality meals in a completely new ambience, suited to a wide range of people, for every occasion.
  - vii. Providing a coffee shop and business centre with multiple uses from casual meetings, a venue for the arrival or a pre-departure catch up, plus be a quality and neutral place for serious business meetings, negotiations and presentations.

- b. The proposed quality development design aims to provide short-term and long-term benefits to the community and the Town via:
  - i. Single worker, family & business accommodation solutions
  - ii. Catering to transit passengers and some visitor accommodation needs
  - iii. Providing centralised, appealing meeting places incorporating contemporary designs, with a spacious alfresco area
  - iv. A training facility for local businesses and the greater community

- c. Complements the current and future plans of the Town of Port Hedland International Airport via:
  - i. Aerial complement to the skyline of the Town
  - ii. Integrated design and lighting theme
  - iii. An aesthetic modern design
  - iv. A statement for all visitors to the region
  - v. Set a future tone for worker accommodation
  - vi. Providing a locker area and a public shower/service facility

**auzcorp**  
Accommodating the Pilbara



## 2) Experience

### Details of experience in operating similar facilities to the one proposed in this lease.

#### a) An overview of Auscorp's involvement in the Pilbara:

Auscorp is an expert developer and operator in remote regions. Through the sourcing of innovative building techniques and construction procedures, Auscorp satisfies increasing demands of clients, workers and their families, regional councils and communities for better quality living conditions and facilities that improve functionality, aesthetics and quality of life. Auscorp is proactive in sourcing accredited innovative techniques, and making remote projects more cost efficient and achievable by using the best of Australian ingenuity and products.

Auscorp is provenly funded with proven capacity to deliver on projects, particularly in remote areas. This includes the recruitment of skilled indigenous workers and partnering with building suppliers.

Auscorp's building workforce consists of a dedicated team of experienced on-site project managers to oversee ongoing accommodation expansions and to provide localised services to remote projects. They are supported by fully-equipped teams of earthmoving and landscaping personnel dedicated to the project on hand. Each facility is run by on-site management supported by service personnel, to deliver a high quality of service and round-the-clock supervision of operations.

Auscorp's internal reporting processes are in accordance with accepted standards and normal business practices inclusive of, but not limited to HSE reporting including near-miss registers, and daily-weekly monthly reporting on operational, corporate and financial matters.

#### b) The Newman Model:

The financial and management model that Auscorp has developed in Newman is relevant to the task of establishing and operating the Airport Accommodation Facility. The Newman model integrates business streams into a centralised Pilbara management structure, with business unit managers on site reporting to a tight, efficient Perth corporate office. A substantial proportion of the operational managers and staff live in the locations in which they work, which lessens the reliance on fly-in-fly-out personnel. This is an advantage in terms of continuity, service delivery and quality.

The Newman model currently comprises:

- ii) Two stand-alone Auscorp catering facilities located in the Newman and Desfontaines caravan parks with a current capacity of 3000 meals per day. This is a \$20 million investment in purpose-built, high standard facilities staffed by chefs and sous chefs drawn from Australia and around the world.
- iii) Auscorp Group's up-market Mia Mia Hotel in Newman, a \$20 million facility with 50 rooms, 120 seat restaurant, 150 seat conference centre, and other hotel services. The second stage of Mia Mia is approved and construction will start shortly, comprising 20 stylish two-storey hotel apartments each approximately 60m that will be a first in the region and can also be strata titled.
- iv) The Newman Mail fortnightly newspaper that Auscorp launched in 2007 operates successfully as a vibrant participant in community activity.

#### c) Port Hedland and South Hedland

The Auscorp Group's involvement in Port and South Hedland has recently expanded through being appointed to run new projects and by corporate acquisition. The company has demonstrated its holistic approach in a number of ways:

- iv) In 2007 Auscorp secured the right from the Commonwealth Government to transform the derelict Port Hedland detention centre into a vital accommodation facility, with a capacity of almost 400 beds the re-created and re-branded Beachfront Village is now an inviting place to stay for resources clients and individuals visiting or contracting in Port Hedland. The facility provides quality accommodation and catering on a medium-term and casual basis. The former run-down dairy site, which came with many limitations, has been landscaped and refurbished in a way that successfully revived the old accommodation buildings and integrated them with new modular on-site units. The \$8 million investment was made at a crucial time and established the Auscorp Group as a serious developer and operator in the Port Hedland region. The facility's new streetscape, negotiated with the Commonwealth and incorporated into the upgrade, was welcomed by residents of Cooke Point.

- v) Auscorp has recently been appointed to develop the Star B project in South Hedland, a 13ha site to be released by the State Government as part of its commitment to developing a sustainable regional future. The site is located adjacent to the South Hedland Town Centre and will see the construction of an estimated 400 quality dwellings in varying densities. In this development Auscorp will introduce social and community facilities to South Hedland to create a desirable community living environment. Commitments are also being made to support local infrastructure and social needs identified as integral in the successful development of South Hedland as a viable, more attractive community.

- vi) Separate projects by Auscorp include the acquisition of Shana's Cafe in the Port Hedland Shopping Centre which has just undergone a \$200,000 redesign, rebranding and refurbishment and will open in July 2009 to alleviate the community desire for more quality and ambience in cafe dining. Shana's has a sleek modern fit out.

- vii) Hedland Hodge is a new ice-creamery in the Port Hedland Shopping Centre to open when a \$100,000 renovation currently under way is completed. This will be a new element for shoppers providing healthy snack alternatives and tastes year round.

- viii) Kath's Kitchen is a worker's kitchen/cafe in the Port Hedland Shopping Centre to open when a \$140,000 renovation is complete. It will also be a new element for shoppers, staff and business people for breakfast and lunch.

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Accommodating the Pilbara

3

Mia Mia Port Hedland International Airport—Tender Proposal 09/10



- g) Aucorp's defined Health, Safety Environment Management Systems ('HSEMS') for the construction and operations of this development will meet all contractual and legislative requirements. The HSEMS is not limited to but addresses all of the following:
  - (a) Health and Safety Policy;
  - (b) Roles and responsibilities;
  - (c) Consultation and communications;
  - (d) Fitness for work;
  - (e) Staff recruitment, behavioural based induction and training;
  - (f) Hazard management, risk analysis (HACCP) and Job Safety Observation (JSO);
  - (g) Health and safety inspections and audits;
  - (h) Personal protective equipment;
  - (i) Dealing with snakes;
  - (j) Emergency response procedures;
  - (k) Site access and security;
  - (l) Hazardous substance management;
  - (m) Loading and unloading practices;
  - (n) Maintenance and repairs;
  - (o) Electrical safety, including RCD testing, equipment testing and tagging;
  - (p) Key performance indicators;
  - (q) Rehabilitation; and
  - (r) Codes and Standards.
- h) The EOI will be performed in accordance with relevant statutory Regulations and codes including, but not limited to the following:
  - (a) Mines Safety & Inspection Act 1994;
  - (b) Mines Safety & Inspection Regulations 1995;
  - (c) Occupational Safety and Health Act 1984 (as required);
  - (d) Occupational Safety and Health Regulations 1996;
  - (e) Workers Compensation and Injury Management Act 1991;
  - (f) Explosives and Dangerous Goods Act 1986 - Chemicals management;
  - (g) Health (Swimming Pools) Regulations 1984;
  - (h) Health (Pesticides) Regulations 1996;
  - (i) ISO 14001 and ISO 14004 – Environmental Management Systems;
  - (j) Hazard Analysis Critical Control Point Procedures (HACCP);
  - (k) FoodSafe Plus and FoodSafe Food Handler Training Program;
  - (l) ANZFA Food Industry Recall Protocol;
  - (m) AS 1851.15.1997 – Fire prevention and equipment testing and maintenance;
  - (n) AS 4306.1995 – Management of alcohol and other drugs in workplace; and
  - (o) Water Corporation, Western Power, Health Regulations and Local Shire Regulations.

- c. Details pertaining to funds that have been allocated for major items associated with the development including any allowances that have been made for landscaping, civil works, infrastructure upgrades, building infrastructure, etc.
  - a. Aucorp proposes the following time frames and capital allocation for the development of MIA MIA PHIA (the project):
 

TABLE 1	DESCRIPTION	CAPITAL	TIMEFRAHE	OPERATIONAL DISRUPTION
1	Ground work, Earth work	\$1,000,000	3-4 weeks	50% Site Open
2	Development of Central facility zone	\$4,250,000	1-7 weeks	50% Site Open
3	STAGE A. Installation of Double Story Family rooms	\$3,600,000	8-9 weeks	50% Site Open
4	Entry Staircase, Driveways, landscaping of central zone	\$100,000	9-10 weeks	50% Site Open
5	Staged opening of Central facility zone and family rooms to the public.		10th week	OPENING DAY For New Facility
6	STAGE B. Installation of Queen size business suites	\$3,230,000	11-15 weeks	50% Site Open
7	Landscaping, pathways, driveways & car park around STAGE B	\$250,000	15-16 weeks	50% Site Open
8	Opening of STAGE B		16-17 week	
9	STAGE C. Installation of SHQ Central areas	\$6,270,000	17-23 weeks	75% Site Open
10	Landscaping, pathways, driveways & car park around STAGE C	\$250,000	24-25 weeks	75% Site Open
11	Opening of STAGE C		25th week	100% Site Open
12	Installation of VIP suite	\$140,000	20-24 weeks	100% Site Open
13	Site inspection and assessment		20-26 week	100% Site Open
14	Hazard Control and implementation process		20-26 weeks	100% Site Open
13	GRAND OPENING		27th week	Open
	Total	\$19,990,000		
  - b. In the case of the site not being available from Day 1, the project will be constructed offsite between weeks 1-18 allowing weeks 19-26 for all earthworks, installation, landscaping & final commissioning. The project will be ready for Grand Opening during 27<sup>th</sup> week from the grant of the lease.

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b) Operating costs (inc maintenance)

Operating Costs	Year 1 Mar 10 - Jun 10	Year 2 Jul 10 - Jun 11	Year 3 Jul 11 - Jun 12	Year 4 Jul 12 - Jun 13	Year 5 Jul 13 - Jun 14	Total
CPV		3.40%	3.40%	3.40%	3.40%	
COs						
Staff	928,656	2,718,520	2,718,520	2,718,520	2,718,520	11,782,796
Food	329,400	985,500	985,500	985,500	985,500	4,271,400
Other	192,298	575,778	575,778	575,778	575,778	2,495,410
Land lease	58,835	182,007	182,007	182,007	178,022	778,892
Total Cost of Sales	1,489,189	4,461,305	4,461,305	4,455,128	4,455,820	19,324,439

e) Residual Improvements  
 Proposers should clearly indicate what, if any, improvements or portion of the development will remain on site at the expiry of the lease term. Information provided should include an estimated value of the residual improvements.  
 Auscorp proposes:

At the end of the 5 year lease period Auscorp will hand over all ground works and landscaping worth over \$5 million to the Town of Port Hedland. Auscorp will remove the transportable buildings, however, if the Town so chooses it may offer to Auscorp a nominal cost (to be negotiated) in cash or in lieu for the buildings.  
 Auscorp acknowledges the term of the lease is 5 years.

f) Incomes anticipated

CPI Income Accommodation	Mar-Jun 2010		Jul 10 - Jun 11		Jul 11 - Jun 12		Jul 12 - Jun 13		Jul 13 - Jun 14		Total
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
MM Family	890,112	2,753,583	2,753,583	2,663,040	2,663,040	11,723,359					
MM Single	895,968	2,771,699	2,771,699	2,680,560	2,680,560	11,800,486					
TWAS	1,561,600	4,830,848	4,830,848	4,672,000	4,672,000	20,567,296					
Catering	610,000	1,887,000	1,887,000	1,825,000	1,825,000	8,034,100					
Restaurant	585,600	1,811,568	1,811,568	1,752,000	1,752,000	7,712,796					
Other											
Total Income	4,543,280	14,064,798	14,064,798	13,590,600	13,590,600	68,887,877					



**CONCLUSION**

The Town of Port Hedland is a regional export terminal and home to 12,000 people, with the majority of income being derived from the mining industry. Over a number of years the need for transient workers accommodation has increased in line with the increased output of the main activity, iron ore exporting.

The Town has proactively worked on responding to this accommodation demand, and in so doing to improve the quality and amenity of accommodation facilities, provide better choices, add on benefits for the community, and integrate the new facilities with the Town.

Auzcorp acknowledges the recent refurbishment of the Esperade Hotel in Port Hedland, which is an important achievement in bringing quality to the Town.

Auzcorp has acted proactively in providing similar services and working on similar goals within the Shire of East Pilbara. The company's upgrading of Newman worker accommodation for 1400 people, and the construction of the Mia Mia Hotel, have been very well received. The Mia Mia Hotel has delivered a new dimension for Newman with stylish accommodation, a range of quality dining options, plus corporate and private functions. The facility has added to the Newman lifestyle and is considered a substantial community asset.

Auzcorp proposes the same approach as it seeks to contribute proactively to the lifestyle of Port Hedland, by providing a new dimension to accommodation and services for transient workers, and at the same time delivering a facility that offers in the community can use and appreciate.

Auzcorp's policy is to support the local community and businesses in every possible way including via its own training scheme which will expand horizons and increase opportunity for the youth of Port Hedland.

This Project's commitment to local employment, local business and local community development, will all contribute to enhanced sustainability and enhanced lifestyle that can only benefit the Town of Port Hedland.



## ATTACHMENT 3 TO ITEM 11.2.4



**Auzcorp Pty Ltd**  
 ABN 27 080 267 652  
 PO BOX 370  
 Cottesloe WA 6911  
 T: 08 9284 2142  
 F: 08 9284 2142  
[www.auzcorp.com.au](http://www.auzcorp.com.au)

7 November 2011

Ms Jasmine Person  
 Manager – Investment and Business Development  
 Town of Port Hedland  
 PO Box 41  
 Port Hedland WA 6721

Dear Jasmine,

**Extension of Lease Term – Mia Mia Port Hedland Airport Camp**

Thank you for your email dated 1/11/2011, responding to our recent request to extend the current lease between the Town of Port Hedland ("ToPH") and Auzcorp for Mia Mia Port Hedland International Airport ("MMPHIA").

We have prepared a response to the information requested in your email, and in doing so we wish to highlight the following key points:

- Since December 2009, MMPHIA has been operating successfully with annual occupancy figures of:

2010	93.18%
2011	96.94%
2012	99.47% (as at 30 <sup>th</sup> September 2011)

- Since commencement of the lease in December 2009, Auzcorp has contributed in excess of \$1million directly to the ToPH. This is comprised of:

Lease Payments	\$336,943
Community Contribution	\$700,000

- In October 2011, Auzcorp completed Stage 1 of its MMPHIA expansion, with the completion of 63 executive/business ensuite rooms, increasing the total number of rooms available at the facility to 255.
- To date, Auzcorp has invested in excess of \$9 million in MMPHIA. This includes \$4.3 million incurred during the Stage 1 expansion.
- Auzcorp acknowledges that its original Tender document (09/10) for the Mia Mia International Airport TWA is incorporated in the current lease agreement dated 1/12/2009 (Annexure 3 to the lease).



- The original Tender document contained a significant number of details, including perceived community benefits which would result should the lease for the site be awarded to Auzcorp. Components of Auzcorp's concept plan for the site have been completed, however Auzcorp has been unable to actualize others due to issues which have arisen but were unforeseen at the time Auzcorp prepared its Tender (eg: Additional storm water flows from adjoining sites developed since the lease commenced, sewerage issues caused by the fact that Port Haven has not complied with the requirements imposed on it by the ToPH in this regard).
- Auzcorp has significantly re-furbished, improved and expanded MMPHIA despite confronting numerous unforeseen issues which have resulted in Auzcorp incurring considerable extra costs in upgrading the site. This has necessitated alterations to be made to the concept plan outlined in the Tender document.
- Auzcorp will proceed to complete the development in stages, adhering to the original concept plan to the greatest extent possible. Due to the extreme shortage of accommodation in Port Hedland, Auzcorp always envisaged the development would be completed in stages, so as to minimize the effect on room numbers available whilst still delivering both financial benefits and facilities to the local community.

The following pages address each of the points raised in your email. Auzcorp's responses are highlighted in blue.

Points to be addressed by Auzcorp

**TENDER DOCUMENT - PAGE ONE OF TENDER**

We note in the tender document, Auzcorp states "The primary objective of this tender proposal is to :

1. **Provide quality temporary workers accommodation to address the short-term accommodation demand in the Town of Port Hedland. Within this paragraph it is stated that hotel accommodation standards of an increased nature, facilities that the community can use and appreciate and an interface and physical presentation that enhances the Town.**

When read in conjunction with the site plans, it is apparent that the original plan was not adhered to and the physical appearance of the site does not enhance the Town's presentation. Please provide a rationale as to why the development has not progressed as originally proposed in the tender, bearing in mind that the original tender was awarded to Auzcorp on the basis of the information as contained in the tender.

**RESPONSE**

The original tender was prepared based on infrastructure, land area and services being available to support the upgrade and extension detailed in Auzcorp's Tender document. Auzcorp's inaccessibility to key infrastructure, in particular a suitable sewerage treatment facility and the full area of land, have significantly impacted on Auzcorp's ability to deliver the project as outlined in the tender document.

**MAIN ROADS**

**Issue**

Immediately following award of the tender to Auzcorp, it sought to lease additional land from the ToPH to deliver all of the facilities proposed within the Tender. This was positively received by the ToPH in January 2010 and draft lease documentation prepared. The proposed additional land was situated between the MMPHIA leased land (Lot 2444) and the Great Northern Highway.

In early 2011, the ToPH informed Auzcorp of its intention to construct a slip road that would directly impact the land the ToPH had agreed to lease to Auzcorp. Auzcorp was asked to release the ToPH from its obligation to lease the previously agreed additional land to Auzcorp due to the proposed slip road.

**Impact**

Due to the ToPH's inability to execute a lease covering the additional land area it had previously agreed to lease to Auzcorp, Auzcorp was unable to proceed with the development plan outlined in the Tender Document as the development program/timeline would have significantly impacted on the number of existing rooms available for use by patrons.

Subsequently, to allow development to proceed at MMPHIA, and in close consultation with the Town, Auzcorp drafted an alternative Stage 1 expansion plan for the site. Due to the on-going critical shortage of rooms in Port Hedland, Auzcorp's updated design sought to maximize capacity, while minimizing the impact on availability of existing accommodation. This was achieved via an expansion at the rear of the Lot 2444. Stage 1 incorporated the original Tender development plan where possible, including the executive style rooms (queen size deluxe business suites). Stage 1 was completed and available for use in late October 2011.

**TENDER DOCUMENT - PAGE ONE OF TENDER (cont)**

## WASTE WATER TREATMENT &amp; DRAINAGE

**Issue**

Auzcorp undertook a detailed analysis of the availability of infrastructure and services at the site, prior to commencing the re-development of MMPHIA outlined in the Tender document. The analysis identified significant issues both in terms of the drainage and sewerage treatment systems for the site.

Storm water drainage at the site was totally inadequate for the facility. Auzcorp immediately undertook rectification work which included the installation of a significant number of storm drains, sumps and pumping systems to clear the excess water from the site. The necessity for expansion of the existing storm drainage system was not anticipated in Auzcorp's tender document and the costs associated with this work were therefore not taken into consideration. However, without such expansion, no further expansion of MMPHIA would have been possible. To date, Auzcorp has spent \$199,000 on the drainage issue and has budgeted a further \$50,000 this financial year to address additional issues that have become evident since the development of Port Haven which has impacted significantly on the storm water drainage system at MMPHIA. These are unexpected costs which Auzcorp has been forced to incur and which will result in significant improvements to the storm drainage infrastructure at the site

The existing sewerage treatment ponds at MMPHIA at the commencement of the lease did not have sufficient capacity to meet the existing requirements of the facility or allow any expansion to be undertaken. Auzcorp has repeatedly brought to the ToPH's attention that as part of the conditions of the tender awarded for the neighboring 1200 person transient workers accommodation facility ("Port Haven"), Port Haven was responsible for the treatment of effluent from both the Port Haven and MMPHIA sites. This was provided for in the ToPH's tender document for the 1200 person transient workers accommodation site and the Works Approval granted on the 8 April 2009 for Port Haven:

**Tender 08/01 for the grant of a lease of land and for the design, construction and operation of a 1200 person transient workers accommodation.**

Section 28 of the Tender (page 4) provides:

*"The Town when completing the initial engineering concept investigation into the provision of water treatment investigated a unit designed for 1,200 persons as shown in Annexure 1. Since that time the Town has decided that any waste water treatment facility built for the purposes of the tender shall include the excess capacity, such that the existing evaporative ponds from another development can be made redundant by being incorporated into the tenderer's waste water plant system. This means that the tenderer will need to design and construct a waste water treatment plant capable of treating waste water for 1,600 person not the 1,200 shown in the document tabled at Annexure 1. The extra capital cost of the larger waste water treatment plant will be borne by the tenderer. The tenderer should prepare its tender on the assumption of also meeting the additional maintenance costs; however the Town may be prepared to partly review this position."*

**Works Approval granted on 8 April 2009, Environmental Assessment Report issued by the Department of Environment and Conservations, page 5:**

*"As a condition of Council approval for this development, wastewater from the 400 bed adjacent accommodation camp operated by Fortescue Metal Group (FMG) will also be treated, though it is unknown when the FMG camp will be connected. Effluent from the FMG camp (being the four star shaped cluster in Figure 1) would be transported to the Port Haven WWTP by a sewer rising main constructed at a future time. Construction and operation of this rising man does not form part of this Works Approval."*

**TENDER DOCUMENT - PAGE ONE OF TENDER (cont)**

Port Haven has failed to provide this necessary infrastructure to service MMPIA, and Auzcorp understands from our discussions with the ToPH that Port Haven is experiencing difficulty in managing its own sewerage capacity.

**Impact**

To enable development to proceed at MMPHIA, Auzcorp invested \$300,000 to install sewerage infrastructure and additional ponds to address the increased capacity generated by the Stage 1 expansion of 63 rooms. The need to have the system re-engineered and obtain the relative government approvals has required an extension of the initial time line for completion of Stage 1 of the MMPHIA expansion by approximately 6 months.

**DEVELOPMENT STATUS**

Auzcorp intends to further develop MMPHIA, subject to finalization of the lease extension with the ToPH. The structure and design of future stages of the MMPHIA development are largely dependent on the outcome of the issues highlighted above, and a re-assessment of the facility and infrastructure needs of both the property and the local community.

Auzcorp's current plan:

- Stage 2 Upgrade and extension of both the dining facility and alfresco area. Auzcorp anticipates submitting approvals for these works to the Town in November 2011, and completion of the upgrade by March 2012.
- Stage 3 Currently incorporates the upgrade/expansion of the central facilities, including the reception area and the training/conference centre. The exact details of stage 3 will not be known until plans for the construction of the slip road on Great Northern Highway have been finalized and construction of the road has been completed. Auzcorp intends to revisit its plan for the central facilities based on how much land it will have available for the development. Auzcorp will alter the design of the central facilities to maximize visibility and enhance the presentation of these facilities, based on the new streetscape. This will ensure the facilities will further improve the aesthetics of the property.

Auzcorp cannot proceed with Stage 3 until both the slip road on Great Northern Highway is complete and the ToPH addresses the capacity constraints of sewerage treatment systems at Port Haven.

As discussed with the ToPH it is our understanding that it will be installing a new sewerage treatment plant to service the airport precinct that Auzcorp will be able to utilize free of charge for its existing development. Auzcorp will not be able commence Stage 3 until the ToPH has completed the construction of the new plant.

Auzcorp has completed Stage 1 of the development, which includes substantial improvement to the aesthetic appeal of the site, through a significant investment in landscaping, not only around the newly completed rooms but also around the existing reception buildings. Stage 2 will see the same transformation and beautification of the dining facilities and the addition of an alfresco dining area. Upon completion, Auzcorp will be in a position to open the diner to the general public as an alternative to existing limited dining facilities within the area.

**2. The proposal is designed to achieve development outcomes integrated with the greater Port Hedland community by:**

**i. Providing a state of the art Training and Conference Centre for the Town's businesses and community;**

Please confirm if this has been developed and how it has been maintained, managed and promoted for use by the Town's business and community;

**RESPONSE**

The existing facility includes a training and conference room which is available for hire by Town's businesses and the general community.

The ToPH has 200 hours per annum of free use of this facility for itself and other community organisations. To date the ToPH has not utilized this service.

Stage 3 incorporates an upgraded training/conference centre. The ToPH will continue to be provided with free usage of 200 hour per annum.

**ii. Providing versatile themed events and catering to support and engage the multicultural aspects of the Town;**

Please provide examples when this has occurred and how regularly it has occurred since entering into the lease agreement.

**RESPONSE**

The existing diner does regularly have theme nights, during which multicultural cuisine is made available to residents.

Auzcorp also provides external catering to the general business community and public from its other facilities in Port Hedland.

**iii. Supporting local community groups and creating other community partnerships for widespread benefit;**

**RESPONSE**

Auzcorp is committed to supporting the local community in the ToPH. This is demonstrated through both its sponsorships and direct involvement in a wide variety of community groups and organisations, including:

In 2011 alone, Auzcorp provided a total of \$281,761 in free accommodation to worthwhile community causes and groups.

Since commencement of the lease, Auzcorp has paid \$700k to the ToPH in community contributions to be utilized at the ToPH's discretion to benefit the local community.

Auzcorp has also committed to a further \$2.5 million community contribution to the South Hedland Recreation Centre.

Sponsorships

Hedland Junior Soccer Association

Hawks Rugby Team

Hedland High School – sponsorship of raffles

Wirrpanda Foundation (\*)

**2 ii. (cont)**Events

Port Hedland Economic Forum      Key sponsor of the inaugural event

Donations

Friend of Cancer Council WA      Biggest Morning Tea

Other

South Hedland Recreation Centre      \$2.5 million  
(\$150k paid in 2011, \$2.35m to be paid in 2012)

State Emergency Services      Christmas Lunches  
Auzcorp provides packed lunches and drinks for volunteers in cases of emergency (fire, missing persons etc.)

Mr. Andrew Cardigan      Walking Around Australia

(\*) Auzcorp is a major supporter of the Wirupunda Foundation and in particular, is committed to the Foundation's growth in the Pilbara region. This is evident via television advertisements currently being broadcast on the GWN network.

Free of Charge Accommodation

St John Ambulance      Auzcorp received a request from the ToPH to provide accommodation for a new paramedic until suitable home could be located. Auzcorp agreed to provide a room for up to 8 weeks free of charge.

Royal Flying Doctor Service      Auzcorp provides up to 2 rooms at all times at no charge to this worthwhile community service provider.

CCI – Unemployed Apprentices      Provision of up to 30 rooms at no charge across both of Auzcorp's Port Hedland facilities.

Emergency Medical      Request from Newman community for emergency accommodation for a family due to no suitable accommodation being available whilst their daughter was having an operation in Port Hedland.

(#) This commitment was initially for 12 months, but has now been in place for 3 years.

**iv. *Assisting community organizations through use of the Training Centre and subsidised accommodation;***

Please provide examples of community organization utilising the Training Centre and the frequency of such use. Further please supply information on the promotion of this as in point i. above.

**RESPONSE**

The existing facilities training/conference room has been made available to the ToPH and is Auzcorp's understanding that the ToPH would promote this facility to community organisations. To date the availability of this facility has not been utilized.

Please refer to response at (2)(iii) above for details on subsidized accommodation provided to the community by Auzcorp.

## 2. (cont)

- v. ***The promotion of competitions and incentives to engage and benefit the community;***  
Please describe these activities, the frequency and the direct costs to Auzcorp since entering in to the lease agreement.

**RESPONSE**

Auzcorp supported the ToPH annual Christmas lights in 2010 and is committed to supporting again in 2011.

Auzcorp is currently in discussions with RV Sport, to partner it in its Regional Sports Initiative which will bring major basketball tournaments to the Pilbara Region. This is a 5 year program due to commence in 2012.

As part of the Regional Sports Initiative, Auzcorp is involved in discussions with the ToPH to combine the first event of this program with the opening of the South Hedland Recreation Centre.

On completion of Stage 3, Auzcorp will use competitions and incentives to promote the new facilities to the community.

Auzcorp has provided \$700k in community contributions from MMPHIA. These funds are to be used by the ToPH at its discretion for the benefit of the community.

- vi. ***Providing a contemporary a la carte restaurant and lounge bar with an alfresco area that bring an extra dimension to the Town, by serving quality meals in a completely new ambience, suited to a wide range of people, for every occasion;***

**RESPONSE**

It is envisioned that the restaurant and alfresco area will be provided in the later stages of development.

- vi. ***Providing a coffee shop and business Centre with multiple uses from casual meetings, a venue for the arrival or a pre-departure catch up, plus be a quality and neutral place for serious business meetings, negotiations and presentations;***

Please confirm that both facilities have been developed and described how this has been promoted to the wider community. Also please confirm frequency of usage and mix of clientele. Please also provide details of any costs associated with the use of the business Centre.

**RESPONSE**

It is envisioned that these facilities will be provided in the later stages of development. Auzcorp currently provides a coffee shop through the operation of Shana's Café.

**2B. The proposed quality development design aims to provide short-term and long-term benefits to the Town via:**

**i. Single worker, family and business accommodation solutions;**

Please provide a market analysis of these sectors.

**RESPONSE**

Auzcorp provides the following accommodation options at MMPHIA:

- 192 single en-suited rooms
- 63 executive/business en-suited rooms

**ii. Catering to transient passengers and some visitor accommodation needs;**

Please provide a market analysis of the sectors and what has been implemented to accommodate their different needs.

**RESPONSE**

MMPHIA has 26 rooms available for booking by the general public. Patrons include both business and short-term visitors. Additional facilities have been made available at the site to all guests, to cater for the different needs of all guests, including internet facilities, a games room and an upgrade of fitness equipment in the gymnasium.

**iii. Providing centralised, appealing meeting places incorporating contemporary designs, with a spacious alfresco area;**

Again please confirm that the above has been developed.

**RESPONSE**

Please refer response at (1) above.

While Auzcorp has been unable to develop all aspects of the Tender document to date, it has still endeavored to improve the ambience of the existing facilities. This has been achieved through the planting of trees and shrubs, natural grass, and the installation of synthetic grass throughout the facility, to create beautifully landscaped, luscious surroundings (Annexure A).

The existing expansion plans for the site provide for a centralized, multi-purpose alfresco area. Auzcorp, as part of Stage 2 of the MMPHIA development, is in the process of extending and upgrading its alfresco facilities. This is currently before the ToPH for approval. Completion is estimated in March 2012.

**iv. A training facility for local businesses and the greater community;**

**RESPONSE**

Please refer to response at (2)(a)(i) and (2)(a)(vi) above.

Existing training/conference facility has been used by the business community on several occasions.



**2C. Complements the current and future plans of the Town of Port Hedland International Airport via:**

**i. Aerial complement to the skyline;**

The current development is not aesthetically pleasing from the sky. Please advise how this will be rectified.

**RESPONSE**

As part of Stage 1, Auzcorp has integrated a design theme that includes water wise synthetic grass (Annexure A), water wise planting, and bollard pathway lighting. In essence, these things were incorporated in the design to ensure the site will be more aesthetically pleasing (Annexure A). The impact of the improved design is striking when compared to the property prior to works. (Annexure B) Patrons have provided positive feedback since the completion of Stage 1, in particular noting the impact the synthetic grass has had on the appearance of the landscape.

Due to the delays outlined in Auzcorp's response at point (1) above, Auzcorp has been unable to complete further improvements as part of the overall development of the site. Auzcorp eagerly awaits the construction of the slip road at the front of the property, so it can progress to Stage 3, which will incorporate the beautification of the streetscape and further landscaping.

**ii. Integrated design and lighting theme;**

Please explain how this has been achieved.

**RESPONSE**

Please refer to response at (2)(c)(i) above.

**iii. An aesthetic modern design;**

The current development is not aesthetically pleasing. Please advise how this will be rectified.

**RESPONSE**

Auzcorp inherited MMPHIA as a partially developed site. It is Auzcorp's intention to aesthetically enhance the entire site in line with the recent extension of 63 rooms. (Annexure A)

**iv. A statement for all visitors to the region;**

How has this been achieved.

**RESPONSE**

Auzcorp's original concept plan included the development of the additional land area which subsequently was unavailable. Until the design of the slip road is finalised Auzcorp cannot plan its entry statement.

2c.

- v. ***Set a future tone for worker accommodation;***  
How has this been achieved.

**RESPONSE**

Auzcorp takes pride in the quality of the facilities and service it provides to its patrons at MMPHA, and aims to set a standard for other providers of temporary workers accommodation. Auzcorp's service offering includes:

- High quality meals (Annexure C)
- Menus rotated daily to ensure variety and minimal repetition
- Inclusion of "Healthy Choices" (Annexure D)
- Themed meal nights
- Executive style rooms to provide premium comfort
- Foxtel/Movie channels in all rooms
- Internet Room
- Wireless Internet
- Games Room

- vi. ***Provide a locker area and public shower/service facility;***  
Please confirm that this has been implemented.

**RESPONSE**

The locker area and public shower facility has not yet been developed (please refer to response at (1) above).

This was contingent on more direct access as per verbal discussions with the ToPH on the proposed Master Plan for the airport precinct. This facility may be redundant should the access not be provided in the current plan, and these facilities would be more appropriate within the proposed Airport Hotel.

**PAGE 2 TENDER DOCUMENT**

Auzcorp detail how they will meet the tender scope. One of those objectives is to ensure that the facility is utilised by multiple users. It is acknowledged that the Town has grown rapidly over the past two years with accommodation in high demand to a critical point and the clientele market may not now be as predicted at the time. In light of that, please clarify the following:

Who are the predominant users of the camp (please provide a breakdown of the market);

**RESPONSE**

The predominant users of MMPHIA are the resource and construction industry.

Are there facilities on site that accommodate families;

**RESPONSE**

These facilities have not been developed (please refer to point (1) above), as Auzcorp has endeavored to address the immediate and ever increasing demand for accommodation from the resource and construction industry in Port Hedland.

Auzcorp will review design of the family accommodation taking into account the land now available and the design of the slip road. This will be addressed in Auzcorp's development application for Stage 3.

Is a shuttle bus continuing to run and what is the frequency;

**RESPONSE**

Auzcorp provides a shuttle service on demand for its patrons, but does not maintain details of each shuttle service provided.

Are there 48 interconnecting family rooms and do families actually have access to or use these rooms. If so, please confirm frequency;

**RESPONSE**

These facilities have not been developed (please refer to response at (1) above). Given the severe shortage of accommodation Port Hedland is currently experiencing, Auzcorp has to date focused on addressing the immediate demand for increased accommodation from the resource and construction industry in Port Hedland.

Auzcorp will review design of the family accommodation taking into account the land now available and the design of the slip road. This will be addressed in Auzcorp's development application for Stage 3

**TENDER DOCUMENT PAGE FOUR**

On page four of the tender, there is extensive reference to the quality of the design. Please confirm that each and every item as outlined in i. through vii has been implemented. (Some of these may duplicate the above)

- i) A completely new development design has been formulated by Auzcorp, with a central activities zone consisting of architecturally configured shade sails and including:**

- a. Reception area**
- b. Al la carte restaurant with loung bar**
- c. Separate dining facility for use by the SPQ accommodation guests**
- d. Coffee shop**
- e. Business centre**
- f. Training/conference facility**
- g. Library and reception area**
- h. Lockers and public shower facilities**
- i. New kitchen**

**RESPONSE**

These facilities form part of Stage 3.

- ii) Improved landscaping and tree planting throughout the site**

**RESPONSE**

These works have been undertaken, with further works anticipated in future stages. Refer to response at (2C).

- iii) Porte cochere entrance/reception with arched double driveway**

**RESPONSE**

These facilities form part of Stage 3.

- iv) Greeting entrance statement and boundary definition**

**RESPONSE**

These facilities form part of Stage 3.

- v) 48 new double storey, interconnecting superior family rooms**

**RESPONSE**

These facilities form part of Stage 3.

- vi) 51 new queen sized deluxe business suites**

**RESPONSE**

These have been completed as part of the 63 room extension in Stage 1.

- vii) 100 new single person quarters with common areas and laundry blocks**

**RESPONSE**

These form part of the existing facility.

- viii) Bitumised parking with easy access to all facilities**

**RESPONSE**

Auzcorp has been advised that the bitumen parking would cause additional issues with storm water drainage, and in particular run off to the ToPH storm water culverts. It is considered that the most appropriate surfacing of the car park is the current blue metal treatment which enables absorption of storm water.

**TENDER DOCUMENT PAGE SIX**

On page six of the tender, Auzcorp attached a financial plan. We seek confirmation that the plan has been followed with details confirming that the capital costs were expended and the works were completed.

**RESPONSE**

As discussed above, Auzcorp has been unable to complete the MMPHIA expansion as per the concept plan submitted in the original Tender document.

To date, the following capital and lease costs have been incurred by Auzcorp to the upgrade and expand the MMPHIA facilities:

	\$'m
Dining Facility	0.91
Buildings	2.66
Plant & Equipment	0.46
Improvements	0.94
Stage 1 Expansion	<u>4.30</u>
	<b>\$9.27m</b>

**TENDER DOCUMENT PAGE EIGHT**

On page eight of the tender, "community benefits" are detailed at (b). We seek clarification that each and every one of these benefits has been reached and/or implemented with details in support thereof.

1. ***The Mia Mia Port Hedland International Airport Hotel will give complimentary rooms and meals for the pilots of the Royal Flying Doctor Services.***

**RESPONSE**

Auzcorp has provided 2 rooms to The Royal Flying Doctor Service has access to 2 rooms at all times. These rooms are provided at no charge.

2. ***An allowance of 200 hours per annum of complimentary use of the Training Centre for local government and the Town***

**RESPONSE**

The existing training/conference room is available for use by the ToPH for 200 p/a. To date this has not been used.

3. ***The provision of 4 complementary rooms for apprentices (under the company's own 754 scheme which creates jobs for people within Australia, not to be confused with the Federal Government 457 scheme for overseas labour)***

**RESPONSE**

Auzcorp, in partnership with the Chamber of Commerce and Industry, provides at no charge an allocation of up to 30 rooms for use by apprentices over Auzcorp's Port Hedland sites.

4. ***Partnerships with local sporting communities***

**RESPONSE**

Auzcorp's has provided financial support to both the Hedland Junior Soccer Association and the Hawks Rugby Team.

5. ***Ongoing commitment to the Town's cultural affairs and activities***

**RESPONSE**

Auzcorp has extensive involvement in the ToPH local community; please refer to response at (2 iii).

6. ***Ongoing commitment to apprenticeship development program and actively commit to having 5% of the workforce as apprentices***

**RESPONSE**

While Auzcorp strives to comply with this policy, the remuneration packages offered to apprentices, and recently qualified tradesmen in the resource industry has significantly decreased the demand for apprenticeships in Auzcorp's major service offering, hospitality.

7. ***Ongoing commitment to aboriginal welfare and commitment to having 10% of local indigenous participation of the total workforce***

**RESPONSE**

Auzcorp is an equal opportunity employer and committed to having local indigenous participation in its total work force. Auzcorp has partnered with the Wirrpanda Foundation to assist in engaging with the indigenous community in the area of employment.

Auzcorp's commitment also extends to the use of Indigenous contractors on the recent accommodation upgrade at MMPHIA in 2011. In the construction of this project, local Indigenous worker content exceeded 20% of the projects total workforce.

## TENDER DOCUMENT PAGE EIGHT (cont)

8. ***Ongoing commitment to local business and commitment to have at least 20% of suppliers sourced locally***

**RESPONSE**

Auzcorp is committed to its partnerships with local suppliers which are predominantly provide maintenance services and supplies, materials, cleaning supplies, IT services and minor food supplies. With the exception of its major food supplies which have to be sourced from Perth, Auzcorp averages 33% purchasing from local suppliers. Auzcorp continues to further arrangements with local suppliers as they become permanently established and competitive in the Pilbara.

Auzcorp's commitment is further demonstrated by its use of local contractors during the Stage 1 expansion at MMPHIA. Over 80% of the project's resources were sourced from Port Hedland contractors and suppliers, being Binbirri Contracting, Stay Cool, Pilbara Earthmoving, Gary Edwards Plumbing, Outback Trees, Gingers Grano, Norwest Cranes, Blackwoods, Home Hardware, One Steel, Rexel, Makjap Surveyors, Galvins, Hansens Concrete and Brookdale Contracting.

9. ***A commitment to have a minimum 75% of the work force from local communities***

**RESPONSE**

Of Auzcorp's 128 employees in Port Hedland, 108 are from the local community.

10. ***A commitment to on-going training and development of the local workforce via succession planning and on the job training***

**RESPONSE**

Auzcorp is committed to the succession and training of its local workforce. Priority is always given to recruit and promote from within the organization. Further to this 2 -5 days of training per annum is provided to various roles.

