



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING  
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 11 AUGUST 2010

AT 5.30 PM

IN COUNCIL CHAMBERS  
Mc GREGOR STREET, PORT HEDLAND

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*Paul Martin  
Acting Chief Executive Officer*

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**Town of Port Hedland**  
**DISCLOSURE OF FINANCIAL OR IMPARTIALITY INTERESTS**

Local Government Act 1995 – Sections 5.65, 5.70 and 5.71 and  
 Local Government (Administration) Regulation 34C

**This form is provided to enable members and officers to disclose an interest in a matter in accordance with the requirements of Sections 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C.**

Date of Meeting of Council \_\_\_\_\_

Name and Position of person  
 Declaring the Interest \_\_\_\_\_ Name  
 \_\_\_\_\_ Position

<b><u>INTEREST DISCLOSED</u></b>		
Item No.	_____	
Subject:	_____	
Nature of Interest	_____	
Type of Interest	Financial	Impartiality
<b><u>INTEREST DISCLOSED</u></b>		
Item No.	_____	
Subject:	_____	
Nature of Interest	_____	
Type of Interest	Financial	Impartiality
<b><u>INTEREST DISCLOSED</u></b>		
Item No.	_____	
Subject:	_____	
Nature of Interest	_____	
Type of Interest	Financial	Impartiality

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use Only:		
Entered into Interest Register	Officer: _____	Date: _____

## Interests Affecting Impartiality: Disclosing Statement

*“With regard to....(the matter in item)... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

**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 5:35 pm and acknowledged the traditional owners, the Kariyarra people.

**ITEM 2      RECORDING OF ATTENDANCE AND APOLOGIES**

## 2.1          Attendance

Mayor Kelly A Howlett  
 Councillor Arnold A Carter  
 Councillor George J Daccache  
 Councillor Steve J Coates  
 Councillor Michael (Bill) Dziombak  
 Councillor David W Hooper  
 Councillor Jan M Gillingham

Mr Paul Martin	Acting Chief Executive Officer
Mr Russell Dyer	Director Engineering Services
Ms Debra Summers	Acting Director Community Development
Mr Terry Sargent	Director Regulatory Services
Ms Josephine Bianchi	Administrator Governance
Members of the Public	13
Members of the Media	2

## 2.2          Apologies

Nil.

## 2.3          Approved Leave of Absence

Councillor Stan R Martin

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

## 3.1          Questions from Public at Ordinary Council Meeting held on Wednesday 28 July 2010

*3.1.1      Mr Frank Parker*

*What Act gives this Council the right to deny a constituent of this community an honest and transparent answer to a straightforward*

*question; especially one which is in direct relation to Council legislation and safety?*

*What action and communication has been had, in order for Bloodwood Tree Association to take an appeal to SAT [State Administration Tribunal]? What is that Association appealing against?*

The matter between the Town of Port Hedland and Bloodwood Tree Association Inc. involves the installation of an office addition to an established building within 1.5m of the side boundary. Building Code of Australia (BCA) requires the building of this type be fire rated if they are located less than 3m from the lot boundary.

Bloodwood Tree Association is of the belief that because they are a not for profit organisation they do not occupy a commercial building and do not require the building to be fire rates as required by the BCA.

Formal written notice was served to comply, and in response Bloodwood Tree Association has exercised their right of appeal to the State Administrative Tribunal (SAT), of which an initial hearing has been held and a further hearing is scheduled for 16 August 2010.

As such the matter between Town of Port Hedland and Bloodwood Tree Association at present is subject to an appeal determination. During this time a formal process is required to be observed and this process is not open to the public. The appeal determination once made maybe available to the public.

In any case until the process is complete no other action can be taken by Council in this matter.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 14 July 2010

3.2.1 *Councillor J M Gillingham*

*As the stage area for performers and dance groups at the Spinifex Spree wasn't very big, which is perhaps why some groups didn't participate in the show; can Council please ensure that all the stage is available at future events?*

Each event is different in terms of stage size, which is designed to accommodate a range of performers, from large dance groups to solo artists. The stage for Spinifex Spree was built to 10.8m x 9.7m after following a process which takes into account the requirements of all performers in terms of numbers of participants and style of performance. This relevant information was supplied on the application form which also asks performers to indicate any additional technical requirements.



Three dance groups originally applied to perform including JaBat, Hedland School of Dance and All Stars Dance Troupe. Unfortunately, due to the event falling so close to the school holidays, both JaBat and Hedland School of Dance had to withdraw their applications. The remaining dance group, All Stars Dance Troupe, gave feedback that they were not restricted by the size of the stage and thanked event staff for successfully accommodating their requirements.

#### **ITEM 4 PUBLIC TIME**

4.1 Public Question Time

5:40 pm Mayor opened Public Question Time

*4.1.1 Mr Chris Whalley*

*Following on from a previous question I addressed to Council approximately six weeks ago, has Council received any new information regarding management at South Hedland Shopping Centre?*

Mayor advised that she received an email about 10 days ago from Charter Hall advising her that they will shortly be sending some delegates to Port Hedland to discuss possible solutions for the South Hedland Shopping Centre.

5:42 pm Mayor closed Public Question Time

4.2 Public Statement Time

Nil

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

*5.1 Councillor J M Gillingham*

*I have recently spoken to visitors to the Town which have advised me that they were not able to find a waste disposal point however they had positive feedback about the car parking in Richardson Street.*

Director of Engineering Services advised that there is a disposal point in Wedgefield and that the Australian RV association will be coming up to Hedland shortly to list it in their guide so that visitors to the town are made more aware of it.

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

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

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

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 July 2010

**201011/045 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J Gillingham

That the Minutes of the Ordinary Meeting of Council held on Wednesday 28 July 2010 be confirmed as a true and correct record of proceedings, with the following amendment:

Agenda Item 11.1.2.1 'Proposed Amendment of Scheme Amendment 30 to the Port Hedland Town Planning Scheme No. 5, for the Rezoning and Re-Coding of Various Lots Within South Hedland', Council Decision 201011/030, Clause 3 (page 39) – amend the Table with the following (highlighted) corrections:

Lot Number	Current Zoning	Proposed Zoning
...		
Lot 6041 and Lot 6042 Masters Way	Rezone <del>a portion of</del> Lot 6041 from "Parks & Recreation" to Lot 6042 from "Residential" R30 to "Residential" R20 as depicted on the amendment map (to be amended)	
...		
Lots 3098, 3097, 3735, 3092, 3093, 3094, 3095, 3096 and 3087 Jibson Court / Brown place	Rezone from "Residential" R20 to "Residential" R30 and "Other Public Purposes – Water & Drainage" as depicted on the amendment map. (to be amended)	

*CARRIED 7/0*

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Mayor Howlett's Activity Report for the July/August 2010 period to date as follows:

*Saturday 24<sup>th</sup> July*

- Attended Airport Emergency Training Exercise Falcon
- Participated in 'Sod Turning' Event With Hon Brendan Grylls At Youth Precinct Site (JD Hardie Centre) South Hedland with Cr Hooper and Chief Executive Officer
- Judged Float Parade As Part Of 2010 Spinifex Spree With Hon Tom Stephens

*Monday, 26<sup>th</sup> July*

- Attended Aboriginal Affairs Forum
- Attended Community Pride Alive BBQ and Wheelbarrow Parking Bay, Wedgefield

*Tuesday, 27<sup>th</sup> July*

- Attended Introduction To Emergency Management Course
- Meeting With Esplanade Hotel Re: Future Town Accommodation Option with Director Regulatory Services

*Wednesday, 28<sup>th</sup> July*

- Weekly Catch up Meeting - Mayor and Deputy Mayor
- Meeting with Resident Max Adams Re: Anti Social Issues Koombana Area, South Hedland
- Meeting with Josh Byrne Re: Community Garden In Town of Port Hedland
- Weekly Media Meeting with Deputy Mayor
- Meeting With SHNL Re: Provision of Parks In South Hedland with Deputy Mayor, Chief Executive Officer and Director Community Development
- Attended Airport Master Plan Workshop with Deputy Mayor, Cr Dziombak, Cr Martin, Director Community Development, Director Engineering Services and Director Corporate Services
- Chaired July Ordinary Council Meeting

*Thursday, 29<sup>th</sup> July*

- Fortnightly Mayor/Shire President Phone Link Up
- Photograph with Rates Payment Incentive Program Prize
- Meeting with Resident Moira Re: Health Services In Town of Port Hedland
- Attended South Hedland Library: Library Services Community Consultation

*Friday, 30<sup>th</sup> July*

- Weekly Catch up Meeting - Chief Executive Officer, Director Community Development, and Deputy Mayor
- Additional Media Meeting NWT with Deputy Mayor

- Attended Discussion Re: Aboriginal Affairs Forum
- Media Interview GWN Re: MPRC and Marquee Park Successful Tender Announcement
- Attended Chris Adams Farewell with Deputy Mayor, Cr Coates, Cr Gillingham, Cr Daccache, Cr Hooper and Cr Dziombak
- Attended RSL Town Bombing Anniversary Event with Deputy Mayor and Cr Gillingham

*Saturday, 31<sup>st</sup> July*

- Mayor Coffee Session (Shana's Cafe, Port Hedland)
- Mayor Coffee Session (Muffin Break, South Hedland)
- Attended Annual South Hedland Volunteer Fire and Rescue Service Dinner

*Monday, 2<sup>nd</sup> August*

Attended 2010 Port Hedland Turf Club Cup Day

*Tuesday, 3<sup>rd</sup> August*

- Attended New South Hedland Hospital Site Visit with Acting Chief Executive Officer
- Attended Hedland Tidy Towns Judges Visit Preparation Meeting
- Meet and Greet with Department of Indigenous Affairs Executive Director Regional Outcomes Duncan Ord with Acting Chief Executive Officer
- Weekly Media Meeting with Deputy Mayor
- Meeting with FMG Re: Community Development Plan with Deputy Mayor and Acting Chief Executive Officer
- Meeting YIC Re: Youth Precinct with Acting Chief Executive Officer
- Attended Strategic Aviation Launch for Port Hedland Flight Services - Hedland – Brisbane – Bali, with Deputy Mayor and Cr Dziombak

*Wednesday, 4<sup>th</sup> August*

- Flight To Perth
- Chaired Pilbara Regional Council Meeting
- Meeting with Chris Adams, Ian Taylor and Acting Chief Executive Officer

Mayor also advised:

WA Local Government Week was a great event to attend, it was very informative but also gave the chance to meet other members of Local Government across the State.

Another important result for the Town is the infill sewer program for the West End.

A seven days ranger service will shortly roll out as all ranger positions have now been filled.

The Tidy Town judges will be visiting the Town and we need to make sure that we keep our streets very tidy.