**SUMMARY**

We trust the above adequately addresses the information you requested in your email to enable you to complete the business plan in order to progress the lease extension of MMPHIA in a timely manner. Should you require any further information please do not hesitate to contact the under signed.

Yours sincerely,



**Graham Moss**  
Director of Projects

**auzcorp**

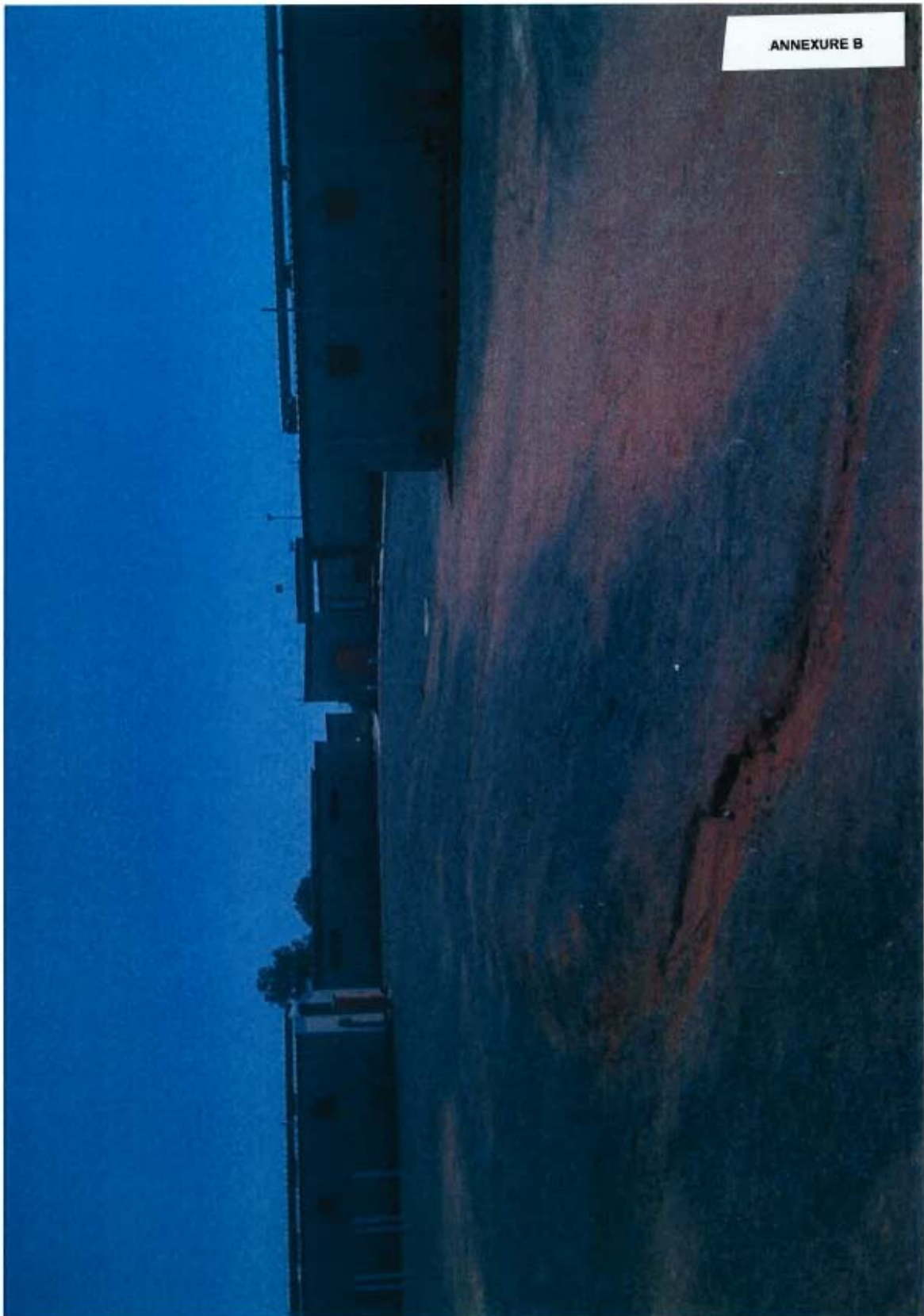


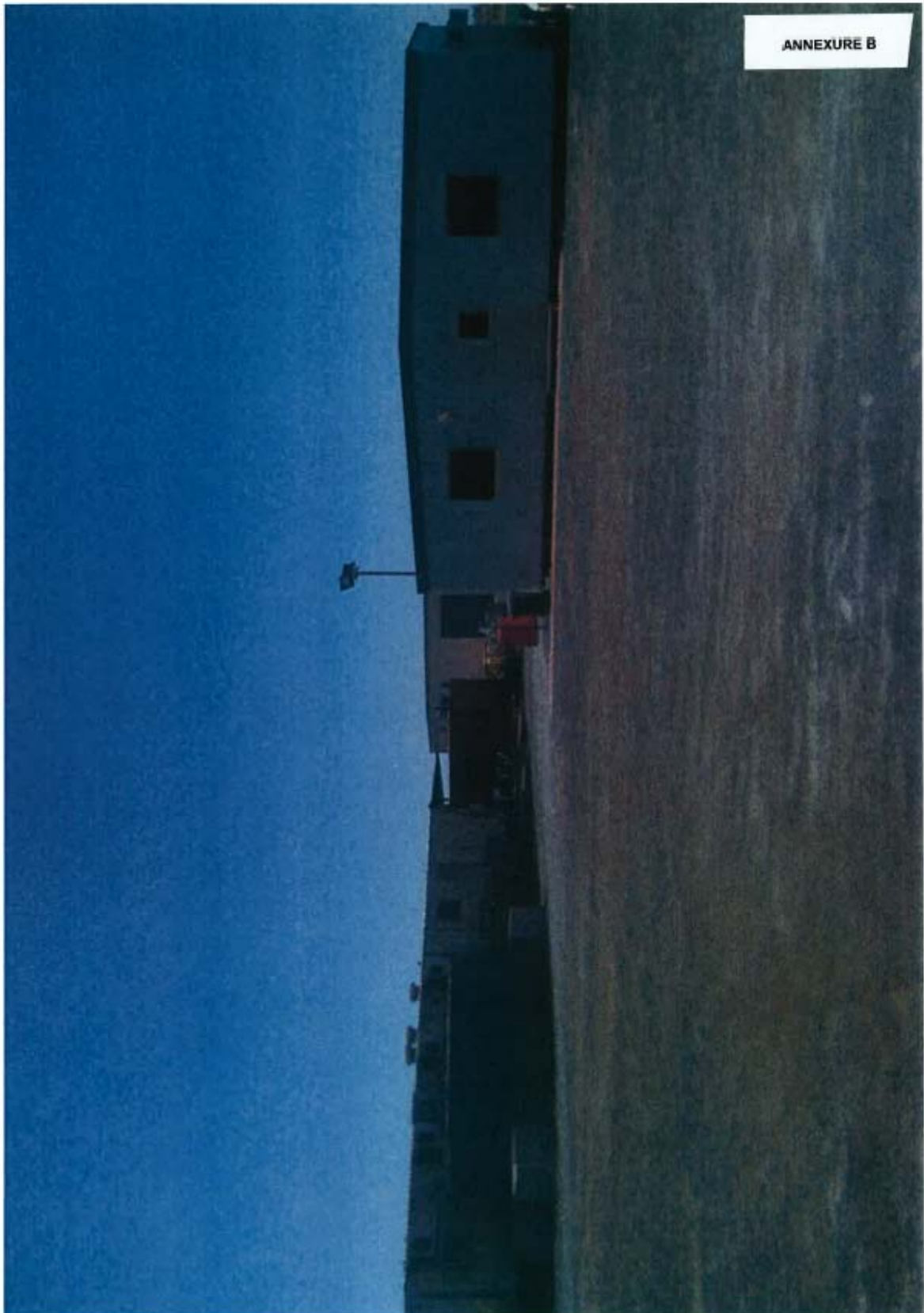






















*11.2.5 Hire Car Operations at the Port Hedland International Airport (File No.: Various)*

Officer Jasmine Person  
Manager Investment and  
Business Development

Date of Report 8 November 2011

Disclosure of Interest by Officer Nil

Summary

The Airport Committee has been working on developments at the Port Hedland International Airport, with the next project being the implementation of the paid parking system and associated civil works. A 'stage one' re-development of car parks has already commenced.

This item will update Council on the temporary re-location of the hire car operators and additionally seek a Council resolution to enter into a number of lease agreements, with both new and existing hire car operators, in facilitation of the airport car parking developments.

Background

Booth & Concession

The Town of Port Hedland has historically had agreements with four hire car companies, namely Avis, Budget, Thrifty and Hertz, for their operations at the Port Hedland International Airport. All four have a booth within the terminal, pursuant to a lease agreement and within this is a concession arrangement, whereby they each pay 8.5% of their gross revenue to the Town.

Car Bays

They all occupy a number of car bays in the car park closest to the terminal by virtue of License Agreements.

Workshop Area

Only Avis, Budget and Hertz have an office and workshop premise in the middle car park area.

All agreements are pre-2003 and the rates are well below market value. Most have expired and do not accurately reflect the additional area now being occupied by some of the operators.

Recently, a number of other hire car operators have expressed a desire to have a booth in the terminal and occupy a number of bays in the car park. A request of this nature was considered by the Airport Committee late last year. However a decision at that time to support the request would have been inequitable and unfair to the operators that were already present at the airport because it was not possible to treat all hire car companies on exactly the same terms and conditions for the allocation of bays, allocation of space within the terminal and gross revenue amounts payable to the Town.

The re-location of the hire cars during 'stage one' of the car park re-development has become the catalyst for the implementation of a fresh set of agreements with the provision of more hire car bays and installation of an additional three booths in the terminal building.

### Consultation

#### *Internal*

- Director Engineering Services
- Airport Development Officer
- Manager Airport Operations
- Manager Infrastructure Development
- Project Development Officer

#### *External*

- General Manager – Avis
- Operations Manager – Budget
- CEO - Thrifty
- Regional Development Manager and Property and Facilities Manager – Hertz
- Pilbara Manager – Europcar
- Owner Operator – Northwest Rental
- Owner & Branch Manager – McLaren Hire
- McLeods Barrister and Solicitors
- Airport Manager – Broome Airport
- CEO and Business Development Manager – Newcastle Airport
- Australian Property Valuers

### Statutory Implications

#### *Local Government Act 1995*

#### *Section 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.*

#### Policy Implications

Nil

#### Strategic Planning Implications

Key Result Area 1:	Infrastructure
Goal 3:	Airport
Strategy 1:	Developing and implementing an Airport Master Plan
Strategy 2:	Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means

Key Result Area 4:	Economic Development
Goal 3:	Business Development
Strategy 2:	Review alternatives for additional business opportunities at the PHIA including air freight, aircraft maintenance, tourism and industrial uses.
Strategy 4:	Investigate new business/revenue streams for the Town.

#### Budget Implications

##### *Hire Car Bays*

Officers recently obtained two valuations for the facilitation of the interim re-location of the hire cars to the middle section of the car park.

In relation to the Hire Car Bays, the valuation was as follows:

- 54 bays in the car park closest to the terminal \$2,000.00 + GST; and
- 45 bays in the car park farthest from the terminal \$1,750.00+ GST

The amount currently being invoiced for the hire car bays is \$5,456.59 per annum. The implementation of these arrangements will increase the annual revenue to \$170,510.80 (excl GST).

The expenditure for the facilitation of these movements is estimated to be no more than \$10,000. This amount includes the drafting of the necessary legal agreements, line marking and signage for the bays. Part of that money will be recovered as the Lessees will be invoiced for the legal costs upon execution of the lease agreement.

##### *Airport Maintenance Depot*

The vacant land was recently valued at \$20 per square metre. The size of the land parcel is 7738 square metres, however the actual occupied area will be a little less, to allow for roads and movement within the parcel by all of the operators. Thrifty, Hertz, Avis and Budget all identified that they required 6,200 square metres in total for the storage of their vehicles. The will generate revenue in the amount of \$124,000 per annum.

The fencing has been completed at a cost of \$15,433.

##### 8.5% Gross Revenue and Terminal Booths.

A recent valuation of the new terminal booths for the new hire car operators, McLaren, Europcar and North West Rentals is \$4,500 per annum. This will generate additional revenue of \$13,500 per annum.

The three new booths cost \$3,965 in total.

It is difficult to estimate the amount of revenue that will be generated from the 8.5% gross revenue provision because the operators are new with different fleet sizes. Additionally, the gross revenue figure is disclosed by their accountants following an audit and provision of a profit and loss statement to the Town.

#### *Overall position*

The implementation of these new arrangements will generate \$170,510.80 in revenue. Additional revenue will also be generated from the 8.5% gross revenue provision within the lease.

The total expenditure to facilitate this increase in revenue is expected to be no more than \$30,000 in total.

#### *Officer's Comment*

#### *Interim Re-location*

Over the past six months the Airport Committee has been considering the long term re-location of the Hire Cars Operations to the south east of the terminal, away from the regular traffic movement associated with the airport. The area has been identified in the Airport Land Use Plan and the Infrastructure Development team is currently working on a subdivision plan for this area. It is advised that this project will take 18 – 24 months to complete. Consequently, with the implementation of the paid parking system and re-design of the car-park, an interim solution for the location of the hire cars was necessary.

In the re-development, the car park closest to the terminal is proposed to become the 'short term' paid car park. The hire car companies currently occupy the last row of car bays in this car park however, following the implementation of the paid parking system they will no longer be able to park in the short term car park.

The rest of the hire cars are currently stored in the long term car park farthest from the terminal, however this will now become the 'long term' paid car park, thus the hire car operators will no longer be able to leave their vehicles in this area either. Consequently, an area at the large Airport Maintenance Depot was identified as suitable for the storage of the vehicles, with secure fencing and passive surveillance from the neighbouring camp and the Hedland Riders club.

#### *Consultation*

During August and September, Officers held a series of meetings with the both new and existing hire car companies to explain the car park re-development project whilst assessing their needs and ensuring that they are accommodated with minimal interruption.

The hire car companies had replied in writing at the time of writing this report, indicating their preference on the number of car parking bays and area to be occupied at the Airport Maintenance Depot.

It was explained to the new hire car operators that they must enter into a lease agreement on the same terms and conditions as the existing hire operators, to ensure equality and fairness across the board, to which they were all agreeable.

Attachment One illustrates the arrangements as confirmed by the hire car companies, in addition to the new revenue expected to be generated.

### *Conclusion*

Instructions have been sent through to the Town's Solicitors to finalise the lease agreements for execution, pending Council's resolution. Provisions will be included in these agreements to facilitate the permanent re-location of the hire car companies with the 'stage two' car park re-development and finalization of the subdivision and civil works for the permanent location in 18-24 months.

Officers are now seeking Council's consent to grant the respective leases to formalize the arrangements with both new and existing hire car companies at the Port Hedland International Airport.

### Attachments

1. Proposed new arrangements and revenue with respect to new and existing hire car operators
2. Aerial image of the stage one immediate re-location of hire cars.
3. Photographs of the Airport Depot area for the storage of vehicles.
4. Photographs of the new hire car booths within the terminal.

201112/206 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache      Seconded: Cr D W Hooper

That Council:

1. Agree to dispose of portions of the terminal building of the Port Hedland International Airport on Lot 11 on Deposited Plan 114237 on Great Northern Highway by way of leases to the following parties in accordance with section 3.58 (3) of the *Local Government Act 1995* (private treaty) on the following terms and conditions;

**a) McLaren Hire**

- (i) A base rental of \$4,500 per annum;
- (ii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;

- (iii) a market review to be conducted every three years;
- (iv) a market review to be conducted upon completion of the terminal re-development;
- (v) an initial term of 5 years commencing on 1 December 2011;
- (vi) a first extended term of 2 years and a second extended term of 2 years;
- (vii) an 8.5% of gross revenue concession arrangement;
- (viii) for the permitted use of facilitating the business of hiring vehicles.

**b) Europcar**

- (i) A base rental of \$4,500 per annum;
- (ii) an annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iii) a market review to be conducted every three years;
- (iv) a market review to be conducted upon completion of the terminal re-development;
- (v) an initial term of 5 years commencing on 1 December 2011;
- (vi) a first extended term of 2 years and a second extended term of 2 years;
- (vii) an 8.5% of gross revenue concession arrangement;
- (viii) for the permitted use of facilitating the business of hiring vehicles.

**c) Northwest Rentals**

- (i) A base rental of \$4,500 per annum;
- (ii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iii) a market review to be conducted every three years;
- (iv) a market review to be conducted upon completion of the terminal re-development;
- (v) an initial term of 5 years commencing on 1 December 2011;
- (vi) a first extended term of 2 years and a second extended term of 2 years;
- (vii) an 8.5% of gross revenue concession arrangement;
- (viii) for the permitted use of facilitating the business of hiring vehicles.

subject to any adverse submissions being received within the requisite advertising period.

2. Agree to dispose of car bays in the Car Parking Area of the Port Hedland International Airport on Lot 11 Great Northern Highway by way of leases to the following parties in accordance with section 3.58 (3) of the *Local Government Act 1995* (private treaty) on the following terms and conditions;



**a) McLaren Hire**

- (i) 6 car bays in the southern car park at base rental of \$2,000 per bay per annum;
- (ii) 1 car bay in the northern car park at a base rental of \$1,750 per bay per annum;
- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a market review to be conducted every three years;
- (v) a market review to be conducted upon completion of the car parking area re-development;
- (vii) an initial term of 5 years commencing on 1 December 2011;  
a first extended term of 2 years and a second extended term of 2 years;
- (viii) for the permitted use of parking vehicles.

**b) Europcar**

- (i) 3 car bays in the southern car park at a base rental of \$2,000 per bay per annum;
- (ii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iii) a market review to be conducted every three years;
- (iv) a market review to be conducted upon completion of the car parking area re-development;
- (v) an initial term of 5 years commencing on 1 December 2011;
- (vi) a first extended term of 2 years and a second extended term of 2 years;  
for the permitted use of parking vehicles.

**c) Northwest Rentals**

- (i) 3 car bays in the southern car park at a base rental of \$2,000 per bay per annum;
- (ii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iii) a market review to be conducted every three years;
- (iv) a market review to be conducted upon completion of the car parking area re-development;
- (v) an initial term of 5 years commencing on 1 December 2011
- (vi) a first extended term of 2 years and a second extended term of 2 years;
- (vii) for the permitted use of parking vehicles.

**d) Avis**

- (i) 15 car bays in the southern car park at a base rental of \$2,000 per bay per annum;
- (ii) 2 car bays in the northern car park at a base rental of \$1,750 per bay per annum;

- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a market review to be conducted every three years;
- (v) a market review to be conducted upon completion of the car parking area re-development;
- (vi) an initial term of 5 years commencing on 1 December 2011;
- (vii) a first extended term of 2 years and a second extended term of 2 years;
- (viii) for the permitted use of parking vehicles.

**e) Thrifty**

- (i) 12 car bays in the southern car park at a base rental of \$2,000 per bay per annum;
- (ii) 20 car bays in the northern car park at a base rental of \$1,750 per bay per annum;
- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a market review to be conducted every three years;
- (v) a market review to be conducted upon completion of the car parking area re-development;
- (vi) an initial term of 5 years commencing on 1 December 2011;
- (vii) a first extended term of 2 years and a second extended term of 2 years;
- (viii) for the permitted use of parking vehicles.

**f) Budget**

- (i) 15 car bays in the southern car park at a base rental of \$2,000 per bay per annum;
- (ii) 2 car bays in the northern car park at a base rental of \$1,750 per bay per annum;
- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a market review to be conducted every three years;
- (v) a market review to be conducted upon completion of the car parking area re-development;
- (vi) an initial term of 5 years commencing on 1 December 2011;
- (vii) a first extended term of 2 years and a second extended term of 2 years;
- (viii) for the permitted use of parking vehicles.

**g) Hertz**

- (i) 10 car bays in the northern car park at a base rental of \$1,750 per bay per annum;
- (ii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;

- (iii) a market review to be conducted every three years;
- (iv) a market review to be conducted upon completion of the car parking area re-development;
- (v) an initial term of 5 years commencing on 1 December 2011;
- (vi) a first extended term of 2 years and a second extended term of 2 years;
- (vii) for the permitted use of parking vehicles.

subject to any adverse submissions being received within the requisite advertising period.

3. Agree to dispose of part of lot 2444 of the Port Hedland International Airport by way of leases to the following parties in accordance with section 3.58 (3) of the *Local Government Act 1995* (private treaty) on the following terms and conditions;

**a) Thrifty**

- (i) Vacant land area of 2,000m<sup>2</sup>
- (ii) A base rental of \$40,000 per annum;
- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a term of 2 years commencing on 1 December 2011;
- (v) a first extended term of 1 year;
- (vi) for the permitted use of parking vehicles.

**b) Avis**

- (i) Vacant land area of 2,000m<sup>2</sup>
- (ii) A base rental of \$40,000 per annum;
- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a term of 2 years commencing on 1 December 2011;
- (v) a first extended term of 1 year;
- (vi) for the permitted use of parking vehicles.

**c) Budget**

- (i) Vacant land area of 1,200m<sup>2</sup>
- (ii) A base rental of \$24,000 per annum;
- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a term of 2 years commencing on 1 December 2011;
- (v) a first extended term of 1 year;
- (vi) for the permitted use of parking vehicles.

**d) Hertz**

- (i) Vacant land area of 1,000m<sup>2</sup>
- (ii) A base rental of \$20,000 per annum;
- (iii) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iv) a term of 2 years commencing on 1 December 2011;
- (v) a first extended term of 1 year;
- (vi) for the permitted use of parking vehicles.

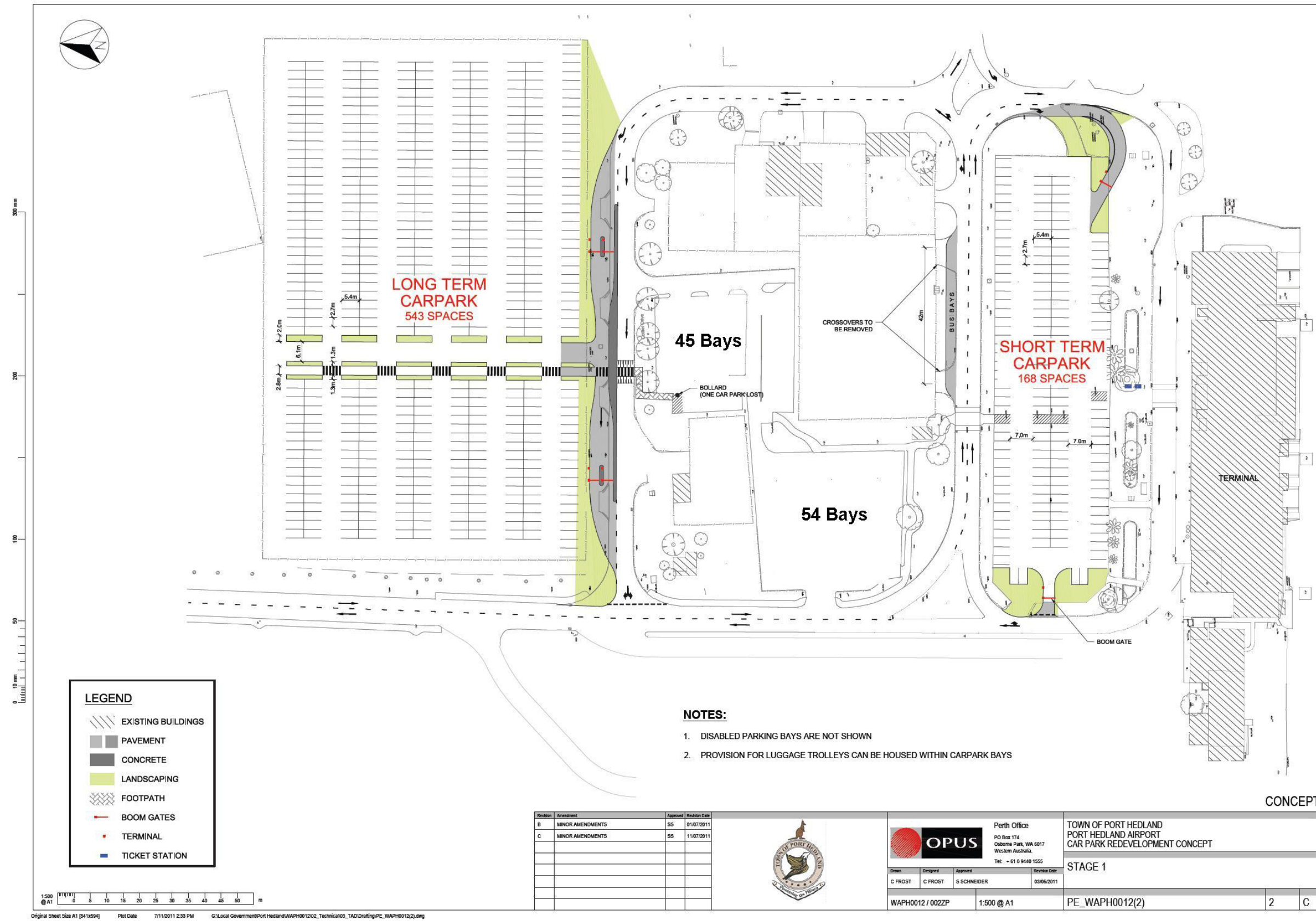
subject to any adverse submissions being received within the requisite advertising period.

*CARRIED 5/0*

## ATTACHMENT 1 TO ITEM 11.2.5

Original Request								
Company	Booth in Terminal		Car Parking Bays			Sqm in Depot		Interest in Future Operations
	Booth in Terminal	Cost (approx)	Northern Car Park	Southern Car Park	Cost per annum	Size	Cost	
AVIS				25	\$ 50,000.00	2000sqm	\$ 40,000.00	Yes
Budget				25	\$ 50,000.00	1200sqm	\$ 24,000.00	Yes
Hertz			20		\$ 35,000.00	1000sqm	\$ 20,000.00	Yes
Thrifty			20	20	\$ 85,000.00	2000sqm	\$ 40,000.00	Yes
Europcar	Yes	\$ 4,500.00		5	\$ 10,000.00	N/A		Yes
McLaren	Yes	\$ 4,500.00		10	\$ 20,000.00	N/A		Yes
North West Car Rentals	Yes	\$ 4,500.00		5	\$ 8,000.00	N/A		Yes
<b>TOTAL</b>		<b>\$ 13,500.00</b>	<b>40</b>	<b>90</b>	<b>\$ 258,000.00</b>		<b>\$ 124,000.00</b>	

Proportionate Allocation								
Company	Booth in Terminal		Car Parking Bays			Sqm in Depot		Interest in Future Operations
	Booth in Terminal	Cost (approx)	Northern Car Park	Southern Car Park	Cost per annum	Size	Cost	
AVIS			2	15	\$ 33,500.00	2000sqm	\$ 40,000.00	Yes
Budget			2	15	\$ 33,500.00	1200sqm	\$ 24,000.00	Yes
Hertz			20		\$ 18,760.80	1000sqm	\$ 20,000.00	Yes
Thrifty			20	12	\$ 59,000.00	2000sqm	\$ 40,000.00	Yes
Europcar	Yes	\$ 4,500.00		3	\$ 6,000.00	N/A		Yes
McLaren	Yes	\$ 4,500.00	1	6	\$ 13,750.00	N/A		Yes
North West Car Rentals	Yes	\$ 4,500.00		3	\$ 6,000.00	N/A		Yes
<b>TOTAL</b>			<b>45</b>	<b>54</b>	<b>\$ 170,510.80</b>		<b>\$ 124,000.00</b>	



**NOTES:**

1. DISABLED PARKING BAYS ARE NOT SHOWN
2. PROVISION FOR LUGGAGE TROLLEYS CAN BE HOUSED WITHIN CARPARK BAYS

CONCEPT

Revision	Amendment	Approved	Revision Date
B	MINOR AMENDMENTS	SS	01/07/2011
C	MINOR AMENDMENTS	SS	11/07/2011



Perth Office  
PO Box 174  
Osborne Park, WA 6017  
Western Australia  
Tel: + 61 8 9440 1555

TOWN OF PORT HEDLAND  
PORT HEDLAND AIRPORT  
CAR PARK REDEVELOPMENT CONCEPT

Drawn	Designed	Approved	Revision Date
C FROST	C FROST	S SCHNEIDER	03/06/2011

STAGE 1

WAPH0012 / 0022P	1:500 @ A1	PE_WAPH0012(2)	2	C
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ATTACHMENT 3 TO ITEM 11.2.5

**Attachment 3: Airport Depot**











ATTACHMENT 4 TO ITEM 11.2.5

**Attachment 4: New Hire Car Booths at Port Hedland International Airport**



*11.2.6 Lease Royal Flying Doctors Service – Port Hedland International Airport (File No.: 05/05/0044)*

Officer Gillian Campbell  
Leasing Officer

Date of Report 8 November 2011

Disclosure of Interest by Officer Nil

Summary

This agenda item requests Council to re-consider an earlier decision to grant an extension to the Royal Flying Doctors Service (RFDS) whereby the additional area was to be incorporated into the terms of their current lease. After recent discussions with RFDS, it was agreed that the more practical approach would be to prepare a new lease encompassing the entire area as required and now occupied by the RFDS.

Background

The RFDS have recently commenced construction of an extension to their premises at the Port Hedland International Airport. Their current lease is for a period between 31 July 1998 and 20 July 2019 and they wish to renew the lease term for a twenty (20) year period.

The Ordinary Council Meeting of 26 March 2008, agreed to renew the lease between the Town of Port Hedland and the Royal Flying Doctors Service, in anticipation of the extensions. The decision was as follows:

*“200708/124 Council Decision/Officer’s Recommendation*

*Moved: Cr A A Gear*

*Seconded: Cr J E Ford*

*That Council:*

- i) advises the Royal Flying Doctor Service (RFDS) that it agrees in principle to the extension of the current lease area subject to survey;*
- ii) approves that the additional lease area be incorporated into the current lease agreement between the Royal Flying Doctor Services and the Town of Port Hedland, maintaining all current terms and conditions, excepting that:*
  - a) the additional lease area be charged at a rate of \$12.276 per square metre per annum;*

- i) *the proposal to extend the lease area be advertised and submissions sought, in accordance with section 3.58 of the Local Government Act 1995, following the completion of the survey of the area:*
- a) *if no submissions are received during the submission period the Mayor and Chief Executive Officer be authorised to enter into an amended lease agreement between the Royal Flying Doctor Services and the Town of Port Hedland, and*
- b) *the Common Seal be affixed.*

*CARRIED BY ABSOLUTE MAJORITY 8/0"*

#### Consultation

##### *Internal*

- Manager Investment & Business Development
- Airport Manager

##### *External*

- Property Manager – Royal Flying Doctors Service
- Director of Corporate Services – Royal Flying Doctors Service
- McLeods Barristers and Solicitors

#### Statutory Implications

##### *The Local Government Act 1995*

*Section 3.58 does not apply to this disposal by virtue of Regulation 30(2)(b) of The Local Government (Functions and General) Regulations 1996.*

*Section 5.25 - Regulations about council and committee meetings and committees*

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);....."*

##### *The Local Government (Functions and General) Regulations 1996*

*Regulation 30 - Dispositions of property to which section 3.58 of Act does not apply*

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

- (2) *A disposition of land is an exempt disposition if—*
- (b) *the land is disposed of to a body, whether incorporated or not—*
- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

*The Local Government (Administration) Regulations 1996*

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

2. *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
- (a) *In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
- (b) *In any other case, by an absolute majority.*
3. *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 1:	Infrastructure
Goal 3:	Airport
Strategy 1:	Developing and implementing an Airport Master Plan
Strategy 2:	Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means
Key Result Area 4:	Economic Development
Goal 3:	Business Development
Strategy 2:	Review alternatives for additional business opportunities at the PHIA including air freight, aircraft maintenance, tourism and industrial uses.
Strategy 4:	Investigate new business/revenue streams for the Town.

### Budget Implications

The increase to the leased area is substantial and will generate additional revenue for the Town. However, the commerciality of this transaction should be balanced against the following mitigating factors:

- The RFDS is a not-for profit organisation; and
- The service offered by the RFDS is essential in regional areas.

A survey of the land parcel will be forwarded by the RFDS, so this is a cost that the Town has not borne.

Officers are currently preparing a Leasing Policy which will provide a consistent and transparent approach to all leases, through thorough investigation and consultation with existing lessees. Once this Leasing Policy is presented and adopted by Council, a measurable and justifiable base rental will apply to all leases with the Town of Port Hedland. The most difficult aspect of preparing the Leasing Policy is the selection of the most appropriate pricing method by which to set the base rentals. Consequently, it is recommended that delegation be given to the CEO to implement the pricing for the RFDS lease upon completion of this model.

### Officer's Comment

The RFDS have two leases with the Town. One is for the Hanger area and the other is for the Transmitter Beacon located near the runway.

The RFDS Hangar is located on the Northern general aviation apron near gate ten (10).

The terms of the Lease for the Hanger area is as follows:

- a) Term 10 + 5 years
- b) Rental \$4500.00 per annum
- c) For the purpose of operating a Royal Flying Doctors Service Base Station which includes the following functions:
  - Storage and maintenance of aircraft.
  - Communication
  - Medical consultations and outpatient services
  - Medical emergency treatment
  - Ambulance and aircraft patient transfer
  - Regional primary health care delivery
  - Fundraising and public relations
  - Offices and Administration

There is also a sublease for the School of the Air who also occupy a portion of the Hanger for their operations. This sublease will also be brought to Council for consideration in due course, upon the resolution of the lease for the RFDS.

Recently a fuel bowser was installed airside adjacent to the RFDS Hanger. This is currently used by BP for refueling the RFDS Aeroplanes. This Bowser will also need to be included in the lease.

The terms of the lease for the Transmitter Beacon is as follows:

- a) Term 3 + 1 + 1 + 1 + 1 + 1 + 1 + 1 years
- b) Rental \$2500.00 per annum
- c) Permitted Purpose Radio Communication Site

The RFDS have obtained a substantial amount of funding and donations to complete the current extensions and Attachment One comprises of the plans that were submitted and approved by the Planning Department. In light of this large investment, they are seeking a lease of at least 20 years.

The 2008 decision of Council agreed in principle to the extension of leased area pending a survey, however at that time the land sought to be acquired was not as large as the extension that has now taken place. Further, the decision was to incorporate the new area into the existing lease agreement. Recent discussions with the RFDS confirmed that this is not the most appropriate or preferred way to structure a lease for the RFDS and it is more practical from both an administrative and financial perspective to prepare a new lease for the entire area. This is a course that they too wish to pursue.

The building works are due to be completed on 20 December 2011 and the RFDS would like to have an executed lease at this time so that their sponsors can provide the financial support required to operate efficiently.

#### *Revocation of Earlier Decision*

The 2008 decision resolved on an amount to be set for the additional lease area (\$12.27/sqm), which is now not possible under one lease agreement. Further, a new lease will comprise of a different land size, a different pricing model and a different lease structure. Consequently, Officers seek a Council resolution to revoke the earlier decision of Council on the basis that the new lease terms and conditions would be substantially different from the original decision.

Pursuant to Regulation 10(3) of the Local Government (Administration) Regulations 1996 it is recommended that Council now revoke the Council Resolution on 26 March 2008 on the basis that the new proposed lease terms and conditions would be substantially different from the original decision.

Regulation 10(2)(b) of the Local Government (Administration) Regulations 1996 requires that any revocation or change to a decision is to be made by absolute majority.



Regulation 30 (2)(b) of the Local Government (Functions and General) Regulation 1996 exempts the disposal from the requirements under section 3.58 of the Local Government Act 1995. It is not necessary to advertise this disposal and consider public submissions before entering into the lease agreement.

#### Attachments

1. Concept Plans as approved by the Town Planning Department

*NOTE: Mayor to call for a show of hands in favour to consider the revoking of Resolution 200708/124 of Item 11.4.1.7, "Extension of Lease Area: Royal Flying Doctors Service: Port Hedland International Airport (File No.: 05/05/0044 V1)", Presented to Council's Ordinary Meeting Held on 26 March 2008, and recorded on page 231 of those Minutes.*

Councillor S R Martin  
Councillor D W Hooper  
Councillor G J Daccache

201112/207 Officer's Recommendation1/Council Decision

Moved: Cr S R Martin                      Seconded: Cr D W Hooper

That Council revoke Council Decision 200708/124 made at the Ordinary Council Meeting on 26 March 2008, on the basis that the new proposed lease terms and conditions would be substantially different from the original decision.

*CARRIED BY ABSOLUTE MAJORITY 5/0*

201112/208 Officer's Recommendation2/Council Decision

Moved: Cr D W Hooper                      Seconded: Cr S R Martin

That Council:

1. Agree to dispose of part of Lot 11 on Deposited Plan 114237 at the Port Hedland International Airport by way of a lease to the Royal Flying Doctors Service:

**(a) On the following terms and conditions;**

- (i) vacant land area of 4648.4m<sup>2</sup> (subject to survey);
- (ii) an annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- (iii) a term of 20 years commencing on the date of termination of the current lease;

- (iv) for the permitted use of:
- Storage and maintenance of aircraft.
  - Communication
  - Medical consultations and outpatient services
  - Medical emergency treatment
  - Ambulance and aircraft patient transfer
  - Regional primary health care delivery
  - Fundraising and public relations
  - Offices and Administration
  - Fuel Bowser
- (b) **with delegated authority given to the Chief Executive Officer to act reasonably and set the base rental amount upon adoption by Council of the Town of Port Hedland Leasing Policy; and**
- (c) **subject to and concurrently with the mutual termination of the current lease with the Royal Flying Doctors Service for the Hanger.**
2. Agree to dispose of part of lot 2443 at the Port Hedland International Airport by way of a lease to the Royal Flying Doctors Service;
- (a) **on the following terms and conditions;**
- (i) vacant land area of 16m<sup>2</sup>;
  - (ii) an annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
  - (iii) a term of 20 years commencing on the date of termination of the current lease;
  - (iv) for the permitted use of Radio Communication Site
- (b) **with delegated authority given to the Chief Executive Officer to act reasonably and set the base rental amount upon adoption by Council of the Town of Port Hedland Leasing Policy; and**
- (c) **subject to and concurrently with the mutual termination of the current lease with the Royal Flying Doctors Service for the Transmitter Beacon.**

*CARRIED 5/0*

## ATTACHMENT 1 TO ITEM 11.2.6

TOWN OF  
PORT HEDLAND

FILE COPY



Gary Townsend  
GHD PTY LTD  
239 Adelaide Terrace  
Perth WA 6004

Our Ref: 2009/427  
A130359

Your Ref:

Enquiries: Luke Cervi

Direct Line: 08 9158 9386  
po2@porthedland.wa.gov.au

Dear Sir / Madam

**APPLICATION NUMBER: 2009/427**  
**LOCATION: LOT 11 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721**  
**DESCRIPTION: AERODROME - Emergency Services Facility addition**

Thank you for your application lodged on behalf of the landowner, ROYAL FLYING DOCTOR SERVICES, regarding the above proposal.

I wish to advise that your application for the construction of AERODROME - Emergency Services Facility addition, at the above property, has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Town of Port Hedland Town Planning Scheme No. 5, if the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a **right of review** through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within **28 days** of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via Internet at [www.saf.justice.wa.gov.au](http://www.saf.justice.wa.gov.au) or by contacting Council's Planning Services.

For Building and Environmental Health enquiries, please contact 08 9158 9325 and ask for the relevant section. Engineering queries can be forwarded to 08 9158 9700.

Yours faithfully,

  
Larry Sargent  
Director Community & Regulatory Services

26<sup>th</sup> October 2009

CIVIC CENTRE, MCGREGOR STREET, PORT HEDLAND  
TELEPHONE: (08) 9158 9300 FACSIMILE: (08) 9158 9399

PO BOX 41, PORT HEDLAND 6721  
EMAIL: council@porthedland.wa.gov.au

**TOWN PLANNING SCHEME 5  
TOWN OF PORT HEDLAND****Office Use Only**  
Lot No: 11  
Street: Great Northern Highway  
Assessment No: A130359G  
Application: 2009/427**DECISION ON APPLICATION FOR COUNCIL'S PLANNING CONSENT****Name of owner of land on which development is proposed:****Owner: ROYAL FLYING DOCTOR SERVICES  
PO BOX 2144  
SOUTH HEDLAND WA 6722****Applicant: Gary Townsend  
GHD PTY LTD  
239 Adelaide Terrace  
Perth WA 6004**

Planning consent is granted for a AERODROME - Emergency Services Facility addition at LOT 11 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721, as outlined in the application received 31 July 2009 and indicated on the attached plans, subject to the following conditions:

1. This approval relates only to the proposed AERODROME - Emergency Services Facility addition and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. The area must only be used for purposes, which are related to the operation of an "Aerodrome". Under the Town of Port Hedland's Town Planning Scheme No. 5 an "Aerodrome" is defined as:  
*"land, buildings and facilities provided for the purpose of landing, takeoff, refuelling, maintenance, loading and unloading of aircraft"*
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 206 car bays are to be provided on-site to the satisfaction of the Manager Planning.
5. The car parking bays and access way shall be designed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning prior to the development first being occupied.
6. The use of the accommodation facilities are restricted to Emergency Services Personnel only.
7. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

**TOWN PLANNING SCHEME 5  
TOWN OF PORT HEDLAND**

**Office Use Only**  
Lot No: 11  
Street: Great Northern Highway  
Assessment No: A130359G  
Application: 2009/427

**FOOTNOTES:**

1. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
2. In regard to condition 4, this condition relates to the whole of Lot 11 which includes the proposed building and a number of existing buildings related to the airport including the terminal. Information provided to Council indicates that 240 car bays exist under the current car park configuration on site.
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.