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

### *9.1      Councillor G J Daccache*

Councillor G J Daccache advised that he enjoyed attending the WA Local Government Week that he also found the modules he took as part of the Diploma in Local Government very informative and interesting.

### *9.2      Councillor J M Gillingham*

Councillor J M Gillingham found the WA Local Government Week very rewarding and a good opportunity to meet many other WA Local Government members. She also attended the Neighbourhood Community BBQ at Pretty Pool Park and gathered feedback from a few local residents and visitors to the Town.

### *9.3      Councillor S J Coates*

Councillor S J Coates believes the issues Mr C Whalley brought up about the South Hedland Shopping Centre are very important and that all Councillors should attend the inspections that will be carried out by the Charter Hall delegates.

### *9.4      Councillor D W Hooper*

Councillor D W Hooper advised he found the WA Local Government Week very interesting and it was a pleasure to be able to attend.

### *9.5      Councillor M Dziombak*

Councillor M Dziombak also advised he found the WA Local Government Week very interesting and it was a pleasure to be able to attend.

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

### *10.1     Hedland Accommodation Vessel Proposal*

Presentation by representatives from Bloomoons Pty Ltd on Hedland Accommodation Vessel Proposal.

*10.2 Pure Renewable Power Pty Ltd – Energy Options for the Town*

Presentation by Messrs Christopher (Chris) Cooper (Managing Director), Robert MacPherson and Ms Carolyn Burmester, on Pure Renewable Power Pty Ltd's vision for renewable energy options for the Town and possible synergies for the future

*10.3 Grouped Dwelling Development, Morgans Street Port Hedland*

Presentation by Andrew Macliver on Grouped Dwelling Development, Morgans Street Port Hedland.

**ITEM 11      REPORTS OF OFFICERS****11.1          Regulatory Services**

## 11.1.2      Planning Services

*11.1.2.1      Proposed Group Dwellings x four (4) at Lot 2 SP32864 being Part Lot 191, 39 Morgans Street, Port Hedland (File No.: 118222G)*

<b>Officer</b>	Luke Cervi Senior Planning Officer
<b>Date of Report</b>	29 July 2010
<b>Application No.</b>	2010/95
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received an application from Andrew Macliver on behalf of owners Biokovo Constructions (FYC) Pty Ltd to construct 4 Grouped Dwellings on Lot 2 SP32864, 39 Morgans Street, Port Hedland.

The application has been referred to Council for determination as the proposal includes the demolition of a Heritage Building (Charlie's Store).

**Background***The Site*

Lot 2 on SP32864 being part Lot 191 is rectangular in shape and measures 506m<sup>2</sup> being 25.15m x 20.12m. The land is wholly within a Residential Zone and has a R12.5/R50 coding. The land is located on the corner of Morgans and Crowe streets. On site is a Heritage Building known as Charlie's Store which is listed in Council's Municipal Inventory of Heritage Places (MIHP). The MIHP recommends "Encourage the retention of the Place. Photograph and document the place if retention is not possible"

*The Proposal*

The proposal includes the demolition of the existing heritage building and replacing it with 4 one bedroom Grouped Dwellings. Each dwelling would be free standing with one dwelling addressing Crowe Street, one addressing Morgans Street, One addressing both streets and one being located at the rear of the property. It is proposed to obtain access from Crowe Street for two of the dwellings and Morgans Street for the other two.

**Consultation**

The application was referred internally to the Engineering, Building and Environmental Health Departments with no objections being raised. Should Council wish to approve the development it is recommended that the proposal be advertised as it would result in the loss of a building recommended for retention by the MIHP.

**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.

**Policy Implications**

Nil

**Strategic Planning Implications**

The following sections of Council's Plan for the Future 2008-2013 are considered relevant to this proposal:

Key Result Area 4

Goal 4: Land Development Projects

Strategy 2: Promote and support initiatives that attract new developers, builders and/or trades people to the Town.

**Budget Implications**

An application fee of \$3,405 was paid on lodgement and deposited into account 10063260.

**Officer's Comment**

There are a number of concerns related to the proposed development with Heritage and setbacks being of most concern.

*Heritage*

"Clark's Store was a significant commercial operation outside of the main commercial centre of Port Hedland, and has a sense of place for people who patronized the store for several decades."

The building was a meeting place particularly for younger persons due in large part to its outside jukebox and partitioned timber dance floor. As such it is expected to hold fond memories and sentiments for a number of long term residents and would be unfortunate to see the building lost. Although the authenticity of the building is only moderate, it does provide a link to the past.

Currently the "West End" houses a number of heritage listed buildings and is considered the cultural precinct of Port Hedland. In addition the



long term outlook for the “West End” is as a “tourist” area, the loss of heritage buildings must be carefully considered.

#### *Amenity*

Whilst the zoning and the coding does permit the density at which the development is proposed. The development controls placed on land by the Town Planning Scheme, Planning Policy No. 11 or the Western Australian Design Guidelines is there to ensure that any development on the land is functional and at the same time enhances the streetscape.

While development is encouraged it must not be to the detriment of the surrounding area.

#### *Building Setbacks*

The applicant has sought variation to the primary street setback of the buildings with a minimum setback of only 670mm to Morgans Street and 1.5m to Crowe Street. The applicant contends that due to the width of the verge the setback is appropriate.

Whilst the incorporation of street verges has been suggested in a number of Council documents such as the Land Rationalisation Plan, detailed assessment has not been undertaken. It may well be that a proportion of the verge is ultimately incorporated into the development site but at this stage it cannot be guaranteed, particularly in regard to the amount of land that could be incorporated. It is therefore considered imperative that the road closure process be determined and finalized as opposed to approving development when there remain a number of unknowns.

#### *Development Options*

Should the applicant wish to continue with the development of the lot the following aspects should be investigated:

- Partial road closure of the Crowe Street reserve. The current Crowe Street road reserve is considerably wider than what is required, and the applicant could submit an application to Council to consider the partial closure thereof, as envisaged in the Land Rationalisation Plan.

Should it be found to be feasible the extra land once purchased from the relevant authority and rezoned could be amalgamated with the lot providing sufficient area to accommodate a reasonable primary street setback.

- In regard to Morgans Street, the heritage building should be retained and refurbished as part of any development on the lot.

In the case that the partial road closure is not successful, the applicant could reduce the amount of units down to 3 units which could result in the provision of adequate primary and secondary street setbacks.

### **Options**

Council has the following options of dealing with the application:

1. Refuse the application, advising the applicant that should he wish to continue that Council is prepared to consider a partial road closure of the Crowe Street Reserve, and retention and/or interpretation of the heritage building.
2. Approve the planning application with conditions.

As the proposal is not consistent proper and orderly planning or in line with the Western Australian Design Guidelines and the Council's Local Planning Policy 11, option 1 is recommended.

### **Attachments**

1. Locality Plan
2. Site Plan
3. Floor and Elevation Plans
4. Heritage Listing

### **Officer's Recommendation**

That Council refuses the planning application from Andrew Macliver on behalf of owners Biokovo Constructions (FYC) Pty Ltd to construct 4 Grouped Dwellings on Lot 2 SP32864, 39 Morgans Street, Port Hedland, for the following reasons:

1. The proposed development does not constitute proper and orderly planning,
2. The primary and secondary street setbacks are inconsistent with the surrounding area,
3. The primary and secondary street setbacks are not in line with the Western Australian Design Guidelines or Council's Local Planning Policy No. 11,
4. The lot is currently developed with a heritage building as listed in the Inventory of Municipal Heritage Places and is recommended for retention, as the long term vision for the "West End" is a "tourist / cultural" precinct.

**201011/046 Council Decision/Officer's Alternative Recommendation****Moved:** Cr A A Carter**Seconded:** Cr D Hooper

That Council APPROVES the planning application from Andrew Macliver on behalf of owners Biokovo Constructions (FYC) Pty Ltd to construct 4 Grouped Dwellings on Lot 2 SP32864, 39 Morgans Street, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed four GROUP DWELLINGS, as indicated on the approved plans. It does not relate to any other development on this lot.
2. Prior to commencing works, the landowner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:
  - a) **The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;**
  - b) **Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts;**

Should additional information be required in regard part 'a' or 'b', the prospective landowners should contact the Western Australian Department of Health.

3. Prior to any development taking place the heritage building "Charlie's Store", is to be photographed and documented allowing for public comment through advertising, to the satisfaction of the Manager Planning.
4. The owner / applicant is to provide an appropriate interpretation of the heritage building on site to the specifications of the Manager Community Development and to the satisfaction of the Manager Planning.
5. 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.

6. The carparking bays and accessway shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8.
7. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s).
8. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
9. The private yard areas shall be nominated and suitably screened from adjoining dwellings and the street prior to the development first being occupied.
10. Dedicated bin areas shall be nominated and suitably screened from adjoining dwellings and the street prior to the development first being occupied.
11. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.
12. Fences must be reduced to no higher than .75m when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two streets intersect.
13. The minimum distance between the edge of the roof and the lot boundary shall comply with the requirements of the Building Code of Australia.
14. 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
15. Within 30 days of this approval, a detailed landscaping and reticulation plan must be submitted to and approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
16. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.

17. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction Manager Planning.
18. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details signed by a practicing Structural engineer, must be submitted for approval. When retaining walls in excess of 0.5 metres in height abut common boundaries, the Town must be provided with written approval of the affected landowners (where applicable).