Signed   
Director Community & Regulatory Services  
26<sup>th</sup> October 2009



**11.3 Community Development**

5:56pm Councillor G J Daccache declared an Impartiality Interest in Agenda Item 11.3.1 'Endorsement of 12 Month Initial Agreement for the Management Colin Matheson Clubhouse by the Rovers Football Club' as his wife is on the Rovers committee and his son plays for Rovers.

Councillor G J Daccache did not leave the room.

*11.3.1 Endorsement of 12 Month Initial Agreement for the Management Colin Matheson Clubhouse by the Rovers Football Club (File No.: 26/02/0014)*

Officer Nicole Roukens  
Recreation Coordinator

Date of Report 1 November 2011

Disclosure of Interest by Officer Nil

Summary

In July 2011 the Town of Port Hedland (ToPH) sought Expressions of Interest (EOI) from clubs and community groups for the management of new Colin Matheson Clubhouse facility. One submission was received from the Port Hedland Rovers Football Club.

This report seeks endorsement from Council for an initial one year trial. The initial trial period will be for 12 months, after which a further report will be presented to Council to consider a five year agreement for management of the Colin Matheson Clubhouse facility by the Port Hedland Rovers Football Club (Lot 3278, Title LR 3007-935).

Background

The new \$1.8 million Colin Matheson Clubhouse facility has now reached practical completion and is ready for public use.

At the Ordinary Council Meeting on 8 June 2011 it was resolved:

*"That Council:*

- 1. Conduct an Expression of Interest process for not-for-profit organizations, for a 5 year license for the management of the Colin Matheson Clubhouse;*
- 2. A report detailing all applications and a copy of the management agreement is presented to Council for endorsement;*
- 3. All profits generated from the management license are placed into a reserve fund and are used for future upgrades of the buildings and facilities at the Colin Matheson Oval;*
- 4. Establish a Management Committee with representatives*

- from major user groups and the Town that meets at least twice a year to discuss any issues relating to management, with information reported back to Council;*
5. *Develop a maintenance plan including detailed costs responsibilities of both parties over the 5 year agreement."*

Following this recommendation, in July 2011 the ToPH sought EOI from clubs and not for profit groups wishing to manage the new clubhouse facility located at Colin Matheson Oval.

The EOI process was advertised on 27 July 2011 in the North West Telegraph. One submission was received from the Port Hedland Rovers Football Club.

Since the closure of the EOI process the Town has conducted a number of meetings with representatives from the Club. These negotiations have sought to ensure a successful agreement is created that is beneficial to all parties.

#### Consultation

Consultation has occurred with the following groups and individuals.

#### Town of Port Hedland Staff:

- Director Community Development
- Manager Recreation Services and Facilities
- Recreation Coordinator
- Club and Project Development Officer
- Manager Planning
- Senior Planning Officer
- Manager Investment and Business Development

#### Port Hedland Rovers Football Club:

- Jon Giles – Sub-committee
- Rick Hockey – Life Member/ League Coach

#### Statutory Implications

##### *The Local Government Act 1995*

##### *"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 describing the property concerned; and giving details of the proposed disposition; and 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.]”*

**LOCAL GOVERNMENT (FUNCTIONS AND GENERAL)  
REGULATIONS 1996 - REG 30**

30. *Dispositions of property to which section 3.58 of Act does not apply*

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
- (b) *the land is disposed of to a body, whether incorporated or not —*

- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

This disposal of land is an exempt disposition by virtue of Regulation 30(2) (b) of the Local Government (Functions and General) Regulations 1996, as The Port Hedland Rovers Football Club is an incorporated sporting body. Consequently section 3.58 of the Local Government Act 1995 does not apply.

With respect to the creation of the reserve fund the following applies:

*6.11. Reserve accounts*

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

*\* Absolute majority required.*

Policy Implications

Nil

Strategic Planning Implications

Goal 2: Sports and Leisure

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

Immediate Priority 2: Construction of the Colin Matheson Oval Clubhouse.

Budget Implications

An initial draft budget for management of the new clubroom facility has been developed by the Port Hedland Rovers Football Club (see Attachment 4).

This budget takes into account a number of factors that may affect facility revenue during the initial months of operation. These include restricted use of the facility due to parking restrictions, potential noise restrictions, delays to furnishing the building and legislative timeframes for changes to liquor license.

In order to ensure the long term sustainability of the proposed agreement with the Club, it is the recommendation of the Officers that:

- The period up to 31 December 2012 be considered an initial trial period

- Any surplus revenue from the operation of the facility is shared equally between the ToPH and the Port Hedland Rovers Football Club
- That the amount paid to the ToPH in any calendar year be capped at \$45,000.

The trial period is believed to be necessary in order for both parties to gain a better understanding of the revenue and expenditure associated with management of this facility.

It is therefore suggested that a separate account be created for the revenue, offset by an associated, equivalent expenditure account until Council consider a 5 year agreement where a reserve account can be established in a new financial year.

While it was suggested that all income received by ToPH from the operation of the Colin Matheson facility is placed in a reserve account, Section 6.11 of the LG Act 1995 prevents that occurring until the following financial year.

#### Officer's Comment

As Colin Matheson Clubroom is a new facility, both the Club and officers are uncertain about the potential revenue and expenditure levels, the impact on surrounding residents and the disruption to the Port Hedland Primary School. It has therefore been considered prudent that any tenure agreement ensures the best outcomes for the ToPH, Port Hedland Rovers Football Club and the community.

Following a number of meetings between ToPH staff and representatives from the Port Hedland Rovers Football Club an agreement has been reached. The suggested conditions of the proposed agreement are outlined below:

- The commencement of a trial arrangement for the management of the new Colin Matheson Clubhouse with the Port Hedland Rovers Football Club until the 31 December 2012.
- A review is conducted at the end of the one year trial and is presented to Council. Following recommendations from this review the Port Hedland Rovers Football Club may be given the option of a five year agreement for the management of the Colin Matheson Clubhouse.
- All oval bookings continue to be managed by the ToPH
- During the initial trial period (up to 31 December 2012) no management fee is charged but all surplus revenue is shared 50/50 between the Town of Port Hedland and the Port Hedland Rovers Football Club (the amount paid to the Town is capped at \$45,000)
- The terms and conditions of the agreement for the further of the five year period will be negotiated at the conclusion of the initial trial period.

- The Port Hedland Rovers Football Club will be responsible for all day to day maintenance associated with the new clubroom facility and will also be required to contribute funding towards structural maintenance. Consequently it is recommended that the Port Hedland Rovers Football Club pay the following amounts during the length of the agreement:  
2012 - \$1,000  
2013 - \$5,000  
2014 - \$12,500  
2015 - \$15,000  
2016 - \$25,000  
2017 - \$30,000
- The Port Hedland Rovers Football Club will be required to formally establish a sub-committee for the management of the Clubhouse and the Manager Recreation Services and Facilities or their representative will be appointed to that sub-committee for the duration of the trial period (up to 31 December 2012)
- Quarterly reports are presented to the Audit and Finance Committee with updates on the management of the facility for the one year trial period, until the 31 December 2012.

During the trial period it will be imperative that the management agreement requires users to comply with the terms and conditions as used by the Town of Port Hedland for Council managed facilities.

As part of the 2011/2012 ToPH Budget, \$180,000 has been allocated to the upgrade of parking at Colin Matheson Oval, and \$250,000 has been allocated to the upgrade of the existing change room facilities. These projects are likely to commence in this financial year. The suggested trial period will enable both parties to gain a better understanding of the costs and potential revenue associated with managing the facility, as well as the impact on the school and surrounding residents.

### **Attachments**

1. Proposed fees and charges for management of the facilities by the Port Hedland Rovers Football Club
2. Proposed governance structure for management of the facilities
3. Financial statements from the Port Hedland Rovers Football Club
4. Anticipated budget for the new clubhouse and existing change room facilities at Colin Matheson Oval from the Port Hedland Rovers Football Club.

201112/209 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache      Seconded: Cr D W Hooper

That Council:

1. Disposes of Colin Matheson Clubhouse (Lot 3278, Title LR 3007-935) under the following terms and conditions:
  - a) **Port Hedland Rovers Football Club is offered a twelve month agreement for the management of Colin Matheson Clubhouse (Lot 3278, Title LR 3007-935) finishing on the 31 December 2012.**
  - b) **No license fee is charged to the Port Hedland Rovers Football Club and all surplus revenue is shared equally between the ToPH and the Port Hedland Rovers Football Club, capped at a maximum value of \$45,000.**
  - c) **Fees and charges proposed by the Port Hedland Rovers Football Club for the Colin Matheson Clubhouse are endorsed (Attachment 2).**
  - d) **Approves the creation of new revenue and expenditure accounts that are equivalent in dollar terms, until the establishment of a new reserve account can be created.**
  - e) **That a separate report be provided by February 2012 for Council to consider the specific parameters for the use of funds in the reserve account.**
  - f) **Port Hedland Rovers Football Club is responsible for all day to day maintenance of Colin Matheson Clubrooms.**
  - g) **That the terms and conditions of use for Council managed facilities be utilised by the Rovers Football Club during the trial period.**
  - h) **Port Hedland Rovers Football Club contributes \$1,000.00 over the length of the agreement towards structural maintenance.**
  - i) **That the Manager Recreation Services and Facilities or their representative be appointed to the Colin Matheson Clubhouse Management Committee.**
2. Requests the Chief Executive Officer to prepare and present a report to Council in November 2012 on the performance of the Port Hedland Rovers Football Club over the period to date, enabling Council to make a decision on the future management of this facility.

*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 11.3.1

**COLIN MATHESON OVAL - FEES & CHARGES**

(01 January 2012 - 30 June 2012)

<b>CMDO SOCIAL FACILITY VENUE HIRE (Upstairs)</b>			
Hourly rate (min 2 hours)	\$ 50.00		
Daily rate	\$ 400.00		* N.F.P \$ 280.00
Nightly rate	\$ 500.00		* N.F.P \$ 350.00
All day	\$ 700.00		* N.F.P \$ 490.00
<b>Additional charges</b>			
Tables & chairs	\$ 1.00		per person
Linen	\$ 1.00		per person
Crockery / Cutlery	\$ 1.00		per person
Cleaning (contract)	\$ 80.00		per person
Oval lighting		By negotiation	per hour
Electrical equipment (DVD, TV, Music, Projector etc.)		By negotiation	
<b>Bond</b>			
Non-commercial	No alcohol	\$ 500.00	
Non-commercial	Alcohol	\$ 1,000.00	
Commercial	No alcohol	\$ 1,000.00	
Commercial	Alcohol	\$ 2,000.00	

\* a 30% reduction in fees may be applicable for eligible not-for profit organisations.

<b>CMDO CANTEEN / BAR / PERGOLA / OVAL</b>			
Hourly rate (min 2 hours)		Oval or rooms only	\$ 30.00
Hourly rate (min 2 hours)		Oval & Rooms	\$ 60.00
Daily rate		Oval or rooms only	\$ 190.00
Daily rate		Oval & Rooms	\$ 380.00
Nightly rate		Oval or rooms only	\$ 190.00
Nightly rate		Oval & Rooms	\$ 380.00
All day		Oval or rooms only	\$ 275.00
All day		Oval & Rooms	\$ 550.00

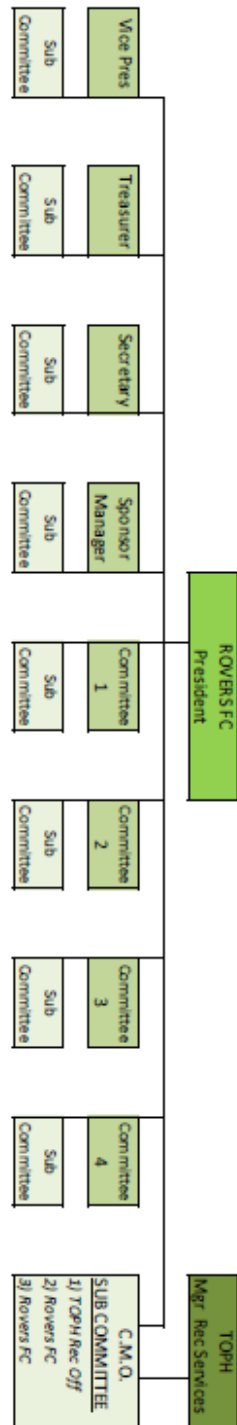
<b>CMDO SOCIAL FACILITY VENUE HIRE (Downstairs)</b>			
Hourly rate (min 2 hours)			
Daily rate			Currently Under Review
Nightly rate			
All day			
<b>Additional charges</b>			
Tables & chairs			
Linen			
Crockery / Cutlery			
Cleaning (contract)			Currently Under Review
Oval lighting			
Electrical equipment (DVD, TV, Music, Projector etc.)			
<b>Bond</b>			
Non-commercial	No alcohol		
Non-commercial	Alcohol		Currently Under Review
Commercial	No alcohol		
Commercial	Alcohol		

<b>CMDO CHANGE ROOMS / OVAL</b>	
	Currently under review

ATTACHMENT 2 TO ITEM 11.3.1

**CMO FACILITY MANAGEMENT - RFC / TOPH JOINT VENTURE**

**ORGANISATIONAL STRUCTURE**



*ATTACHMENT 3 TO ITEM 11.3.1*

**Port Hedland Rovers Football  
Club Inc.**

Financial Statements  
For the year ended 31 October 2010



**Port Hedland Rovers Football Club Inc.**

**Contents**

Trading Account

Income and Expenditure Statement

Detailed Balance Sheet

Depreciation Schedule

**Port Hedland Rovers Football Club Inc.**  
**Trading Account**  
For the year ended 31 October 2010

	2010 \$	2009 \$
<b>Trading Income</b>		
Sales	70,976.60	112,115.56
Fundraising	10,621.11	6,550.00
<b>Total Trading Income</b>	<u>81,597.71</u>	<u>118,665.56</u>
<b>Cost of Sales</b>		
<b>Add:</b>		
Opening finished goods	5,478.43	7,212.57
Purchases Cool Drinks	5,879.47	7,785.38
Purchases Liquor	21,657.08	28,338.35
Purchases Food	6,056.15	4,807.41
Purchases Clothing & Promotional Goods	7,183.00	11,982.40
Purchases Misc	5,256.45	10,474.60
	<u>51,510.58</u>	<u>70,600.71</u>
<b>Less:</b>		
Closing finished goods	2,627.72	5,478.43
	<u>2,627.72</u>	<u>5,478.43</u>
<b>Cost of Sales</b>	<b>48,882.86</b>	<b>65,122.28</b>
<b>Gross Profit from Trading</b>	<u><b>32,714.85</b></u>	<u><b>53,543.28</b></u>

**Port Hedland Rovers Football Club Inc.**  
**Income and Expenditure Statement**  
**For the year ended 31 October 2010**

	2010 \$	2009 \$
<b>Income</b>		
Trading profit	32,714.85	53,543.28
Interest received	3,018.07	1,580.29
Other income		1,505.00
Rebates and refunds		3,310.00
Sponsorship	54,150.00	39,100.00
Membership Fees	14,265.00	11,920.00
<b>Total income</b>	104,147.92	110,958.57
<b>Expenses</b>		
Advertising and promotion	1,783.31	1,176.33
Audit fees	550.00	550.00
Awards & Presentations	1,081.20	2,663.75
Ball Uniforms & Other Equipment	21,825.98	15,420.64
Bank Fees And Charges	803.46	857.87
Coach & Other Payments	12,500.00	10,000.00
Depreciation - plant	5,433.00	1,549.00
Depreciation - other	1,524.00	1,710.00
Donations	160.00	
Electricity	6,317.36	6,933.93
Hire/rent of Plant & Equipment		4,565.00
Insurance	5,597.60	3,460.00
Licenses & Permits	1,357.00	555.00
Medical Expenses	2,855.84	1,577.86
Postage		75.00
Presentation Night	3,462.00	
Printing & stationery	657.22	1,568.91
Repairs & maintenance	359.57	672.68
Replacements (tools, etc)	245.70	1,208.50
Sponsorship		659.50
Staff training	390.00	57.60
Subscriptions	317.60	98.80
Telephone	3,062.03	1,726.19
Travel, accom & conference	4,753.70	
Umpire & Other NPFL Costs	7,590.00	8,500.00

**Port Hedland Rovers Football Club Inc.**  
Income and Expenditure Statement  
For the year ended 31 October 2010

	2010	2009
	\$	\$
Total expenses	<u>82,626.57</u>	<u>65,586.56</u>
Profit from Ordinary Activities before income tax	<u><u>21,521.35</u></u>	<u><u>45,372.01</u></u>

**Port Hedland Rovers Football Club Inc.**  
Detailed Balance Sheet As At 31 October 2010

	Note	2010 \$	2009 \$
<b>Current Assets</b>			
<b>Cash Assets</b>			
CBA - Cheque Account Bearing Interest		52,166.38	30,397.11
Cash Management Account		37,889.55	36,459.65
CBA - Term Deposit		50,843.77	50,000.00
Cash on hand		500.00	500.00
		141,399.70	117,356.76
<b>Inventories</b>			
Finished goods - at cost		2,627.72	5,478.43
		2,627.72	5,478.43
<b>Total Current Assets</b>		<b>144,027.42</b>	<b>122,835.19</b>
<b>Non-Current Assets</b>			
<b>Property, Plant and Equipment</b>			
Leasehold improvements		81,901.12	81,901.12
Less: Accumulated depreciation		(26,655.12)	(25,131.12)
Plant & equipment - at cost		47,800.04	39,114.04
Less: Accumulated depreciation		(35,796.34)	(30,363.34)
		67,249.70	65,520.70
<b>Total Non-Current Assets</b>		<b>67,249.70</b>	<b>65,520.70</b>
<b>Total Assets</b>		<b>211,277.12</b>	<b>188,355.89</b>

**Port Hedland Rovers Football Club Inc.**  
Detailed Balance Sheet As At 31 October 2010

	Note	2010 \$	2009 \$
<b>Current Liabilities</b>			
<b>Payables</b>			
<b>Unsecured:</b>			
Trade creditors		2,129.88	_____
		<u>2,129.88</u>	<u>_____</u>
<b>Current Tax Liabilities</b>			
Taxation		(976.34)	(246.34)
		<u>(976.34)</u>	<u>(246.34)</u>
<b>Total Current Liabilities</b>		<u>1,153.54</u>	<u>(246.34)</u>
<b>Total Liabilities</b>		<u>1,153.54</u>	<u>(246.34)</u>
<b>Net Assets</b>		<u>210,123.58</u>	<u>188,602.23</u>
 <b>Equity</b>			
Retained profits / (accumulated losses)		210,123.58	188,602.23
<b>Total Equity</b>		<u>210,123.58</u>	<u>188,602.23</u>

---

**Port Hedland Rovers Football Club Inc.**  
**Depreciation Schedule for the year ended 31 October, 2010**

	Plant & Equipment @ Cost	Total	Priv	OMDV	Date	DISPOSAL		ACQUISITION		DEPRECIATION			Priv	OMDV	PROFIT (Pto + Above)	LOSS Total - Priv
						Consd	Date	Cost	Value	T	Rate	Deprec				
Mesh Deck	595.00 2905/98	595	0.00	46			46	D	20.00	9			37			
Stationary Cabinet	550.00 2905/98	550	0.00	43			43	D	20.00	9			34			
Stackable Chairs	700.00 0206/98	700	0.00	26			26	D	25.00	6			20			
Carpet Mats	528.00 2406/98	528	0.00	20			20	D	25.00	5			15			
TV Samsung 346	328.00 0207/98	328	0.00	3			3	D	33.00	1			2			
Computer & Scanner	3,228.88 3007/98	3,229	0.00	10			10	D	40.00	4			6			
Board Table	1,393.63 3007/98	1,394	0.00	14			14	D	20.00	23			91			
Epson Colour Printer	633.00 0510/98	633	0.00	2			2	D	40.00	1			1			
Tbls	850.40 1804/00	850	0.00	19			19	D	33.00	6			13			
Stereo	470.00 2905/00	470	0.00	11			11	D	33.00	4			7			
S8 Front Bar	360.00 2406/98	360	0.00	360			360	D	0.00	50			202			
Mobile Snapping Table	689.00 2004/05	689	0.00	252			252	D	20.00	50			202			
Chest Freezer	1,749.00 0905/08	1,749	0.00	1,048			1,048	D	30.00	314			734			
Upright Freezer	1,620.00 0905/08	1,620	0.00	970			970	D	30.00	291			679			
Hudsons - Ice Machine	5,727.70 1308/09	5,728	0.00	5,351		01/11/09	5,351	D	30.00	1,805			3,746			
Fridge	4,026.00 0111/09	4,026	0.00	4,026		01/11/09	4,026	D	30.00	1,208			2,818			
TV	1,095.00 0111/09	1,095	0.00	1,095		01/11/09	1,095	D	33.00	361			734			
Computer	3,565.00 0111/09	3,565	0.00	3,565		01/11/09	3,565	D	40.00	1,426			2,139			
		28,110		8,275			8,696		16,361	5,323			11,638			
							Deduct Private Purdon									
							Net Depreciation			5,323						





**Port Hedland Rovers Football Club Inc.  
Depreciation Schedule for the year ended 31 October, 2010**

	Total	Priv	CWDV	Date	DISPOSAL		ADDITION		DEPRECIATION			Priv	CWDV	PROFIT		LOSS	
					Cost	Date	Cost	Date	Value	T	Rate			Depre	Up to + Above	Total -	Priv
<b>Leasehold Improvements @ Cost</b>																	
Lights Installation	493	0.00		3/67		3/67	D	2.50	9			3/68					
GMC Ray Butler	342	0.00		2/57		2/57	D	2.50	6			2/61					
Rover Caravan	815	0.00					P	10.00									
Reasymix	540	0.00					P	10.00									
Bulls North - Paths	546	0.00					P	10.00									
	2736		624						15			609					
								Deduct/Private Pardon									
								Net Depreciation	15								

**Port Hedland Rovers Football Club Inc.  
Depreciation Schedule for the year ended 31 October, 2010**

	Total	Piv	CWDV	DISPOSAL		ADDITION		Value T	DEPRECIATION		Piv	CWDV	PROFIT		LOSS	
				Date	Condd	Date	Cost		Rate	Deprse			Upo +	Above	Total -	Piv
<b>Lenshold Improvements @ Committee Valuation</b>																
Lenshold Improve	74,165.00	3,110.97	74,165	0.00	54,734	0	2.50	1,268	53,866							
Club House	5,000.00	3,110.97	5,000	0.00	1,412	0	10.00	141	1,271							
LightPole			78,165		56,146			1,509	54,837							
					56,146			1,509								
					Deduct Private Purdon											
					Net Depreciation											1,509

ATTACHMENT 4 TO ITEM 11.3.1

COLIN MATHESON OVAL  
2012 BUDGET

	This Month			Year to Date			Forecast		
	Budget	Actual	Variance %	Budget	Actual	Variance %	Budget	Actual	Variance %
<b>Income</b>									
Venue hire							84,900	0	84,900 100%
Equipment hire							4,800	0	4,800 100%
Cleaning fee							6,720	0	6,720 100%
Bar							52,500	0	52,500 100%
Kitchen							22,050	0	22,050 100%
<b>Total Income</b>							<b>170,970</b>	<b>0</b>	<b>170,970 100%</b>
<b>Expenses</b>									
Administration costs							500	0	500 100%
Annual lease fee							1	0	1 100%
Bar consumables							21,000	0	21,000 100%
Cleaning							6,720	0	6,720 100%
Electricity							15,000	0	15,000 100%
Furniture & equipment							1	0	1 100%
Insurances							2,000	0	2,000 100%
Kitchen consumables							12,600	0	12,600 100%
Liquor licence							3,000	0	3,000 100%
Maintenance							2,000	0	2,000 100%
Miscellaneous							500	0	500 100%
Security							5,000	0	5,000 100%
Structural maintenance							1	0	1 100%
Wages (Booking Officer)							30,000	0	30,000 100%
Wages (Bar Manager)							70,000	0	70,000 100%
<b>Total Expenses</b>							<b>168,323</b>	<b>0</b>	<b>168,323 100%</b>
<b>Profit / (Loss)</b>							<b>2,647</b>	<b>0</b>	<b>2,647</b>

Basis of Calculations	(all calculations basis 48 weeks of operation per annum)
Venue Hire	<p>Estimate 480 hours per year of daytime usage for meetings/seminars etc...            480 hours x \$50 per hour = \$24,000</p> <p>Estimate 1.5 x week night Community function per week.            72 nights x \$350 per night = \$25,200</p> <p>Estimate 84 x Friday or Saturday night functions per annum with 50% of these being Community fee and 50% being Commercial.            42 x \$350 per night = \$14,700            42 x \$500 per night = \$21,000</p>
Equipment Hire	Basis 48 functions x \$100 per function = \$4,800
Bar	Basis 150% profit per unit.
Kitchen	Basis 75% profit.
Cleaning	<p>Basis 1 hour cleaning for each function. (recoup in addition to venue hire)</p> <p>84 x \$80 = \$6,720</p>
Electricity	}
Security	} Estimates
Maintenance	}
Wages	<p>Require Booking Officer immediately. (25 hours per week x 48 weeks x \$25 per hour)</p> <p>Require Bar Manager coverage from February 2012 for all evening functions.</p>

*11.3.2 Community Engagement Strategy – Outcomes of Public Advertising, Feedback and Comment Period (File No.: 03/01/0017)*

Officer Gordon MacMile  
Director Community  
Development

Date of Report 7 November 2011

Disclosure of Interest by Officer Nil

Summary

Town of Port Hedland aims to inform, involve and effectively engage with the local community in the preparation of strategies, plans and policies, and the implementation of projects and activities.

The preparation of a Community Engagement Strategy demonstrates a clear commitment of Council to actively engage the local community through best practice consultation methods.

Council previously (OCM September 2011) endorsed the draft Community Engagement Strategy, subject to advertising the information for feedback and community input.

Council is requested to note the outcomes of the community feedback and adopt the final Town of Port Hedland Community Engagement Strategy.

Background

Council considered the (draft) Community Engagement Strategy (OCM 21 September 2011) and resolved to:

- “1. Endorses the Town of Port Hedland’s Community Engagement Strategy*
- 2. Note that internal operating practices will be developed to detail the application of the Community Engagement Strategy within the Town of Port Hedland*
- 3. Publically advertises the Community Engagement Strategy for feedback and community input.”*

The aim of the Community Engagement Strategy is to:

- Provide a consistent approach across Council departments and ensure that all consultation processes and community engagement activities are conducted according to the adopted ‘Principles of Effective Consultation and Community Engagement’

- Strengthen the partnership between Council, government and industry stakeholders, service providers, local organisations and the local community through ongoing engagement
- Facilitate an environment in which Council and the local community can exchange views, ideas and information, therefore resulting in policies, projects and Council activities that are more responsive to local needs, concerns and priorities
- Improve communication and information sharing between Council and the local community
- Improve knowledge and skills of Council staff and improve internal coordination between Council departments
- Be proactive and open to new and innovative ways to consult and maintain ongoing engagement with the whole of the community.

The seven principles of the Town of Port Hedland's Community Engagement Strategy are:

- *Inclusiveness and Diversity* - Council recognises and values the diversity of its local community and the different strengths each group and individual has to offer
- *Openness, Respect and Accountability* – To ensure consultation processes and engagement with the local community are approached in an open and respectful manner with clear lines of accountability
- *Leadership* – Council taking the initiative for engagement, seeking support and partnerships to support and facilitate discussion which represents the wider community interests and encouraging leadership within Council and the local community
- *Purpose* – To provide clear direction and guidance for the local community, key stakeholders and Council itself as to the reason for the consultation being conducted
- *Information Sharing* – Providing clear, easy to understand information in a timely manner and sharing information that is as accurate as possible. Information sharing also relies on the involvement of participants and a commitment to be open to different views
- *Feedback and Evaluation* – Informing participants as to how their opinions and information have contributed to the preparation and decision of Council is vital and understanding the views of participants specific to the consultation process itself is a valuable learning tool
- *Resourcing and Timing* – Staff training requirements and the physical and financial resources involved in conducting consultation must be considered both for the individual project and the overall needs of Council departments.

The draft Community Engagement Strategy is based on the Public Participation Spectrum developed by the International Association for Public Participation (IAP2). The Spectrum identifies the possible methods of consultation relative to the level of impact that the community would have on decision-making. The types of engagement include inform, consult, involve, collaborate and empower.

Council aims to identify genuine opportunities for the opinions, expertise and concerns of the community to play a part in the Town's activities and projects. For this to occur, the Town must ensure that the consultation methods used are appropriate to the stated purpose or goal, that the Town delivers on what it said it would do and that the Town preserves the Council's Principles of Effective Consultation and Community Engagement.

Level 1 - Inform

Give information to the local community

Level 2 - Consult

Seek feedback from the local community

Level 3 - Involve

Work directly with the local community

Level 4 - Collaborate

Create partnerships with the local community to produce recommendations and solutions

Level 5 - Empower

Place the final decision making in the hands of the local community.

Consultation

A range of information and consultation methods were utilised to obtain feedback and input from the community in relation to the (draft) Community Engagement Strategy.

A summary of the methods used to promote the feedback period are detailed as follows:

- Advert on the ToPH website
- Public Notice in the North West Telegraph - Published in editions on Wednesday, 5 October and Wednesday, 12 October 2011
- Media Release – Release published on 5 October 2011
- Email-shot to community networks - Sent to 276 contacts (community groups, sporting groups, local businesses, schools, and active members of community). Sent on 3 October and 21 October 2011
- Copies of Strategy available at public locations - Copies of the Strategy were distributed to the Civic Centre and the Libraries for collection by the public

- Community workshop held on 26 October 2011.

#### Statutory Implications

All local governments are currently required to produce a plan for the future under S5.56[1] of the *Local Government Act* 1995 (the Act). It is intended that regulations will be made under S5.56[2] of the Act to briefly outline the minimum requirements to achieve this.

The Integrated Strategic Planning and Reporting Framework provides the basis for improving strategic planning in local government. It addresses the minimum requirements to meet with the Act and outlines processes and activities to achieve an integrated strategic plan at the individual local government level.

The intention for the Strategy is in addition to any advertising / consultation activities of Council that are governed by statutory / legislative requirements, in particular Planning and Building functions.

#### Policy Implications

Nil

#### Strategic Planning Implications

Key Result Area 6: Governance

Goal 2: Marketing and Communication  
Continue to inform and consult with the community regarding local events, issues and decisions through a variety of communication mechanisms.

#### Budget Implications

There are no direct costs associated with the Community Engagement Strategy. Implementation of the Strategy will require resources which will need to be considered from a budgetary perspective.

#### Officer's Comment

The community feedback received suggested that consultation considers the geographical location and circumstances of the whole community. It is imperative that the all community members, regardless of where they reside, are able to participate in all relevant consultations.

Feedback and input from attendees at the workshop included:



- Council needed to clearly articulate the context of the consultation and to ensure that the community understood the links between the specific consultation and other key strategic initiatives in the Town. For example between the Growth Plan and Active Open Space Strategy (actual example cited).
- Council needs to ensure that feedback loops are closed. Ensure that the people consulted are informed of the results of the feedback and how the information gathered influenced the final decision(s).

**Attachments**

Nil

201112/210 Officer's Recommendation/Council Decision

Moved: Cr S R Martin

Seconded: Cr J E Hunt

That Council:

1. Notes the outcomes of the public advertising of the (draft) Community Engagement Strategy
2. Endorses the final Town of Port Hedland Community Engagement Strategy.

*CARRIED 5/0*

*11.3.3 Review of Library Service Procedures (File No.: 03/04/0003)*

Officer Sharon Groch  
Coordinator  
Library Services

Date of Report 27 October 2011

Disclosure of Interest by Officer Nil

Summary

The procedures for the Town of Port Hedland Library Service have been updated to reflect best practice, community expectations and new directions as a result of the adoption of the Library Services Plan 2010-2015.

Council is requested to note the updated Library Procedures in relation to membership, operations, collection development, public use of personal computers and fees and charges.

Council is requested to endorse the adoption of a Temporary Resident / Travellers deposit of \$35.00 to allow temporary membership of the Town of Port Hedland Library Service and give public notice of this fee in accordance with s6.19 of the LG Act 1995.

Background

The Council meeting held on 13 October 2010, resolved:

*"That Council:*

1. *revoke the following Polices within the Town of Port Hedland Policy Manual 2009/10:*
  - a. *Policy 5/002 – Library Membership*
  - b. *Policy 5/003- Library Loans, and*
  - c. *Policy 5/004 Public Use of Personal Computers; and*
2. *request the Chief Executive Officer to utilise the strategic and operational objectives and outcomes of the endorsed Town of Port Hedland Library Strategic Plan 2010-2015 as the library policy guidelines during the trial periods.*
3. *request the Chief Executive Officer to develop new Library practices and procedures for Council's consideration as required following the completion of the trial periods as defined in the timeframes of the TOPH Library Services Plan 2010-2015."*

### Consultation

In developing the Library Services Plan, extensive consultation was undertaken with key community and operational stakeholders. The updated Library Procedures are a reflection of the strategies and actions of the Strategic Plan.

- Manager Community Development
- Director Community Development

### Statutory Implications

Section 6.19 of the Local Government Act 1995 states:

*“6.19. Local government to give notice of fees and charges  
If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of—  
(a) its intention to do so; and  
(b) the date from which it is proposed the fees or charges will be imposed.”*

Library practice and procedures must comply with the Library Board of Western Australia Act 1951-1983.

Provision of public access to personal computers also requires that the users comply with the WA Classification (Publications, Films and Computer Games) Enforcement Act 1996.

### Policy Implications

This report recommends revocation of Policy 5/001 – Variations to Hours of Opening as this is operationally based and has been incorporated into the objectives developed for Library Procedures – Operations.

The following procedures have been developed to reflect current practice:

- Membership
- Operations
- Collection Development
- Public use of Personal Computers
- Fees and Charges

Please see Attachments 1 and 2.

### Strategic Planning Implications

Key Result Area 3: Community Development  
Goal 3: Arts and Culture  
Immediate Priority: Implement recommendations of Library Services Plan

### Budget Implications

Fees and Charges in relation to the Library Service were adopted for the 2011 / 2012 financial year. There will minimal impact on fees and charges as a result of these recommendations.

### Officer's Comment

The adoption of the Library Services Strategic Plan 2010-2015 as a framework for the operational procedures has enabled Council to implement change that reflect the needs of the community as determined by the consultation undertaken.

The increase in the loan limit and the removal of the fee for internet access on the public computers has been well received by the library clients and has resulted in steady increase in use of both areas.

The updated Library Procedures will allow the Library Service to be responsive to the strategies and actions as outlined in the Strategic Plan. The proposed procedures will also allow for continued development of future service opportunities, to continue and enhance the provision of quality service to the community and be responsive to changes in digital and wi-fi technology.

Adoption of a deposit fee for temporary residents / travellers will enable them to become members of the Town of Port Hedland Library Service and is compliant with the Library Board of Western Australia Act 1951-1983. This has no budgetary implications as the deposit is returned at the close of temporary memberships.

Referring to the Acts under which the Public Library operates, provides the framework for the provision of service and allows the library service to implement any changes under these Acts.

### **Attachments**

1. Library Procedures 2011
2. Conditions of Use (Library Service)

201112/211 Officer's Recommendation1/Council Decision

Moved: Cr D W Hooper

Seconded: Cr J E Hunt

That Council:

1. rescind Policy 5/0001 "Variations to Hours of Opening" within the Town of Port Hedland Policy Manual 2009/10; and
2. note the Library Procedures, as at Attachments 1 and 2.

*CARRIED 5/0*

201112/212 Officer's Recommendation2/Council Decision

Moved: Cr G J Daccache

Seconded: Cr S R Martin

That Council:

1. endorse the adoption of a deposit fee of \$35.00 for Temporary Residents/Travellers under Section 6.19 of the Local Government Act 1995; and
2. approves to give public notice of the introduction of the new fee as prescribed by s6.19 of the *Local Government Act 1995*.

*CARRIED BY ABSOLUTE MAJORITY 5/0*

*ATTACHMENT 1 TO ITEM 11.3.3***LIBRARY PROCEDURES****MEMBERSHIP**

- Any person may apply for membership of the Town of Port Hedland Libraries under the provisions of the WA Library Board (Registered Public Libraries) Regulations 1985.
- Any non resident may apply for temporary membership upon producing a valid library card from another Western Australian Library under the provisions of the WA Library Board (Registered Public Libraries) Regulations 1985.
- Temporary residents/travellers who cannot provide satisfactory evidence of residence will be permitted to enrol on the payment of a deposit, which is to be reviewed and endorsed annually by Council. Membership ceases and the deposit is refunded when all items have been returned, no fees are outstanding or permanent residency is established.
- Persons applying for membership agree to accept the "Conditions of Use" of the library.

**OPERATIONS**

- Operational objectives including the following will facilitate the actions of the Town of Port Hedland Library Services Strategic Plan to reflect best practice and community expectations and comply with the Library Board (Registered Public Libraries) Regulations 1985.
  - membership criteria;
  - loan limitations;
  - loan periods;
  - reservations;
  - renewals;
  - hours of opening;
  - variations to hours of opening;
  - computer use
- "Conditions of Use" guidelines will be developed and reviewed to be responsive to the actions and strategies of the Library Services Strategic Plan. These guidelines will form part of the membership application.
- Any variation to the operational objectives of the libraries will be at the discretion of the Director Community Development in consultation with the Coordinator of Library Services and Manager of Community Development. The Director shall take into account the effect on user groups and the general public prior to approving any variation. Appropriate advertising both in-house and through the media will be undertaken to inform library clients.
- Implementation of change shall be the responsibility of the Coordinator Library and Information Services.

**COLLECTION DEVELOPMENT**

- Library stock collections will be in accordance with the Collections Development Policy which will be periodically reviewed to maintain relevancy and to meet community expectations.
- Surplus donated or weeded books, periodicals or AV items will be sold directly to the public at a realistic price given the age and condition of the item. The price will determined by the Coordinator Library Services.



**PUBLIC USE OF PERSONAL COMPUTERS**

- Will be in accordance with the "Conditions of Use", which can be updated at the discretion of the Director Community Development in consultation with the Coordinator Library Services and Manager Community Development. The "Conditions of Use" will facilitate the actions of the Town of Port Hedland Library Services Strategic Plan, to reflect best practice and community expectations.

**FEES AND CHARGES**

- Fees and charges will be levied in accordance with the annual fee structure endorsed by Council. The fees and charges schedule will be displayed in the library.



## ATTACHMENT 2 TO ITEM 11.3.3

**Town of Port Hedland Library Service - Conditions of Use****General Terms and Conditions****Loans**

Current loan period 3 weeks.

Items can be renewed twice after the initial borrowing period, either in person, by phone or electronically. Items must then be returned to the library for a minimum period of 1 week before being re-borrowed or reserved. Items will not be renewed if reserved for another member or public library.

*Loan limits are:*

- 10 items per adult membership including a maximum of four (4) DVD or Music CD's;
- 10 items per young adult including a maximum of (2) DVD or music CD's;
- 6 items per junior membership – excludes DVD's or Music CD's.
- Reference items, Pilbara Collection and Local History items are not available for loan, but can be viewed in the Library

**Membership***Borrowers are required to:*

- Present your library card to borrow items from the libraries;
- Take responsibility for all items borrowed on your card;
- Report a lost or stolen card immediately so that you are not charged for any items that may be borrowed on an unauthorised card;
- Return all loaned items on or before the due date;
- Pay all charges imposed for late return, damage or loss of library items or membership card. Fees are reviewed annually and endorsed by Council;
- Inform the library of any change in contact details i.e. telephone, email or postal address.

*As a parent or guardian of a borrower you are required to:*

- be present when your child/children apply for membership to sign the application.
- take responsibility for all items borrowed on your child/children's cards;
- be in attendance with children under the age of 10 at all times.
- to provide supervision for children under the age of 10 years for them to access the internet from the libraries computers.