## FOOTNOTES:

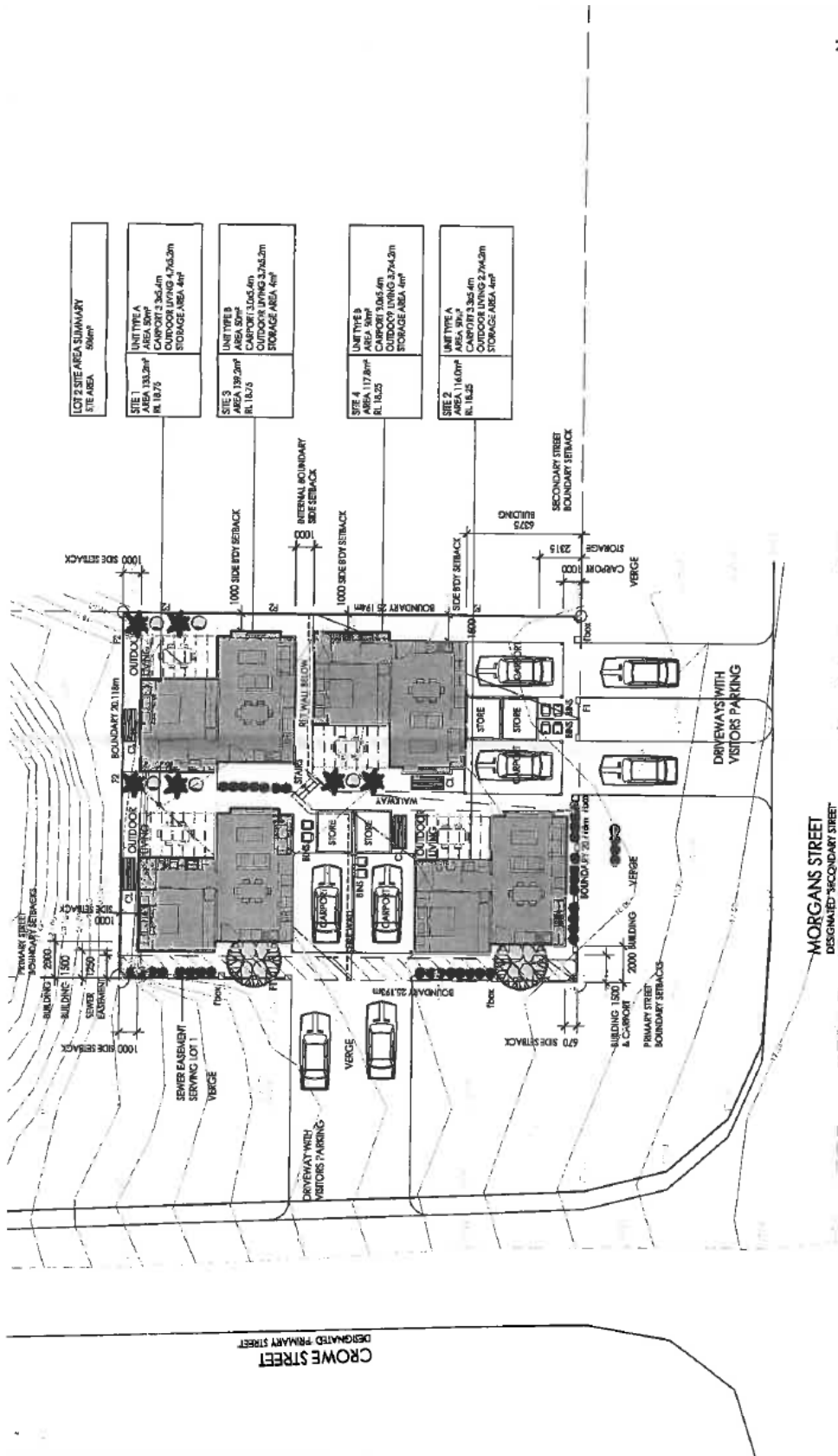
1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.
3. In relation to condition 3, the documentation of the heritage building is to include advertising for comments in a local newspaper for a period not less than 14 days.
4. In relation to Condition 7 & 8 please contact the Manager Infrastructure Development 9158 9350 for further details.
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 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.
6. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

*CARRIED 7/0*

*REASON: Council believes the development will be beneficial for the district and approves the planning alternative recommendations with conditions.*



ATTACHMENT 2  
Site Plan



SITE PLAN  
1:200

<b>PLANNING APPROVAL</b>		<b>MORGANS ST DEVELOPMENT</b>	
<small>THIS PLAN IS THE PROPERTY OF ATA MACLIVER ARCHITECTURE &amp; INTERIOR DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF ATA MACLIVER ARCHITECTURE &amp; INTERIOR DESIGN IS STRICTLY PROHIBITED.</small>		project location <b>39 MORGANS ST, FORT HEDLAND</b>	DWG No. <b>DA11</b>
DATE 30.04.10		DWG title SITE PLAN	job no. 10215
DESCRIPTION SITE 4 RL CHANGED		scale 1:200 @ A3	drawn AM
DATE 12.07.10		checked AM	

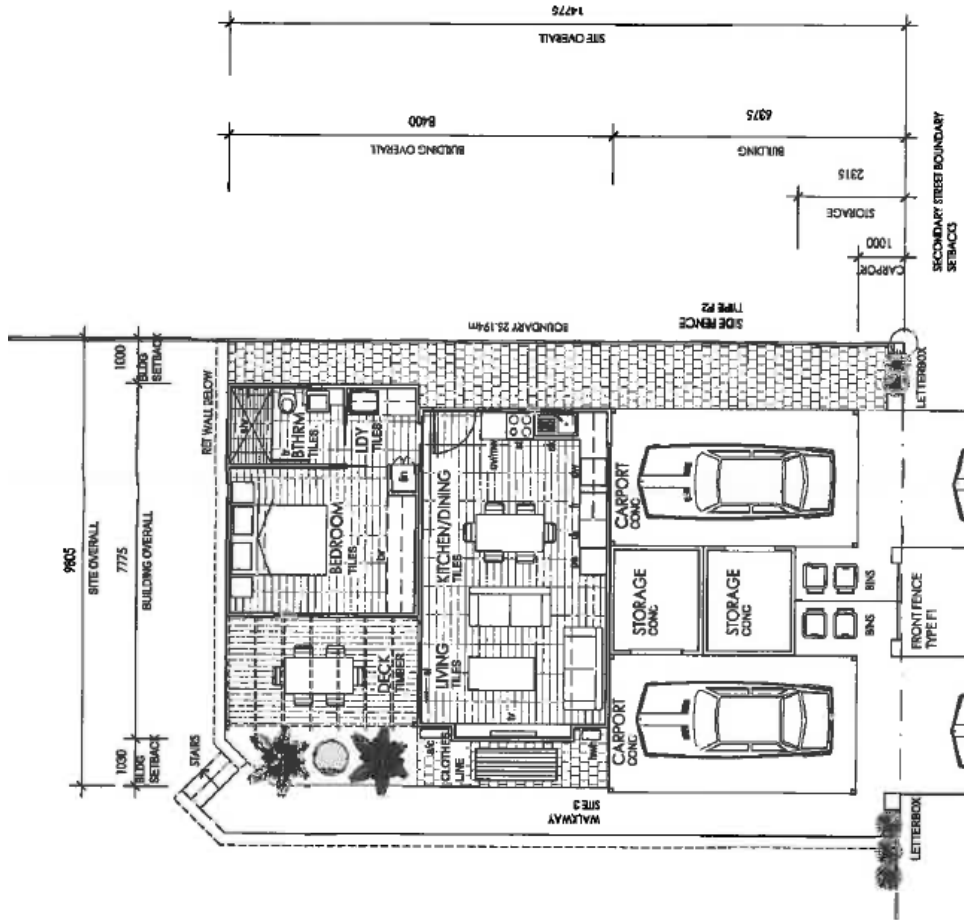
**ata maclover**  
 architects + interior design  
 34 PEASE STREET NORTH BRIMMABLE WA 6159  
 p. 08 9335 7789 f. 08 9335 3377 e. [contact@atamcl.com](mailto:contact@atamcl.com)

**fababode**  
 contemporary modular housing solutions  
 www.fababode.com

DATE	DESCRIPTION	BY	REV
12.07.10	SITE REDESIGN, REISSUE FOR PA	AM	E
24.08.10	SITE REDESIGN, REISSUE FOR PA	AM	D
19.09.10	SITE REDESIGN	AM	C
11.08.10	SITE 4 RL CHANGED	AM	B
30.04.10	ISSUE FOR PLANNING APPROVAL	AM	A



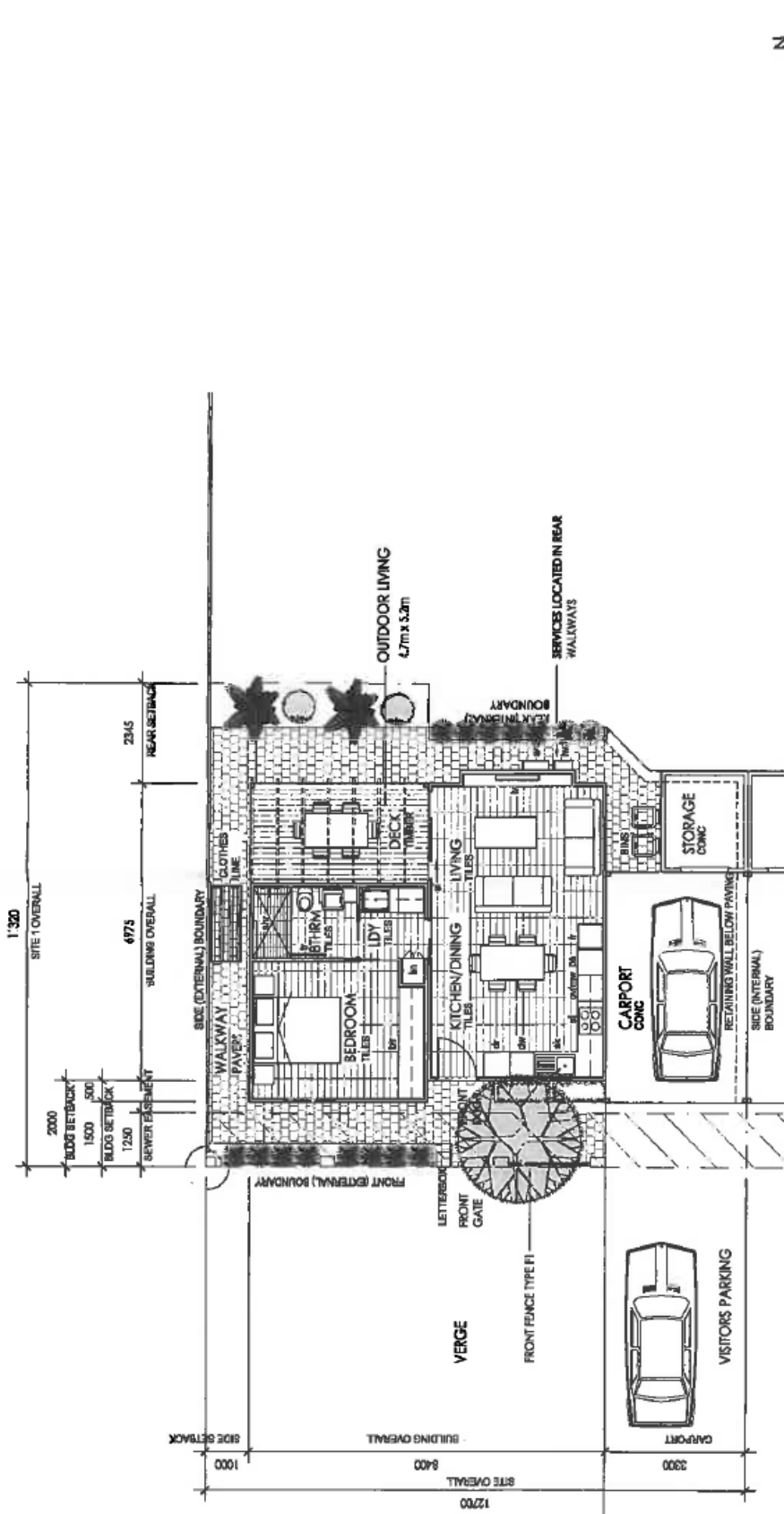
ATTACHMENT 3  
Floor and Elevation Plans



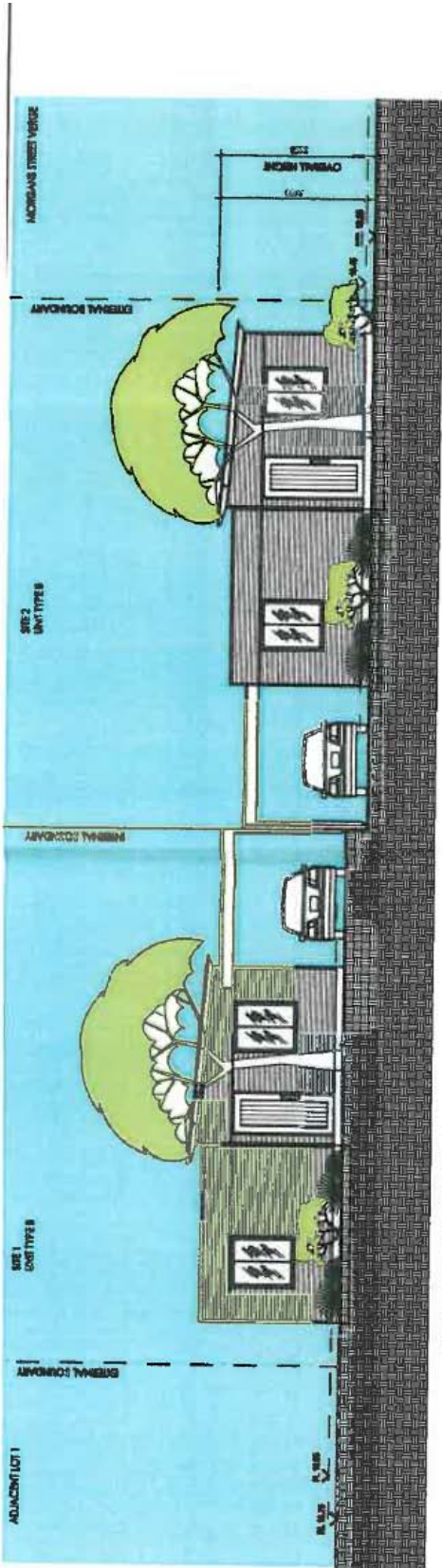
<p><b>ata macriver</b> architectures &amp; interior design 34 PRINCE STREET MORRIS BERKMAN WA 6159 P: 08 9335 7719 F: 08 9335 5877 E: connect@ata.com.au</p>		<p><b>MORGANS ST DEVELOPMENT</b> 38 MORGANS ST, PORT HEDLAND DWG No. DA2</p>	
		<p>FLOOR PLAN TYPE A</p>	
<p>12.07.10 NEW TYPE B, RE-ISSUE FOR PA AM B</p>		<p>project location 38 MORGANS ST, PORT HEDLAND</p>	
<p>30.04.10 ISSUE FOR PLANNING APPROVAL AM A</p>		<p>dwg title FLOOR PLAN TYPE A</p>	
<p>DATE DESCRIPTION BY REV</p>		<p>date Jan 10</p>	
		<p>scale 1:100 @ A3</p>	
		<p>job no. 1025</p>	
		<p>drawn AM</p>	
		<p>checked AM</p>	

**PLANNING APPROVAL**

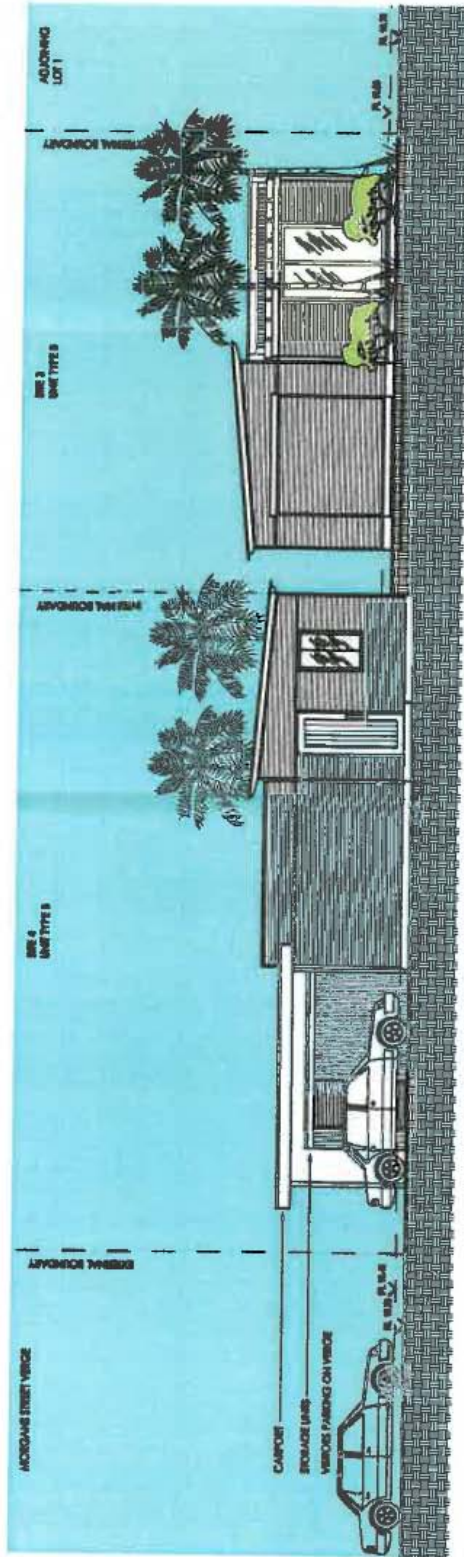
ALL DEVELOPERS AND CONTRACTORS TO BE AWARE THAT THE LATEST BUILDING LAWS AND REGULATIONS APPLY TO ALL BUILDINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL.



<p><b>PLANNING APPROVAL</b></p> <p><small>ALL INFORMATION AND MATERIALS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE LOCAL GOVERNMENT ACT 1995 AND THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 2002. THIS DRAWING IS THE PROPERTY OF FABABODE ARCHITECTURE AND SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF FABABODE ARCHITECTURE. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. FABABODE ARCHITECTURE IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF ANY WORKS OF ART OR STRUCTURES OF ANY KIND.</small></p>		<p>12.07.10 MINOR MODS, RE-ISSUE FOR PA AM C</p>	
		<p>24.08.10 SITE REDESIGN, RE-ISSUE FOR PA AM B</p>	
<p>30.04.10 ISSUE FOR PLANNING APPROVAL AM A</p>		<p>DATE DESCRIPTION BY REV</p>	
<p><b>ota macriver</b> architects + interior design 34 PEACE STREET NORTH FRENCHMAN WA 6159 P. 08 9338 7789 F. 08 9335 3577 E. otmacriver@otamc.com</p>		<p>project <b>MORGANS ST DEVELOPMENT</b></p>	
<p><b>fabABODE</b> interior design contemporary modular housing solutions www.fababode.com</p>		<p>location 39 MORGANS ST, PORT HEDLAND DWG No. REV C</p>	
<p>job no. 1025</p>		<p>dwg title FLOOR PLAN TYPE B</p>	
<p>date jan '10</p>		<p>scale 1:100 @ A3</p>	
<p>drawn AM</p>		<p>checked AM</p>	
<p>DA202</p>		<p>cad file</p>	



WEST ELEVATION (CROWE STREET)  
1:100

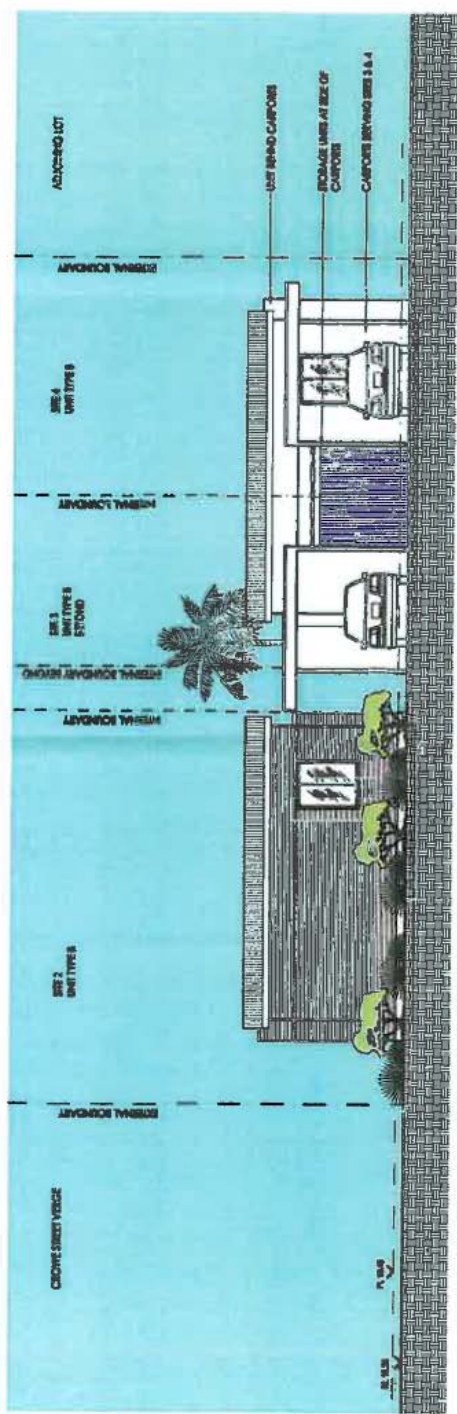
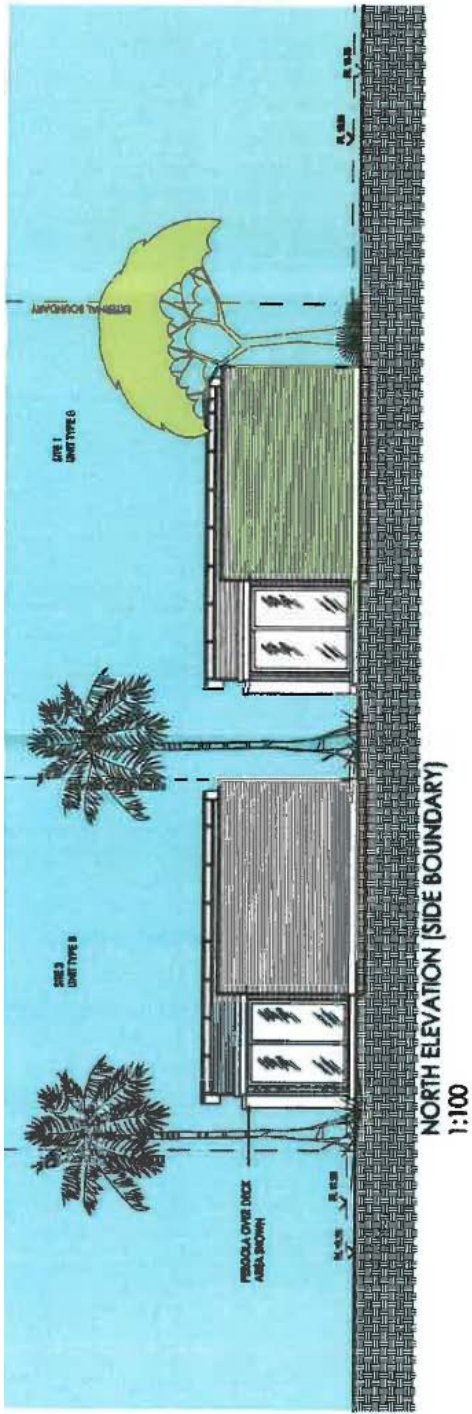