**Online Services**

- Free Access is available for public computers for members and non-members
- Bookings are made at the circulation desk
- Computers can be accessed from opening up to 15 minutes prior to the closure of the libraries.
- Users of the Internet must abide by the WA Classification (Publications, Films and Computer Games) Enforcement Act 1996. Users who disregard this will be prohibited from using the service. A copy is available for viewing at the Circulation Desk.
- Users must not modify the installed hardware or software on any computers within the libraries.
- A limit of 2 persons at any one time at one public computer is permitted.





*11.3.4 Marie Marland Reserve – Petition Regarding Future Sporting Growth (File No.: 26/08/0007)*

Officer	Graeme Hall Manager Recreation Services and Facilities
	Jasmine Person Manager Investment and Business Development
Date of Report	30 September 2011
Disclosure of Interest by Officer	Nil

Summary

The Council Meeting of 21 September 2011 received a 217 signature petition regarding the proposal to develop temporary Transient Worker Accommodation on lot 5530 Hamilton Road South Hedland (Marie Marland Reserve). The meeting requested that the matter be investigated and a report presented back to the Council.

This report provides the specific recommendations regarding the TWA Expression of Interest process and the Active Open Space Strategy. Both of these documents are relevant to the petition presented.

Background

In November 2010, the Town of Port Hedland engaged CCS Strategic to complete an Active Open Space Strategy in order to ensure that the Town is able to make the necessary transformation to a city of more than 40,000 people.

The Active Open Space Strategy provides the Town with a detailed planning tool that assists in delivering a vision for the provision of open space as increased demand is experienced.

The specific details of the plan are:

- Details the required size and location of active open space (recreational) for a predicted population of 50,000 residents
- A plan for the development of recreational facilities within that active open space
- Addresses accommodation and servicing issues affecting sport and recreation groups in Hedland that have arisen since the adoption of the Recreational Facilities Audit in 2006.

On Saturday 9 July 2011, the Town of Port Hedland advertised in the West Australian newspaper an Expressions of Interest for 'Temporary Transient Workers Accommodation' on part of Recreation Reserve 31895, Lot 5530 on Plan 215840 named the Marie Marland Reserve. A portion of this reserve is currently utilized as a sporting ground in South Hedland on which baseball, softball and rugby league are played.

The expression of interest process limited the life of the agreement to five years in accordance with the Council's Future Open Space Strategy.

A petition was presented to Council on 21 September 2011 which reads as follows.

*"We the undersigned, are concerned citizens who urge our leaders to act now and immediately retract the decision to vest the portion of land of Reserve 31895 located at Lot 5530 Hamilton Road South Hedland as "Transient Workforce Accommodation" and act immediately to consult with the recreation users and the wider community on the future use of this land".*

#### Consultation

A detailed program of consultation occurred with all of the sporting and user groups as part of the Active Open Space Strategy.

Further consultation will be undertaken as part of the assessment of the Expressions of Interest.

#### Statutory Implications

Nil at this stage.

#### Policy Implications

Nil at this stage.

#### Strategic Planning Implications

##### Key Result Area 3: Community Development

Whilst not identified as a Goal, a community contribution will globally assist in the implementation and support of Community Development for the Town.

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

Key Result Area 4:	Economic Development
Goal 3:	Business Development
Immediate Priority 4:	Investigate new business streams for the Town

#### Budget Implications

A valuation has not yet been conducted on the portion of land that was the subject of the Expression of Interest. It is noted that the road reserve adjacent to this site was recently valued at \$12.50/sqm and it is anticipated that a valuation will be less, given that the use will be temporary.

#### Officer's Comment

#### *Active Open Space Strategy*

The draft strategy document will be considered by Council in late 2011 - early 2012. Within the draft strategy is a concept plan for the future expansion of the facilities on Marie Marland Reserve.

Recommendations / actions contained in the Active Open Space Strategy relevant to the Marie Marland Reserve are:

#### Stage 1 – Year to Develop – 2012

- Comprehensively refurbish the unlit grassed area located between the main baseball diamond and the Finucane Island Club to provide a level high quality grassed playing field for rugby
- Install three light towers around the newly refurbished field and attach additional lamps onto the eastern most pole of the baseball lighting installation focused on the new rugby field. The aim is to achieve a minimum of 50 Lux for training purposes and ideally 100 Lux for competition.

#### Stage 2 – Year to Develop – 2015

- Extend the grassed surface at the northern edge of the reserve by approximately 75m including subsurface drainage
- Comprehensively refurbish the remains of the reserve (softball fields) located north of the baseball diamond working around the existing change room block to ensure amenities are retained for the reserve
- Construct a new car park area to the north of the extended grass area
- Install landscaping and shade trees around the northern boundary of the reserve

#### Stage 3 – Year to Develop – 2017

- Construct a new clubhouse and change room block to service the reserve

- Establish new back nets, home-run fences, coaches boxes, batters boxes and dugouts for baseball (northwest diamond) and softball northeast diamond) as permanent facilities, complete with dirt paths between the bases
- Install sports field lighting for the new diamonds to 250 Lux across the infield and 150 Lux across the outfield.

#### Stage 4 – Year to Develop 2017/18

- Demolish the retained change room block sitting in the outfield of the principal softball diamond and repair the outfield turf
- Transition baseball from the southern part of the reserve to the new diamond
- Remove the redundant lighting towers in the southern section of the reserve
- Refocus the remaining lighting in the southern section of the reserve to achieve the best all purpose training coverage
- Refurbish the grassed playing surface in the southern portion of the reserve
- Install landscaping and shade trees around the eastern and southern perimeter of the reserve and provide for nose-in parking off the perimeter road.

#### Stage 5 – Year to Develop – 2024

- Do not renew Finucane Island Club lease at the expiry of the current term
- Demolish the existing facility and prepare the area as a rugby playing field
- Install one additional light pole to achieve 100 Lux lighting across the playing field
- Construct a new change room and clubroom complex to serve the new field.

#### *Expression of Interest: Temporary Transient Workers Accommodation*

To determine whether the temporary transient workers accommodation camp had any merit, a number of steps were identified and they are outlined below.

#### First Step

The first step was to review the future 'Active Open Strategy' and determine 'Community' needs and expectations, that is, when and where future growth and demand would be required. As this study itself was conducted in consultation with the community groups, it was utilised as being the best available information to rely upon for future demand.

Page 7 of the Expression of Interest document states:

*“The Principal seeks Expressions of Interest for the development of a temporary Transient Workers Accommodation (TWA). The whole of life timeline of the development will be restricted to 5 years, in order to accommodate Council’s “Future Open Space Strategy”.*

Page 8 of the Expression of Interest document states:

*“Given the location of the site as identified in the Principals draft “Open Space Strategy”, the Principal would like to retain the underground infrastructure, car parking and a permanent mess hall facility that could be converted (within minimal expense) into a club house, after the expiration of the lease.*

*The draft “Open Space Strategy” currently identifies a car park in the site the subject of this expression of interest. The proposed permanent structures, ie mess hall and car park must not encroached on the identified softball pitches, consequently they will need to be located on the northern side of the site.”*

## Second Step

The second step was to determine feasibility of the concept from a ‘Commercial’ aspect. With the development being limited to five years, it may not have been commercially feasible for an organization to spend millions of dollars on a 5 year development and also leave a legacy benefit to the Town at the expiration of the lease.

Page 15 of the Expression of Interest contains the weighted criteria and 50% of the weighting is allocated to a demonstrated understanding of the development which includes:

*“(a) Development Plan including “whole life time line” of 5 years.....*

*(i) A description of room allocations in the following categories; Key Worker, Mining Industry, Small Business, Tourist, Essential Services and Town of Port Hedland key personnel.....*

*(k) Community benefits:*

*Part A: Must detail benefits to the community beyond the development itself. This may include such things as public use of facilities, support for local business, monetary donation to community projects, reduced room rates for particular identified community groups.*

*Part B: Address the ability to convert a mess area into a clubhouse, to be handed to the Principal, for the benefit of community use, upon expiry of the lease; and*

*(l) Rehabilitation of site on expiry of the 5 year lease detailing what will be left for the Principal and the approximate "dollar value" of that infrastructure and mess area."*

The Town received ten submissions from organizations across the country, clearly acknowledging that the five year life time of the development is commercially feasible.

#### Third Step

The third step in the process was to form an assessment panel to assess the submissions and score them against the weighted criteria as contained in the Expression of Interest document.

As assessment panel has been comprised of the Manager of Investment and Business Development, Senior Planner and Manager of Recreation Services and Facilities ensuring that a number of disciplines are duly covered during the assessment process.

During this assessment phase, community and sporting groups will again become involved in the process. The Manager of Recreation Services and Facilities will liaise and consult with these groups to obtain feedback on the needs and requirements of the groups into the future.

Following this consultation, the assessment panel will convene and the assessment will be completed.

#### Fourth Step

An application has also been forwarded to State Lands Services seeking their consent to allow for a change in the vesting order for this portion of land from a use of 'recreation' to 'temporary transient workers accommodation' for a period not exceeding six years. The Expression of Interest document stated:

*"NOTE: THE DEVELOPMENT IS SUBJECT TO CONSENT FROM THE MINISTER OF REGIONAL LANDS AND DEVELOPMENT APPROVING THE CHANGE IN VESTING TO INCLUDE TRANSIENT WORKERS ACCOMMODATION AND THE POWER TO SUB-LEASE THE LAND. THAT APPLICATION IS CURRENTLY ON FOOT".*

Once the consultation is complete, a report will be forwarded to State Land Services with comment on the recommended outcome. Should State Land Services consent to the change, the fifth and final step will be undertaken.

### Final Step

A report will be prepared for Council's consideration providing details on the submissions, comment from community groups and a recommendation to either proceed or not proceed with the second step in the procurement process.

Page 4 of the Expression of Interest document clearly states:

*“The EOI is the first stage of a two-stage process. Following the close of the EOI the Principal may proceed to the calling of a restricted Request for Tender (RFT), Request for Proposal (RFP) or commence direct negotiations in the Principals sole discretion. The issuing of an EOI does not commit the Principal to proceeding with an RFT.”*

Should Council decide to continue with the procurement, the feedback and recommendations from the community groups will be contained within the Tender/Proposal document to ensure a long term and sustainable outcome for all stakeholders.

### *Conclusion*

From the perspective of the user groups and the Town, it is acknowledged that the timeframe for the temporary Transient Workers Accommodation being 2012 to 2017 approximately and the development of stage two (extension of the grassed surface at the northern edge of the reserve) of the project in 2015 do not align for that particular portion of the reserve. However there is additional land in the western section of the reserve which can be utilised with a change to the design concept, if necessary.

From an initial overview of the submissions, some of the organizations are submitting legacy benefits beyond expectations, with some proposing housing to the community within the five year lease period. Any decision made regarding the timeframe for the long term development of the reserve needs to be weighted against the legacy benefits for the community which would otherwise be financially difficult to fund without that assistance from a developer.

The opportunity to enter into a commercial arrangement with the developers of the temporary Transient Workers Accommodation will provide Council with an opportunity to seek development contributions. Funding for projects at Marie Marland Reserve could be helped considerably as a result of assistance from external developers.

### **Attachments**

1. Marie Marland Reserve – Proposed Ground Layouts as per Active Open Space Strategy
2. Marie Marland Reserve – Ground Usage Options

3. Expression of Interest 11/03

**Officer's Recommendation**

That Council:

1. Notes the information provided in the report.
2. Thanks all of the signatories to the petition for their interest in the projects being undertaken in the Town.
3. Considers the petition as part of all future deliberations regarding the Temporary Transient Worker Accommodation Expression of Interest process.
4. Invites all interested parties to participate in further consultation during this next step in the assessment of the feasibility of a temporary transient workers accommodation camp.

201112/213 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache                      Seconded: Cr J E Hunt

That Council:

1. Notes the information provided in the report.
2. Thanks all of the signatories to the petition for their interest in the projects being undertaken in the Town.
3. Considers the petition as part of all future deliberations regarding the Temporary Transient Worker Accommodation Expression of Interest process.
4. Invites all interested parties to participate in further consultation during this next step in the assessment of the feasibility of a temporary transient workers accommodation camp.
5. Holds a workshop first to review the Expression of Interests received.

*CARRIED 5/0*



ATTACHMENT 1 TO ITEM 11.3.4

Attachment 1

Marie Marland Reserve – Proposed Ground Layouts as per Active Open Space Strategy.

Marie Marland – Existing Ground Layout



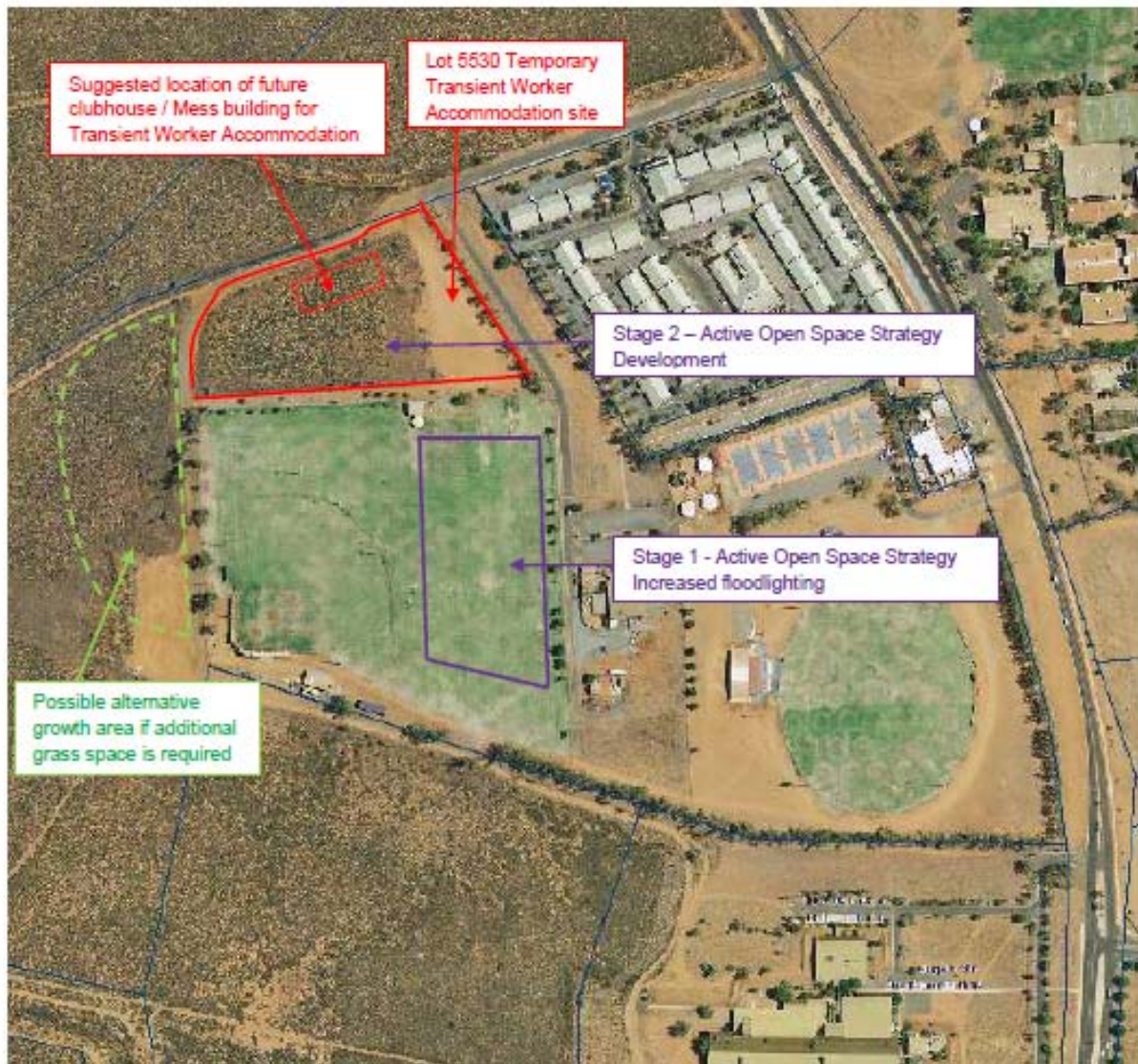
Marie Marland – Stage 2 Proposed Layout circa 2015



ATTACHMENT 2 TO ITEM 11.3.3

Attachment 2

Marie Marland Reserve- Ground Usage Options



ATTACHMENT 3 TO ITEM 11.3.3



**Expressions of Interest**  
Temporary Transient Workers Accommodation



**South Hedland Recreation Reserve**  
**Part: 31895**

**EOI Number**  
11/03

**Deadline**  
Monday 22 August 2011, 4.00pm

**Address for Delivery**  
Civic Centre  
McGregor Street  
Port Hedland WA 6721

or  
PO Box 41  
Port Hedland WA 6721

*Email or facsimile copies will **not** be accepted*

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## 1 PRINCIPAL'S REQUEST

### 1.1 DEFINITIONS

Below is a summary of some of the important defined terms used in this Expression of Interest.

<b>Attachments:</b>	The documents you attach as part of your Submission;
<b>Deadline:</b>	The deadline for lodgement of your Submission;
<b>Expression of Interest:</b>	This document;
<b>General Conditions of Contract:</b>	The General Conditions of Contract nominated in Part 1;
<b>Principal:</b>	The Town of Port Hedland;
<b>Respondent:</b>	A person who has or intends to submit a Submission in response to an Expression of Interest.
<b>Requirements:</b>	The design, construct, finance and operation of temporary transient workers accommodation on part recreation reserve 31895 as requested by the Principal;
<b>Submission:</b>	Completed Response Form, response to the Selection Criteria and Attachments;
<b>Selection Criteria:</b>	The criteria used by the Principal in evaluating your Submission;
<b>Special Conditions:</b>	The additional contractual terms (if any);
<b>Specification:</b>	The statement of Requirements the Principal's Expression of Interest may request you to provide if selected as an acceptable Tenderer through this Expression of Interest.

### 1.2 HOW TO PREPARE YOUR SUBMISSION

- (a) Carefully read all parts of this document.
- (b) Ensure you understand the Requirements (Part 2).
- (c) Complete the Response Form (Part 3) and your response to Selection Criteria (Part 4) and attach your Attachments.
- (d) Make sure you have signed the Response Form and responded to all of the Selection Criteria.
- (e) Lodge your Submission before the Deadline.

### 1.3 CONTACT PERSONS

Respondents should not rely on any information provided by any person(s) other than those listed below:

Name:	Jasmine Person
Telephone:	(08) 9158 9394
Email:	mibd@porthedland.wa.gov.au

## 1.4 EVALUATION PROCESS

This is an Expression of Interest (EOI).

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

Eligibility to participate in the RFT or RFP will be restricted to providers who comply with the provisions of this EOI and who are accepted by the CEO of the Principal to be placed on a pre qualified shortlist.

The submission of an EOI does not commit the Principal to include any organisation on the shortlist in the event that the project proceeds.

Your Submission will be evaluated using information provided in your EOI and on your response to the Selection Criteria.

The following evaluation methodology will be used in respect of this Expression of Interest:

- (a) submissions are checked for completeness and compliance. Submissions that do not contain all information requested (eg completed Submission Form and Attachments) may be excluded from evaluation;
- (b) submissions are assessed against the Selection Criteria;
- (c) the most suitable Respondents may be short-listed and may also be required to clarify the Submission, make a presentation, demonstrate the product/solution offered and/or open premises for inspection. Referees may also be contacted prior to the selection of the successful Respondent.

## 1.5 SELECTION CRITERIA

A scoring system will be used as part of the assessment of the qualitative criteria set out in Part 4.3.2. Unless otherwise stated, a response to one of these criteria which provides all the information requested in the Expression of Interest will be assessed as satisfactory and will, in the first instance, attract an average score. The extent to which the Submission demonstrates greater or lesser satisfaction of each of these criteria will result in a score greater or less than the average. The aggregate score of each Submission will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value.

### 1.5.1 COMPLIANCE CRITERIA

These criteria are detailed within Part 4.3.1 of this document and will not be point scored. Each Submission will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of "No" against any criterion may eliminate the Submission from consideration.

### 1.5.2 QUALITATIVE CRITERIA

In determining the most advantageous Submission, the Evaluation Panel will score each Respondent against the qualitative criteria as detailed within Part 4.3.2 of this document. Each criterion will be weighted to indicate the relative degree of importance that the Principal places on the submission.

NOTE: It is essential that Respondents address each qualitative criterion.

Information that you provide addressing each qualitative criterion will be point scored by the Evaluation Panel.

Failure to provide the specified information may result in elimination from the evaluation process or a low score.

## **2 CONDITIONS OF RESPONDING**

### **2.1 LODGEMENT OF SUBMISSIONS AND DELIVERY METHOD**

The Submission must be lodged by the Deadline. The Deadline for this Expression of Interest is 4.00pm, Monday 22 August 2011.

The Submission is to be:

- (a) placed in a sealed envelope clearly endorsed with the EOI number and title as shown on the front cover of this Expression of Interest; and
- (b) delivered by hand and placed in the Tender Box at Town of Port Hedland, Civic Centre, McGregor Street, Port Hedland (by the Respondent or the Respondent's private agent) or sent through the mail to the Chief Executive Officer, Town of Port Hedland, PO Box 41, Port Hedland 6721.

Electronic mail Submissions and Submissions submitted by facsimile will not be accepted.

Respondents must ensure that they have provided two signed copies of their Submission (one to be marked "ORIGINAL" and bound, the other(s) to be marked "COPY". Any brochures or pamphlets must be attached to both the original and the copies.

All copies must be bound, and the original must be unbound and clipped (not stapled). All pages must be numbered consecutively and the Submission must include an index.

### **2.2 REJECTION OF SUBMISSIONS**

A Submission will be rejected without consideration of its merits in the event that:

- (a) it is not submitted before the Deadline; or
- (b) it is not submitted at the place specified in the Expression of Interest; or
- (c) it may be rejected if it fails to comply with any other requirements of the Expressions of Interest.

### **2.3 LATE SUBMISSIONS**

Submissions received:

- (a) after the Deadline; or
- (b) in a place other than that stipulated in this Expression of Interest;

will not be accepted for evaluation.

### **2.4 ACCEPTANCE OF SUBMISSIONS**

Submissions must be for all of the Requirements and may be accepted by the Principal either wholly or in part. The Principal is not bound to accept and may reject any or all Submissions submitted. The acceptance of a Submission does not oblige the Principal to proceed to issuing a public tender.

### **2.5 DISCLOSURE OF CONTRACT INFORMATION AND DOCUMENTS**

Documents and other information relevant to the contract may be disclosed when required by law under the *Freedom of Information Act 1992* or under a Court order.

### **2.6 SUBMISSION VALIDITY PERIOD**

All Submissions will remain valid and open for acceptance for a minimum period of ninety (90) days from the Deadline or forty-five (45) days from the Council's resolution for determining the Submission, whichever is the later unless extended on mutual agreement between the Principal and the Respondent in writing.

## 2.7 RESPONDENTS TO INFORM THEMSELVES

Respondents shall be deemed to have:

- (a) examined the Expression of Interest and any other information available in writing to Respondents for the purpose of submitting an EOI;
- (b) examined all further information relevant to the risks; contingencies, and other circumstances having an effect on their Submission which is obtainable by the making of reasonable enquiries;
- (c) satisfied themselves as to the correctness and sufficiency of their Submissions;
- (d) acknowledged that the Principal may enter into negotiations with a chosen Respondent and that negotiations are to be carried out in good faith; and
- (e) satisfied themselves they have a full set of the Expression of Interest documents and all relevant attachments.

## 2.8 ALTERATIONS

The Respondent shall not alter or add to the Expression of Interest documents unless required by these General Conditions of Responding.

The Principal will issue an addendum to all registered Respondents where matters of significance make it necessary to amend the issued Expression of Interest documents before the Deadline.

## 2.9 OWNERSHIP OF SUBMISSIONS

All documents, materials, articles and information submitted by the Respondent as part of or in support of a Submission shall become upon submission the absolute property of the Principal and will not be returned to the Respondent at the conclusion of the Submission process PROVIDED that the Respondent shall be entitled to retain copyright and other intellectual property rights therein, unless otherwise provided by the Contract.

## 2.10 CANVASSING OF OFFICIALS

If a Respondent, whether personally or by an agent, canvasses any of the Principal's Commissioners or Councillors (as the case may be) or Officers with a view to influencing the acceptance of any Respondent, then regardless of such canvassing having any influence on the acceptance of such Submission, the Principal may at its discretion omit the Respondent from consideration.

## 2.11 IDENTITY OF THE RESPONDENT

The identity of the Respondent is fundamental to the Principal. The Respondent shall be the person, persons, corporation or corporations named as the Respondent in Part 3 and whose execution appears on the Response Form in Part 4 of this Expression of Interest.

## 2.12 SUBMISSION OPENING

Submissions will be opened in the Principal's offices, following the advertised Deadline. All Respondents and members of the public may attend or be represented at the opening of Submissions.

The names of the persons who submitted a Submission by the due Deadline will be read out at the opening. No discussions will be entered into between Respondents and the Principal's officers present or otherwise, concerning the Submissions.

The opening will be held at 4.30pm on Monday 22 August 2011.

## 2.13 IN-HOUSE SUBMISSIONS

The Principal does not intend to submit an in-house Submission.



### 3 SPECIFICATION

#### 3.1 INTRODUCTION

The Principal seeks Expressions of Interest for the development of a temporary Transient Workers Accommodation (TWA). The whole of life timeline of the development will be restricted to 5 years, in order to accommodate Councils 'Future Open Space Strategy'.

The Principal has identified that there is a commercial opportunity to develop a temporary TWA on a portion of Recreation Reserve Part 31895, namely the portion adjoining Club Hamilton and the Softball Oval, located on Hamilton Road, South Hedland.

#### 3.2 BACKGROUND INFORMATION

The Town's greatest current challenges are developing land, housing and infrastructure to keep pace with rapid, and sometimes unpredictable, population and employment growth. Attracting and retaining workers to the Town remains a high priority for the long term. The Principal understands the need for TWA facilities and the role it plays in the short term, in helping facilitate expansion plans.

Data from the Pilbara Industry's Community Council (PICC) 2010 settlement population projections estimate an increase in a combined FIFO/construction workforce for Port Hedland of approximately 5800 persons across 2012/2013, rising from current TWA maximum occupancy number of 3728 as outlined in the table below. PICC's predicted population figure is considered as moderate and indicates that an almost doubling of the existing available beds will be required in order to meet the predicted influx. The Principal notes that while there are a number of projects at various stages of planning suitable for accommodating transient/key service workers, it is unlikely that they will be developed in the immediate future to meet demand.

Over the past couple of months, numerous industry groups have approached the Principal seeking land to develop temporary TWA. A number of concepts have been presented to the Principal which clearly support that a camp of up to 250 rooms is possible on the identified portion of the reserve. On 25 May 2011, Council resolved to advertise for Expressions of Interest for a TWA development with the view of attracting a number of varied submissions.

Recreation Reserve Part 31895, Lot 5530 on Plan 215840, is located, approximately 1.5 kilometres from the South Hedland Town Centre. The reserve is, vested to the Town of Port Hedland currently for the purpose of 'Recreation' and is owned by the Department of Regional Development and Lands.

The identified portion of the reserve the subject of this Expression of Interest is approximately 25,640 square metres in size and is illustrated in red, below.



*NOTE: THE DEVELOPMENT IS SUBJECT TO CONSENT FROM THE MINISTER OF REGIONAL LANDS AND DEVELOPMENT APPROVING THE CHANGE IN VESTING TO INCLUDE TRANSIENT WORKERS ACCOMMODATION AND THE POWER TO SUB-LEASE THE LAND. THAT APPLICATION IS CURRENTLY ON FOOT.*

### 3.3 SCOPE OF WORK

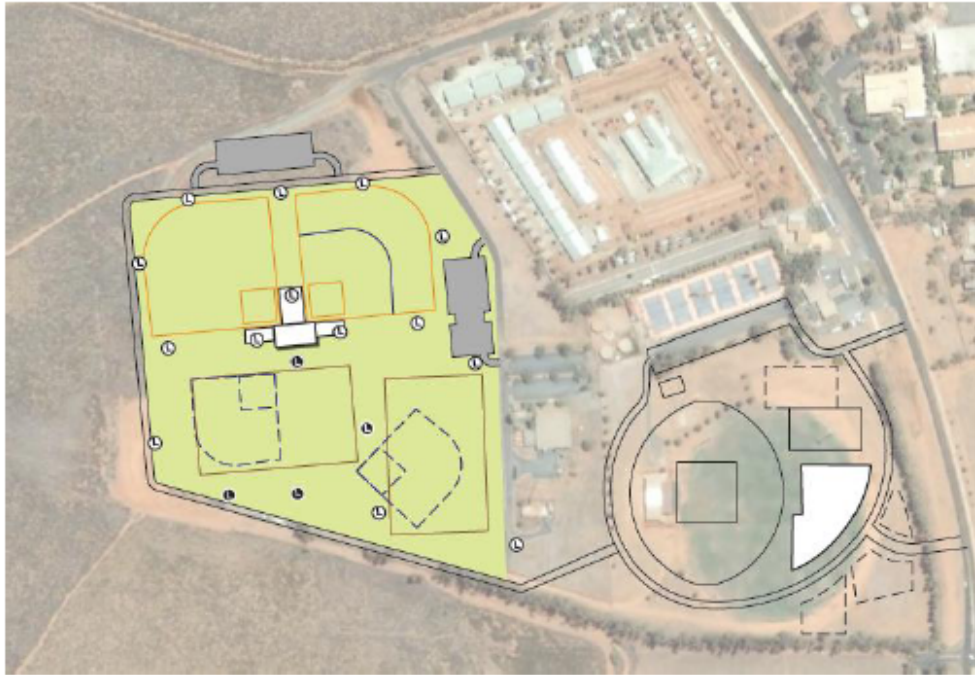
The broad objective of the development is to support regional economic and social development to the Town of Port Hedland.

Additionally the Principal is striving to achieve the following in all town planning developments:

- the integration of all fly-in fly-out workers into the local community;
- permanent appearance for developments facing public reserves, consistent with the surrounding land use; and
- clear and articulated benefits to the community.

The Principal expects that any Respondent should design, construct, finance and operate the development and further deconstruct the development at the expiration of the lease, all at their own expense. No financial assistance will be offered by the Principal.

Given the location of the site as identified in the Principals draft 'Open Space Strategy', the Principal would like to retain the underground infrastructure, car parking and a permanent mess hall facility that could be converted (within minimal expense) into a club house, after the expiration of the lease.

**Draft Open Space Strategy**

The draft 'Open Space Strategy' currently identifies a car park in the site the subject of this expression of interest. The proposed permanent structures, ie mess hall and car park must not encroached on the identified softball pitches, consequently they will need to be located on the northern side of the site.

The onus is on the Respondent (the Principal will assist where possible and appropriate) to investigate all issues associated with servicing, access, flooding, flora and fauna, and other issues that may affect the development of land. The site is currently 'unserviced', consequently the Respondent will need to make enquiries as to utility availability and costs. The Respondent will not assist in financing services to the site.

The potential development will need to address the increase in road traffic to and from the site.

It is recommended that Respondents contact the Planning Department, to obtain further clarification on the Principal's expectations in relation to the 'built form' outcome. Attachment one comprises of the "Guidance Note for Potential Developers August 2008", which should also be referred to in preparation of the submission.

Finally, it is expected that the successful Respondent will enter into a lease agreement with the Principal for occupation of the land during the period.

**PART 4 COMPLETE AND RETURN THIS PART****4 RESPONDENT'S SUBMISSION****4.1 RESPONSE FORM**

The Chief Executive Officer  
 Town of Port Hedland  
 Civic Centre  
 McGregor Street  
 Port Hedland WA 6721

I/We \_\_\_\_\_  
 (BLOCK LETTERS)

of \_\_\_\_\_  
 (ADDRESS)

ABN/GST Status \_\_\_\_\_ ACN (if any) \_\_\_\_\_

Telephone No: \_\_\_\_\_ Facsimile No: \_\_\_\_\_

E-mail (if any): \_\_\_\_\_

**In response to EOI 11/03 – Temporary Transient Workers Accommodation, South Hedland Recreation Reserve Part 31895**

I/We agree that I am/We are bound by, and will comply with this Expression of Interest and its associated schedules, attachments, all in accordance with the Conditions of Responding contained in this Expression of Interest signed and completed. I/We agree that there shall be no cost payable by the Principal towards the preparation or submission of this Submission irrespective of its outcome. The submitted consideration in the price schedule (if any) is indicative only.

Dated this: \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Signature of authorised signatory of Respondent: \_\_\_\_\_

Name of authorised signatory (BLOCK LETTERS): \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Name of witness: (BLOCK LETTERS): \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

**PART 4 COMPLETE AND RETURN THIS PART****4.2 RESPONDENT'S RESPONSE**

The following checklist has been provided to assist you with your Submission. Where it is necessary to provide additional information please ensure that all documents are clearly marked with the relevant attachment title to assist the evaluation panel with their assessment.

(NOTE: All pages within Part 4 are to be completed and returned to the Principal as they form part of your Submission).

**4.2.1 ORGANISATIONAL PROFILE**

Attach a copy of your organisation structure and provide background information on your company and label it "Organisation Structure".	"Organisation Structure"	Tick if attached <input type="checkbox"/>
If companies are involved, attach their current ASC company extracts search including latest annual return and label it "ASC Company Extracts".	"ASC Company Extracts"	Tick if attached <input type="checkbox"/>

**4.2.2 REFEREES**

Attach details of your referees, and label it "Referees". You should give examples of work provided for your referees where possible.	"Referees"	Tick if attached <input type="checkbox"/>
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**4.2.3 AGENTS**

Are you acting as an agent for another party?	Yes / No	
If Yes, attach details (including name and address) of your principal and label it "Agents".	"Agents"	Tick if attached <input type="checkbox"/>

**4.2.4 TRUSTS**

Are you acting as a trustee of a trust?	Yes / No	
If Yes, in an attachment labelled "Trusts": (a) give the name of the trust and include a copy of the trust deed (and any related documents);and (b) if there is no trust deed, provide the names and addresses of beneficiaries.	"Trusts"	Tick if attached <input type="checkbox"/>

**4.2.5 SUBCONTRACTORS**

Do you intend to subcontract any of the Requirements?	Yes / No	
If Yes, in an attachment labelled "Subcontractors" provide details of the subcontractor(s) including: (a) the name, address and the number of people employed; and (b) the Requirements that will be subcontracted.	"Subcontractors"	Tick if attached <input type="checkbox"/>

**PART 4 COMPLETE AND RETURN THIS PART**

**4.2.6 CONFLICTS OF INTEREST**

Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract?	Yes / No	
If Yes, please supply in an attachment details of any actual or potential conflict of interest and the way in which any conflict will be dealt with and label it "Conflicts of Interest".	"Conflicts of Interest"	Tick if attached <input type="checkbox"/>

**4.2.7 FINANCIAL POSITION**

Are you presently able to pay all your debts in full as and when they fall due?	Yes / No	
Are you currently engaged in litigation as a result of which you may be liable for \$50,000 or more?	Yes / No	
If you are awarded the Contract, will you be able to fulfil the Requirements from your own resources or from resources readily available to you and remain able to pay all of your debts in full as and when they fall due?	Yes / No	
In order to demonstrate your financial ability to undertake this contract, in an attachment labelled "Financial Position" include a profit and loss statement and the latest financial return for you and each of the other proposed contracting entities, together with a list of financial referees from your bank and/or accountant.	"Financial Position"	Tick if attached <input type="checkbox"/>

**4.2.8 QUALITY ASSURANCE**

Does your organisation have any quality assurance or quality assurance systems?	Yes / No	
If you propose to subcontract, does your subcontractor have a "third party" quality management system in place?	Yes / No	
Supply evidence or details of your quality assurance position and where relevant of your supplier's or subcontractor's position, in an attachment labelled "Quality Assurance".	"Quality Assurance"	Tick if attached <input type="checkbox"/>

**PART 4 COMPLETE AND RETURN THIS PART****4.3 SELECTION CRITERIA****4.3.1 COMPLIANCE CRITERIA**

Please select with a yes or no whether you have complied with the following compliance criteria:

Description of Compliance Criteria	
(a) Compliance with the Specification contained in this Expression of Interest.	Yes / No
(b) Compliance with the Conditions of Responding contained in this Expression of Interest.	Yes / No

**4.3.2 QUALITATIVE CRITERIA**

Before responding to the following qualitative criteria, Respondents must note the following:

- All information relevant to your answers to each criterion are to be contained within your Submission;
- Respondents are to assume that the Evaluation Panel has no previous knowledge of your organisation, its activities or experience;
- Respondents are to provide full details for any claims, statements or examples used to address the qualitative criteria; and
- Respondents are to address each issue outlined within a qualitative criterion.

A) Relevant Experience Describe your experience in completing /supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it "Relevant Experience":	Weighting <20%>	
	(a) Provide details of similar work; (b) Provide scope of the Respondent's involvement including details of outcomes; (c) Provide details of issues that arose during the project and how these were managed; (d) Demonstrate sound judgement and discretion; and (e) Demonstrate competency and proven track record of achieving outcomes.	"Relevant Experience"

**PART 4 COMPLETE AND RETURN THIS PART**

<p><b>B) Key Personnel skills and experience</b>                  Respondents should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <ul style="list-style-type: none"> <li>(a) Their role in the performance of the Contract;</li> <li>(b) Curriculum vitae;</li> <li>(c) Membership to any professional or business association;</li> <li>(d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and</li> <li>(e) Any additional information.</li> </ul> <p>Supply details in an attachment and label it "Key Personnel".</p>	<p><b>Weighting</b> &lt;15%&gt;</p>	
	<p>"Key Personnel"</p>	<p>Tick if attached <input type="checkbox"/></p>
<p><b>C) Respondent's Resources</b>                  (a) Respondents should demonstrate their capability to design, construct, finance and operate the development and further deconstruct the development at the expiration of the lease.                   As a minimum, Respondents should provide a current commitment schedule particularising access to resources, including contractors and plant/equipment in an attachment and label it "Respondent's Resources".</p>	<p><b>Weighting</b> &lt;15%&gt;</p>	
	<p>"Respondent's Resources"</p>	<p>Tick if attached <input type="checkbox"/></p>



**PART 4 COMPLETE AND RETURN THIS PART**

<p><b>D) Demonstrated Understanding</b>                      Respondents should detail the methods use to achieve the Requirements. Areas that you should cover include:</p>	<p><b>Weighting &lt;50%&gt;</b></p>	
<p>(a) Development Plan including "whole life time line" of 5 years. Should it be a staged construction, then details on the benchmarks or timeframes must be included;</p> <p>(b) Details on the essential terms of the 5 year lease, including the base rental and proposed rent review structure;</p> <p>(c) Building, car parking, landscaping, street scaping, and ability to compliment the 'Open Space Strategy' and function with other users in the area;</p> <p>(d) Details on quality and building design for both temporary and permanent structures;</p> <p>(e) Number of Rooms (max 250) and other facilities i.e. mess hall, number of car parks and other common use areas;</p> <p>(f) Solutions to servicing the site ie power, water and sewer;</p> <p>(g) Traffic impacts for the surrounding area;</p> <p>(h) Source of funding;</p> <p>(i) A description of room allocations in the following categories; Key Worker, Mining Industry, Small Business, Tourist, Essential Services and Town of Port Hedland key personnel;</p> <p>(j) Hours of operation, inter-relationship with surrounding users, noting the proximity of the recreation oval to the site;</p> <p>(k) Community benefits:                      Part A: Must detail benefits to the community beyond the development itself. This may include such things as public use of facilities, support for local business, monetary donation to community projects, reduced room rates for particular identified community groups.                       Part B: Address the ability to convert a mess area into a clubhouse, to be handed to the Principal, for the benefit of community use, upon expiry of the lease and</p> <p>(l) Rehabilitation of site on expiry of the 5 year lease detailing what will be left for the Principal and the approximate 'dollar value' of that infrastructure and mess area.</p> <p>Supply details and provide an outline of your proposed methodology in an attachment labelled "Demonstrated Understanding".</p>	<p>"Demonstrated Understanding"</p>	<p>Tick if attached  <input type="checkbox"/></p>

**11.4 Corporate Services**

## 11.4.1 Finance and Corporate Services

5:59pm Mayor K A Howlett declared a Financial Interest in Agenda Item 11.4.1.1 'Reconstruction of Accounts for the Port Hedland Tourist Bureau Inc' as she used to be the Bureau's Manager from 2005 to 2009.

Mayor K A Howlett left the room.

Deputy Mayor G J Daccache assumed the chair.