EAST ELEVATION (SIDE BOUNDARY)  
1:100

DATE	DESCRIPTION	BY	REV
12.07.10	SITE REDRAWN, RE-ISSUE FOR PA AM		E
24.08.10	SITE REDRAWN, RE-ISSUE FOR PA AM		D
19.09.10	SITE REDRAWN	AM	C
11.08.10	SITE 4 PL CHANGED	AM	B
20.04.10	ISSUE FOR PLANNING APPROVAL	AM	A

<p><b>PLANNING APPROVAL</b></p> <p><small>THIS PLAN HAS BEEN APPROVED WITH THE CONDITION THAT YOU SHALL NOT BE UNDERTAKING ANY WORK UNDER THIS APPROVAL UNLESS YOU HAVE FIRST OBTAINED THE NECESSARY PERMITS FROM THE LOCAL GOVERNMENT. YOU SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COST OF OBTAINING THEM. YOU SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COST OF OBTAINING THEM.</small></p>		<p><b>ata macalver</b> architects • interior design</p> <p>34 HEADE STREET MORRIS HEMMILL WA 6159 P: 08 9388 7789 F: 08 9388 3577 e: corral@ata.com.au</p>	<p><b>MORGANS ST DEVELOPMENT</b></p> <p>30 MORGANS ST, PORT HEDLAND</p>
<p><b>fabABODE</b> interiors commercial • residential interiors www.fababode.com</p>		<p>project location: MORGANS ST DEVELOPMENT 30 MORGANS ST, PORT HEDLAND</p> <p>dwg title: SITE ELEVATIONS</p> <p>date: april 10</p> <p>scale: 1:200 @ A3</p> <p>job no. 1026</p> <p>drawn: AM</p> <p>checked: AM</p>	<p>DWG NO. REV E</p> <p><b>DA301</b></p>



SOUTH ELEVATION (MORGANS STREET)  
1:100

**PLANNING APPROVAL**  
 ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.  
 THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.  
 DATE 11/06/10 BY 1025 AM

DATE	DESCRIPTION	BY	REV
19.07.10	SITE REDESIGN, REISSUE FOR PM	AM	E
24.08.10	SITE REDESIGN, REISSUE FOR PM	AM	D
19.08.10	SITE REDESIGN	AM	C
11.06.10	SITE 4 RL CHANGED	AM	B
30.04.10	ISSUE FOR PLANNING APPROVAL	AM	A

**ata macriver**  
 architects + interior design  
 34 PEACE STREET, NORTH RICHMOND, VA, 619  
 P: 08 1838 7789 F: 08 1833 3378 E: contact@atamacriver.com  
 Project 1025

**fabABODE**  
 contemporary modular housing solutions  
 www.fababode.com

project	MORGANS ST DEVELOPMENT	REV	E
location	39 MORGANS ST, PORT MEDLAND	DWG No.	
dwg title	SITE ELEVATIONS	job no.	1025
date	april 10	drawn	AM
scale	1:200 @ A3	checked	AM
sheet file			

**DA302**

**TOWN OF PORT HEDLAND  
MUNICIPAL INVENTORY OF HERITAGE PLACES**

**ATTACHMENT 4  
Heritage Listing**



**PLACE NUMBER 26**

**PROPERTY IDENTIFICATION**

**Name of place/s** Charlie's Store (fmr) **Former/other names** East End Store, Clark's Store  
**Address** Morgan Street, north east corner of Crowe Street, Port Hedland  
 Lot No 191  
**Construction Date/s** c.1920

**Designer/s** **Builder/s**  
**Heritage listings** n/a **HCWA Database No** n/a

**PHYSICAL DESCRIPTION**

**Architectural Style** Post war functional  
**Setting** Minimal setback to Morgan Street, extensive concrete slab behind existing dwelling (former shop), parallel with Crowe Street.

**Description** Single storey timber framed weatherboard clad construction with gable roof clad with corrugated iron, at break pitch over the front verandah.

**Condition** Fair **Integrity** Moderate **Authenticity** Moderate

**Changes to place** Commercial to residential.

**HISTORICAL BACKGROUND**

This shop was originally built and owned by Charlie Hoskins and was known as Charlie's Store. There was an outside jukebox and partitioned timber dance floor that was popular with teenagers. Mick Hayter and Bill Jones operated the store until Don and Shirley Clark bought it.

With the expansion of Port Hedland's population due to the iron ore industry and mining at Mount Goldsworthy, Clarks built a larger shop named East End Store. (Place number 18)

After Don and Shirley sold the Kingsmill Street store, they renamed Charlie's Store as the East End Store after this store. A second shop building was built where the dance floor was located.

**STATEMENT OF SIGNIFICANCE**

Charlie's Store (fmr) is significant as a commercial operation outside of the main commercial centre of Port Hedland, and has a sense of place for people who patronized the store for several decades.

**MANAGEMENT CATEGORY**

**Category 3** A place of some cultural heritage significance to Town of Port Hedland.  
**Implications:** No constraints. **Recommend:** Encourage retention of the place. Photograph and document the place if retention is not possible.

**REFERENCES**

Additional information provided by Mr Vincent Lockyer.

**REVIEW**

2007

6:36 pm Cr G Daccache declared and Impartiality Interest in Agenda Item 11.1.2.2 "Proposed Club Facility on Lot 3278 Tinder Street, Port Hedland (Colin Matheson Oval)" as his family is involved with the Football club.

Cr G Daccache did not leave the room.

*11.1.2.2 Proposed Club Facility on Lot 3278 Tinder Street, Port Hedland (Colin Matheson Oval) (File No.: 130355G)*

<b>Officer</b>	Leonard Long Manager Planning
<b>Date of Report</b>	18 August 2010
<b>Application No.</b>	2010/149
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

The Town has received an application from Pilbara Construction on behalf of the Town of Port Hedland to construct a club facility on Lot 3278 Tinder Street, Port Hedland.

The report is before Council as the club facility will be located on a reserve. In terms of the Port Hedland Town Planning Scheme No. 5, no development may be carried out on a reserve without obtaining a written approval from Council.

**Background**

*Locality*

Lot 3278 is located on the north western corner of the intersection of Tinder and Corney Street, Port Hedland. The lot also enjoys access from Keesing Street, and measures approximately 37000m<sup>2</sup>.

*Current Zoning*

In terms of the Port Hedland Town Planning Scheme No. 5, the lot is reserved for "Parks and Recreation" purposes.

*Proposal*

In addition to the existing clubhouse which caters mainly for the change rooms with a small kiosk and undercover area, it is proposed to construct new club facilities on the lot in the form of a 191m<sup>2</sup> function room, kitchen and ablutions. The new facilities will also allow for the construction of a 16m<sup>2</sup> store room.

<b>Consultation</b>	Nil
<b>Statutory Implications</b>	Nil
<b>Policy Implications</b>	Nil

**Strategic Planning Implications**

Key Result Area 3: Community Development

Goal Number 2: Sports & Leisure

Strategy 2: Undertake sports facility developments including:

- Construction of the Colin Matheson Oval,

**Budget Implications**

An application fee of \$4,208.00 has been received as per the prescribed fees approved by Council and been deposited into Planning Account No. 10063260.

**Officer's Comment**

From a planning perspective the main issue is parking. Currently the parking that is available for the overall facility is not adequate, and is evident when sporting events are held at the oval. Whilst the proposed facility is solely used for club related uses there will not be an added demand on car parking.

The Colin Matheson Oval dates back as far as 1969, and has become a well known landmark in the Port Hedland Area. When the oval was developed it was never anticipated that the surrounding areas or the Town would develop to the extent of what it is today.

Parking for "Public Open Space" is prescribed by Appendix 7 of the Port Hedland Town Planning Scheme No.5, with the original scheme being gazetted in 2001, 32 years after the oval was developed. It would be unrealistic to impose the car parking requirement on the facility, as it would be physically impossible to provide the required amount of car parking.

In terms of the Port Hedland Town Planning Scheme No. 5, Council may approve a reduction in the parking requirement where it satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, however, this is not totally the case. As mentioned above during sporting events held at the oval there is not adequate parking provided, resulting in vehicles parked on the verges which further results in the lowering of safety standards. Whilst it is accepted that due to poor planning when the oval was developed, there was not enough land reserved for parking, Council has a duty of care to ensure that the best possible outcome is achieved.

In this regard a condition has been recommended that Council through its Engineering Section look at optimizing the available space around the oval for parking, i.e. along Tinder Street 90 degree parking can be provided which would alleviate some of the parking demand during sporting events.



*Options*

Council has the following options in considering the application:

1. Approve the application subject to conditions,
2. Approve the application without conditions, or
3. Refuse the application.

Taking into consideration all the above, it is recommended that option 1 be considered.