*11.4.1.1 Reconstruction of Accounts for the Port Hedland Tourist Bureau Inc (File No.: .../...)*

Officer	Suma George Manager Financial Services
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Date of Report	4 November 2011
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Disclosure of Interest by Officer	Nil
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Summary

For Council to note the progress to date for the reconstruction of accounts for the Port Hedland Visitor Centre for the financial years 1 July 2008 to 30 June 2009 and 1 July 2009 to 30 June 2010 and to request the CEO or his delegate to progress with the reconstruction and report back to Council.

Background

At the Council's Ordinary Meeting held on the 8<sup>th</sup> of December 2010, the following resolution was made:

*"That Council:*

- 1. Receives a copy of the audited financial statements for 2008/09 and 2009/10 financial years for the Port Hedland Visitors Centre at the Ordinary Council Meeting to be held on 27 January 2011; and*
- 2. Requests the Acting Chief Executive Officer to provide a summary of the implications of the audited statements on the Town of Port Hedland."*

The Town received the audited financial statements for the Port Hedland Tourist Bureau Inc. from two audit companies for the 2008/09 financial year and one set for the 2009/10 financial year.

After undertaking an initial review of the financial statements, it is clear that there are financial discrepancies between the 2008/09 reports that

need to be investigated further prior to them being presented to the Council. There were also some queries as to the financial period that the reports should be incorporating, that is, whether the report should include financial transactions up to 31 December 2009 which is when the new management agreement came into place, or up to 30 June 2010 being the date that they have been prepared up to. An agenda item on this matter was presented to the Council on the 27 January 2011 and the following decision was reached by the Council:

*“That Council lay item 11.4.1.5 “Port Hedland Visitor Centre Review” on the table for further consideration.”*

In order to ensure accurate financial statements are presented to the Council, it was evident that a reconstruction of the accounts by an independent party was necessary.

Invitations were sent to three (3) companies, UHY Haines Norton, Pilbara Accounting Services and MACRI Partners, requesting a quotation for the reconstruction.

Of these three companies, 2 responded with a quotation. MACRI Partners declined to provide a quotation.

The following quotes were received:

	Fee excl. GST	GST	Fee incl. GST
UHY Haines Norton	\$23,500 - \$29,500	\$2,350 - \$2,950	\$25,850 - \$32,450
Pilbara Accounting Services	\$7,800	\$780	\$8,580

Before providing the quotation, UHY Haines Norton performed a high level review of the source documents available and therefore was aware of the volume of source documents to process. However the Pilbara Accounting Services did not have the opportunity to review the volume of the source documents as they are based in Perth. Therefore it is considered that the quotation from UHY Haines Norton is more realistic to complete the task. Further the quote from UHY Haines Norton outlines more specifically the deliverables requested by the Town.

#### Consultation

- Director Corporate Services
- Western Australian Local Government Association
- UHY Haines Norton
- Pilbara Accounting Services
- MACRI Partners

## Statutory Implications

### Local Government (Financial Management) Regulations 1996

#### *“5. Financial Management Duties of the CEO*

- (1) Efficient systems and procedures are to be established by the CEO of a local government —*
  - (a) the for the proper collection of all money owing to the local government;...*
- (2) The CEO is to —*
  - (a) ensure that the resources of the local government are effectively and efficiently managed;...*”

## Policy Implications

Nil

## Strategic Planning Implications

Nil

## Budget Implications

The cost of this review will be in the range of \$23,500 to \$29,500. This cost is not allocated in the 2011/12 Budget and would require funding via an alternative source through the Budget Review process. It could possibly be funded through the surplus funds (if any) that will be returned by the Port Hedland Visitor Centre.

## Officer’s Comment

The Town has provided a number of grants to the Port Hedland Visitor Centre over the 2008/09 and 2009/10 financial years.

One of the key conditions of the provision of these grants was that any surplus funds be returned to the Town. To establish if there are any surplus funds that need to be returned, a reconstruction of the accounts of the Port Hedland Tourist Bureau Inc. is necessary.

The reconstruction of the accounts will be for the financial years 1 July 2008 to 30 June 2009 and 1 July 2009 to 30 June 2010. However, given that the new management agreement (with GM Services) came into place as of 1 January 2009, the transactions for the financial year 1 July 2009 to 30 June 2010 will be limited to that of the Port Hedland Tourist Bureau Inc, it will not include transactions under new management.

The reconstruction of the accounts will not only allow the Town to establish if there are any surplus funds belonging to the Town, it will also provide the Town with much needed information that can be used for trend analysis and establish a more informed baseline of what it costs to run the Visitor Centre, as requested at the Ordinary meeting of

Council dated 21 September 2011 where it resolved the following:

*“That Council:*

1. *Notes GM Services request for additional funding totalling \$80,000 (plus GST); and*
2. *Does not endorse the additional funding and advises GM Services that a review of management arrangements will be considered by Council on receipt of further information; and*
3. *Approves the Chief Executive Officer, or his delegate, to enter into negotiations with GM Services to establish a monthly fee – based on a pro rata figure of \$150,000 per annum – payable to continue managing the PHVC upon expiration of the current contract.”*

This information would be provided to the Council in order to assess the various management options available.

#### **Attachments**

1. Quotation from UHY Haines Norton
2. Quotation from Pilbara Accounting Services

#### **Officer’s Recommendation**

That Council:

1. Notes the need for the reconstructing of the accounts;
2. Receives and notes the quotations received; and
3. Request the CEO, or his delegate, to proceed with the reconstruction of the accounts and report back to Council on the outcome as soon as practicable thereafter.

*NOTE: Chief Executive Officer advised that due to staffing issues the Department of Local Government did not consider the Town of Port Hedland’s request for a reduction of quorum.*

Deputy Mayor advised that due to a lack of quorum Agenda Item 11.4.1.1 ‘Reconstruction of Accounts for the Port Hedland Tourist Bureau Inc’ will not be considered.

5:59pm Mayor K A Howlett re-entered the room and resumed her chair.

Deputy Mayor advised Mayor K A Howlett that due to a lack of quorum Agenda Item 11.4.1.1 ‘Reconstruction of Accounts for the Port Hedland Tourist Bureau Inc’ could not be considered.

## ATTACHMENT 1 TO ITEM 11.4.1.1



3 November 2011

Mrs N Octoman  
Director, Corporate Services  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

Dear Natalie

**Quotation – Reconstruction of Accounts for the period 1 July 2008 to 30 June 2009 and 1 July 2009 to 30 June 2010 for the Port Hedland Tourist Bureau Inc. (PHTB).**

This communication is to confirm our understanding of the terms and objectives of the proposed engagement and sets out the nature and limitations of the services we will provide. The proposed engagement will be conducted in accordance with Australian Professional and Ethical Standard (APES) 315 'Compilation of Financial Information'.

***Scope and Objectives***

We have agreed to assist with the reconstruction of accounts from source documents for the period 1 July 2008 to 30 June 2009 and 1 July 2009 to 30 June 2010. The source documents will be provided by the PHTB. The deliverables will be:-

1. Special Purpose Financial Statements for the year end 30 June 2009 in accordance with the relevant Australian Accounting Standards;
2. Special Purpose Financial Statements for the year end 30 June 2010 in accordance with the relevant Australian Accounting Standards;
3. Trial Balances for the years ended 30 June 2009 and 30 June 2010; and
4. Supporting schedules for all transactions recorded in the Trial Balance for each year.

A backup of the MYOB accounts previously prepared will be made available to ourselves to possibly assist in allocating items and to provide a starting point but it is agreed transactions for the period will be recaptured from source documents.

***Confidentiality***

Information acquired by us in the course of our engagement is subject to strict confidentiality requirements and will not be disclosed by us to other parties except as required or allowed for by law or professional standards, or with your express consent.

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f: +61 (0)8 9444 3430

16 Lakeside Corporate, 24 Parkland Road, Osborne Park, Perth WA 6017  
PO Box 1707, Osborne Park, WA 6916

e: perth@uhyfn.com.au  
w: www.uhyfn.com

A network of independent firms in Australia and New Zealand and a member of Urbach Hacker Young International Limited, an international network of independent accounting and consulting firms

UHY Haines Norton (WA) Pty Ltd as trustee - ABN 99 433 544 961  
Liability limited by a scheme approved under Professional Standards Legislation

***Fees***

Our indicative fee for this service is based on our standard hourly rates and will be billed progressively at the end of each calendar month in accordance with our standard terms of trade.

Our estimate does not include any out of pocket expenses (such as any travelling and accommodation) necessarily incurred with your prior approval.

**We estimate the cost to fall within a range of \$23,500 – \$29,500 (GST Exclusive).**

***Timing and Location***

Whilst our staff could travel to Port Hedland for this assignment, it is our recommendation to have the files shipped to Perth for the work to be completed in our office. We base this recommendation on the fact there are no staff currently employed who could assist with queries for the period and travel and accommodation costs could be avoided.

The engagement is expected to commence as soon as practical after acceptance of our quote. We estimate the engagement taking up to six weeks to complete if all information is available to us. We understand this is likely to be from the latter half of November 2011.

***No Audit***

The procedures we will perform will not constitute an audit in accordance with Australian Auditing Standards or a review in accordance with Australian Auditing Standards applicable to review engagements and, consequently, no assurance will be expressed.

***Other***

**UHY Haines Norton is an association of independent firms. UHY Haines Norton, Perth, a Perth based partnership of Trusts ("the Firm"), carries on business separately and independently from other UHY Haines Norton member firms around Australia and New Zealand and UHY member firms worldwide.**

**UHY Haines Norton is a member of Urbach Hacker Young International Limited, a UK company, and forms part of the international UHY network of legally independent accounting and consulting firms. UHY is the brand name for the UHY international network. The services described herein are provided by the Firm and not by UHY or any other member firm of UHY. Neither UHY nor any member of UHY has any liability for service provided by other members.**

Should our quotation be accepted, the terms of the engagement will be covered in an engagement letter which we will require to be signed by a duly authorised Officer of Council prior to the commencement of the engagement.

Yours faithfully



GREG GODWIN  
DIRECTOR

## ATTACHMENT 2 TO ITEM 11.4.1.1

**PILBARA ACCOUNTING SERVICES**

*Certified Practising Accountants / Registered Tax Agents  
ACN17 390 870 116*

November 1st, 2011

Shandra Apelgren  
The Council  
Town of Port Hedland  
[mgrfin@porthedland.wa.gov.au](mailto:mgrfin@porthedland.wa.gov.au)

**Re: Proposal for reconstruction of the accounts to trial balance stage of the Visitors  
Centre for financial years ended 30<sup>th</sup> June 2009, and 2010**

We tender the following proposal to provide The Town of Port Hedland an accounting service to reconstruct the financial accounts for the visitors centre to trial balance in MYOB, for the years ended 30<sup>th</sup> June 2009 and 2010.

This will not include any statutory reporting requirements and employee notifications.

This will specifically include the following:

- Processing of all source documents once verified to a reconciled to bank account.
- Establishing and maintaining an electronic MYOB data file.
- Providing a chart of accounts.
- Reviewing and reporting anomalies.
- Establish the validity of cash transactions.

We will provide this service in a mutually agreed timely manner and within Australian Accounting Standards.

...2

**PERTH**

PO BOX 2039  
ELLENBROOK WA 6069  
6721

TEL 9297 4700  
FAX 9297 4711

Email: [formfin@bigpond.net.au](mailto:formfin@bigpond.net.au)

**PORT HEDLAND**

PO BOX 270  
PORT HEDLAND WA

TEL 9173 0100  
FAX 9173 2599

Mobile: 0429 889 871



-2-

I will also make myself available to your organisation for any financial analysis requirements once the accounts are reconstructed.

Please find below our tendered rate of:

\$7,800.00 plus GST

Please contact me if you require any additional information.

Yours faithfully

Sam Galati CPA  
Manager

## 11.4.2 Governance and Administration

*11.4.2.1 Review of the Frequency of Ordinary Meetings of Council (File No.: .....)*

Officer Josephine Bianchi  
Governance Coordinator

Date of Report 9 November 2011

Disclosure of Interest by Officer Nil

**Summary**

For Council to consider reviewing the number of Ordinary Meetings of Council from one per month to two per month.

**Background**

At the Ordinary Meeting of 28 April 2010 Council resolved to increase the frequency of its Ordinary meetings from one per month to two per month.

The main reasoning behind this decision was that there were many significant developments occurring and being proposed for the district, whilst private developers, local industry and Government agencies tried to prepare for the expected exponential increase in bulk exports. This growing pace in development was expected to be hampered by delays if Council could not make timely decisions.

At the Ordinary meeting of 10 August 2011 Council resolved to revert back to one Council meeting per month. This motion was supported by the understanding that if urgent business needed to be discussed outside of an Ordinary Council Meeting, then the Mayor could call a Special Council Meeting as and when required.

Advice received from Western Australia Local Government Association (WALGA) was that the opportunity be provided to a new Council to review the frequency of Council meetings following the Local Government Elections in October 2011.

In accordance with the Local Government Act 1995 following an Ordinary Election, Council needs to review the membership of its committees and working groups. It has to be noted that Council's decision in relation to its ordinary meetings may impact on the review of Council's committees and working groups.

**Consultation**

- Chief Executive Officer
- Executive Team
- Governance Department
- WALGA

**Statutory Implications**

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**

Key Result Area 6: Governance

The Town of Port Hedland has developed to become a medium/ large sized West Australian Local Government Authority. Council recognizes that, as a significant business, it must have the governance structures, systems and procedures in place to lead this community to bigger, better, brighter and more sustainable future.

Goal 1: Leadership

That the community acknowledges that the Town is leading the future development and management of the municipality in an effective and accountable manner.

### **Budget Implications**

Increasing the frequency of Council meetings would have little to no impact on the overall budget. There would no change in Councillors allowances, as these are based on annual basis, rather than per meeting.

### **Officer's Comment**

By taking into consideration the decisions that Council has made since April 2010, it is evident that the frequency of Ordinary Council Meetings is a matter which has both advantages and disadvantages for the Town's administration and for Elected Members alike.

A faster turnover of Council decisions could still be maintained provided that Council met and attended informal briefings twice a month and also held specific committee meetings to support and in conjunction with an Ordinary Council meeting once a month.

However, the Town's administration believes that holding 2 Ordinary meetings per month will ensure a more effective and timely turnaround of many items. Increasing the number of Ordinary Meetings will also assist Council in managing the growing demand for Council decisions.

Outlined below is a list of advantages and disadvantages in holding 2 Council meetings per month, and in the officer's opinion, the advantages surpass the disadvantages.

#### Advantages:

- Applications requiring a Council decision (especially planning and building) could be resolved sooner, rather than applicants waiting up to four weeks for a Council decision;
- More frequent ordinary meetings would reduce the need for special meetings (which should only be called to consider matters of an urgent nature);
- Reduced number of items per Agenda should enable Councillors greater focus on individual issues and reports;
- Quicker decision making ability could assist Council in attracting developers and therefore increase its competitive advantage;
- Smaller Agendas would reduce the time involved in each meeting;
- Council would be seen as taking a proactive step to help resolve issues associated with its decision making process

#### Disadvantages

- Additional staff time involved in preparing and issuing two agendas per month;
- More agendas (though reduced in size) for Council to read and consider;
- More after hours work for Town of Port Hedland officers and Councillors

Should Council decide to increase the number of meetings it will have to rescind the decision of 10 August 2011 and adopt a new resolution for the Ordinary Council meetings to take place on the second and fourth Wednesday of the month, commencing at 5:30pm in Council Chambers.

Due to the Christmas and New Year's break it is proposed to only hold one Ordinary Council meeting in December and one in January. Also, due to Anzac Day falling on the fourth Wednesday in April, it is proposed to hold the Ordinary Council meeting on Thursday 26 April 2012.

However, Council could choose to retain the status quo of one Ordinary Meeting per month and continue with holding Special meetings as required. Should Council decide to stay with one Council meeting per month it would be prudent to consider endorsing the creation of the Planning and Development Committee as recommended as part of the review of Council committees and working groups.

### Attachments

Nil

*NOTE: Mayor called for a show of hands by one third of members to consider revoking Council Decision 201112/066 of 10 August 2011 and recorded on page 176 of those Minutes. The following Councillors indicated their intent to do so:*

*Councillor D W Hooper  
Councilor J E Hunt  
Councilor G J Daccache*

201112/214 Officer's Recommendation1/Council Decision

Moved: Cr D W Hooper                      Seconded: Cr J E Hunt

That Council revokes Decision 201112/066 of 10 August 2011 and recorded on page 176 of those Minutes that stated:

***That Council:***

- 1. Increase the frequency of Ordinary Council Meetings from once per month (fourth Wednesday of the month) to twice per month (second and fourth Wednesday of the month), except for the Months of December and January; and***
- 2. Adopt and advertise the following Ordinary Meeting of Council dates and times for the 2010/11 Financial Year:***

<b><i>Wednesday, 12 May 2010, 5:30 pm</i></b>
<b><i>Wednesday, 26 May 2010, 5:30 pm</i></b>
<b><i>Wednesday 9 June 2010, 5:30 pm</i></b>

<b>Wednesday, 23 June 2010, 5:30 pm</b>
<b>Wednesday, 14 July 2010, 5:30pm</b>
<b>Wednesday, 28 July 2010, 5:30pm</b>
<b>Wednesday, 11 August 2010, 5:30pm</b>
<b>Wednesday, 25 August 2010, 5:30pm</b>
<b>Wednesday, 8 September 2010, 5:30pm</b>
<b>Wednesday, 22 September 2010, 5:00pm</b>
<b>Wednesday, 13 October 2010, 5:30pm</b>
<b>Wednesday, 27 October 2010, 5:30pm</b>
<b>Wednesday, 10 November 2010, 5:30pm</b>
<b>Wednesday, 24 November 2010, 5:30pm</b>
<b>Wednesday, 8 December 2010, 5:30pm</b>
<b>Thursday, 26 January 2011, 5:30pm</b>
<b>Wednesday, 9 February 2011, 5:30pm</b>
<b>Wednesday, 23 February 2011, 5:30pm</b>
<b>Wednesday, 9 March 2011, 5:30pm</b>
<b>Wednesday, 23 March 2011, 5:30pm</b>
<b>Wednesday, 13 April 2011, 5:30pm</b>
<b>Wednesday, 27 April 2011, 5:30pm</b>
<b>Wednesday, 11 May 2011, 5:30pm</b>
<b>Wednesday, 25 May 2011, 5:30pm</b>
<b>Wednesday, 8 June 2011, 5:30pm</b>
<b>Wednesday, 22 June 2011, 5:30pm</b>

*CARRIED BY ABSOLUTE MAJORITY 5/0*

201112/215 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache      Seconded: Cr D W Hooper

That Council:

1. resolves to increase the frequency of its Ordinary meetings from the third Wednesday of the month to the second and fourth Wednesday of the month; and
2. advertises the following dates accordingly:

<b>Wednesday, 14 December 2011, 5:30 pm</b>
<b>Wednesday, 25 January 2012, 5:30pm</b>
<b>Wednesday, 15 February 2012, 5:30pm</b>
<b>Wednesday, 29 February 2012, 5:30pm</b>
<b>Wednesday, 14 March 2012, 5:30pm</b>
<b>Wednesday, 28 March 2012, 5:30pm</b>
<b>Wednesday, 11 April 2012, 5:30pm</b>
<b>Thursday, 26 April 2012, 5:30pm</b>
<b>Wednesday, 16 May 2012, 5:30pm</b>
<b>Wednesday, 30 May 2012, 5:30pm</b>
<b>Wednesday, 13 June 2012, 5:30pm</b>
<b>Wednesday, 27 June 2012, 5:30pm</b>
<b>Wednesday, 11 July 2012, 5:30pm</b>
<b>Wednesday, 25 July 2012, 5:30pm</b>
<b>Wednesday, 15 August 2012, 5:30pm</b>

<b>Wednesday, 29 August 2012, 5:30pm</b>
<b>Wednesday, 12 September 2012, 5:30pm</b>
<b>Wednesday, 26 September 2012, 5:30pm</b>
<b>Wednesday, 10 October 2012, 5:30pm</b>
<b>Wednesday, 24 October 2012, 5:30pm</b>
<b>Wednesday, 14 November 2012, 5:30pm</b>
<b>Wednesday, 28 November 2012, 5:30pm</b>
<b>Wednesday, 12 December 2012, 5:30pm</b>

*CARRIED 5/0*

*11.4.2.2 Review of Town of Port Hedland's Committees and Working Groups Terms of Reference and Elected Member Representation on Council's Committees, Working Groups and External Organisations (File No.: 00/00/00)*

Officer Josephine Bianchi  
Governance Coordinator

Date of Report 7 November 2011

Disclosure of Interest by Officer Nil

#### Summary

To comply with the requirements of *the Local Government Act 1995* (the Act) and to ensure active community engagement, this report seeks the revision of Council's current committees and working groups. This report also seeks to nominate elected members to represent Council on its committees and working groups, and other external organisations.

#### Background

Following the Ordinary Local Government elections held on Saturday 15 October 2011, and the election of four (4) Councillors, Council is required to consider reviewing its current committees, working groups, forums, representation on external organisations and fill elected member vacancies.

In order to make an informed decision, it is necessary that Council is fully aware of the difference between the various groups. A brief definition of each group is therefore listed for ease of reference.

#### *Committees*

Local Government committees are a formal type of meeting established as part of the administrative structure of the Town of Port Hedland.

The role of committees is to assist the Council in its decision making process by providing advice about specific issues.

Committees are very similar to Ordinary Council meetings, as they have to follow a series of statutory requirement in accordance with the Act and the Town of Port Hedland's Local Law on Standing Orders. The Act stipulates the following:

- Requires committees to have at least three members if they are established
- Requires committee members to declare a financial interest, where applicable



- Outlines the prescribed method of appointment of committee members
- Details the tenure of committees
- Details quorum requirements of committees
- Limits the roles and functions of committees
- Details requirements for record keeping, particularly in relation to minutes and decisions made by the committee under delegated authority
- Details the delegations of some powers and duties to certain committees

Council's Local Law on Standing Orders provides the following:

- the duties and any delegations proposed to be entrusted to the committee
- the number of members intended to constitute the committee;
- the term of establishment of the committee
- details of when the committee is to meet and how it shall report to Council

#### *Working Groups*

A working group is not a formal committee established under the Act. A working group is to meet as and when required and membership is to vary dependent on the issues to be addressed. The officer responsible for the working group will report any outcomes from working group meetings direct to Council via an officer's report. The administration of Council's Working Groups is set out in Policy 1/012.

#### *Major differences between Working Groups and Committees of Council*

- **Statutory Powers:** Committees are established under the Act and have statutory powers and responsibilities. Working groups have no powers or statutory responsibilities
- **Formality:** Committees of Council are bound to operate under the Council's Standing Orders local law making them much more formal in nature than working groups
- **Membership:** Membership of committees is structured and formal. The Town of Port Hedland's practice with working groups is less structured with membership and attendance from external bodies/groups being available and encouraged on an 'as needs' basis
- **Delegated Authority:** Council can grant a Committee of Council the authority to make decisions on behalf of Council. This provision is not available to Working Groups
- **Agendas/Minutes:** Agendas and minutes of committees are formal documents of the Council that are required to be prepared and kept in accordance with various legislative requirements. These requirements do not apply to working groups

- Public: Committee meetings of Council must be advertised in advance, open to the public, with public question time being included in the agenda. The tenure of working groups is more flexible, they can meet as and when required and dates do not need to be formally advertised as public meetings

### *Forums*

The intention of a forum is that it seeks broad ranging input on a particular issue/subject from community members and other stakeholders of the Council. The terms of reference for each forum will be specifically suited to the topic of the forum and the audience the forum is intended to engage.

### *Elected Members Representation External Committees*

From time to time Council is requested to nominate a Council member to represent the Council on committees of external organisations. External committees can be constituted by other groups or other (State) agencies (often under legislation other than the Local Government Act). Elected members are able to apply to be on these committees either in their own right (independent of the Council) or as a representative of the Council. External organisations will be informed in writing of Council representatives.

Based upon the above definitions and differences between the various groups, Council now has the opportunity to revise its current committees, working groups, forums and elected members representation on external organizations to ensure the best outcome for all of its projects and partnerships is achieved.

### **Consultation**

- Chief Executive Officer
- Executive Team
- Western Australia Local Government Association
- Department of Local Government
- Councillors

### **Statutory Implications**

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

Council's Local Law on Standing Orders also provides information on how to establish committees.

Working groups differ from Committees as they are not governed by the Local Government Act. This means that no statutory requirements apply. Working groups are not granted any delegations and can only make recommendations to Council.

**Policy Implications**

Policy 1/012 Administration of Council's Working Groups.

**Strategic Planning Implications**

Key Result Area 6: Governance

The Town of Port Hedland has developed to become a medium/ large sized West Australian Local Government Authority. Council recognizes that, as a significant business, it must have the governance structures, systems and procedures in place to lead this community to a bigger, better, brighter and more sustainable future.

Goal 1: Leadership

That the community acknowledges that the Town is leading the future development and management of the municipality in an effective and accountable manner.

**Budget Implications**

Costs associated with committees, working groups and forums are included in the Town of Port Hedland 2011/12 Budget as operational expenditures.

**Officer's Comment**

The Local Government Act 1995 and Town of Port Hedland Standing Orders are quite prescriptive concerning the structure around various processes of decision making around the business of local government.

To ensure compliance with the Act and to maximize opportunity for stakeholder input and feedback the existing Terms of Reference for the current committees and working groups have been reviewed by the Department of Local Government and the Chief Executive Officer and Directors.

This table illustrates the current meeting framework:

<b>Committees</b>	<b>Working Groups</b>	<b>Forums</b>	<b>Representation on External Organisations</b>
Audit and Finance	BHPBIO/Council Joint Projects	Aboriginal Consultation	Celebrate Hedland Inc.
Airport	JD Hardie Centre	Gearing Up	Pilbara Regional Council
Spoilbank Marina Stakeholder	Multi Purpose Recreation Centre	Developers	Regional Roads Group
South Hedland CBD Stakeholder	Naming of Multi Purpose Recreation Centre		Port Hedland Visitors Centre Management Committee
	Community Safety and Crime Prevention		Port Hedland Retirement Village (Inc.)
	Staff Housing		Local Emergency Management Advisory Committee
	CCTV Project Implementation		BHP Billiton Consultative Committee
	PHIA TWA Implementation		Hedland Community Foundation Board
	Donations		Hedland Senior High School Board
	Roy Hill Infrastructure/Council Community Partnership		Pilbara Regional Planning Committee
	BHP Billiton Precinct 3		Development Assessments Panel

The following framework is suggested to the Council as the most optimal to assist with the decision making responsibilities of Council.

<b>Committees</b>	<b>Working Groups</b>	<b>Forums</b>	<b>Representation on External Organisations</b>
Audit and Finance	<b>Partnership Based</b>	Aboriginal Consultation	Pilbara Regional Council
Planning and Development	BHPBIO/Council Joint Projects	Gearing Up	Regional Roads Group
	BHP Billiton Precinct 3	Developers	Port Hedland Retirement Village (Inc.)
	Roy Hill Infrastructure/Council Community Partnership	Community Facilities	Local Emergency Management Advisory Committee
	Atlas Iron/Council	Fortescue Metal Group	BHP Billiton Consultative Committee
	<b>Project Based</b>		Hedland Senior High School Board
	Airport		Development Assessments Panel
	Spoilbank Marina Stakeholder		Hedland Senior High School Board
	South Hedland CBD Stakeholder		Pilbara Planning and Development Committee
	Community Safety and Crime Prevention		
	Staff Housing		
	CCTV Project Implementation		
	PHIA TWA Implementation		
	FIFO Integration		.
	Marrapikurinya Tower		

As follows are details and the rationale behind the revised framework:

- To create 1 new committee:
  - Planning and Development – to determine planning applications under \$7M

#### Rationale

This new committee has been created to assist with the volume of decision making and timeframes associated with these major focuses of the Council.

- To review the terms of reference of the following committee:
  - Audit and Finance

#### Rationale

It is proposed to give additional responsibilities and delegations to this committee:

- recommend Donations as per Council's Policy;
  - periodically consider alternatives for potential staff housing options
  - receive Quarterly Financial Reports on all of Town of Port Hedland's Managed Community Facilities
- To disband the following 3 committees and create 3 working groups instead:
    - Spoilbank Marina Stakeholder
    - South Hedland CBD Stakeholder
    - Airport

#### Rationale

Following recommendation from the Department of Local Government and in view of the matters discussed by the South Hedland CBD and Spoilbank Stakeholders groups since their establishment it is deemed more appropriate to re-establish them as working groups. In this way recommendations will still be made to Council but the statutory formalities associated with the committees, which at times have represented an impediment to the smooth running of the meetings, will be eliminated.

With regard to the Airport Committee, it is proposed to re-establish it as a working group to allow the expertise of the members to remain as part of the group but ensures compliance with the appropriate statutory framework.

- To disband the following working groups and create a 'Community Users Facilities Forum' instead:
  - JD Hardie Centre Working Group
  - Multi Purpose Recreation Centre Working Group
  - Naming of Multi Purpose Recreation Centre Working Group

#### Rationale

In order to determine numerous and different items related to community facilities it is proposed to establish a quarterly public forum so that all matters can be addressed at the one time.

- To create the following working group:
  - FIFO Integration Working Group

#### Rationale

This working group is proposed to be established in order to expand on the issue of TWA's and all FIFO workers in town.

- To disband the following working group:
  - Donations Working Group

#### Rationale

The purpose of this working group will be included as part of the new terms of reference of the Audit and Finance committee

- To create the following new partnership based working groups
  - Atlas Iron/Town of Port Hedland Partnership

#### Rationale

This is in line with the creation of majority industry partnership based working groups.

- To create the following new project based working group:
  - Marrapikurinya Tower Project

#### Rationale

This working group is required to be established to provide advice to Council on the development of the Marrapikurinya Tower project and engage with all stakeholders involved in this major project.

- To create the following new forum:
  - Fortescue Metal Group Strategic Forum

#### Rationale

In accordance with feedback received by FMG this forum's aim will be to enhance and formalise current communication between FMG and Town of Port Hedland and highlight any projects that can be undertaken together by the parties involved for the betterment of the Hedland community as a whole.

- Elected members representation on the following organisation is not proposed to be renewed due to the prolonged inactivity of the groups:
  - Celebrate Hedland Inc.
  - Port Hedland Visitors Centre Management Committee
  - Hedland Community Foundation Board

*Conclusion*

Council has a number of options. It can decide to agree with all of the proposed and revised terms of reference for committees and working groups and simply determine their membership.

Alternatively, Council may decide:

- not to accept any of the proposed changes;
- only accept some of the proposed;

however, membership will still have to be determined.

## Attachments

1. Revised Committees, Working Groups, Forums and Elected Members Representation on External Organisations Booklet. (Attached under separate cover).

**Officer's Recommendation**

That Council:

1. Establishes the Planning and Development committee as follows:

## Terms of Reference

To consider and decide upon planning applications which are less than \$7M.

## Membership

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

## Quorum

The quorum for the Committee be a minimum of 50% of its membership



## Delegation

The Town of Port Hedland Planning and Development Committee be given the following delegated authority in accordance with Section 5.16 of the *Local Government Act 1995* 'Delegation of some powers and duties to certain committees', to make decisions on behalf of Council to:

- consider and decide upon planning applications which are less than \$7M.

Tenure  
Ongoing

First Wednesday of the month starting at 5:30pm in Chambers, and advertises dates, times and place accordingly.

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

- 2a. Re-establishes the Audit and Finance Committee as follows:

## Terms of Reference

- a) Part 7, the Local Government Act 1995;
- b) Liaise with Auditor;
- c) Receive Quarterly Budget Reports;
- d) Recommend Donations as per Council's Policy;
- e) Periodically consider alternatives for potential staff housing options;
- f) Receive Quarterly Financial Reports on all of Town of Port Hedland's Managed Community Facilities

## Membership

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

## Delegation

Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's Auditor(s) as required by Section 7.12A(2), Local Government Act 1995."

Tenure:  
Quarterly

Responsible Officer  
Director Corporate Services

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

OR

2b Maintains the current Audit and Finance committee as follows:

Terms of Reference

- a) Part 7, the Local Government Act 1995;
- b) Liaise with Auditor:

Membership

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

Delegation

Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's Auditor(s) as required by Section 7.12A(2), Local Government Act 1995."

Tenure:

Ongoing in accordance with Section 5.8 and 5.9 of the Local Government Act 1995.

Responsible Officer  
Director Corporate Services

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

3a Disbands the South Hedland CBD Stakeholder Committee and establishes the South Hedland CBD Stakeholder Working Group as follows:

Terms of Reference

The South Hedland CBD Stakeholder Working Group has been established to:

1. Ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD;
2. Provide input and advice to Council in respect to Stage 1 and 2 of South Hedland CBD;
3. Recommend to Council strategies to create a vibrant and safe CBD;
4. Provide input to the Council with regard to community infrastructure development in the South Hedland CBD.

## Membership

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

A representative from the following organisations:

- LandCorp
- Lotteries House Board
- Shopping Centre owners (Charter Hall)
- FORM
- South Hedland Police
- PANGO
- BHP Billiton Iron Ore

2 x Business Owners/Operators in CBD

2 x Community Members:

Tenure

Ongoing

The meeting is to be held every 6 weeks

Responsible Officer

Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

OR

- 3b. Maintains the South Hedland CBD Stakeholder Committee as follows:

Terms of Reference:

The Committee be constituted as a formal committee of Council under the provision of Section 5.8 of the Local Government Act (1995)

Purpose/Aim

1. Ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD.
2. Provide input and advice to LandCorp in respect to Stage 1 and 2 of South Hedland CBD.
3. Develop and implement strategies to create a vibrant and safe CBD.

### Membership

The membership of the committee be as follows:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

A representative from the following organisations:

LandCorp

Lotteries House Board

Shopping Centre owners (Charter Hall)

FORM

South Hedland Police

PANGO

HYSAG

2 x Business Owners/Operators in CBD

2 x Community Members:

### Quorum

The quorum for the Committee be a minimum of 50% of its membership.

### Delegation

Nil.

### Tenure

Ongoing

Responsible Officer: Chief Executive Officer

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

- 4a. Disbands the Spoilbank Marina Stakeholder Committee and establishes the Spoilbank Marina Stakeholder Working Group as follows:

### Terms of Reference

The Spoilbank Marina Stakeholder Working Group has been established to:

1. Provide advice to Council on the development of the Spoilbank Marina project;
2. Provide a means of engagement with key stakeholders about the project;
3. Investigate and make recommendations to Council on management structures and operations of the Spoilbank Marina.

## Membership

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

A representative from:

Port Hedland Port Authority

Port Hedland Yacht Club

Port Hedland Returned Services League

2 x Community Members

Tenure

Ongoing

The meeting is to be held every 8 weeks.

Responsible Officer

Director Planning and Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

OR

- 4b. Maintain the Spoilbank Marina Stakeholder Committee as follows:

## Terms of Reference

The Committee be constituted as a formal committee of Council under the provision of 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:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

A representative 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

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

- 5a. Disbands the Airport Committee and establishes the Airport working group as follows:

Terms of Reference

The Airport Working Group has been established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

1. Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified.
2. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means.
3. Upgrade terminal facilities including baggage screening and departure lounges.

Membership

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

3 x Community Members:

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

OR

5b. Establishes the Airport committee as follows:

#### Terms of Reference

The Airport Committee has been established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

1. Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified.
2. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means.
3. Upgrade terminal facilities including baggage screening and departure lounges.

#### Membership

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

3 x Community Members:

#### Quorum

The quorum for the Committee be a minimum of 50% of its membership.

#### Delegation

The Town of Port Hedland Airport Committee be given the following delegated authority to make decisions on behalf of Council:

- i) To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11 f)
- ii) To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.
- iii) Provide direction and advice pertaining to the development of a Master Plan for the Port Hedland International Airport and the development of plans for a new airport terminal

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

6a.

- i) Disband the following working groups:
- A) JD Hardie Centre Working Group; and
  - B) Multi Purpose Recreation Centre Working Group; and
  - C) Naming of Multi Purpose Recreation Centre Working Group

And

- ii) establishes the following Quarterly Council Community Users Facilities Forum:

Purpose/Aim

The purpose of this forum will be to ensure that the Town engages with the users of the community and leisure facilities provided. This will be achieved through the following approaches:

1. Seek community support on Town's policies that regard the operation and management of community and leisure facilities,
2. Ensure that facility users are able to assist the Town in providing facilities that are considered best practice in how they are operated and managed;
3. Engage with the community in the planning of future community and leisure facilities.

Tenure  
Quarterly

Responsible Officer  
Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

OR

- 6b Maintains the current working groups as follows:

**A) JD Hardie Centre Working Group**

1. Scope

Planning the nature and operation of the Youth Zone within the framework of the Hedland Youth Plan (HYP) 2009-2014 and the Hedland Youth Precinct Business Plan (April 2008) – building in the expectations of today's young people and the broader community.



## 2. Purpose

To consider and advise Council in relation to the following:

Enhancing the vision for the Youth Zone – namely, identifying the contribution it will make towards the well-being and growth of local young people.

The opportunities to be offered young people that will achieve this vision – projects, services, events, opportunities to participate.

The management and staffing structures required to deliver these opportunities – including (as appropriate) the roles of the Town of Port Hedland, agency tenants, young people and others.

## 3. Status, Powers and Process

Advice provided by this Working Group will be of central importance to Council as it makes its decisions in coming months in regard to the operation of the Youth Zone.

The Town of Port Hedland acknowledges the imperative for community participation in planning the operation of the Youth Zone. As such, this participation is highly valued. It will be the beginning of building community participation into its future operation.

The Working Group will meet as required to successfully undertake its *purpose* in the period leading up to the opening of the Youth Zone, which is anticipated in April 2011.

A consensus based decision making process will be pursued.

## 4. Working Group Membership

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Director Community Development  
Manager Community Development  
Coordinator Youth Services

Agency Representation:

Manager, Youth Involvement Council

Community Members (previously two (2) to be appointed):

Any number of community members, at the discretion of Council.

Mitchell Blake (young person and HYLC)

Mark Davis (Creating Communities)

Angela Dey (Child Protection)

Clare Dimer (Youth Justice Team)

Brad Holder (young person and HYLC)

Kathy Holt (Children's Services)

Ray Holt (SH Police – Community Policing)

Prem Kothalanka (young person, Indian Community)

Kerie Loo (interested community member)

Sandor Thor Meszaros (parent)

Trilok Modi (young person)

Hannah Nelson (young person and HYLC)

Mitchell Roberts (young person)

Jake Ross (young person)

Daniel Russell (young person with a disability)

Jacqueline Simon (parent)

David Sullivan (young person and HYLC)

Tim Turner (worker with young people)

Julie Whatley (young person and Child Protection)

Gnungala Yarren-Clantor (worker with young people)

Ayla Steward (Youth Justice Officer)

Tenure:

Until the JD Hardie Youth Precinct Development is completed

Responsible Officer: Director Community Development

## **B) Multi Purpose Recreation Centre Working Group**

Aim/Purpose:

Terms of Reference for Phase 1 of the Multipurpose Recreation Centre Working Group, as follows:

### **a. Scope**

Planning for the shared use of Kevin Scott Oval during the 2011 winter sporting season and early consideration of the shared use of facilities to be provided by the MPRC beginning in the 2012 season.

## b. Purpose

To consider and advise Council in regard to the following:

- The allocation of training and playing time on the Kevin Scott Oval during the 2011 winter season.
- The requirement, during the 2011 winter season, for temporary facilities to be made available at the oval, such as change rooms, storage, ablutions and kiosk.
- The shared use of facilities to be provided to the sporting groups as part of the MPRC, commencing in season 2012, including the clubroom.

## c. Process

The Working Group will meet as required to successfully meet its purpose in the period leading up to the commencement of the winter sporting season in March/April 2011.

These terms of reference will be amended and the membership extended in February 2011 to extend the scope to include the full operation of the MPRC.

## Membership:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Director Community Development

Manager Community Services

Coordinator Recreation Services

Club and Project Development Officer

Up to three representatives from:

Swans Football Club

Junior Football Association

Junior Rugby Association

Hedland Touch Association

## Tenure:

In association with the full operation of the MPRC in April 2012.

## Responsible Officer:

Director Community Development

**C) Naming of Multi Purpose Recreation Centre Working Group**

Aim/Purpose:

- i) Undertake the community consultation for the official name of the Multi Purpose Recreation Centre as part of the community engagement process of the construction process;
- ii) Consider all submissions for the official name of the Multi Purpose Recreation Centre to select the most appropriate (if any) and report to Council for consideration; and,
- iii) Make the official announcement at the Grand Opening of the Multi Purpose Recreation Centre.

Membership:

Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Steve J Coates  
Councillor Jan M Gillingham.

Tenure:  
Ongoing.

Responsible Officer:  
Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

**7. Establishes the FIFO Integration Working Group**

Aim/Purpose:

To develop increased levels of communication between FIFO workers and the Port Hedland community by:

- Developing initiatives to improve and increase FIFO workers participation in the Town's activities; and
- Considering improved levels of access to TWA facilities for Hedland community members; and
- Broadening the Port Hedland community's perception of TWA camps and FIFO workers
- Identifying initiatives to increase social and economic benefits that FIFO workers can bring to Port Hedland's community and to the Town as a whole.

Membership:

Majority Industry (BHP, FMG, Auzcorp, Hancock, Atlas Iron Ore, Main Roads, Horizon Power, Watercorp)

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

3 x Community members

Tenure:

Ongoing

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

- 8. Maintains the current PHIA TWA Implementation Working Group

Aim/Purpose:

To implement the community integration initiatives agreed to within the Town of Port Hedland/Compass Lease Agreement.

Membership:

Council Representatives include:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Chief Executive Officer

Director Community Development

Tenure:

Ongoing

Responsible Officer

Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

- 8a. Disband the current Donations Working Group in accordance with the revised terms of reference of the Audit and Finance Committee.

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

**OR**

**8B. Maintains the current Donations Working Group as follows:**

Aim/Purpose:

To consider requests for donations from the community and make recommendations to Council.

Membership:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Proxy Councillor \_\_\_\_\_

Director Community Development

Manager Recreation and Youth Services

Manager Libraries and Cultural Development

Tenure:

Ongoing

Meetings:

Bi-monthly (every two months)

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

**9. Establishes the following working groups**

**i) Atlas Iron/Town of Port Hedland Partnership**

Purpose:

To:

- a) Formalise regular communication between the parties regarding current operations and future plans;
- b) Identify and discuss joint initiatives that may be appropriate between Atlas Iron and Council;
- c) Recommend projects to Council for implementation.

Membership

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Chief Executive Officer

Director Community Development

Atlas Iron representative x 1

Responsible Officer:  
Chief Executive Officer

**And**

**ii) Marrapikurinya Tower Project**

Purpose/Aim

1. To provide advice to Council on the development of the Marrapikurinya Tower project;
2. To provide a means of engagement with key stakeholders about the project;
3. Investigate and make recommendations to Council on management structures and operations of the Marrapikurinya Tower.

Membership

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

Representatives from:

FORM  
CCI  
BHP Billiton  
Pilbara Cities  
PHPA  
PDC  
ToPH

Tenure

Ongoing

The meeting is to be held every six weeks

Responsible Officer  
Director Planning and Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

10. Establishes the Fortescue Metal Group Strategic Forum as follows:

Purpose/Aim

To enhance and formalize current communication between FMG and Town of Port Hedland and highlight any projects that can be undertaken together for the betterment of the Hedland community as a whole.

Tenure  
Quarterly

Responsible Officer  
Chief Executive Officer

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

11. Nominates Council Representative(s) on external organisations as follows:

**Pilbara Regional Council**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

**Regional Roads Group**

Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

**Port Hedland Retirement Village (Inc.)**

Councillor \_\_\_\_\_

**Local Emergency Management Advisory Committee**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

**BHP Billiton Consultative Committee**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

**Hedland Senior High School Board**

Councillor/s \_\_\_\_\_

**Development Assessments Panel**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_



**Pilbara Regional Planning Committee**

Councillor \_\_\_\_\_

*NOTE: SIMPLE MAJORITY VOTE REQUIRED***Alternative Officer's Recommendation**

That Council:

1. Establishes the Planning and Development Committee as follows:

*Terms of Reference*

To consider and decide upon planning applications which are less than \$7M.

## Membership

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*Quorum*

The quorum for the Committee be a minimum of 50% of its membership

*Delegation*

The Town of Port Hedland Planning and Development Committee be given the following delegated authority in accordance with Section 5.16 of the *Local Government Act 1995* 'Delegation of some powers and duties to certain committees', to make decisions on behalf of Council to:

- consider and decide upon planning applications which are less than \$7M.

*Tenure*

Ongoing

*Meeting frequency*

First Wednesday of the month starting at 5:30pm in Chambers, and advertises dates, times and place accordingly.

**NOTE: ABSOLUTE MAJORITY VOTE REQUIRED**

- 2a. Re-establishes the Audit and Finance Committee as follows:

*Terms of Reference*

- a) Part 7, the Local Government Act 1995;
- b) Liaise with Auditor;
- c) Receive Quarterly Budget Review Reports;
- d) Recommend Donations as per Council's Policy;
- e) Periodically consider alternatives for potential staff housing options;
- f) Receive Quarterly Financial Reports on all of Town of Port Hedland's Managed Community Facilities
- g) Review and suggest improvements to Risk Management within the organisation

*Membership*

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

*Quorum*

The quorum for the Committee be a minimum of 50% of its membership

*Delegation*

Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's Auditor(s) as required by Section 7.12A(2), Local Government Act 1995."

*Tenure*

Ongoing

*Meeting frequency*

Quarterly

*Responsible Officer*

Director Corporate Services

**NOTE: ABSOLUTE MAJORITY VOTE REQUIRED**

OR

- 2b Maintains the current Audit and Finance Committee as follows:

*Terms of Reference*

- a) Part 7, the Local Government Act 1995;
- b) Liaise with Auditor:

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*Delegation*

Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's Auditor(s) as required by Section 7.12A(2), Local Government Act 1995."

*Quorum*

The quorum for the Committee be a minimum of 50% of its membership

*Tenure*

Ongoing in accordance with Section 5.8 and 5.9 of the Local Government Act 1995.

*Meeting frequency*

Quarterly

*Responsible Officer*

Director Corporate Services

**NOTE: ABSOLUTE MAJORITY VOTE REQUIRED**

- 3a Disbands the South Hedland CBD Stakeholder Committee and establishes the South Hedland CBD Stakeholder Working Group as follows:

*Terms of Reference*

The South Hedland CBD Stakeholder Working Group has been established to:

1. Ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD;
2. Provide input and advice to Council in respect to Stage 1 and 2 of South Hedland CBD;
3. Recommend to Council strategies to create a vibrant and safe CBD;
4. Provide input to the Council with regard to community infrastructure development in the South Hedland CBD.

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*A representative from the following organisations:*

LandCorp – Aaron Grant

LandCorp – Jacinta Harvey

Lotteries House Board – Roz Brabazon

Shopping Centre owners (Charter Hall) – Samantha Robinson

FORM – Kate Antonas

South Hedland Police – Peter D. Pope

PANGO – Robert Neville

BHP Billiton Iron Ore – Andre Veder

Business Owners/Operators – Brent Rudler

Business Owners/Operators - Evan Ralph

Business Owners/Operators - Michael Hales

Community Member – Chris Whalley

Community Member – Lisa Bowen

*Tenure*

Ongoing

*Meeting frequency*

Every 6 weeks

*Responsible Officer*

Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

OR

- 3b. Maintains the South Hedland CBD Stakeholder Committee as follows:

*Terms of Reference*

The Committee be constituted as a formal committee of Council under the provision of Section 5.8 of the Local Government Act (1995)

*Purpose/Aim*

1. Ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD.
2. Provide input and advice to LandCorp in respect to Stage 1 and 2 of South Hedland CBD.
3. Develop and implement strategies to create a vibrant and safe CBD.

*Membership*

The membership of the committee be as follows:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*A representative from the following organisations:*

LandCorp – Aaron Grant

LandCorp – Jacinta Harvey

Lotteries House Board – Roz Brabazon

Shopping Centre owners (Charter Hall) – Samantha Robinson

FORM – Kate Antonas

South Hedland Police – Peter D. Pope

PANGO – Robert Neville

BHP Billiton Iron Ore – Andre Veder

Business Owners/Operators – Brent Rudler

Business Owners/Operators - Evan Ralph

Business Owners/Operators - Michael Hales

Community Member – Chris Whalley

Community Member – Lisa Bowen

*Meeting frequency*

Every six weeks

*Quorum*

The quorum for the Committee be a minimum of 50% of its membership.

*Delegation*

Nil.

*Tenure*  
Ongoing

*Responsible Officer*  
Chief Executive Officer

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

- 4a. Disbands the Spoilbank Marina Stakeholder Committee and establishes the Spoilbank Marina Stakeholder Working Group as follows:

*Terms of Reference*

The Spoilbank Marina Stakeholder Working Group has been established to:

1. Provide advice to Council on the development of the Spoilbank Marina project;
2. Provide a means of engagement with key stakeholders about the project;
3. Investigate and make recommendations to Council on management structures and operations of the Spoilbank Marina.

*Membership*

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

Port Hedland Port Authority – Lindsay Copeman, Acting Chief Executive Officer

Port Hedland Yacht Club – Darryl Brown, Commodore

Port Hedland Returned Services League – Mark Postans, President

*Community Members*  
Steve Burns; and  
Shelley Wood; and  
Andrew Mitchell

*Tenure*  
Ongoing

*Meeting frequency*  
Every 8 weeks

*Responsible Officer*  
Director Planning and Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

OR

- 4b. Maintain the Spoilbank Marina Stakeholder Committee as follows:

*Terms of Reference*

The Committee be constituted as a formal committee of Council under the provision of 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*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Port Hedland Port Authority – Lindsay Copeman, Acting Chief Executive Officer

Port Hedland Yacht Club – Darryl Brown, Commodore

Port Hedland Returned Services League – Mark Postans, President

*Community Members*

Steve Burns; and  
Shelley Wood; and  
Andrew Mitchell

*Meeting frequency*

Every six weeks

*Quorum*

The quorum for the Committee be a minimum of 50% of its membership.

*Delegation*

Nil

*Tenure*

Ongoing

*Meeting frequency*

Every 8 weeks

*Responsible Officer*

Chief Executive Officer

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

- 5a. Disbands the Airport Committee and establishes the Airport Working Group as follows:

*Terms of Reference*

The Airport Working Group has been established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

1. Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified.
2. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means.
3. Upgrade terminal facilities including baggage screening and departure lounges.

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*Community members*

Michelle Cook

Serge Doumergue

Doug Gould

*Tenure*

Ongoing

*Meeting frequency*

Every 4 weeks

*Responsible Officer*

Director Engineering

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*



OR

5b. Establishes the Airport Committee as follows:

*Terms of Reference*

The Airport Committee has been established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

1. Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified.
2. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means.
3. Upgrade terminal facilities including baggage screening and departure lounges.

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*Community members*

Michelle Cook

Serge Doumergue

Doug Gould

*Quorum*

The quorum for the Committee be a minimum of 50% of its membership.

*Delegation*

The Town of Port Hedland Airport Committee be given the following delegated authority to make decisions on behalf of Council:

- i) To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11 f)
- ii) To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.
- iii) Provide direction and advice pertaining to the development of a Master Plan for the Port Hedland International Airport and the development of plans for a new airport terminal

*Tenure*  
Ongoing

*Meeting frequency*  
Monthly

*Responsible Officer*  
Director Engineering

*NOTE: ABSOLUTE MAJORITY VOTE REQUIRED*

6a.

- i) Disband the following working groups:
- A) JD Hardie Centre Working Group; and
  - B) Multi Purpose Recreation Centre Working Group; and
  - C) Naming of Multi Purpose Recreation Centre Working Group

And

- ii) establishes the following Quarterly Council Community Users Facilities Forum:

*Purpose/Aim*

The purpose of this forum will be to ensure that the Town engages with the users of the community and leisure facilities provided. This will be achieved through the following approaches:

1. Seek community support on Town's policies that regard the operation and management of community and leisure facilities,
2. Ensure that facility users are able to assist the Town in providing facilities that are considered best practice in how they are operated and managed;
3. Engage with the community in the planning of future community and leisure facilities.

*Tenure*  
Ongoing

*Meeting frequency*  
Quarterly

*Membership*

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

*Responsible Officer*  
Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

OR

6b Maintains the current working groups as follows:

**A) JD Hardie Centre Working Group**

1. *Scope*

Planning the nature and operation of the Youth Zone within the framework of the Hedland Youth Plan (HYP) 2009-2014 and the Hedland Youth Precinct Business Plan (April 2008) – building in the expectations of today’s young people and the broader community.

2. *Purpose*

To consider and advise Council in relation to the following:

Enhancing the vision for the Youth Zone – namely, identifying the contribution it will make towards the well-being and growth of local young people.

The opportunities to be offered young people that will achieve this vision – projects, services, events, opportunities to participate.

The management and staffing structures required to deliver these opportunities – including (as appropriate) the roles of the Town of Port Hedland, agency tenants, young people and others.

3. *Status, Powers and Process*

Advice provided by this Working Group will be of central importance to Council as it makes its decisions in coming months in regard to the operation of the Youth Zone.

The Town of Port Hedland acknowledges the imperative for community participation in planning the operation of the Youth Zone. As such, this participation is highly valued. It will be the beginning of building community participation into its future operation.

The Working Group will meet as required to successfully undertake its *purpose* in the period leading up to the opening of the Youth Zone, which is anticipated in April 2011.

A consensus based decision making process will be pursued.

4. *Working Group Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Director Community Development  
Manager Community Development  
Coordinator Youth Services

*Agency Representation*

Manager, Youth Involvement Council

*Community Members*

Mitchell Blake (young person and HYLC)

Mark Davis (Creating Communities)

Angela Dey (Child Protection)

Clare Dimer (Youth Justice Team)

Brad Holder (young person and HYLC)

Kathy Holt (Children's Services)

Ray Holt (SH Police – Community Policing)

Prem Kothalanka (young person, Indian Community)

Kerie Loo (interested community member)

Sandor Thor Meszaros (parent)

Trilok Modi (young person)

Hannah Nelson (young person and HYLC)

Mitchell Roberts (young person)

Jake Ross (young person)

Daniel Russell (young person with a disability)

Jacqueline Simon (parent)

David Sullivan (young person and HYLC)

Tim Turner (worker with young people)

Julie Whatley (young person and Child Protection)

Gnungala Yarren-Clantor (worker with young people)

Ayla Steward (Youth Justice Officer)

*Tenure*

Until the JD Hardie Youth Precinct Development is completed

*Responsible Officer*

Director Community Development

**B) Multi Purpose Recreation Centre Working Group***Aim/Purpose:*

Terms of Reference for Phase 1 of the Multipurpose Recreation Centre Working Group, as follows:

*a. Scope*

Planning for the shared use of Kevin Scott Oval during the 2011 winter sporting season and early consideration of the shared use of facilities to be provided by the MPRC beginning in the 2012 season.

*b. Purpose*

To consider and advise Council in regard to the following:

- The allocation of training and playing time on the Kevin Scott Oval during the 2011 winter season.
- The requirement, during the 2011 winter season, for temporary facilities to be made available at the oval, such as change rooms, storage, ablutions and kiosk.
- The shared use of facilities to be provided to the sporting groups as part of the MPRC, commencing in season 2012, including the clubroom.

*c. Process*

The Working Group will meet as required to successfully meet its purpose in the period leading up to the commencement of the winter sporting season in March/April 2011.

These terms of reference will be amended and the membership extended in February 2011 to extend the scope to include the full operation of the MPRC.

*Membership:*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Director Community Development

Manager Community Services

Coordinator Recreation Services

Club and Project Development Officer

*Up to three representatives from:*

Swans Football Club

Junior Football Association

Junior Rugby Association

Hedland Touch Association

*Tenure:*

In association with the full operation of the MPRC in April 2012.

*Responsible Officer:*

Director Community Development

**C) Naming of Multi Purpose Recreation Centre Working Group**

*Aim/Purpose*

- i) Undertake the community consultation for the official name of the Multi Purpose Recreation Centre as part of the community engagement process of the construction process;
- ii) Consider all submissions for the official name of the Multi Purpose Recreation Centre to select the most appropriate (if any) and report to Council for consideration; and,
- iii) Make the official announcement at the Grand Opening of the Multi Purpose Recreation Centre.

*Membership*

Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Steve J Coates  
Councillor Jan M Gillingham.

*Tenure*

Ongoing.

*Responsible Officer*

Director Community Development

**NOTE: SIMPLE MAJORITY VOTE REQUIRED**

## 7. Establishes the FIFO Integration Working Group

*Aim/Purpose:*

To develop increased levels of communication between FIFO workers and the Port Hedland community by:

- Developing initiatives to improve and increase FIFO workers participation in the Town's activities; and
- Considering improved levels of access to TWA facilities for Hedland community members; and
- Broadening the Port Hedland community's perception of TWA camps and FIFO workers
- Identifying initiatives to increase social and economic benefits that FIFO workers can bring to Port Hedland's community and to the Town as a whole.

*Membership*

Majority Industry (BHP, FMG, Auzcorp, Hancock, Atlas Iron Ore, Main Roads, Horizon Power, Watercorp)

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

3 x Community members

*Tenure*

Ongoing

*Meeting Frequency* \_\_\_\_\_

*Responsible Officer*

Director Community Development

**NOTE: SIMPLE MAJORITY VOTE REQUIRED**

## 8. Maintains the current PHIA TWA Implementation Working Group

*Aim/Purpose*

To implement the community integration initiatives agreed to within the Town of Port Hedland/Compass Lease Agreement.

*Membership*

Council Representatives include:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

Chief Executive Officer  
Director Community Development

*Tenure*  
Ongoing

*Responsible Officer*  
Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

- 9a. Disband the current Donations Working Group in accordance with the revised terms of reference of the Audit and Finance Committee.

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

**OR**

**9B. Maintains the current Donations Working Group as follows:**

*Aim/Purpose*

To consider requests for donations from the community and make recommendations to Council.

*Membership*

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Proxy Councillor \_\_\_\_\_  
Director Community Development  
Manager Recreation and Youth Services  
Manager Libraries and Cultural Development

*Tenure*  
Ongoing

*Meetings frequency*  
Bi-monthly (every two months)

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*



**10. Establishes the following working groups****i) Atlas Iron/Town of Port Hedland Partnership**

*Purpose:*

To:

- a) Formalise regular communication between the parties regarding current operations and future plans;
- b) Identify and discuss joint initiatives that may be appropriate between Atlas Iron and Council;
- c) Recommend projects to Council for implementation.

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Chief Executive Officer  
Director Community Development

Atlas Iron representative x 1

*Responsible Officer*  
Chief Executive Officer

**And**

**ii) Marrapikurinya Tower Project**

*Purpose/Aim*

1. To provide advice to Council on the development of the Marrapikurinya Tower project;
2. To provide a means of engagement with key stakeholders about the project;
3. Investigate and make recommendations to Council on management structures and operations of the Marrapikurinya Tower.

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*Representatives from:*

FORM

CCI

BHP Billiton

Pilbara Cities

PHPA  
PDC  
ToPH

*Tenure*  
Ongoing

*Meetings frequency*  
Every six weeks

*Responsible Officer*  
Director Planning and Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

- 11. Establishes the Fortescue Metal Group Strategic Forum as follows:

*Purpose/Aim*

To enhance and formalize current communication between FMG and Town of Port Hedland and highlight any projects that can be undertaken together for the betterment of the Hedland community as a whole.

*Tenure*  
Ongoing

*Forum frequency*  
Quarterly

*Membership*

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

*Responsible Officer*  
Chief Executive Officer

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

12. Re-establishes the BHPBIO/Council Joint Projects Working Group

*Purpose*

The BHPBIO/Council Joint Projects Working Group has been established to:

1. discuss joint initiatives that may be appropriate between BHPBIO and Council;
2. recommend projects to Council for funding from the BHPBIO/ToPH Sustainability Partnership Fund.

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

- Executive Team
- Delegates may be invited to attend as required (relevant Council officers/consultants)

*Tenure*

Ongoing

*Responsible Officers*

Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

13. Re-establishes the Roy Hill Infrastructure/Council Community Partnership Working Group

*Purpose*

The Roy Hill Infrastructure/Council Community Partnership Working Group has been established to:

1. identify mutually beneficial community initiatives which may be appropriate between Roy Hill Infrastructure Pty Ltd and the Town of Port Hedland;
2. recommend projects to Council for implementation.

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

- Executive Team
- Delegates may be invited to attend as required (relevant Council officers/consultants)

*Tenure*  
Ongoing

*Responsible Officer*  
Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

14. Re-establishes the BHP Billiton Precinct 3 Working Group

*Purpose*

The BHP Billiton Precinct 3 Working Group has been established to ensure that communication flows between the parties as the business plan is developed.

*Membership*

- Chaired by Mr Ian Taylor  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_
- Chief Executive Officer
- Representatives from BHP Billiton

*Tenure*  
Ongoing

*Responsible Officer*  
Chief Executive Officer

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

15. Re-establishes the Community Safety and Crime Prevention Working Group

*Aim/Purpose*

The Community Safety and Crime Prevention Working Group has been established to facilitate, oversee and review the implementation of the 2010 – 2013 Community Safety & Crime Prevention Plan (CSCP) which was developed based on the key outcomes from a CSCP community survey and stakeholder consultation process.

*Membership*

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

- Representation from signatories to the Hedland Community Safety and Crime Prevention Plan 2010-2013
- Interested community groups and non-government agencies
- Town of Port Hedland officer

*Tenure*

Ongoing.

*Responsible Officers*

Director Planning and Development Services  
Manager Environmental Health Services

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

16. Re-establishes the Chief Executive Officer Performance Review Working Group

*Aim/Purpose*

The Chief Executive Officer Performance Review Working Group has been established to undertake the Chief Executive Officer's performance review on an annual basis and to renegotiate a new employment contract as and when required, with the negotiations being brought back to Council for consideration.

*Membership*

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

*Tenure*

Ongoing.

*Responsible Officer*

Chief Executive Officer

## 17. Re-establishes the Aboriginal Art Centre Working Group

*Purpose/Aim*

The Aboriginal Art Centre Working Group has been established to:

1. develop a proposal for an Aboriginal Arts Centre in Port Hedland;
2. source funding to support the proposal once developed;

*Membership*

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

- Director Community Development
- Manager Community Services
- Coordinator Community and Cultural Development

*A representative from the following organisations*

- BHP Billiton Iron Ore
- Hancock Prospecting
- FORM
- Spinifex Hill Artists
- Landcorp
- Department of Indigenous Affairs
- Pilbara Development Commission
- Fortescue Metals Group

*Tenure*

12 months

*Responsible Officer*

Director Community Development

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

18. Nominates Council Representative(s) on external organisations as follows:

**Pilbara Regional Council**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

**Regional Roads Group**

Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

**Port Hedland Retirement Village (Inc.)**

Councillor \_\_\_\_\_

**Local Emergency Management Advisory Committee**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

**BHP Billiton Consultative Committee**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

**Hedland Senior High School Board**

Councillor/s \_\_\_\_\_

**Development Assessments Panel**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

Proxi Councillor \_\_\_\_\_

**Pilbara Regional Planning Committee**

Councillor \_\_\_\_\_

**Hedland Community Foundation Board**

Councillor \_\_\_\_\_

**Port Hedland Visitors Centre Management Committee**

Councillor \_\_\_\_\_

*NOTE: SIMPLE MAJORITY VOTE REQUIRED*

201112/216 Council Decision

Moved: Cr D W Hooper

Seconded: Cr S R Martin

**That Council suspend standing orders.**

*CARRIED 5/0*

6:02pm Mayor advised that Standing Orders are suspended.

201112/217 Council Decision

Moved: Cr D W Hooper

Seconded: Cr S R Martin

**That Council resumes standing orders.**

*CARRIED 5/0*

6:19pm Mayor advised that Standing Orders are resumed.

201112/218 Council Decision

Moved: Cr S R Martin

Seconded: Cr D W Hooper

That Council re-establishes the Audit and Finance Committee as follows:

Terms of Reference

- a) Part 7, the Local Government Act 1995;
- b) Liaise with Auditor;
- c) Receive Quarterly Budget Review Reports;
- d) Recommend Donations as per Council's Policy;
- e) Periodically consider alternatives for potential staff housing options;
- f) Receive Quarterly Financial Reports on all of Town of Port Hedland's Managed Community Facilities
- g) Review and suggest improvements to Risk Management within the organisation

Membership

Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Michael B Dziombak  
Councillor Gloria A Jacob



### Quorum

The quorum for the Committee be a minimum of 50% of its membership

### Delegation

Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's Auditor(s) as required by Section 7.12A(2), Local Government Act 1995."

Tenure  
Ongoing

Meeting frequency  
Quarterly

Responsible Officer  
Director Corporate Services

*CARRIED BY ABSOLUTE MAJORITY 5/0*

201112/219 Council Decision - En Bloc Resolution No. 1

Moved: Cr S R Martin                      Seconded: Cr D W Hooper

That Council adopts en bloc the Officer's Recommendations 1 to 16 inclusive of Agenda Item 11.4.2.2 'Review of Town of Port Hedland's Committees and Working Groups Terms of Reference and Elected Member Representation on Council's Committees, Working Groups and External Organisations'.

*CARRIED 5/0*

### Officer's Recommendation 1

That Council disbands the South Hedland CBD Stakeholder Committee and establishes the South Hedland CBD Stakeholder Working Group as follows:

#### Aim/Purpose

The South Hedland CBD Stakeholder Working Group has been established to:

1. Ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD;
2. Provide input and advice to Council in respect to Stage 1 and 2 of South Hedland CBD;

3. Recommend to Council strategies to create a vibrant and safe CBD;
4. Provide input to the Council with regard to community infrastructure development in the South Hedland CBD.

#### Membership

Mayor Kelly A Howlett  
Councillor David W Hooper  
Councillor Gloria A Jacob

LandCorp – Aaron Grant  
LandCorp – Jacinta Harvey  
Lotteries House Board – Roz Brabazon  
Shopping Centre owners (Charter Hall) – Samantha Robinson  
FORM – Kate Antonas  
South Hedland Police – Peter D. Pope  
PANGO – Robert Neville  
BHP Billiton Iron Ore – Andre Veder

Business Owners/Operators – Brent Rudler  
Business Owners/Operators - Evan Ralph  
Business Owners/Operators - Michael Hales

Community Member – Chris Whalley  
Community Member – Lisa Bowen

Tenure  
Ongoing

Meeting frequency  
Every 6 weeks

Responsible Officer  
Director Community Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*

### Officer's Recommendation 2

That Council disbands the Spoilbank Marina Stakeholder Committee and establishes the Spoilbank Marina Stakeholder Working Group as follows:

#### Aim/Purpose

The Spoilbank Marina Stakeholder Working Group has been established to:

1. Provide advice to Council on the development of the Spoilbank Marina project;
2. Provide a means of engagement with key stakeholders about the project;
3. Investigate and make recommendations to Council on management structures and operations of the Spoilbank Marina.

#### Membership

Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Stan R Martin  
Councillor Jan M Gillingham  
Councillor Michael B Dziombak  
Councillor Gloria A Jacob

Port Hedland Port Authority – Lindsay Copeman, Acting Chief Executive Officer

Port Hedland Yacht Club – Darryl Brown, Commodore

Port Hedland Returned Services League – Mark Postans, President

#### Community Members

Steve Burns; and  
Shelley Wood; and  
Andrew Mitchell

#### Tenure

Ongoing

#### Meeting frequency

Every 8 weeks

#### Responsible Officer

Director Planning and Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*

### Officer's Recommendation 3

That Council disbands the Airport Committee and establishes the Airport Working Group as follows:

#### Aim/Purpose

The Airport Working Group has been established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

1. Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified.
2. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means.
3. Upgrade terminal facilities including baggage screening and departure lounges.

#### Membership

Councillor Arnold A Carter  
Councillor Jan M Gillingham  
Councillor Julie E Hunt  
Councillor Gloria A Jacob

#### Community members

Michelle Cook  
Serge Doumergue  
Doug Gould

#### Tenure

Ongoing

#### Meeting frequency

Every 4 weeks

#### Responsible Officer

Director Engineering

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 4

- i) That Council Disband the following working groups:
- A) JD Hardie Centre Working Group; and**
  - B) Multi Purpose Recreation Centre Working Group; and**
  - C) Naming of Multi Purpose Recreation Centre Working Group**

And

- ii) establishes the following Quarterly Council Community Users Facilities Forum:

Aim/Purpose

**The purpose of this forum will be to ensure that the Town engages with the users of the community and leisure facilities provided. This will be achieved through the following approaches:**

1. Seek community support on Town's policies that regard the operation and management of community and leisure facilities,
2. Ensure that facility users are able to assist the Town in providing facilities that are considered best practice in how they are operated and managed;
3. Engage with the community in the planning of future community and leisure facilities.

**Membership**

**Mayor Kelly A Howlett  
Councillor George J Daccache  
Councillor Julie E Hunt  
Councillor Gloria A Jacob**

**Tenure  
Ongoing**

**Meeting frequency  
Quarterly**

**Responsible Officer  
Director Community Development**

*CARRIED BY EN BLOC RESOLUTION NO. 1*

### Officer's Recommendation 5

That Council establishes the FIFO Integration Working Group as follows:

#### Aim/Purpose

To develop increased levels of communication between FIFO workers and the Port Hedland community by:

- Developing initiatives to improve and increase FIFO workers participation in the Town's activities; and
- Considering improved levels of access to TWA facilities for Hedland community members; and
- Broadening the Port Hedland community's perception of TWA camps and FIFO workers
- Identifying initiatives to increase social and economic benefits that FIFO workers can bring to Port Hedland's community and to the Town as a whole.

#### Membership

Mayor Kelly A Howlett  
Councillor Gloria A Jacob

Majory Industry (BHP, FMG, Auzcorp, Hancock, Atlas Iron Ore, Main Roads, Horizon Power, Watercorp)

3 x Community members

Tenure  
Ongoing

Meeting Frequency  
Every 8 weeks

Responsible Officer  
Director Community Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 6

That Council maintains the current PHIA TWA Implementation Working Group:

## Aim/Purpose

To implement the community integration initiatives agreed to within the Town of Port Hedland/Compass Lease Agreement.

## Membership

Mayor Kelly A Howlett  
Councillor George J Daccache

Chief Executive Officer  
Director Community Development

Tenure  
Ongoing

Responsible Officer  
Director Community Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 7

That Council disband the current Donations Working Group in accordance with the revised terms of reference of the Audit and Finance Committee.

## Officer's Recommendation 8

That Council establishes the following working groups

- i) Atlas Iron/Town of Port Hedland Partnership

## Aim/Purpose

- a) **Formalise regular communication between the parties regarding current operations and future plans;**
- b) **Identify and discuss joint initiatives that may be appropriate between Atlas Iron and Council;**
- c) **Recommend projects to Council for implementation.**

## Membership

Mayor Kelly A Howlett  
Councillor David W Hooper  
Councillor Julie E Hunt  
Councillor Gloria A Jacob

Chief Executive Officer  
Director Community Development

Atlas Iron representatives

Responsible Officer  
Chief Executive Officer

**And****ii) Marrapikurinya Tower Project**

## Aim/Purpose

- 1. To provide advice to Council on the development of the Marrapikurinya Tower project;**
- 2. To provide a means of engagement with key stakeholders about the project;**
- 3. Investigate and make recommendations to Council on management structures and operations of the Marrapikurinya Tower.**

## Membership

Councillor Michael B Dziombak  
Councillor Julie E Hunt

Representatives from:  
FORM  
Port Hedland Chamber of Commerce  
BHP Billiton  
Pilbara Cities  
Port Hedland Port Authority  
Pilbara Development Commission  
ToPH

Tenure  
Ongoing

Meetings frequency  
Every six weeks

Responsible Officer  
Director Planning and Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*



## Officer's Recommendation 9

That Council establishes the Fortescue Metal Group Strategic Forum as follows:

## Aim/Purpose

To enhance and formalize current communication between FMG and Town of Port Hedland and highlight any projects that can be undertaken together for the betterment of the Hedland community as a whole.

## Tenure

Ongoing

## Forum frequency

Quarterly

## Membership

Councillor George J Daccache

Councillor Julie E Hunt

## Responsible Officer

Chief Executive Officer

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 10

That Council re-establishes the BHPBIO/Council Joint Projects Working Group

## Aim/Purpose

The BHPBIO/Council Joint Projects Working Group has been established to:

- 1. discuss joint initiatives that may be appropriate between BHPBIO and Council;**
- 2. recommend projects to Council for funding from the BHPBIO/ToPH Sustainability Partnership Fund.**

## Membership

Mayor Kelly A Howlett

Councillor George J Daccache

Councillor Arnold A Carter

Councillor Stan R Martin

Councillor Michael B Dziombak

Executive Team

Delegates may be invited to attend as required (relevant Council officers/consultants)

Tenure

Ongoing

Responsible Officers

Director Community Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*

Officer's Recommendation 11

That Council re-establishes the Roy Hill Infrastructure/Council Community Partnership Working Group

Aim/Purpose

The Roy Hill Infrastructure/Council Community Partnership Working Group has been established to:

- 1. identify mutually beneficial community initiatives which may be appropriate between Roy Hill Infrastructure Pty Ltd and the Town of Port Hedland;**
- 2. recommend projects to Council for implementation.**

Membership

Mayor Kelly Howlett

Councillor G Jacob

Executive Team

Delegates may be invited to attend as required (relevant Council officers/consultants)

Tenure

Ongoing

Responsible Officer

Director Community Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 12

That Council re-establishes the BHP Billiton Precinct 3 Working Group

## Aim/Purpose

The BHP Billiton Precinct 3 Working Group has been established to ensure that communication flows between the parties as the business plan is developed.

## Membership

Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Stan R Martin  
Councillor Julie E Hunt  
Councillor Gloria A Jacob

Chaired by Mr Ian Taylor  
Chief Executive Officer  
Representatives from BHP Billiton

Tenure  
Ongoing

Responsible Officer  
Chief Executive Officer

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 13

That Council re-establishes the Community Safety and Crime Prevention Working Group

## Aim/Purpose

The Community Safety and Crime Prevention Working Group has been established to facilitate, oversee and review the implementation of the 2010 – 2013 Community Safety & Crime Prevention Plan (CSCP) which was developed based on the key outcomes from a CSCP community survey and stakeholder consultation process.

## Membership

Mayor Kelly A Howlett  
Councillor Gloria A Jacob

Representation from signatories to the Hedland Community  
Safety and Crime Prevention Plan 2010-2013  
Interested community groups and non-government agencies  
Town of Port Hedland officer

Tenure  
Ongoing

Responsible Officers  
Director Planning and Development Services  
Manager Environmental Health Services

*CARRIED BY EN BLOC RESOLUTION NO. 1*

Officer's Recommendation 14

That Council re-establishes the Chief Executive Officer  
Performance Review Working Group

Aim/Purpose

The Chief Executive Officer Performance Review Working  
Group has been established to undertake the Chief Executive  
Officer's performance review on an annual basis and to  
renegotiate a new employment contract as and when  
required, with the negotiations being brought back to Council  
for consideration.

Membership

Mayor Kelly A Howlett  
Councillor George J Daccache  
Councillor Arnold A Carter  
Councillor Gloria A Jacob

Tenure  
Ongoing

Responsible Officer  
Chief Executive Officer

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 15

That Council re-establishes the Aboriginal Art Centre Working Group

## Purpose/Aim

The Aboriginal Art Centre Working Group has been established to:

- 1. develop a proposal for an Aboriginal Arts Centre in Port Hedland;**
- 2. source funding to support the proposal once developed.**

## Membership

Councillor Julie E Hunt  
Councillor Gloria A Jacob

Director Community Development  
Manager Community Services  
Coordinator Community and Cultural Development

A representative from the following organisations

- BHP Billiton Iron Ore
- Hancock Prospecting
- FORM
- Spinifex Hill Artists
- Landcorp
- Department of Indigenous Affairs
- Pilbara Development Commission
- Fortescue Metals Group

## Tenure

12 months

## Responsible Officer

Director Community Development

*CARRIED BY EN BLOC RESOLUTION NO. 1*

## Officer's Recommendation 16

That Council nominates Council Representative(s) on external organisations as follows:

Pilbara Regional Council  
Mayor Kelly A Howlett  
Councillor George J Daccache  
Proxi Councillor G A Jacob  
Proxi Councillor Julie E Hunt

Regional Roads Group  
Councillor George J Daccache  
Proxi Mayor Kelly A Howlett

Port Hedland Retirement Village (Inc.)  
Councillor Julie E Hunt

Local Emergency Management Advisory Committee  
Mayor Kelly A Howlett  
Councillor George J Daccache

BHP Billiton Consultative Committee  
Councillor Julie E Hunt  
Proxi Councillor Gloria A Jacob

Hedland Senior High School Board  
Mayor Kelly A Howlett

Development Assessments Panel  
Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Proxi Councillor George J Daccache  
Proxi Councillor Michael (Bill) Dziombak

Pilbara Regional Planning Committee  
Councillor Stan R Martin  
Mayor Kelly A Howlett

Hedland Community Foundation Board  
Councillor Michael (Bill) Dziombak

Port Hedland Visitors Centre Management Committee  
Councillor Jan M Gillingham

*CARRIED BY EN BLOC RESOLUTION NO. 1*

*REASON: Council believes that it is not required to establish the Planning and Development Committee as it has resolved to revert back to 2 Ordinary Meetings per month.*

*11.4.2.3 Request for Approval of Standardised Marketing Material to be Used with Town of Port Hedland Communications (File No.: .../...)*

Officer Kate Bale  
Executive Assistant to CEO

Date of Report 9 November 2011

Disclosure of Interest by Officer Nil

Summary

This report presents Council with a proposal for Port Hedland Pilbara's Port City standardised marketing material to be used across the organisation, on all state, national and international communications, and in conjunction with the Town of Port Hedland's (ToPH) existing logo. In addition to ToPH's use, the Port Hedland Pilbara's Port City branding will also be available for stakeholders and Government Agencies to utilise in their corporate promotion of Port Hedland.

This report also presents Council with new corporate stationery, letterhead, envelopes and business cards, for use across the organisation for all communications.

Background

In September 2010 Council agreed upon new branding material, which has been progressively rolled out across the Town. This has been well received on all accounts.

In early 2011 Council engaged in discussions with LandCorp and Pilbara Cities as a need was recognised for an identifying statement at a more strategic level of marketing for Port Hedland.

Whilst the Town has successfully communicated to the local market more effort is required to market Port Hedland at a State and Federal level.

In preparation for this Officers sought feedback from the community on what should be the "tag" line for the town as the transformation occurs to become a city.

At the Ordinary Council Meeting on the 8 June 2011 Council resolved:

*"201011/416 Officer's Recommendation/Council Decision*

*That Council:*

- 1. Adopt the "tag" line for Port Hedland to be "Pilbara's Port City"*
- 2. Receive regular updates on the marketing of Port Hedland."*

The ToPH then engaged Clarity Communications to develop a branding devise and briefings were held with Councillors to present different options of Port Hedland Pilbara's Port City marketing material and a preferred option was agreed.

#### Consultation

Consultation has occurred in development of this material informally with community, Councillors and staff and formally with the following government agencies:

- LandCorp
- Pilbara Cities
- Department of Housing

#### **Statutory Implications**

Nil

#### **Policy Implications**

Nil

#### **Strategic Planning Implications**

Key Result Area 6:	Governance
Goal 2:	Marketing and Communication
Immediate Priority 1:	Undertake a comprehensive local, intrastate and interstate marketing campaign that details both the importance of the Port Hedland community and the positive achievements of the community.

Key Result Area 6:	Governance
Goal 2:	Marketing and Communication
Immediate Priority 2:	Town of Port Hedland corporate style guidelines that ensure a consistent clear image of the Town is being delivered.

#### Budget Implications

Council allocated as part of the 2010/11 financial year budget of \$280,000 for marketing and communications comprising general marketing and website development. The four major projects also have allocations for communications as part of their budget.



Implementation of marketing materials will occur within the existing budget parameters.

#### Officer's Comment

The marketing material for Port Hedland Pilbara's Port City is designed to be used in conjunction with Council's new branding and existing logo, as follows:



to be utilised on materials with coloured background

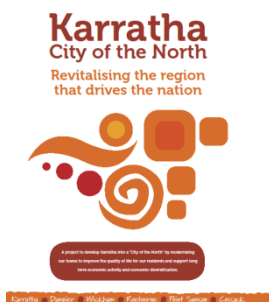


to be utilised on materials with white background

Many versions and options have been developed based upon feedback, however the option attached aligns closely to the views of those consulted.

The Port Hedland Pilbara's Port City marketing material will also be available for stakeholders and Government Agencies to utilise in their corporate promotion of Port Hedland.

Karratha has also developed an identifying statement for strategic marketing with the 'tag line' Karratha City of the North and marketing material as per below:



#### Attachments

1. Town of Port Hedland Corporate Stationery.

201112/220 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache      Seconded: Cr J E Hunt

That Council:

1. Approves the Port Hedland Pilbara's Port City marketing branding for Town of Port Hedland use in conjunction with the existing logo and crest;
2. Approves the Port Hedland Pilbara's Port City marketing branding for Stakeholder and Government Agency use in corporate promotion of Port Hedland; and
3. Request the CEO to implement the Town of Port Hedland Corporate Stationery, letterhead, envelopes and business cards for use across the organisation, to be rolled out as existing stationery becomes depleted.