**Attachments**

1. Floor Plan,
2. Elevation Plans
3. Possible Parking Plan.

**201011/047 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G Daccache

That Council APPROVES the application from Pilbara Construction on behalf of the Town of Port Hedland to construct a club facility on Lot 3278 Tinder Street, Port Hedland, subject to the following conditions:

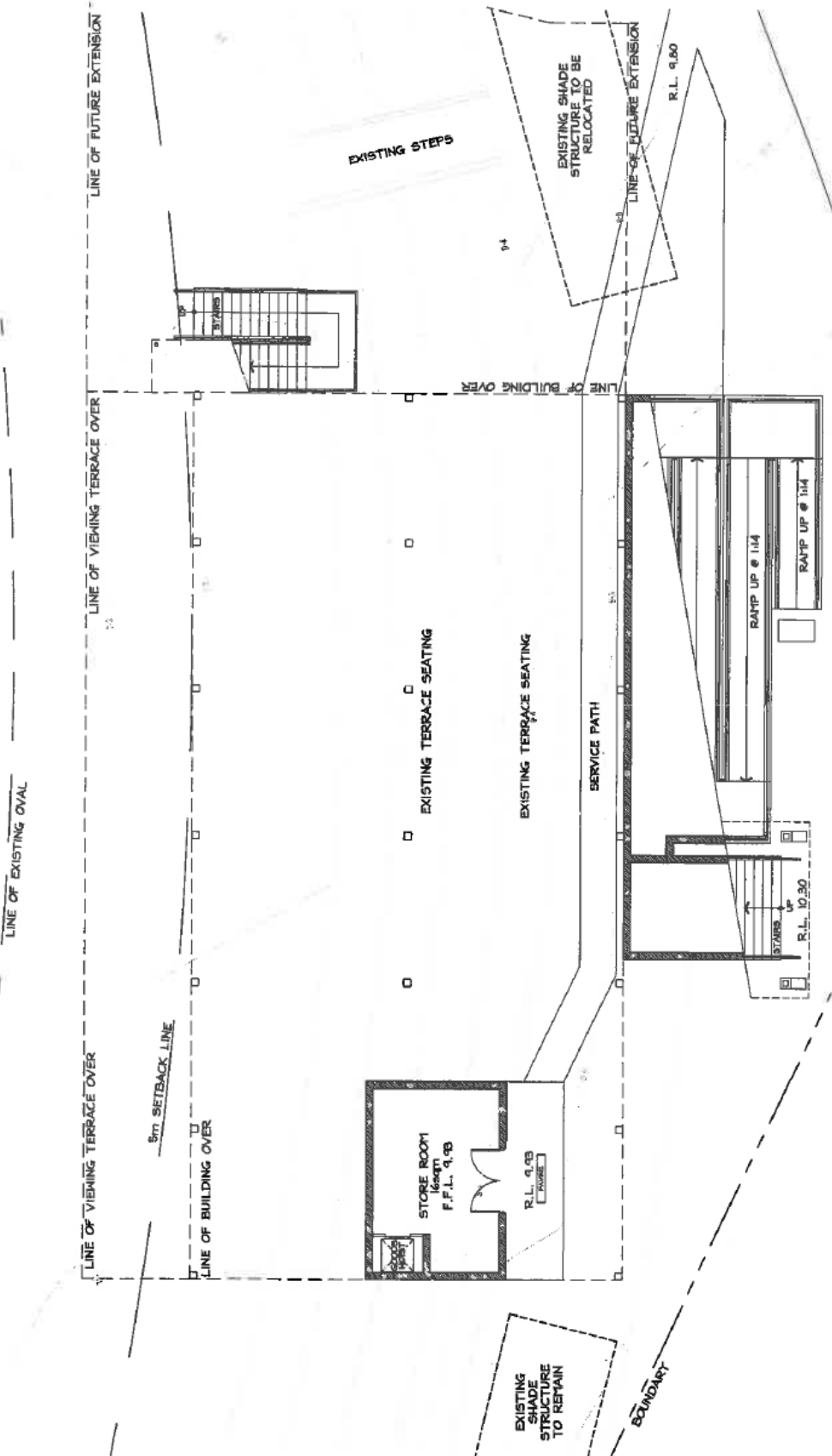
1. This approval relates only to the proposed club facility and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot,
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only,
3. Where the use of the club facility is not in conjunction with a sporting event held on the Colin Matheson Oval, such use shall not be permitted without the prior approval of the Director Community Development in conjunction with the Director Regulatory Services,
4. The Tinder Street Verge is to be developed for parking to the specifications of the Manager Infrastructure Development and to the satisfaction of the 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 works shall be in accordance with the requirements of the Manager Infrastructure Development and Manager Recreation and Youth to the satisfaction Manager Planning,
7. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning,
8. Non-sacrificial anti graffiti coating to be applied to walls exposed to any road reserve, POS, PAW or school site. Confirmation that coating has been applied and cleaning specification shall be provided to the Town as part of the 'As-Constructed' provision to the satisfaction of Manager Planning.

## FOOTNOTE:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements,
2. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding,
3. Applicant is to comply with the requirements of Worksafe Western in the carrying out of any works associated with this approval.

*CARRIED 7/0*



**ATTACHMENT 1**  
**Floor Plans**

**COLIN MATHESON OVAL CLUBHOUSE**  
**TOWN OF PORT HEDLAND**



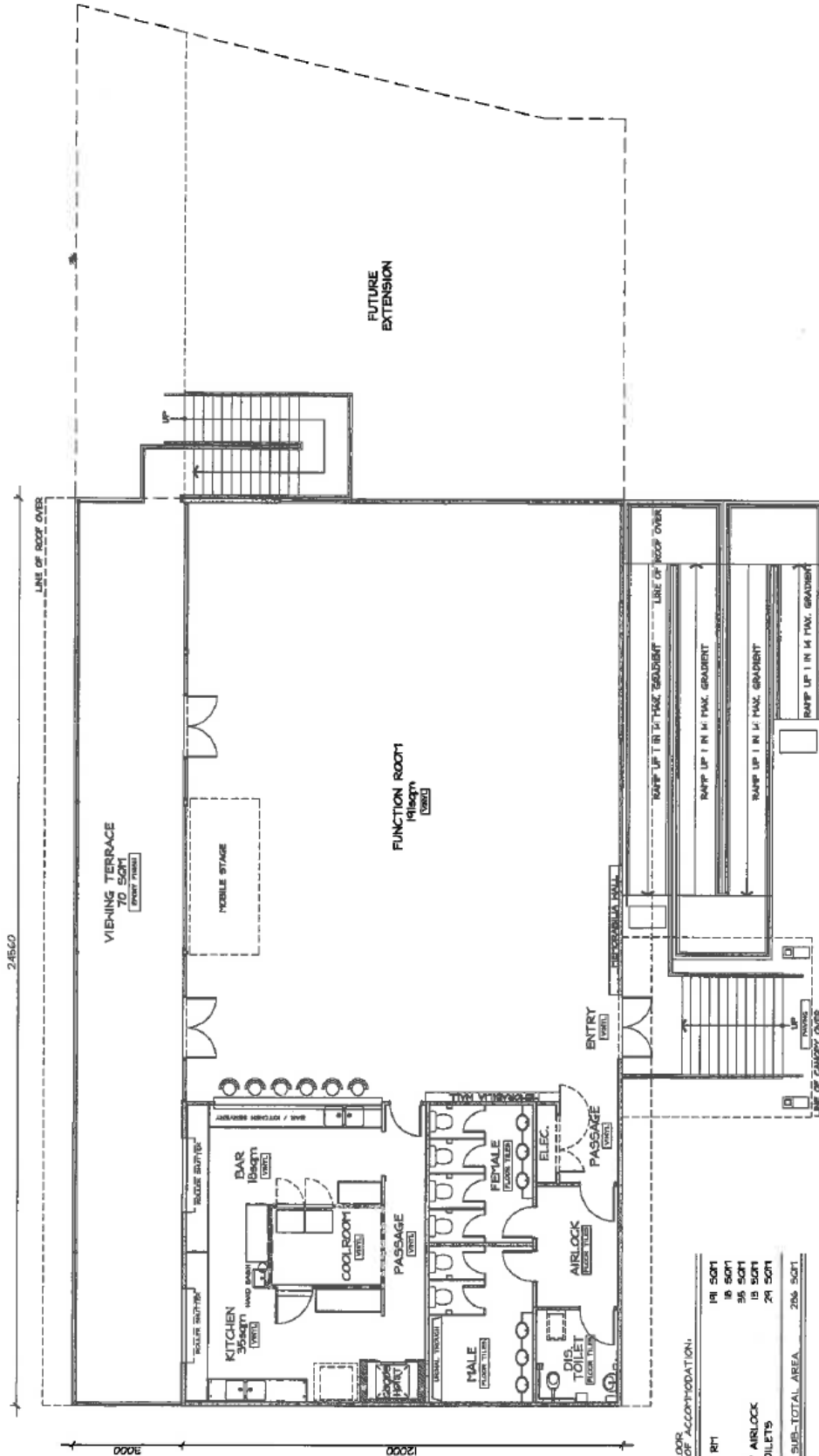
Three River, 38 Richardson Street, West Perth  
 WA 6005 7415 West Perth, WA 60072  
 Ph: (08) 9447 1144 Fax: (08) 9422 9140  
 Email: colin@hodgecollard.com

**HODGE + COLLARD**  
 ARCHITECTS

SCALE 1:100 DATE: 16 JULY 2010 DWG No. 69.08 SK2

**BASEMENT FLOOR PLAN**  
 SCALE 1:100





GROUND FLOOR SCHEDULE OF ACCOMMODATION:

FUNCTION RT	191 SQM
BAR	18 SQM
KITCHEN	35 SQM
PASSAGE/ AIRLOCK	19 SQM
PUBLIC TOILETS	29 SQM
INTERNAL SUB-TOTAL AREA	296 SQM
EXTERNAL TOTAL AREA	207 SQM
VIEWING TERRACE	70 SQM
SUB-TOTAL	557 SQM
BASEMENT SCHEDULE OF ACCOMMODATION:	
STORE ROOM	16 SQM
GRAND TOTAL (INTERNAL AREA, RECK. STORES)	461 SQM