*CARRIED 5/0*

# TOWN OF PORT HEDLAND

Corporate Stationery



Clarity



05 October 2011

360 Rokeby Road,  
Subiaco, Perth WA

Dear Sir,

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Regards,  
Joe Smith

**Civic Centre**  
McGregor Street  
PO Box 41  
Port Hedland, WA 6721

**P** (08) 9158 8300  
**F** (08) 9158 9399  
council@porthedland.wa.gov.au  
[www.porthedland.wa.gov.au](http://www.porthedland.wa.gov.au)




Nur-Idrah Halik  
Publicity Officer  
E [publicityofficer@PortHedland.wa.gov.au](mailto:publicityofficer@PortHedland.wa.gov.au)  
www.porthedland.wa.gov.au

**Civic Centre**  
McGregor Street  
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**P** (08) 9158 8300  
**F** (08) 9158 9399




**Civic Centre**  
McGregor Street  
PO Box 41  
Port Hedland, WA 6721

Att: Joe Smith  
360 Rokeby Road,  
Subiaco, Perth WA






Town of  
Port Hedland



05 October 2011

360 Rokeby Road,  
Subiaco, Perth WA

Dear Sir,

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Regards,  
Joe Smith

**Civic Centre**  
**McGregor Street**

PO Box 41  
Port Hedland, WA 6721

**P** (08) 9158 9300  
**F** (08) 9158 9399

council@portheadland.wa.gov.au  
[www.portheadland.wa.gov.au](http://www.portheadland.wa.gov.au)



**PORT  
HEDLAND**  
PILBARA'S  
PORT CITY



Business Card



Envelope

**Clarity** RAISING REPUTATIONS  
& BUILDING BRANDS

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

Social Media Policy (File No.:.....)

Mayor advised that this item has been withdrawn and will be presented at the next meeting.

*12.1 Proposed Community Use and Ancillary Restaurant / Cafe – RSL Club (File No.: 700010G)*

Officer Luke Cervi  
Senior Planning Officer

Date of Report 9 September 2011

Disclosure of Interest by Officer Nil

Summary

The Town received an application from RPS on behalf of the Port Hedland RSL Sub Branch, to construct a new RSL Club on part Reserve 30768 (being part Lot 5550 and part Lot 5178) Sutherland Street, Port Hedland which is owned by the Crown and vested to the Town for "Parks and Recreation".

The application is supported by Council Officers. Council is requested to consider the application favourably subject to certain conditions.

Background

*Location and site details*

The subject site is located adjacent to the Yacht Club and opposite the old Port Hedland Hospital on Sutherland Street. The site is owned by the Crown and has been vested to the Town for "Parks and Recreation" purposes.

An area of 4768m<sup>2</sup> of the reserve (being the majority of the subject site) is leased to TS Pilbara and sublet to the RSL. Part of the proposal (approximately 600m<sup>2</sup>) is outside the current leasehold.

This issue is still not resolved however, discussions are continuing to progress with the Investment and Business Development unit in regard to the lease. Ideally this issue would be resolved prior to determining the application and must be resolved prior to any construction works commencing. Issuing a planning permit would provide the applicant with necessary surety to have engineering drawings prepared. This could be undertaken simultaneously with continued lease discussions / negotiations

*Previous Council Decisions*

Council provided a \$100,000 grant to the Port Hedland RSL Sub Branch to engage necessary consultants to facilitate design and approval of upgraded facilities subject to the following conditions:

1. The development being consistent with the Town's vision for future use and development of the Port Hedland Spoil Bank Precinct. The Town is seeking a high quality architecturally designed building that compliments building works that have been done at the adjacent Yacht Club and links in with future development proposals in and around the Spoil Bank.
2. The Town of Port Hedland being integrally involved in all facets of the design and approvals process.
3. The formalisation of a suitable lease arrangement for the redevelopment area.

*Consultation*

RPS has been engaged by the RSL to facilitate the design and approval of the proposed facility. RPS has had significant consultation with both the Town and Landcorp the project managers for the proposed Spoilbank Marina project.

The following comments have been received from LandCorp:

*LandCorp requested the Development Approval be held until a decision is made on project funding (marina project) and some detailed design (with consultation) has commenced to determine siting of the proposed building and any ensuing car parking issues with the overall marina development"*

*Statutory Implications*

Clause 2.3 MATTERS TO BE CONSIDERED BY COUNCIL, of the Town Planning Scheme No.5, reads as follows:

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

- (a) Have regard to the ultimate purpose intended for the reservation,*
- (b) Have regard for the intentions of agencies with responsibility for managing and developing the reservation, and*
- (c) Confer with the organisations it considers relevant to the reservation and the proposed use or development."*

*Policy Implications*

Nil

### Strategic Planning Implications

Nil

### Budget Implications

The applicant has paid \$6,740.00 being the prescribed application fee as per the approved fees and charges.

### Officer's Comment

From a planning perspective the proposed "Community Use" will accommodate the RSL club with the "Restaurant / Cafe" being ancillary thereto.

In assessing the application officers have concentrated on two main issues, being parking and aesthetic appearance to both Sutherland Street and the proposed marina.

#### *Parking:*

In terms of the parking requirements of the Port Hedland Town Planning Scheme No. 5, the "Community Use" is to provide 30 car parking bays and the "Restaurant / Cafe" 38 car parking bays, totalling 68 car parking bays.

In this regard it is reasonable to consider that the operational times of the two uses would overlap. In terms of the Draft Local Planning Policy 12 – Reciprocal Car Parking and Cash in Lieu of Car Parking, 35% of the parking required for the "Restaurant / Cafe", could be reciprocated with the "Community Use". This would reduce the overall parking requirement to 55 car parking bays.

The applicant has indicated that 52 car parking bays can be accommodated on the site, however, these bays are not compliant with the Town Planning Scheme No. 5 required width of 2.7m. In this regard the applicant will have to provide an amended site plan showing the car parking bays on-site to the correct dimensions.

However, the applicant has identified the ability to use 50 of the existing 75 car parking bays within the Sutherland Street Road Reserve (previously used for the hospital) which would be accessed via an elevated walkway from Sutherland Street to the proposed building.

In the absence of an overall development plan for the proposed marina and redevelopment of the hospital site Council Officers are reluctant to support the use of these bays as a long term option. However, until the development plan for the marina is completed it would be acceptable that these bays are used until the overall development plan for the marina and redevelopment of the hospital site has been finalised as it is likely that parking is provided elsewhere within the marina development for the proposed use.

*Aesthetic Appearance*

The proposed elevations have been discussed with the Landcorp project managers and agreed that the aesthetic appearance would not detract from the proposed marina development or any development proposed on the old hospital site. However, a condition will be imposed to ensure that any back of house equipment is suitably screen from public view.

*Options*

Council has the following options when considering the matter

1. Approve the application subject to conditions.

Approving the application will provide the RSL Club with the certainty that the development can progress as soon as the final decision has been made regarding proposed marina.

2. Defer consideration until final approval of the marina is obtained.

Deferral of the application would provide Landcorp the ability to finalise any proposed plans for the marina and provide the applicant with ultimate certainty on the required placement of the proposed building.

3. Refuse the application.

The refusal will lead to the applicant not being able to develop the site which would have a negative impact on the aesthetical value of the area.

Option 1 is recommended.

*Attachments*

1. Locality Plan
2. Site Plan
3. Floor Plans
4. Elevation Plans

## 201112/221 Officer's Recommendation/Council Decision

Moved: Cr J E Hunt

Seconded: Cr G J Daccache

That Council approves the application from RPS on behalf of the Port Hedland RSL Sub Branch, to construct a new RSL Club on part Reserve 30768 (being part Lot 5550 and part Lot 5178) Sutherland Street, Port Hedland which is owned by the Crown and vested to the Town subject to the following conditions

1. This approval relates only to the proposed "Community Use and the ancillary "restaurant / Cafe and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. The subject area must only be used for purposes, which are related to "Community Use. Under the Town of Port Hedland's Town Planning Scheme No. 5 "Community Use" is defined as:  
  
*"Land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit"*
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. This approval can only be acted upon if the applicant successfully obtains a lease over the portion of land that is being encroached upon, as identified on APPENDIX 1.
5. No human habitation is permitted in the development without Council approval.
6. The applicant is to ensure that a minimum of 55 car bays can be provided on site to the satisfaction of Council's Manager Planning.
7. In regard to condition (6) above, should the proposed marina not proceed the required parking bays are to be provided in accordance with the provisions of Town Planning Scheme No. 5.
8. Should the applicant not be able to provide the amount of parking required in condition (6) above, the applicant is to pay Council a cash-lieu-contribution for any shortfall.

9. No parking bays, pedestrian access-way(s) or landscaped areas shall be obstructed in any way or used for the purposes of storage.
10. The development is to comply with the Health (Public Buildings) Regulations 1992.
11. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
12. 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.
13. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
14. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of Council's Manager Planning.

Conditions to be complied with prior to the submission of a Building Licence application.

15. **Confirmation is to be obtained from Landcorp that the proposed location of the development is in accordance with the approved marina development plan.**
16. Prior to the submission of a building licence application, an Erosion Prevention and Sediment Control plan is to be submitted and considered by Council's Manager Planning.
17. All stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of Council's Manager Planning. For applications regarding site stormwater overflow into Council's existing drainage network, please contact Engineering Technical Officer on 9158 9608.
18. Simultaneously with the submission of a building licence application, a detailed floor plan is required to be submitted in order for the Town's to assess compliance with the Health Regulations 1992 (Public Buildings).

19. Prior to the submission of a building licence application a detailed landscaping and reticulation plan including any street verge and / or common area, is to be submitted and considered by Council's Manager Planning. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
20. Prior to the submission of a building licence application, a construction management plan is to be submitted and considered by Council's Manager Planning. The construction management plan is to indicate how it is proposed to manage the following during construction:
  - a. **The delivery of materials and equipment to the site;**
  - b. **The storage of materials and equipment on the site;**
  - c. **The parking arrangements for the contractors and subcontractors;**
  - d. **Impact on traffic movement;**
  - e. **Operation times including delivery of materials; and**
  - f. **Other matters likely to impact on the surrounding residents / businesses;**

**to the satisfaction of Council's Manager Planning.**

Conditions to be complied with prior to the occupation of the development.

21. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of Council's Manager Planning.
22. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and Construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of Council's Manager Planning.
23. Prior to the occupation of the development, the development shall be connected to the Water Corporation deep sewerage service.
24. Prior to the occupation of the development, a suitably screened bulk bin area to the specification of Councils Manager Environmental Health Services and to satisfaction of Council's Manager Planning.

25. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Council's Manager Planning Services.
26. Prior to the occupation of the development, landscaping and reticulation is to be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of Council's Manager Planning.

## FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. In regard to condition 8, a cash-in-lieu contribution shall be calculated by a suitably qualified land valuer using the formula contained in the Town Planning Scheme No.5.
3. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325
  - a. **It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations;**
  - b. **The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards;**
  - c. **Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and**
  - d. **Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.**
4. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

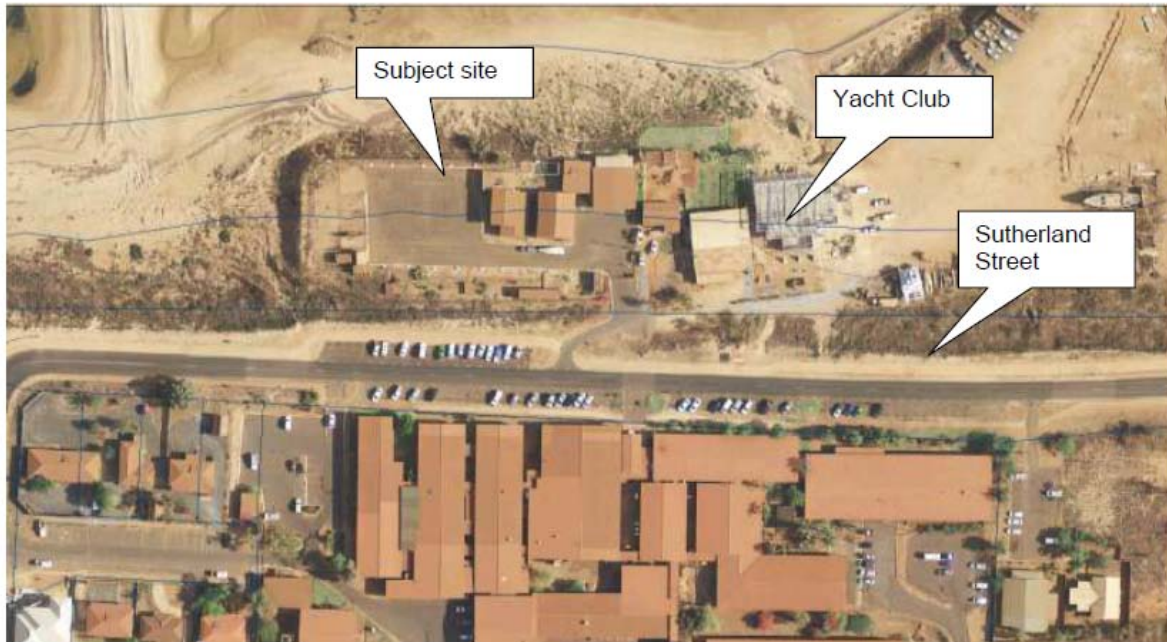


5. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

*CARRIED 5/0*

*ATTACHMENT 1 TO ITEM 12.2*

Attachment 1 - Locality Plan





2. Carpark Plan  
1:500

**COPRAXIS**  
ARCHITECTS

Copraxis Architects Suite 5 / 205 Bulwer Street Perth WA 6000  
t: 9328 4754 f: 9328 4755 e: mail@co-praxis.com

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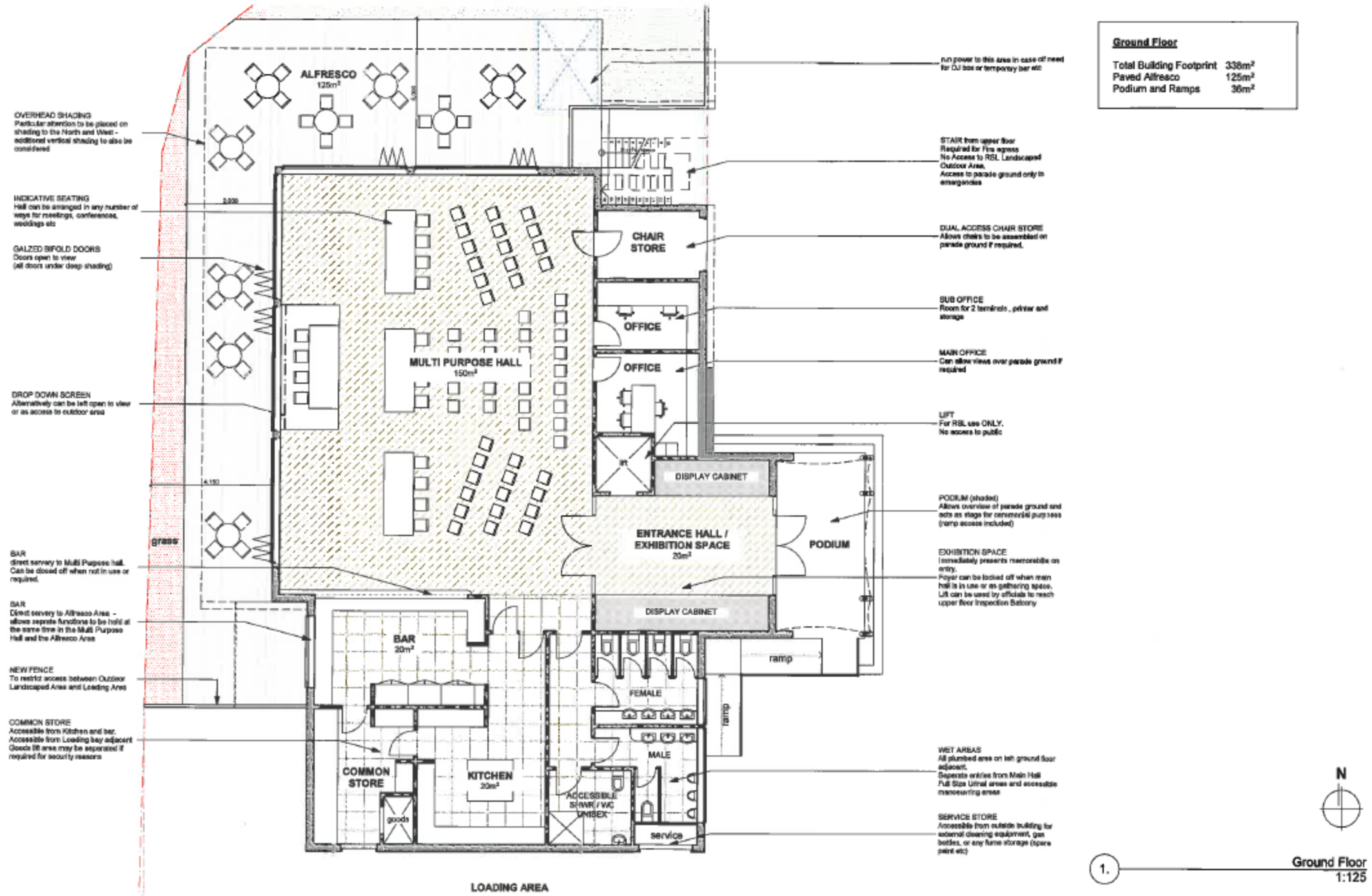
PHRSL / RPS

Port Hedland RSL  
1015-RPS-RSL

**Carpark  
Potential**

Printed 28/09/11  
Site\_PHRSL\_01.dwg

ATTACHMENT 3 TO ITEM 12.2



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 ARCHITECTS

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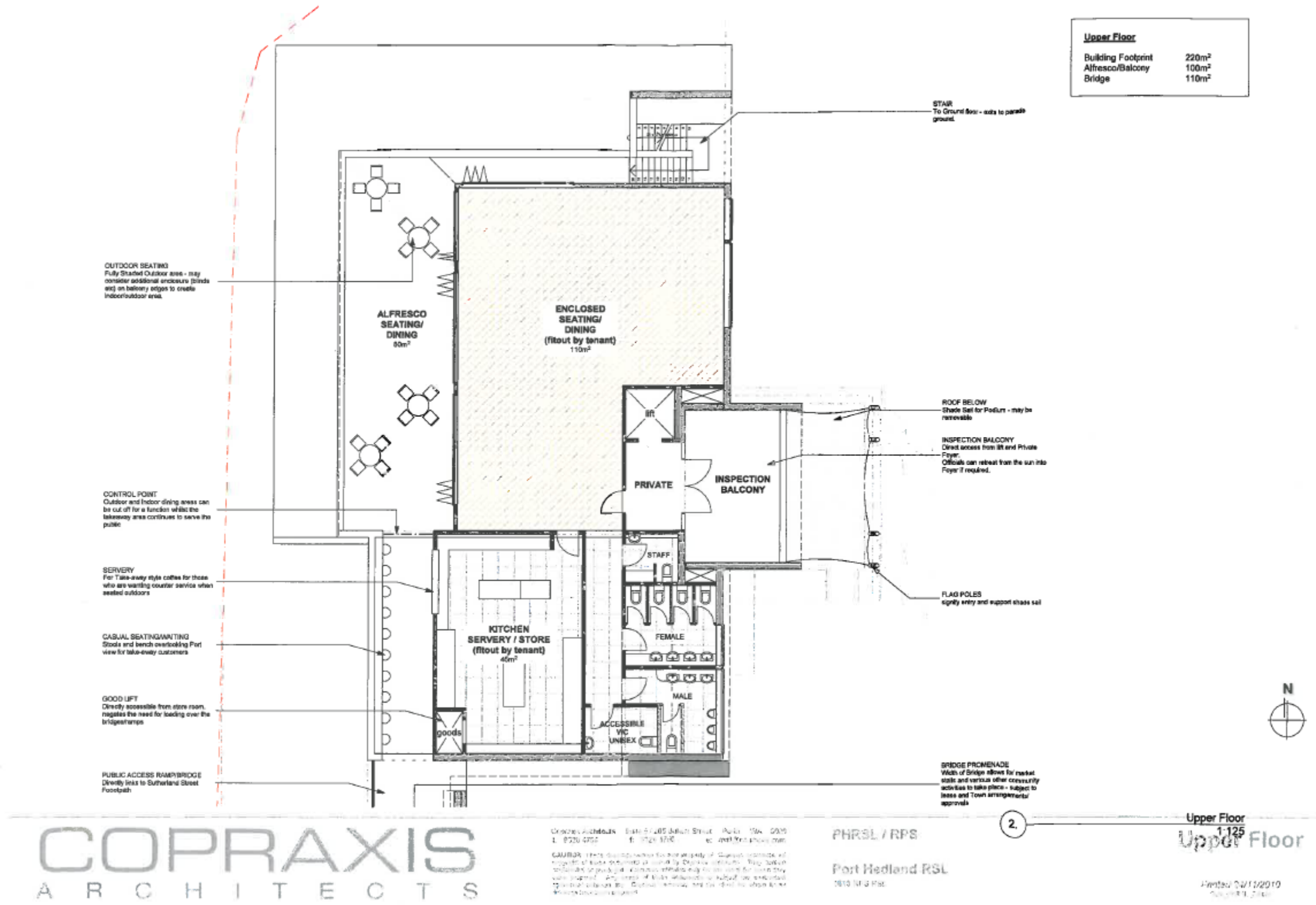
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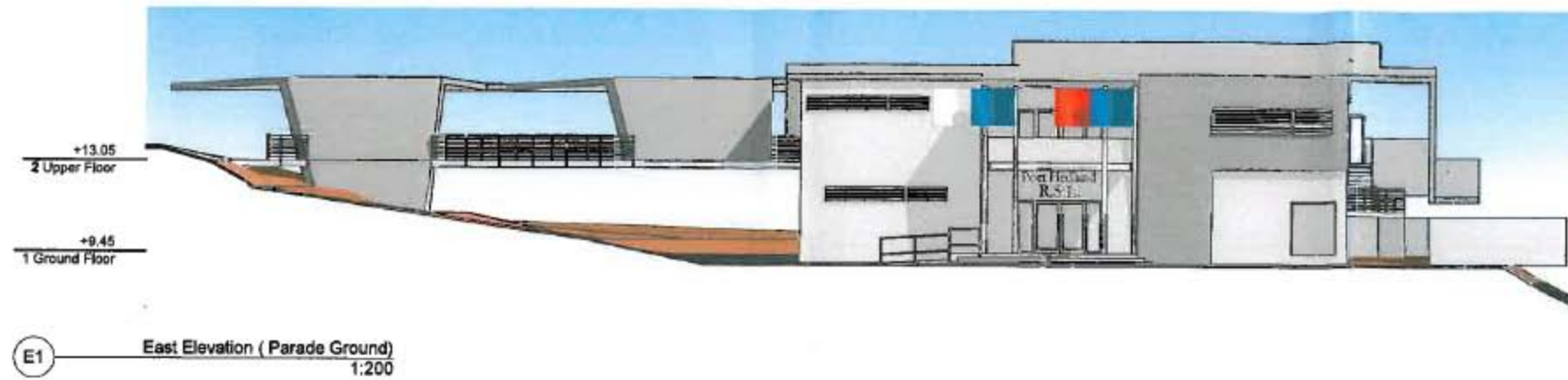
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Ground Floor

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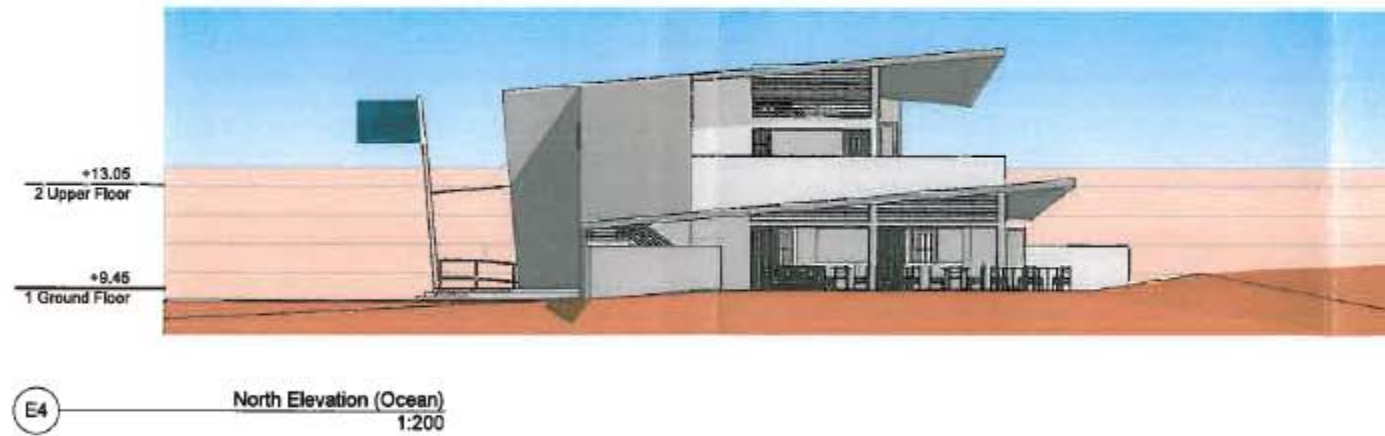


**COPRAXIS**  
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PHRSL / RPS  
 Port Hedland RSL  
 18/10/2010

Elevations  
 (Long)  
 18/10/2010  
 3:10:34 PM



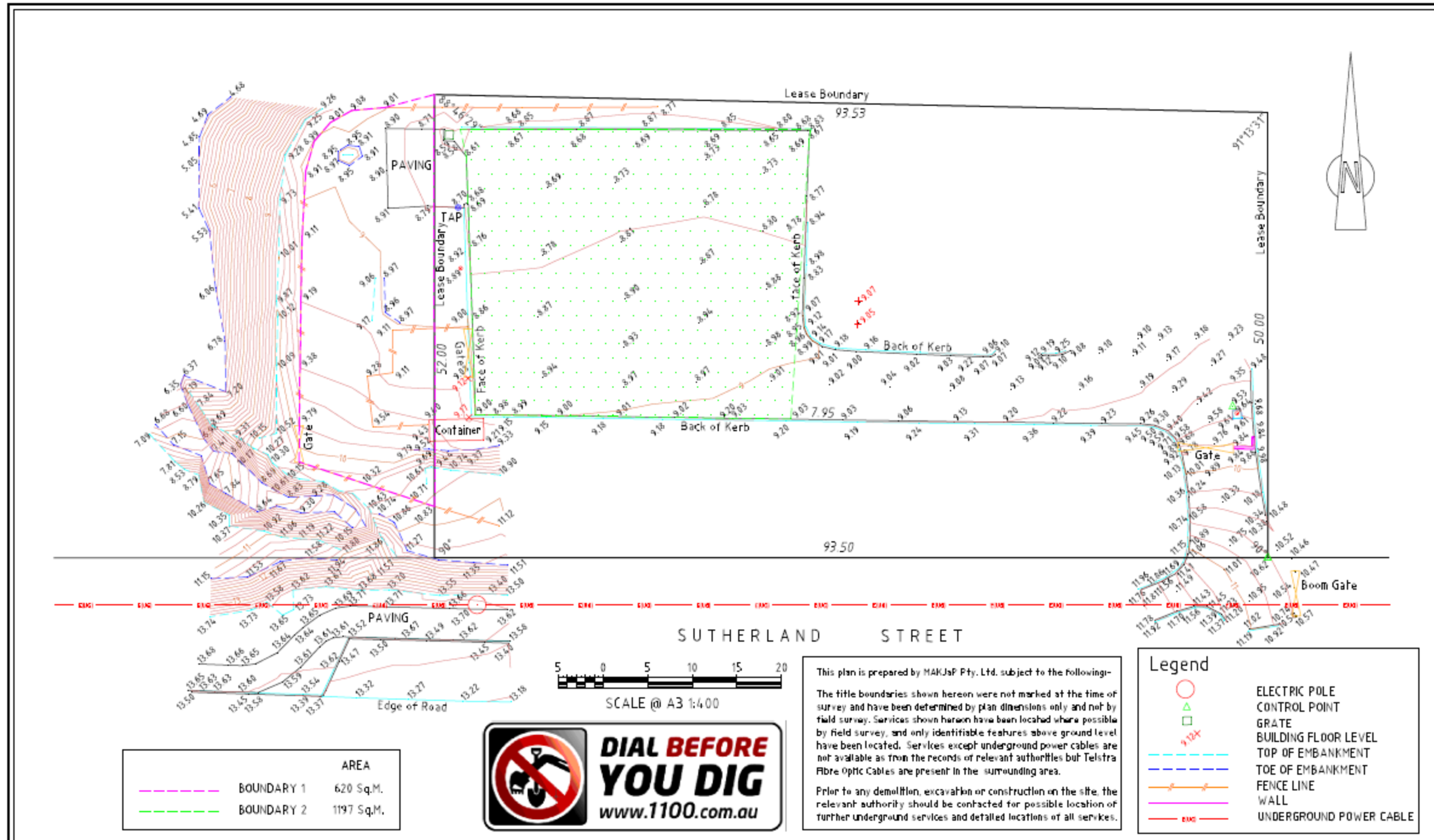
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Port Hedland RSL  
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Elevations  
 (Short)  
 Printed 20/11/2010  
 319 1115 1115



	AREA
--- BOUNDARY 1	620 Sq.M.
--- BOUNDARY 2	1197 Sq.M.



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 The title boundaries shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. Services shown hereon have been located where possible by field survey, and only identifiable features above ground level have been located. Services except underground power cables are not available as from the records of relevant authorities but Telstra Fibre Optic Cables are present in the surrounding area.  
 Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

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**General Notes:**  
 CONTOUR INTERVAL: 0.02 METRE.  
 HORIZONTAL DATUM: PHG.  
 VERTICAL DATUM: AHD BASED ON SSM PR99

Revision	Date	Details	Auth'd
0	15/10/10	ISSUED TO CLIENT.	DG
1	15/10/10	UNDERGROUND POWER CABLE INSERTED.	DG
2	15/10/10	INSERTED TWO ENCLOSED BOUNDARIES.	DG

SCALE 1/400	FILE NAME: 378000010102.DWG
SURVEYED BY: DEAN SMITH	SIGNATURE: <i>Dean Smith</i> DATE: 07/10/10
PROCESSED BY: DEAN SMITH	SIGNATURE: <i>Dean Smith</i> DATE: 06/10/10
DRAWN BY: JAYA	SIGNATURE: <i>Jaya</i> DATE: 12/10/10
DESIGNED BY: N/A	
CHECKED BY: DEAN SMITH	SIGNATURE: <i>Dean Smith</i> DATE: 15/10/10
APPROVED BY: DAN GROGAN	SIGNATURE: <i>Dan Grogan</i> DATE: 15/10/10

**RSL FEATURE SURVEY OF  
 PLAN BOUNDARY 1, 2 & 3  
 CLIENT: RPS GROUP**

JOB No.: P3780 DRAWING No.: P3780/03/01

**MAKJaP PTY. LTD.**  
 Consulting Engineers and Surveyors  
 ABN 66 009 183 831

Rev: 1 of 1  
 SHEET SIZE: A3



12.2 *Proposed Hotel Redevelopment at Lot 833 Webster Street, Port Hedland (File No.: 121270G)*

Officer	Luke Cervi Senior Planning Officer
Application No.	2011/4
Date of Report	11 October 2011
Disclosure of Interest by Officer	Nil

Summary

The Town has received an application from Hospitality Pty Ltd being the landowners of Lot 833 (1-9) Webster Street, Port Hedland.

The application has been circulated as required by the Port Hedland Town Planning Scheme No. 5, with a number of submissions having been received.

From a planning perspective the application is supported, Council is requested to consider approval of the application subject to conditions.

Background

*Location and site details*

The subject site is located on the corner of Webster, Gratwick and Sutherland Streets and abuts the Port Hedland Cemetery to the west. The site comprises an area of approximately 1.09ha and is currently developed with a single storey Hotel and associated restaurant.

*Proposal*

It is proposed to redevelop the existing single storey Hotel and associated restaurant into a 6 storey Hotel comprising of 209 standard rooms, 18 apartments and an associated restaurant. Provision is made for 232 car bays on site, with a further 25 car bays proposed within the Webster Street and Sutherland Street road reserves.

Consultation

Significant consultation has been undertaken with the applicant and internal departments which has led to a number of changes being made to the plans. Extensive external consultation was also done, with all comments being reflected in the table below:

Internal Circulation	
Manager Infrastructure Development	Do not support 90° parking in Webster Street. In regards to Sutherland street and Cemetery Beach parking, not willing to entertain any designs yet (as we're currently looking at a masterplan), this may or may not impact on the parking opportunities available as suggested by the developer. Would be willing to accept a cash in lieu contribution for provision of carparking, or commitment to construct parking bays (preferable) pending the masterplan outcomes. Stormwater to be retained on site
Manager Building Services	Building Licence Required
Manager Health Services	No objection subject to conditions
External Circulation	
Neighbouring properties	Please see attachment showing map of properties notified.

The comments received are further expanded on in the Officer Comments section of the report.

#### Statutory Implications

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

#### Policy Implications

State Planning Policy 2.6 – State Coastal Planning Policy  
Section 5.3 – Building Height Limits:

*“...Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:-*

- (a) there is broad community support for the higher buildings following a process of full consultation;*
- (b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;*
- (c) the location is part of a major tourist or activity node;*
- (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore;*

*and*

- (e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.”*

### Strategic Planning Implications

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

Key Result Area 2: Community Pride

Goal Number 1: Townscape

Immediate Priority 1: Undertake projects that upgrade the appearance of verges and streetscapes along major thoroughfares within the district.

Key Result Area 4: Economic Development

Goal Number 1: Tourism

Immediate Priority 2: Progress the development of the Spoilbank Marina Precinct

Key Result Area 4: Economic Development

Goal Number 5: Town Planning and Building

Immediate Priority 2: Develop Structure Plans for key precinct areas with a particular focus on the Spoilbank Precinct, Airport and Pretty Pool.

### Budget Implications

The prescribed application fee of \$31,350.00 was paid on lodgement of the application.

### Officer's Comment

The applicant and Officers were involved in extensive consultation and negotiations relating to the proposal prior to the application being advertised. This resulted in a number of changes being made to the plans to minimise potential impacts on nearby residents and better integrate the development into the locality. Changes included:

- relocation of the restaurant, pool and reception area away from the residential areas
- provision of additional parking on site
- interface with Gratwick Street being more consistent with 'residential' style development
- reduction in the number of Hotel rooms from 260 to 209

By incorporating the changes, Officers proceeded to advertise the proposal which resulted in 7 submissions being received. The submissions raised a number of issues which are summarised as follows:

1. Height - Privacy/overlooking and loss of views
2. Car Parking – insufficient
3. Building design – Bulk and Scale, aesthetics
4. Intended Use – catering for fly in fly out workers
5. Liquor licencing – anti social behaviour

6. Impact on fauna – particularly turtles
7. Noise
8. Traffic
9. Wind tunnelling / breezes
10. Property values

Submissions were forwarded to the applicant to understand community concerns and to offer a chance of response which the applicant utilised (See attachment 5).

Officers response on received submissions:

1. *Height - Privacy/overlooking and loss of views*

This appears to be the most significant issue being raised by residents with concerns that the proposed height will impact negatively on their views, privacy and generally change the character of the area.

State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6) provides direction on building heights within coastal areas. The SPP 2.6 states as follows:

*“...Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:-*

*(a) there is broad community support for the higher buildings following a process of full consultation;*

*(b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;*

*(c) the location is part of a major tourist or activity node;*

*(d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore;*

*and*

*(e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.”*

- Does the height have broad community support?

Given the extent of the advertising that took place (newspaper notices, signs on site and mail out to all residents within 300m radius of the site being 73 properties) and only 7 submissions received, it is considered that the broader community are supportive of the height.

- Is the proposed development suitable for the site?

The proposal has been designed in a manner to minimise the bulk and scale of the development by focusing the height towards the centre of the site and stepping the height so as to obtain a gradual increase to the height. This assists in the development integrating to the existing built form (single and two storey dwellings) by being of a similar scale at the periphery of the site to adjacent development.

- Is the development part of a major tourist or activity node?

Whilst the site is the only "Tourism" land in the immediate vicinity, there are a number of other "Tourism" areas along Sutherland Street including the All Seasons Hotel site and the proposed Mirvac Hotel site adjoining the old hospital site. Furthermore, the Spoilbank Marina Precinct and West End cultural area has been the subject of much discussion as the preferred areas for short stay accommodation and tourist focussed facilities.

- Is the coastal foreshore detrimentally impacted by significant overshadowing?

The setback of the proposed buildings from the foreshore will result in a negligible impact of overshadowing on the foreshore if any.

- Is there visual permeability from nearby residential areas, roads and public spaces?

A number of those persons that have provided submissions will contend that the proposal will not provide for visual permeability. It is considered the impact on visual permeability from nearby residential areas is minimal. It is unreasonable for landowners to expect views across nearby lands particularly where nearby lands are on higher ground such as the development site. Those sites most impacted are those along the eastern side of Webster Street. The development is stepped in height from this street frontage towards the centre of the site allowing for visual permeability.

Having regard to the above it is considered that the proposed development complies with State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6)

## 2. *Car Parking – insufficient*

Car parking has been a major area of concern for Officers. Extensive discussions and negotiations have been had with the applicant. In terms of the Scheme the following bays are required:

- 1 bay for every accommodation unit (227)
- 1 bay per 5 accommodation units for visitors (46), and
- 1 bay for every staff member present at any one time (20)

It is considered reasonable to reciprocate the staff and visitor bays which would reduce the overall demand to 273 bays. The applicant is proposing 232 bays on site (which would cater for each unit/room and provide for 5 staff/visitor bays) resulting in a 42 bay shortfall.

To address the shortfall the applicant proposes to retain the 10 existing bays within the Webster Street road reserve and an addition 15 could be provided in the Sutherland Street road reserve.

Furthermore, the applicant demonstrated how proposed parking at Cemetery Beach Park could be reconfigured to achieve 41 bays as opposed to the 20 currently proposed.

The Manager Infrastructure Development has expressed some concern in relation to retaining the bays in Webster Street at 90° however, there may be the ability to amend these to angle bays and provide for up to 15 bays. In regard to Sutherland Street only 13 bays are supported. This would leave a 13 bay shortfall that may or may not be able to be provided at Cemetery Beach Park once the Masterplan is finalised. However, it is the Officer's opinion that alternative opportunities would be available further along Sutherland Street should the Cemetery Beach Park site not be supported.

Council could require a cash in lieu of car parking contribution for the 41 bays that cannot be accommodated on site. The applicant is strongly opposed to a cash in lieu contribution but has agreed to construct any required bays on nearby Council land. It is considered that this would achieve the same objective by ensuring the car bays were provided at no cost to Council and ratepayers. As such, the recommendation includes a condition requiring the car parking and a footnote providing the option of either a cash in lieu payment or provision of works in kind (construction of the bays by the applicant).

It is noted that the applicant has stated that they would reduce the number of rooms on site to avoid a cash in lieu requirement. Assuming 232 bays were still to be provided, the development would need to be reduced to 193 rooms to provide for the necessary car parking on site.

### 3. *Building design – Bulk and Scale, aesthetics*

In regard to the building design the applicant has advised as follows:

- a. The buildings that are proposed on the site have been created specifically with significant tiering to the built form, creating gradual escalation into the centre of the site. The built form has multiple elements of fenestration (window design), shading and relief, both in the use of materials, feature panels, louvers and balustrading and in the relief of the surfaces.
- b. The built form is solid and reflects the natural tones of the locality. The exterior has been proposed in polished and honed concrete panels with a high level of integration of local stones and colours within the concrete fabric.
- c. By its nature the construction is proposed to be higher in quality and architectural form than any that pre-exists in the locality of Port Hedland and certainly will be a significant increase to the quality of built form within the Webster, Gratwick and Sutherland St precincts. The materials of concrete, glass and powder coated aluminum are the highest level of quality for the locality.

It is considered the design of the site has appropriately considered the topography and natural constraints of the site and provided a design outcome that is responsive and provides numerous features to reduce impact of bulk and scale as well as provide interest to the streetscape.

4. *Intended Use – catering for fly in fly out workers*

The proposal is for a “Hotel” which is a different land use to “Transient Workforce Accommodation” (TWA). Whilst it is a valid concern that the development may act as de facto TWA, this matter can and would be addressed through the imposition of standard conditions.

5. *Liquor licencing – anti social behaviour*

A number of submissions identified issues with existing anti social activity relating to intoxicated persons. Interestingly, all but one of those submissions associated the anti social activity with the All Seasons Hotel and not the Hospitality Inn (subject site) which already has a liquor licence.

It is the applicant’s intention to continue to provide a licenced restaurant in a manner similar to current operations. Further, any variation to the liquor licence will require approval from the Department of Racing, Gaming and Liquor which would be subject to relevant public notification and submission periods.