GROUND FLOOR PLAN  
SCALE 1:100

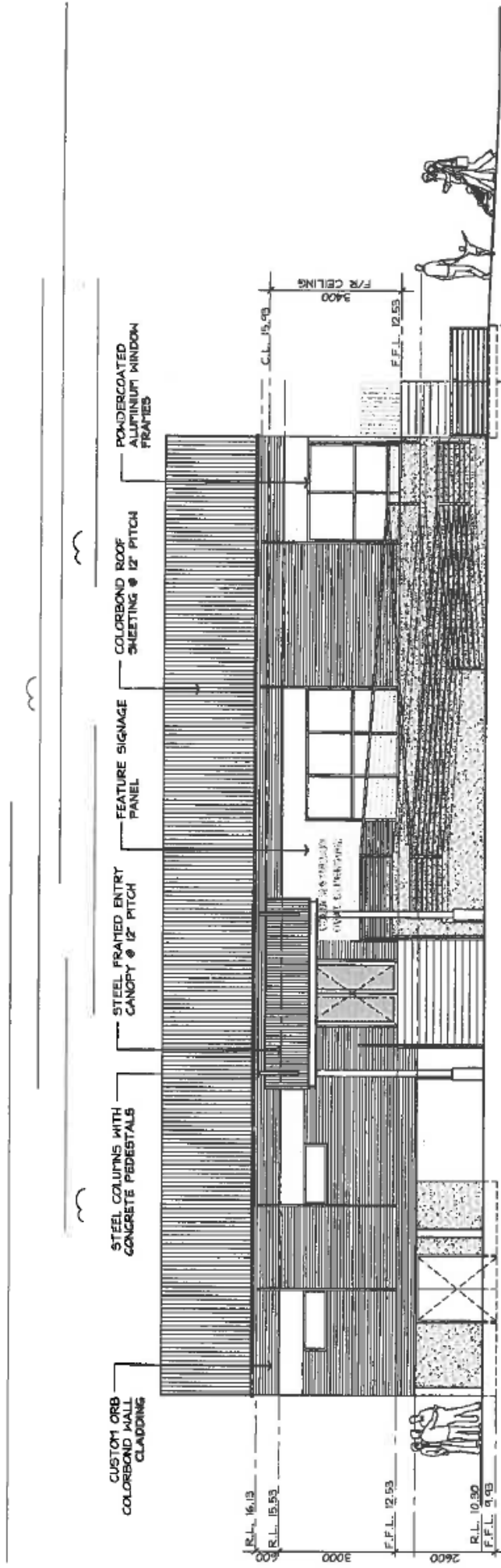
**COLIN MATHESON OVAL CLUBHOUSE**  
TOWN OF PORT HEDLAND

**HODGE + COLLARD**  
ARCHITECTS

Third Floor, 38 Richardson Street, West Perth, WA 6005  
PO Box 743, West Perth, WA 6002  
Ph: (08) 9322 5144 Fax: (08) 9322 5740  
Email: [info@hodgecollard.com](mailto:info@hodgecollard.com)

SCALE 1:100 DATE: 16 JULY 2010 DWG No. 69.D9 SK24





**SOUTH ELEVATION**

SCALE 1:100  
 -CYCLONE SCREENS TO WINDOWS OMITTED FOR CLARITY

**ATTACHMENT 2**  
 Elevation Plans

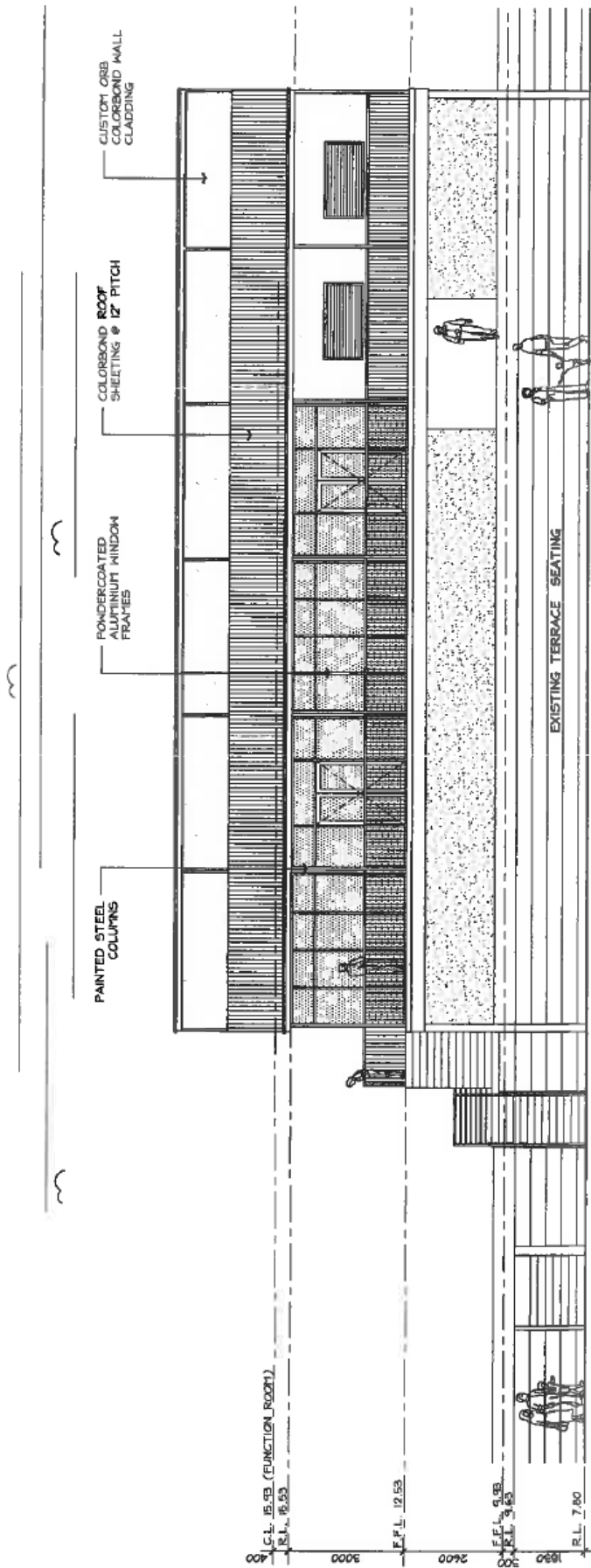
**COLIN MATHESON OVAL CLUBHOUSE**  
 TOWN OF PORT HEDLAND

**HODGE + COLLARD**  
 ARCHITECTS

Third Floor, 36 Richardson Street, West Pt  
 PO Box 743, West Perth, WA 6872  
 Ph: (08) 9322 5144 Fax: (08) 9322 577  
 Email: admin@hodgecollard.com

SCALE 1:100 DATE: 16 JULY 2010 DWG No. 69.09 SI





**NORTH ELEVATION**

SCALE 1:100  
 -CYCLONE SCREENS TO WINDOWS OMITTED FOR CLARITY

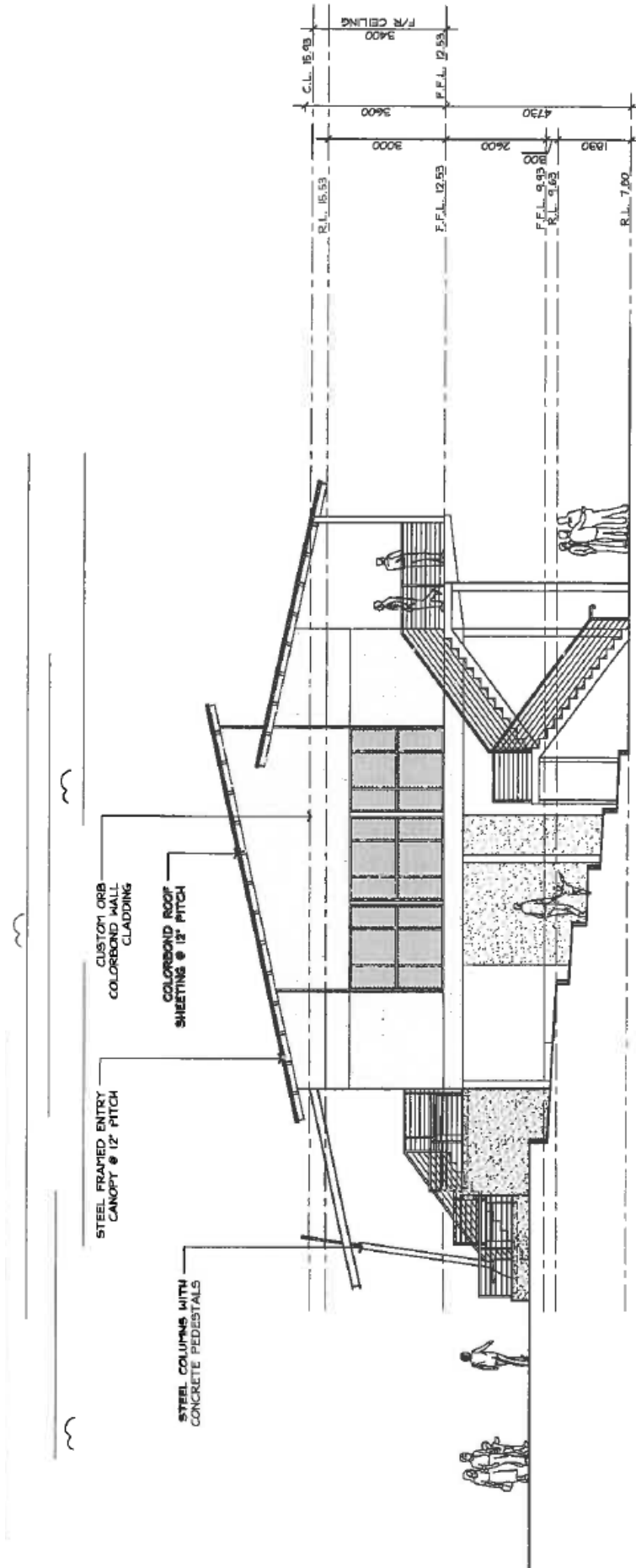
**COLIN MATHESON OVAL CLUBHOUSE**  
**TOWN OF PORT HEDLAND**

**HODGE + COLLARD**  
 ARCHITECTS

Third Floor, 38 Richardson Street, West Perth, WA 6005  
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 Phone: (08) 9442 9144 Fax: (08) 9322 5140  
 Email: [info@hodgecollard.com](mailto:info@hodgecollard.com)