6. *Impact on fauna – particularly turtles*

The application was referred to the Department of Environment and Conservation (DEC) who also raised concerns about impacts on marine turtle communities particularly in regard to light spill. DEC recommended the following management mechanisms:

- If and where practicable, only undertaking construction activities outside of turtle nesting seasons;
- Restricting construction to daylight hours; and
- Minimising light usage at night.

It is considered unpractical and unreasonable to prevent construction works during nesting season. However, limiting construction works to daylight hours would ensure lighting is not needed and therefore minimise impacts on turtles. Minimising light usage at night is difficult to police and it is therefore considered more appropriate that rooms which face the ocean have educational information regarding turtles available to guests and in particular appropriate signage near light switches.

7. *Noise*

Uses most likely to generate noise such as the pool and restaurant areas have been relocated closer towards Sutherland Street to provide greater separation from existing residential uses. A standard condition is recommended that relates to the noise regulations.

#### 8. *Traffic*

Whilst traffic will increase, the existing street networks are capable of supporting the increase in traffic movements. Concerns were raised in relation to increased noise and also safety concerns particularly in Gratwick and Brearly Streets. The design of the proposed hotel encourages access from Sutherland Street and exit from Webster Street. It is therefore expected that the majority of guests will utilise Sutherland Street as the main thoroughfare which is consistent with its design. Gratwick and Brearly Streets are purposely narrow due to the lower number of vehicle movements and as a form of traffic calming measure. It is considered that the traffic movements are at a level generally consistent with an urban residential area.

#### 9. *Wind tunnelling / breezes*

There has been a concern raised relating to the impact of the proposed buildings on natural wind patterns and also the buildings acting as a wind screen prevent existing residents access to the sea breezes. In response the applicant provided the following:

- a. The orientation and location of buildings A and B within the site and low rise buildings on Sutherland Street allow for a significant level of free space around the built forms on the site; encouraging the continued flow of prevailing breezes from the sea, to and through the site. Buildings A and B in the centre of the site are elevated well above the open car parking areas, allowing for the flow of air and breezes throughout the entire site.
- b. The buildings are located well away from the boundaries and offer no direct wind related impact to the adjoining properties.

It is considered that the applicant has given due consideration to the issue and has provided a responsive design that will minimise disruption of natural wind patterns.

#### 10. *Property values*

This is a matter that is subjective in nature and cannot be addressed in Town Planning terms.



In summarising, it is considered that the Hotel has been well designed having regard to the site characteristics and surrounding neighbourhood. The height is to an extent that is currently uncommon within the municipality but is consistent with Council's current direction and desire. Whilst being within an existing residential precinct, the site is also part of the greater West End which is being promoted for short stay and tourist orientated uses. Council needs to consider if the proposed scale of the development is compatible with existing development and/or the direction for the area as the Town continues to grow into a city.

#### Options

Council has the following options when considering the application:

1. Approve the application subject to conditions and request a cash-in-lieu contribution for the entire shortfall of 41 car parking bays, to be calculated by a suitably qualified land valuer using the formula as per subclause 6.13.3 of the Town Planning Scheme No. 5.
2. Approve the application subject to conditions and request a cash-in-lieu contribution (for the land to be used for the construction of parking by the applicant) to be calculated by a suitably qualified land valuer, using the formula as per subclause 6.13.3 of the Town Planning Scheme No. 5, excluding the construction cost, (the cost of construction will be at the owner / developers cost) for the 41 public car parking bays.
3. Approve the application subject to the number of rooms being reduced to 193.

This option should be chosen if Council is not supportive of the proposed off site car parking. This would allow a reduced development that could be provided for / contained on site. This option is the applicant's preference in the event that a cash-in -lieu contribution was sought in addition to the construction of the car bays in option 1.

4. Refuse the application

This option should be chosen if Council is of the opinion that the design of the development is incompatible or inconsistent with the predominately residential area.

Option 2 is recommended.

#### Attachments

1. Location Plan
2. Site Plan
3. Floor and Elevation Plans
4. Notification Map and Submissions
5. Applicant's response to Submissions

## 201112/222 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache      Seconded: Cr J E Hunt

That Council approves the planning application submitted by Hospitality Pty Ltd for a Hotel – Redevelopment of existing Hotel at Lot 833 (1-9) Webster Street, Port Hedland subject to the following conditions:

1. This approval relates only to the proposed HOTEL – REDEVELOPMENT OF EXISTING HOTEL and other incidental development, as indicated on the approved plans 2011/4/drg.01 to 2011/4/drg.06. It does not relate to any other development on this lot.
2. The development area must only be used for purposes, which are related to the operation of a "Hotel" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 "Hotel" is defined as:  
  
"any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor"
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. The Hotel shall have a maximum of 209 Hotel rooms and 18 apartments.
5. No oversize vehicles are permitted to park on the site.
6. No parking bays, pedestrian access-way(s) or landscaped areas shall be obstructed in any way or used for the purposes of storage.
7. The development is to comply with the *Health (Public Buildings) Regulations 1992*.
8. All storage/service areas shall be suitably screened and access doors/gates closed other than when in use to the satisfaction of Council's 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. All dust and sand to be contained on site with the use of suitable dust suppression techniques where any works/operations on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction of Council's Manager Planning.
11. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
12. The premises to be kept in a neat and tidy condition at all times by the occupier to the satisfaction of Council's Manager Planning.

Conditions to be complied with prior to the submission of a Building Licence application.

13. A cash-in-lieu contribution to be calculated by a suitably qualified land valuer, using the formula as per subclause 6.13.3 of the Town Planning Scheme No. 5, excluding the construction cost, (the cost of construction will be at the owner / developers cost) for the 41 public car parking bays
14. A minimum of 273 car bays are to be provided for the development including a minimum of 232 bays on site to the satisfaction of Council's Manager Planning.
15. The applicant shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians. Plans shall be approved by the Manager Planning.
16. All stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of Council's Manager Planning. For applications regarding site stormwater overflow into Council's existing drainage network, please contact Engineering Technical Officer on 9158 9608.
17. Simultaneously with the submission of a building licence application, a detailed floor plan is required to be submitted in order for the Town's to assess compliance with the Health Regulations 1992 (Public Buildings).
18. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the satisfaction of Council's Manager Planning and the specification of Council's Manager Environmental Health

19. Prior to the submission of a building licence application, a Rubbish Collection Strategy / Management Plan shall be submitted to and considered by Council's Manager Planning. The Rubbish Collection Strategy / Management Plan shall consider service vehicle manoeuvring on the internal road(s) / access-way(s) of the development. Any alterations to the approved plans required as a result of the Rubbish Collection Strategy / Management Plan shall be incorporated into the building licence plans. The approved Rubbish Collection Strategy / Management Plan shall be implemented to the satisfaction of Council's Manager Planning.
20. Further to Condition 19, Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Council's Manager Planning Services.
21. Prior to the submission of a building licence application, an Erosion Prevention and Sediment Control plan is to be submitted and considered by Council's Manager Planning.
22. Prior to the submission of a building licence application a detailed landscaping and reticulation plan including any street verge and / or common area, is to be submitted and considered by Council's Manager Planning. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
23. Prior to the submission of a building licence application a construction management plan is to be submitted detailing how it is proposed to manage:
  - a) **The delivery of materials and equipment to the site;**
  - b) **The storage of materials and equipment on the site;**
  - c) **Impact on traffic movement with particular regard given to Webster and Gratwick Streets;**
  - d) **Impacts of construction light spill on turtle nesting;**
  - e) **Operation times including delivery of materials; and**
  - f) **Other matters likely to impact on the surrounding residents and land;**

**to the satisfaction of Council's Manager Planning.**

Conditions to be complied with prior to the occupation of the development.

24. All rooms with foreshore views are to incorporate signage at light switches that encourages 'Turtle Sensitive' use of lighting to the satisfaction of Council's Manager Planning.

25. 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.
26. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of Council's Manager Planning.
27. Prior to the occupation of the development, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of Council's Manager Planning
28. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and Construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of Council's Manager Planning.
29. Prior to the occupation of the development, a suitably screened bulk bin area is to be provided to the specifications of Council's Manager Environmental Health and to the satisfaction of Council's Manager Planning.
30. Prior to the occupation of the development landscaping and reticulation is to be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of Council's Manager Planning.
31. Prior to the occupation of the development, an overall signage strategy shall be submitted and considered by Council's Manager Planning.
32. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of Council's Manager Planning 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. A Building Licence to be issued prior to the commencement of any on site works.
4. In relation to condition 16, all stormwater drainage (and associated infrastructure maintenance) is to be managed on site except where otherwise agreed by Council's Manager Infrastructure Development.
5. Be advised that in regard to condition 27, a separate application is to be made to the Engineering Technical Officer who can be reached on 9158 9608.
6. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325
  - a. **It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations;**
  - b. **The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards;**
  - c. **Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and**
  - d. **Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.**
7. Be advised that all lodging houses are required be registered under the *Health Act 1911* and operate in accordance with that Act and the *Town of Port Hedland Health Local Laws 1999*.
8. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Council's Health Local Laws 1999.

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

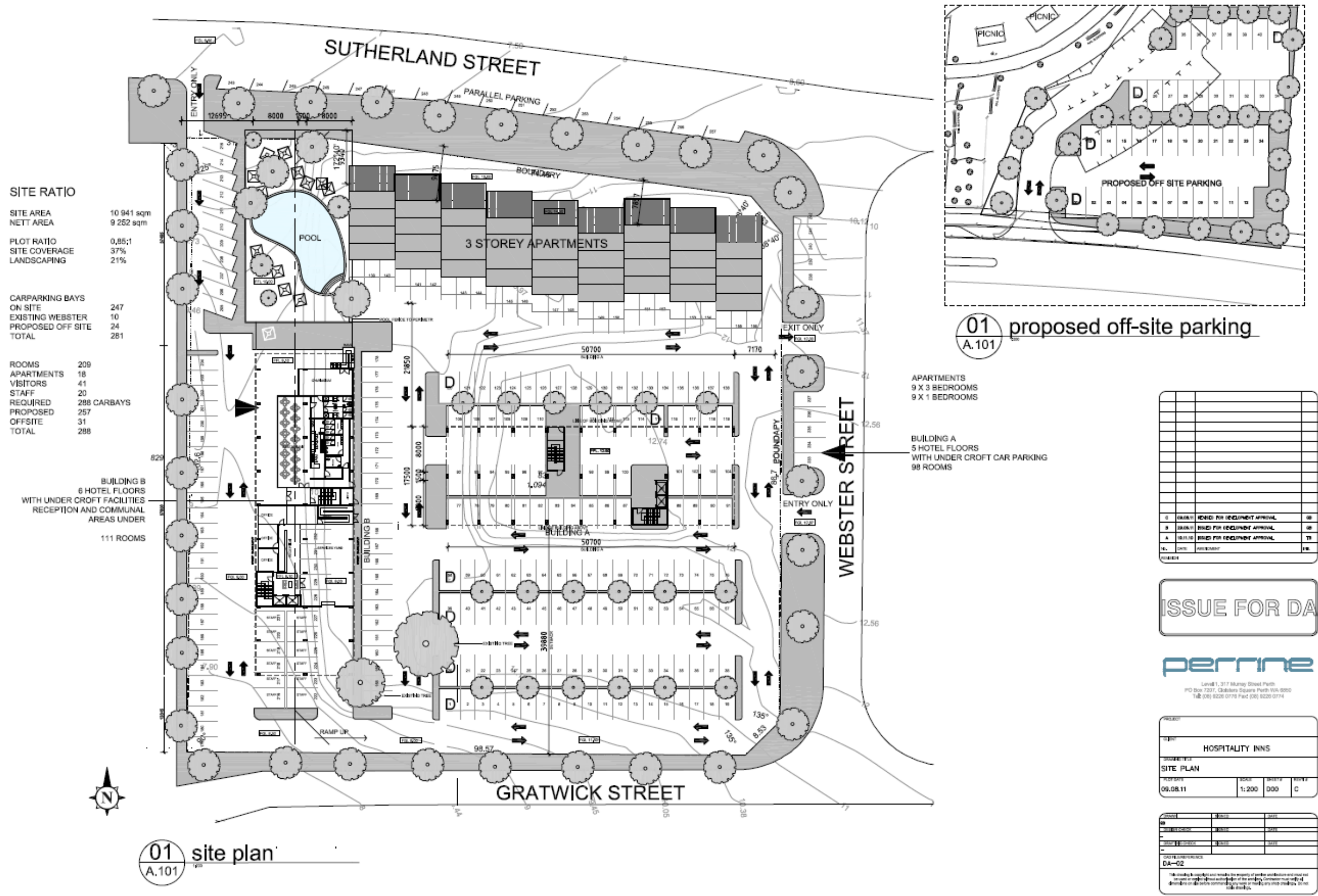
*CARRIED 5/0*

ATTACHMENT 1 TO ITEM 12.3

Attachment 1 – Locality Plan







NO.	DATE	REVISION	BY
1	08/08/11	ISSUE FOR DA	DA
2	08/08/11	ISSUE FOR DA	DA
3	08/08/11	ISSUE FOR DA	DA

ISSUE FOR DA

**perrine**  
Level 1, 317 Murray Street Perth  
PO Box 7207, Oldbays Square Perth WA 6000  
Tel: (08) 9228 0774 Fax: (08) 9228 0774

PROJECT			
HOSPITALITY INNS			
SUBJECT			
SITE PLAN			
DATE	SCALE	SHEET	NO. OF SHEETS
08.08.11	1:200	000	C

NO.	DATE	REVISION	BY
1	08/08/11	ISSUE FOR DA	DA
2	08/08/11	ISSUE FOR DA	DA
3	08/08/11	ISSUE FOR DA	DA

DA-02











Nathan Cairns  
14 Gratwick Street  
Port Hedland, WA 6721

September 1, 2011

Mr Luke Cervi  
Port Hedland Council  
Civic Centre, McGregor St  
Port Hedland, WA 6721



Document #: ICR18221  
Date: 05.09.2011  
Officer: EBER BUTRON  
File: 06/03/0003



Dear Luke

**Re: Proposed Best Western Hotel Development**

I am writing this letter with serious concerns relating to the proposed development of the Port Hedland Best Western on Sutherland Street.

My family, other families on Gratwick street, and numerous other Port Hedland Residents are very concerned with the adverse affect on the neighbourhood this development will have. Some of our specific concerns are as follows:

- **The proposed height of the new accommodation being 6 storeys**
  - Invasion of privacy caused by hotel overlooking resident's private back yards
  - Adverse effects on the local environmental conditions, specifically, but not limited to, the disruption to the ocean breeze currently experienced by residents
  - Introduced cyclone hazards caused during construction activities
  - Introduced cyclone hazards as a result of altered wind behaviours around this large structure
  - Significant devaluation of local land through a significant impact on the local aesthetics, and those points listed above
  - Significant potential impacts to local fauna, specifically protected species of turtles which nest on the beach which may be affected by the hotel lighting
  - Decline in property values and appeal of the area for all residents, current and future
  
- **The proposed number of car parks allocated to the hotel development**
  - It would appear that the allotted car park numbers is unsustainable for a hotel development of this size
  - The proposed 209 rooms and 18 Apartments would require at least 227 car parks assuming only one car per room, although this is unlikely given the nature of the accommodation styles meaning multiple cars are likely
  - This number is before staff and ancillary providers are considered which will increase this number significantly
  - There is no proposal for heavy vehicle parking which is already a significant hazard to local residents with trucks and bus's forced to park on the nature strip on Gratwick street
  - Any overflow from the hotel provided car park could seriously impact on the already congested car parks used by local families and tourists alike to access local parks and beach areas



- The local streets are designed to be residential areas, low traffic, with families in mind. Forcing this level of traffic into these areas will create a hazardous situation for local residents, particularly children
- **Building Design**
  - Much of the appeal in living in Port Hedland comes through the visual access to the beach and the unassuming, inviting family nature of the streets
  - The proposed design of the new hotel is not in line with local trends, will be a stand out in the local landscape and will significantly detract from the appeal of the area
- **Commercial drivers for this proposal**
  - Is this proposal designed to boost the local tourism industry or is it intended to capitalise on the housing shortage and become an overflow for FIFO workers
  - What studies have been undertaken to prove the tourist viability of this venture
  - What assurances have been made to ensure prices remain at a reasonable price to encourage people to come visit the town, thus creating a tangible benefit to the local society
  - What caveats has the council put in place to ensure this development does not end up being used to house a transient workforce
  - What consideration has been given to the significant increase in antisocial behaviour associated with this level of increased high density population
  - Is the hotel intending on having liquor licenses
  - What increases in police and ambulance resources are in place to cater for the increase in population, traffic, and potential for alcohol or drug fuelled antisocial behaviour issues already present in other town licensed areas

As you can clearly see from the above points there are significant issues which need to be addressed in a community forum before any development of this type should be even be considered by the elected council members acting on behalf of their constituents.

There seems to be very little benefit to the local residents for this proposal. As a landholder, family member and long term resident of this area I, along with many others, have real concerns which I encourage council to consider before issuing any further approvals.

I look forward to discussing this matter at length with you in future and await your response.

Regards



01-9-11

Nathan Cairns  
0418 364 826



Silke Becker  
16 Gratwick Street  
Port Hedland, WA 6721

September 12, 2011

**REGARDING:**

**APPLICATION NO: 2011/4 FOR HOTEL- 6 STORY HOTEL REDEVELOPMENT  
AT LOT 833, 1-9 WEBSTER STREET PORT HEDLAND 6721**

Dear Luke Cervi and all Councillors

This is a letter to inform you about serious concerns about this development.

I lived in this place for a long time and looking at this development makes me wonder if people got any common sense!

My issues are:

1. The streets are too narrow for this kind of traffic.
2. A footpath should be installed at Webster Street. The street is too small and they are already lots of people walking on the street with an accident to happen one day.
3. There is not enough parking for this 209 room and 9 three storey apartments plus the workforce. Makes me wonder why you give our only dentist such a hard time about parking, if you are letting this happen.
4. Proposed off-side parking on the beach area will inhibit our wildlife and if something is build there it should be residential area only. You also have to think about the tide.
5. I hope the park area parking side will not be affected.
6. Traffic: The increase of traffic in this area with residents, school, park and cemetery in this area is not appropriate. There would then be the issue of elevated traffic noise. How would that be managed?
7. Cemetery Beach is one of the major turtle nesting area. Once new turtles are born and see the lights from the hotel, there will walk a different direction and get run over by cars.
8. Cyclone area: It will be very dangerous during construction as well after a six storey building is there. Residents will have a bad affect after the wind is disturbed by that kind of building. I have not seen any buildings this large and this close to the beach in most cyclone areas.
9. Looking at some side plans for the development, I find this a very unattractive building and not suitable for this area.

10. Who is this accommodation for? I do hope is not for the FIFO people.
11. Privacy need to be there for the residents, and a six storey building won't help
12. Property value of houses in this area will most likely decline.
13. Where will the trucks and buses park? This was not indicated on the plan!
14. Will there be enough policing around this hotel to cater for the increased population? The issue of anti-social behaviour (drunk & disorderly etc). There is already fallout of this from the Heddy so another hospitality development may further magnify this – how would this be managed?
15. A residents meeting should be held to find out what other people in the area think.

These are my point to this proposal.

A nice two storey building with enough parking, for holiday people only plus a good footpath along Webster Street, would be great idea.

I do hope you make the right decision on this proposal!

Please inform me regarding this proposal as soon as you can.

Regards

Silke Becker

13<sup>th</sup> September 2011

FAO Mr. Luke Cervi  
Town of Port Hedland  
P.O Box 41,  
Port Hedland 6721  
[council@porthedland.wa.gov.au](mailto:council@porthedland.wa.gov.au)  
[po2@porthedland.wa.gov.au](mailto:po2@porthedland.wa.gov.au)

**Re. Building Application No: 2011/4**

Dear Luke,

We have recently received correspondence from the Town of Port Hedland with regard to a nearby building application. Hospitality Inns having lodged application No: 2011/4, which relates to the development a six story Hotel at Lot 833, 1-9 Webster Street Port Hedland.

I have several objections concerning the proposal...

- The building is substantive in size (six floors). Does its current design meet with current TOPH building regulations? Does it conform to TOPH's current planning scheme?
- The presence of the Hotel will result in a significant increase in traffic. The area is predominately residential and contains a Primary School. Has a risk assessment been undertaken in this regard by TOPH or Main Roads?
- Hotel patrons will also require a car park facility. What are TOPH's requirements? Where will the car park be located? The plans received make no reference to its provision.
- How many licensed areas (service of alcohol) do Hospitality Inns envisage within the Hotel complex? It is in close proximity to another licensed premises (All Seasons Hotel), I note that this premise was recently required to close early by Police as a result of alcohol related violence. How will the licensing issues be addressed by TOPH given the residential nature of the area?
- In tandem with the presence of licensed premises the management of noise will also be an issue for nearby residents.
- The proposed development will be a large source of artificial light during the hours of darkness. How will this light pollution impact local residents? Have TOPH undertaken any study into this?
- Will the additional light and significant structure have any impact on nesting turtles attending Cemetery Beach?

It would be appreciated if my concerns raised above could be addressed in writing by your good self.

Could you also provide details of further avenues of objections should TOPH approve the proposal?

Yours sincerely,



Grant Ruppell  
6 Pilkington St  
Port Hedland 6721

Baninga Nominees Pty Ltd  
1 Oceanus Place  
Port Hedland  
WA 6721

13 September 2011

Mr Luke Cervi  
Senior Planning Officer  
Town Of Port Hedland  
Port Hedland  
WA 6721

Dear Mr Cervi,

Re: Application Number 2011/4 6 Storey Hotel Webster Street Port Hedland

There are several concerns raised by the size of this hotel development.

These include:

- The scale of hotel in quiet residential area, including noise and traffic.
- Parking for visitors and guests to the hotel.
- Visual amenity of the ocean front limited by a 6 storey structure.
- Construction disturbances.

Our property at 8 Brearley Street will not have the same ocean views, quiet neighbourhood, vehicle and pedestrian traffic nor safety. The sheer number of people attracted to and living in this vicinity will have a significant impact on the dynamics of the area. These effects will negatively effect the enjoyment and value of the property.

While we welcome the redevelopment of the Best Western Hotel and appreciate the need for more accommodation in the Hedland area, a hotel of this size will have negative consequence for the properties in the immediate surrounds.

Kind regards,

Penny Taylor  
General Manager  
Baninga Nominees Pty Ltd  
Mobile: 0413388636

**Djanegara Ryan**

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**Subject:** FW: Regarding application for development of 6 story hotel

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**From:** fran [mailto:frankymia@aapt.net.au]  
**Sent:** Monday, 5 September 2011 7:57 AM  
**To:** Cervi Luke  
**Subject:** Regarding application for development of 6 story hotel

Dear Luke,

We would like to express our serious concerns about the proposed development of the Best Western hotel in Webster St.

We live at 48 Sutherland and believe this proposed structure will have adverse affects on our neighborhood for several reasons.

The height- A six story structure is bound to have an impact on the privacy and noise pollution on those surrounding properties. A building of this size will no doubt create a large increase in local traffic, dust, noise pollution and access. It will take some time to be completed having an ongoing impact on all surrounding properties. There will be increased cyclone hazards and possible significant devaluation of our land due to the above reasons as well as an impact on local aesthetics.

The allocated car parks appear to be unsustainable for a development of this size. If there are 209 rooms as well as 18 apartments then assuming one car per room then 227 car parks would be the minimum. Where are the staff parking? We already have limited parking for our own visitors due to the busy nature of Sutherland St. and do not want to be contesting with the staff and guests of this hotel for space, nor should the parking at Cemetery beach be compromised to accommodate this increase.

Impact on Fauna As our mayor is well aware our nesting turtles require darkness to successfully hatch and return to continue the breeding cycle. How much light and noise will this proposed development emit? Who knows? Has anyone considered the impact this may have on the sensitive nature of these animals?? Kelly instigated turning off the water tower lights for the full breeding season. How will you be proposing to turn off all the lights of this super structure for 6 months of the year?

Building design Our impression of this plan is that to looks like a hospital. It is unattractive and makes no effort what so ever top blend into the natural beauty of our surrounds. How will such a tall structure affect the local environmental conditions, I.e. Sea breezes and cyclonic winds. Has the architect considered the surrounding properties with this proposal? It seems not.

Commercial incentive Who are you intending to accommodate? Have there been any studies on the long term clientele expectation? Is this to be another FIFO work camp? Has there been any consideration of the significant increase of antisocial behavior associated with this level of increase in population density? Have there been any studies to clarify long term viability of this venture?

There clearly needs to be community consultation and forum so we have the opportunity

to express our significant concerns about this proposal. We would expect our local council members to primarily respect our rights as concerned land holders to oppose this development and to respond to our issues before considering any approval.

I am heading out of town today and hence sending this email rather than letter. As you can see we have many questions and concerns and expect to be hearing more about the process of this submission as soon as any development occurs,

Regards,  
Fran Maher & Jonathan Harvey

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**Djanegara Ryan**

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**Subject:** FW: Regarding application for development of 6 story hotel

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**From:** Logan, Dawn [mailto:Dawn.Logan@health.wa.gov.au]  
**Sent:** Tuesday, 6 September 2011 4:42 PM  
**To:** fran; Cervi Luke  
**Subject:** RE: Regarding application for development of 6 story hotel

Dear Luke,

We would also like to express our serious concerns about the proposed development that will have a direct impact on our home at 46 Sutherland Street Port Hedland, directly opposite the Best Western.

We strongly object to have a six story hotel built across the road from our house, over looking our front and back garden, blocking our sun light and the apartments at the front no doubt will block our view.

We strongly object to having a large commercial hotel built next door with the equivalent drinking establishments. we have to put up with the drunk from the all seasons coming past our house, up the gate, leaving bottles and broken glass over our garden, we certainly do not want it from both sides of our property. We also have concerns about the noise, the traffic and the type of client who will be staying at the Best Western.

We enjoy living in a quiet part of the street, the current hotel does not have large function rooms and has adequate parking for the number of rooms. Currently no one is looking into our garden and our pool area. We are currently out of the town at the moment and as such can not discuss this new proposal.

we concur with everything Ms Maher and Mr Harvey have written.

We strongly believe the development of this property will significantly impact on our lives and the value of our property, and as such we strongly object to the development.

We can be contacted on 0407192170 for further discussion, I will also be contacting the Liquor Licensing Board to voice our concerns and hopefully get the licence revoked.

Dawn Logan and Bruce Martin  
46 Sutherland Street, Port Hedland.

---

**From:** fran [mailto:frankym@aapt.net.au]  
**Sent:** Mon 5/09/2011 7:56 AM  
**To:** po2@porthedland.wa.gov.au  
**Subject:** Regarding application for development of 6 story hotel

Dear Luke,

We would like to express our serious concerns about the proposed development of the Best Western hotel in Webster St.

We live at 48 Sutherland and believe this proposed structure will have adverse affects on our neighborhood for several reasons.

The height- A six story structure is bound to have an impact on the privacy and noise pollution on those surrounding properties. A building of this size will no doubt create a large increase in local traffic, dust, noise pollution and access. It will take some time to be completed having an ongoing impact on all surrounding properties. There will be increased cyclone hazards and possible significant devaluation of our land due to the above reasons as well as an impact on local aesthetics.

The allocated car parks appear to be unsustainable for a development of this size. If there are 209 rooms as well as 18 apartments then assuming one car per room then 227 car parks would be the minimum. Where are the staff parking? We already have limited parking for our own visitors due to the busy nature of Sutherland St. and do not want to be contesting with the staff and guests of this hotel for space, nor should the parking at Cemetery beach be compromised to accommodate this increase.

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Building design Our impression of this plan is that to looks like a hospital. It is unattractive and makes no effort what so ever top blend into the natural beauty of our surrounds. How will such a tall structure affect the local environmental conditions, I.e. Sea breezes and cyclonic winds. Has the architect considered the surrounding properties with this proposal? It seems not.

Commercial incentive Who are you intending to accommodate? Have there been any studies on the long term clientele expectation? Is this to be another FIFO work camp? Has there been any consideration of the significant increase of antisocial behavior associated with this level of increase in population density? Have there been any studies to clarify long term viability of this venture?

There clearly needs to be community consultation and forum so we have the opportunity to express our significant concerns about this proposal. We would expect our local council members to primarily respect our rights as concerned land holders to oppose this development and to respond to our issues before considering any approval.

I am heading out of town today and hence sending this email rather than letter. As you can see we have many questions and concerns and expect to be hearing more about the process of this submission as soon as any development occurs,

Regards,  
Fran Maher & Jonathan Harvey





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## ATTACHMENT 5 TO ITEM 12.3



Luke Cervi  
Senior Planning Officer  
PO Box 41  
Port Hedland WA 6721

Wednesday 05 October 2011

Dear Luke,

**RE: LOT 833 WEBSTER STREET, PORT HEDLAND – DEVELOPMENT APPLICATION**

Please find below our responses to the five letters of objection that were received in respect of the application for the Hospitality Inns Redevelopment.

I make the following observation as a starting point in addressing the respondents concerns:

- The development on the land is in accordance with the zoning allocated to the land by the Council. The building of a luxury hotel and high quality permanent residential homes and apartments on the site cannot in any logical way be seen to be a diminishment of the amenity of the locality as is variously alleged in the letters of objection.
1. Height, As it relates to overlooking, privacy and other issues raised in the various letters associated with height;
    - a. On Gratwick St, the setbacks are 13.5m for a 17.5m width for Building B and 39.88m for building A over a 50m section of boundary.

By any reasonable standards these setbacks offer an extraordinary level of benefit to the residences of Gratwick St.
    - b. Alternately to the current proposal, a RCodes compliant development of 4 Storeys (12m) for the full width of Gratwick St would have create a significantly greater impact from the point of view of overlook and loss of amenity for the residents, than the current proposal.
    - c. Because of the orientation of the buildings there are no significant shadows cast on to adjoining properties. The orientation, setback and location of the proposed development are well within the centre of the site and offer maximum amenity benefits to the residents of Webster and Gratwick Streets.

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Casas (WA) Pty Ltd ATF The Perrine Trust  
[ABN] 40 852 084 359



- d. On Webster Street, the setbacks are 8m to Building A and Building A is a 3 storey structure along Webster Street which complies with the standard provisions of the R Codes for residential dwellings.
- e. The 3 storey apartments on Sutherland and Webster Street have 3.5m setbacks to Webster Street and comply with the secondary street provision setbacks of the R Codes; and have a primary street set back to Sutherland St of a minimum of 7.8m.
- f. We reiterate that any credible assessment of the built form, its orientation and composition, and the allocation of 6 storeys within the centre of the site offer a significant amenity benefit to the precinct when compared with alternate, RCode compliant lower rise buildings of 4 storeys; which would be alternatively disposed much closer to the boundary of Webster St and Gratwick St in order to achieve the required development densities.
- g. The two higher buildings in the centre of the site offers greater amenity to the precinct to the alternates.

## 2. Building design, bulk and scale

- a. The buildings that are proposed on the site have been created specifically with significant tiering to the built form, creating gradual escalation in to the centre of the site. The built form has multiple elements of fenestration, shading and relief, both in the use of materials, feature panels, louvers and balustrading and in the relief of the surfaces.
- b. The built form is solid and reflects the natural tones of the locality. The exterior has been proposed in polished and honed concrete panels with a high level of integration of local stones and colours within the concrete fabric.
- c. By its nature the construction is proposed to be higher in quality and architectural form than any that pre-exists in the locality of Port Hedland and certainly will be a significant increase to the quality of built form within the Webster, Gratwick and Sutherland St precincts. The materials of concrete, glass and powder coated aluminium are the highest level of quality for the locality.

## 3. The impact on wind and breezes.

- a. The orientation and location of buildings A and B within the site and low rise buildings on Sutherland Street allow for a significant level of free space around the built forms on the site; encouraging the continued flow of prevailing breezes from the sea, to and through the site. Building A and B in the centre of the site is elevated well above the open car parking areas, allowing for the flow of air and breezes throughout the entire site.

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- b. The buildings are located well away from the boundaries and offer no direct wind related impact to the adjoining properties.
4. Use of the facility.
- a. A number of the objectors seem to characterise the development of a hotel as being associated with fly in fly out accommodation. It is counter to the nature of this quality establishment, that it should be seen as a 'workers camp' as mooted by some of the commentary in the objections.
  - b. The development of this high quality product is clearly aimed at providing Port Hedland with a 4 Star level of accommodation for tourists, professionals and business people who seek town-based accommodation for their journey to Port Hedland. The development of such a facility is clearly critical to the development of Port Hedland as a regional centre and the commentary from the objectors that seek to characterise the development as a fly in fly out worker accommodation are disingenuous.
5. Carparking and traffic.
- a. The applicant proposed a significantly smaller number of cars on the site as being all that was required to efficiently service the site. The number of vehicles now proposed on the site is in accordance with the council's view of the required numbers under the Town Planning Scheme.
  - b. Since the council zoned the land and that zoning envisages the nature of the proposed development, due consideration has already been given by Council to the development of the site in accordance with its own Town Planning Scheme and the resultant number of cars that are required to service the zoning accorded to the site by the Council.
  - c. Therefore, the volumes of traffic emanating to and from the site are in accordance with the expectations of Council in implementing its Town Planning Scheme. The applicant makes no commentary on the number of car parking bays that have been requested by Council, save to say that the applicant believes the number of bays required by Council are excessive.
  - d. The applicant has eliminated all traffic on to Gratwick Street for the proposal and maintained the main entry in to the site along Sutherland Street and an exit near the corner of Sutherland off Webster, as being the most efficient means of directing traffic in to the Sutherland Street road system.
  - e. None of the objectors make any credible commentary in respect of car parking and traffic that would discourage Council from approving the facility, given that the application is clearly in line with Council's own

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agenda on the number of car parking bays and the development of the site under the current zoning.

- f. The applicant has officially advised Council previously that it is prepared to reduce the number of rooms for the hotel facility so as to contain the number of car bays that are required for the proposal within the site.
  - g. The applicant has agreed to provide at its cost 41 bays on that opposite site as a contribution toward the car parking numbers required for approval of the development in its current form. The development of the car parking on Council's own land adjoining the picnic area, in a location where Council clearly proposes to develop car parking (regardless of this development proposal) is in any case is a significant benefit to the amenity of the precinct and a direct contribution to that benefit by the applicant.
6. Liquor licensing.
- a. The applicant will make a determination as to what type of licence best suits the premises at the time pursuant to a Council approval. Such an application would be to the Director of Liquor Licensing and would be an autonomous process to the planning approval currently under way.
  - b. Council at that time would have an opportunity to review the application and approve or disapprove the application for a restaurant or similar facility, as will the Director of Liquor Licensing address any application on its merits. Objections to the development on the nature of the licence are premature and inappropriate at this time.
7. Impact on fauna, particularly turtles.
- a. The light spill from the three-storey section of development along Sutherland Street (which is set back over 9m in most areas and an average of approximately 8 metres) is minimal, and would not affect the flora and fauna of the beach in any significant way beyond any normal residential development along Sutherland Street.
  - b. The majority of the higher development is located well within the site and would create no light spill onto the foreshore from the major buildings A and B.
8. Property values.
- a. I refer to my opening commentary that the quality of this development including its luxury residential component, outdoor pool and landscaped areas, and the general quality of building, would augment the amenity and visual quality of the precinct well beyond the existing built form on Webster, Gratwick and Sutherland Streets.

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- b. It is likely that the property values will rise because of this development due to its quality, rather than diminish. However, property values are not a matter of planning conjecture where development is in accordance with the Town Planning Scheme land uses, as it is in this instance.
9. Cyclone and construction.
- a. The Town of Port Hedland has strict requirements for builders in respect of cyclone readiness as part of the building licence conditions and for occupational health and safety requirements for construction of the project.
  - b. The builder charged with building this project will abide by those requirements and negate any concern from the objectors in respect of construction and cyclones. The structural fabric of the building itself is of precast concrete that in any case would mitigate the likelihood of any flying debris in respect of the majority of the structure.

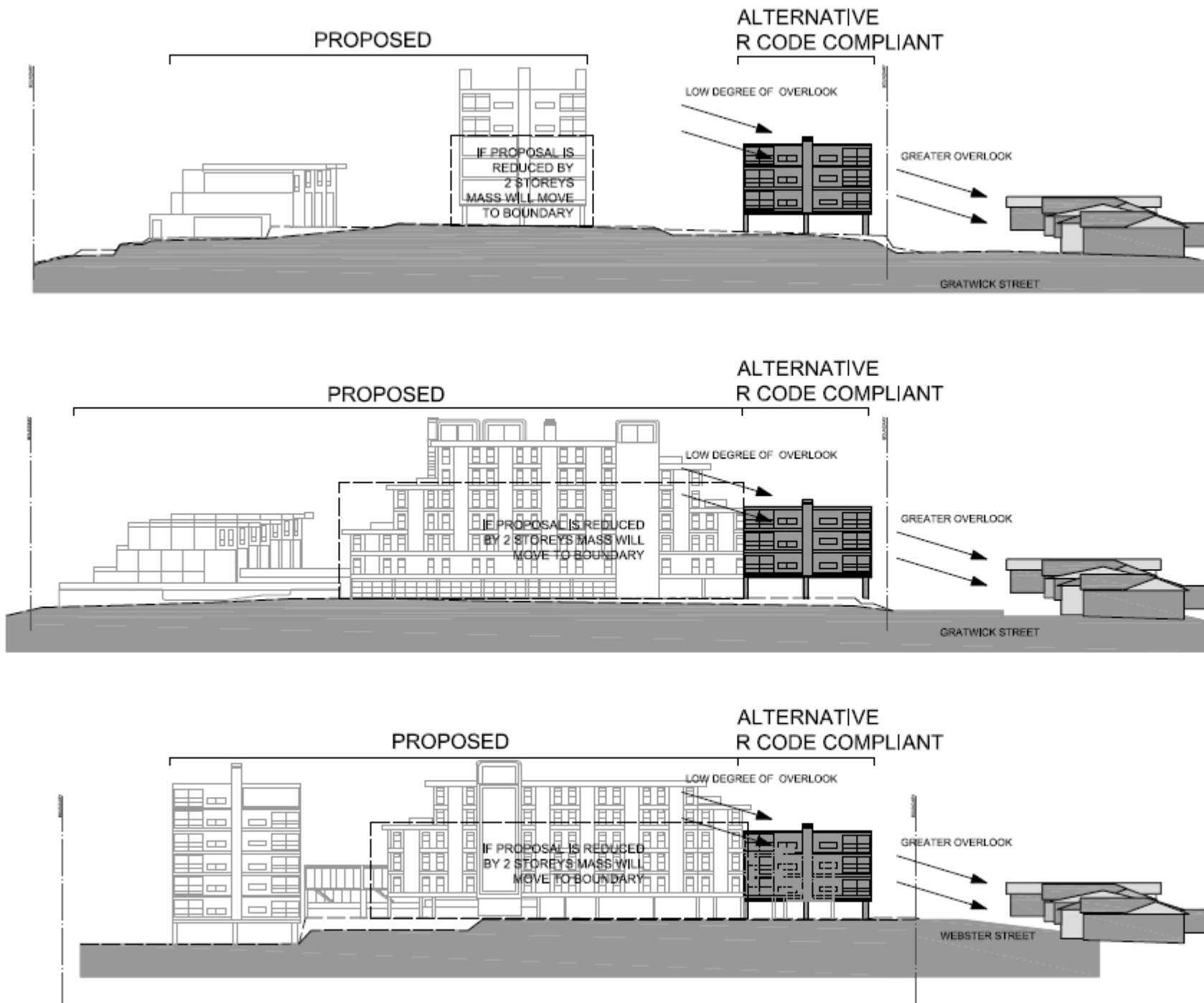
Yours sincerely

A handwritten signature in blue ink, appearing to read "Jean-mic du Buisson Perrine".

Jean-mic du Buisson Perrine  
B. arch, A.R.A.I.A.

Attached:  
DA.07.pdf "Impact Study" 04.10.11

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PROJECT			
CLIENT			
HOSPITALITY NNS			
SUBJECT			
IMPACT STUDY			
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DATE	SCALE	NO.	REV.

# INDICATIVE ALTERNATIVE SETBACK IMPACT STUDY

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

Nil

**ITEM 14      CONFIDENTIAL ITEMS**

Nil

**ITEM 15      APPLICATIONS FOR LEAVE OF ABSENCE**

201112/223 Council Decision

Moved: Cr G J Daccache      Seconded: Cr D W Hooper

That the following leave of absence:

- Cr J M Gillingham – 25 to 28 November 2011
- Cr S R Martin 26 November

be approved

*CARRIED 5/0*

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

The next Ordinary Meeting of Council will be held on Wednesday 14 December 2011 commencing at 5.30 pm.

**16.2      Closure**

There being no further business, the Mayor declared the meeting closed at 6:30 pm.