SCALE 1:100 DATE: 16 JULY 2010 DWG No. 69.09 SK27





**EAST ELEVATION**

SCALE 1:100

CTCLONE SCREENS TO WINDOWS OMITTED FOR CLARITY

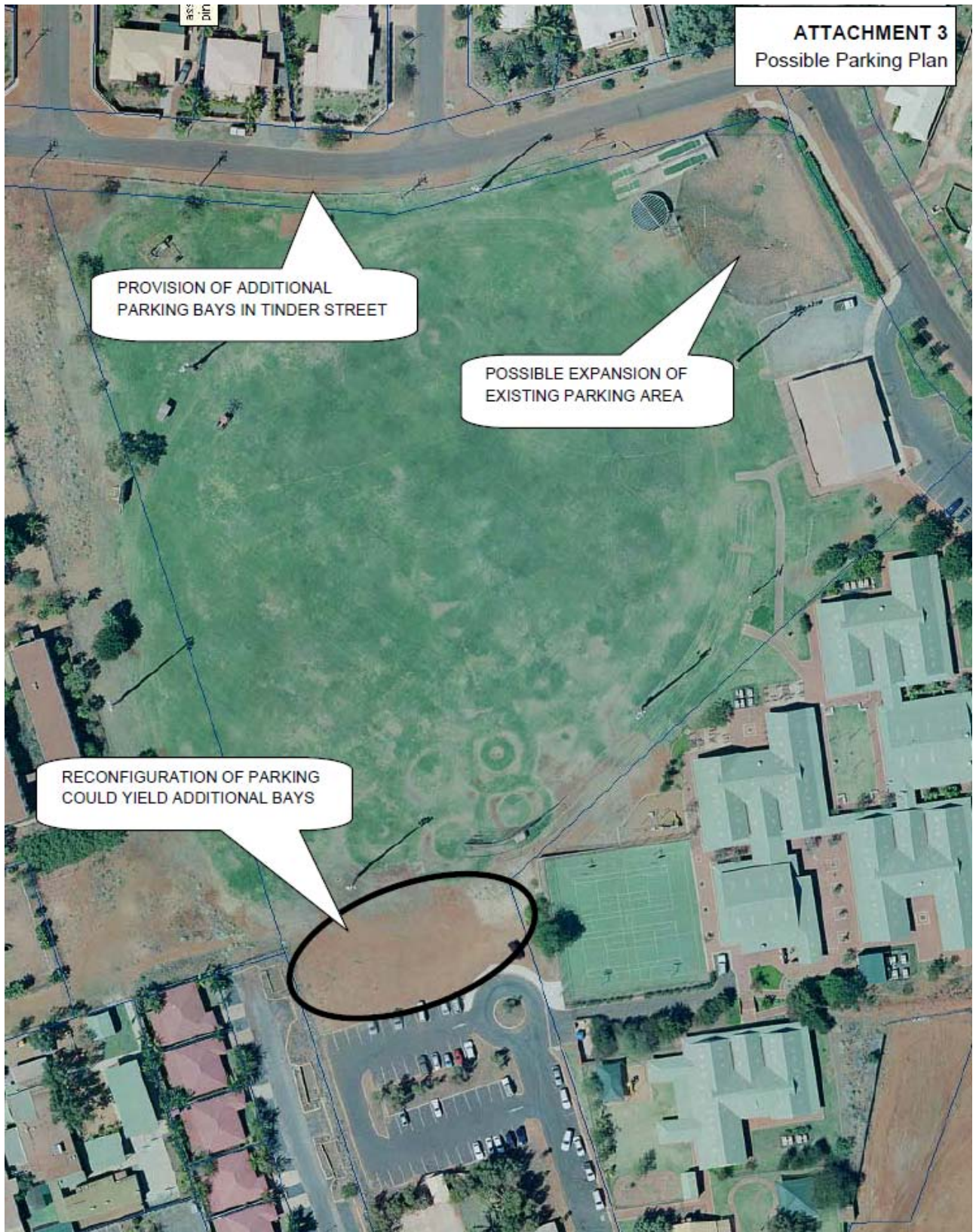


**COLIN MATHESON OVAL CLUBHOUSE**  
**TOWN OF PORT HEDLAND**

**HODGE + COLLARD**  
 ARCHITECTS

Third Floor, 38 Richardson Street, West Perth, WA 6005  
 PO Box 743, West Perth, WA 6002  
 PH: (08) 9322 3144 Fax: (08) 9322 3740  
 Email: admin@hodgecollard.com

SCALE 1:100 DATE: 16 JULY 2010 DWG No. 69.09 SK28





*11.1.2.3 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 126 Great Northern Highway from Rural to Rural Residential.(File No.: 129010G)*

<b>Officer</b>	Leonard Long Manager Planning
<b>Date of Report</b>	30 July 2010
<b>Application Number</b>	2010/34
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Following the presentation to Council on the 28<sup>th</sup> of July 2010, at which no issues were raised; this matter is submitted for reconsideration.

**Background**

The item was first submitted for Councils consideration at its Ordinary meeting on 28<sup>th</sup> April 2010, where Council resolved to lay the item on the table pending a site visit. A site visit was conducted on 16<sup>th</sup> May 2010, where Councillor's had an opportunity to discuss the application with both the owner and the owners planning consultant. As a result of the site visit the item was resubmitted to the Ordinary Council Meeting on 26<sup>th</sup> May 2010, where Council resolved as follows:

*“Rejects the request from Whelans, Town Planners on behalf of KG & NL Stubbs, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5, to amend the zoning of Part Lot 126 Great Northern Highway from “Rural” and “Other Purposes – Infrastructure” to “Rural Residential”, “Other Public Purposes – Water and Drainage”, “State and Regional Road” and “Local Road”.*

The following reason was provided by Council:

*“Council believes that the Shire needs a structure plan for this area which should also outline the implications of what exactly is required from this Council with regard to development in this area.”*

*Need for a Development Plan (Structure Plan):*

The area that has been requested by Council to be included into a development plan is severely affected by physical constraints, i.e. flooding and or development constraints i.e. development buffers.

The majority of the land west of the BHP Port Hedland and Newman Railway line is unallocated Crown Land, and is subject to flooding as a result of cyclonic events and tidal movements. The area is also affected by development buffers required by railway lines, highway, sewer ponds and the most significant being Solar Salt Manufacturing which requires a 1km buffer area.

The area east of the BHP Port Hedland/Newman railway line is also affected by railway and highway buffers with the most significant buffer being the explosives reserve which may require a buffer of up to 1km. As a result of the above mentioned buffers development in the area is limited to the existing uses with very little room to change. To ensure good orderly planning is maintained in the area uses should be limited to "Rural Residential" uses east of the BHP Port Hedland/Newman Railway line and the existing "Tourism" and "Industry" uses to the west of the BHP Port Hedland/Newman Railway line. Therefore, there is no need for a development plan as the future potential growth of the area is limited.

The item is resubmitted to Council to reconsider the request submitted by Whelans, Town Planners on behalf of KG & NL Stubbs, to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of Lot 126 Great Northern Highway from "Rural" and "Other Purposes – Infrastructure" to "Rural Residential", "Other Public Purposes – Water and Drainage", "State and Regional Road" and "Local Road". The applicant as part of the application has also requested Council to adopt the proposed Development Plan for the lot.

#### *Site Description*

The subject site (Lot 126 Great Northern Highway) is located approximately 8km east of the Port Hedland Airport and traverses both Beebingarra Creek and the Great Northern Highway. Physical attributes means the land is physically split into three distinct parcels. These three parcels can be described as follows:

#### *West:*

This portion of the land is square in shape and is approximately 28ha in size. It is located on the western side of Beebingarra Creek and adjoins the Port Hedland – Goldsworthy Railway to the north with access to Drovers Rest Road at the south western corner.

#### *East:*

This portion of the land is irregular in shape and is approximately 123ha in size. It is located on the eastern side of Beebingarra Creek, adjoins the Port Hedland – Goldsworthy Railway to the north and the Great Northern Highway to the south.

*South:*

This portion of the land is irregular in shape and is approximately 9.3ha in size. It is located on the eastern side of Beebingarra Creek and adjoins the Great Northern Highway to the north. Creek lines account for the remaining 40ha of land.

The land currently has approval for Industry – Extractive (sand mining) and a single dwelling.

*Proposal*

It is proposed to rezone the west and east portions of the land from “Rural” and “Other Purposes – Infrastructure” to “Rural Residential”, “Other Public Purposes – Water and Drainage”, “State and Regional Road” and “Local Road” (refer attachment 1 – Option A).

The Development Plan identifies a subdivision layout that would result in the creation of 98 lots. These lots would include 92 on the East portion of the land ranging in size from 1ha to 1.9ha and 6 lots on the West portion of land ranging in size from 4.01ha to 5.91ha.

*Surrounding Context*

The surrounding land is predominately zoned Rural with an infrastructure reservation covering the Port Hedland – Goldsworthy Railway and state and regional road reservation covering the Great Northern Highway.

Approximately 1km west of the Beebingarra Creek is an existing Rural Residential area which comprises of 125ha of land. The land bound by the existing “Rural Residential” zone to the west, Port Hedland – Goldsworthy Railway to the north, Beebingarra Creek to the east and Great Northern Highway to the south has been identified as Future “Rural Residential” (see attachment 3). This land is predominately undeveloped however it does contain a number of buildings. The most significant of which is the cluster of buildings contained in the Rural Settlement occupied by Bullbuck Pty Ltd.

**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).

Following approval from the EPA to advertise the amendment, Council is then required pursuant to section 83 of the PDA to consult persons likely to be affected by the amendment, and advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

### **Statutory Implications**

Should Council wish to re-consider its decision such must be made in accordance with the *Local Government (Administration) Regulations 1996*.

#### *Voting Requirements*

1. To consider – 1/3 of members (3).
2. To revoke – absolute majority.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Key Result Area 4: Economic Development

Goal 4: Land development projects

Strategy 1: Fast-track the release and development of commercial, industrial and **residential land** in a sustainable manner...

### **Budget Implications**

The applicant has paid the prescribed application fee of \$1,711 for the initiation request. This fee has been deposited into account 1006326.

### **Officer's Comment**

The main issues that need to be considered is,

- Flooding,
- Impacts/interrelation with surrounding lands

#### *Flooding*

The applicant has provided a hydrology report and also discussed the potential flooding issues with the Councillors at a site meeting on 16<sup>th</sup> of May 2010, where all the issues relating to the potential flooding was clarified.

Although flooding remains a concern, these concerns do not appear insurmountable. The proposal is considered similar to that of the South Hedland Rural Estate (Bosna Park) which has recently received approval from the Western Australian Planning Commission for Stage 2.

#### *Impacts/Interrelation with surrounding lands*

This issue focuses on the possible impacts the development may have on adjoining lands (i.e what impacts will zoning the land Rural Residential have on the surrounding rural zoned properties?).

Rural lands are generally used for agricultural and farming pursuits that can involve activities that have negative impacts on amenity. Common examples are odours associated with livestock and noise associated with use of machinery. Residents in rural residential areas expect a higher level of amenity than those in a rural area.

However, it must be considered that due to the arid land conditions any farming activities undertaken in the area would have to be done over a large area to be financial viable, and would therefore not have a significant impact on the subject land.

### Options

There are two (2) options for Council to consider in relation to this matter:

1. Reconfirm its previous decision on this matter (Council Decision 200910/418) at its Ordinary Council Meeting held on 26 May 2010 as follows:

*“That Council:*

1. *Rejects the request from Whelans, Town Planners on behalf of KG & NL Stubbs, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 to amend the zoning of Part Lot 126 Great Northern Highway from “Rural” and “Other Purposes – Infrastructure” to “Rural Residential”, “Other Public Purposes – Water and Drainage”, “State and Regional Road” and “Local Road”.*
2. *Advises the applicant accordingly.*
3. *Approaches the Northern Towns Development Fund to seek funds to develop a structured plan for the area from the Broome Highway turn off to the development proposal area.”;*

or

2. Reconsider the item.

Should Council decide to reconsider the item, the following actions are required:

1. Rescind its decision 200910/418 of Agenda Item 11.1.2.5, “Proposed Amendment to the Town of Port Hedland Town

Planning Scheme No. 5 to Rezone Lot 126 Great Northern Highway from "Rural" to "Rural Residential", (File No. 129010G), held on 26<sup>th</sup> May 2010 and recorded on page 71 of those minutes.

2. Reconsidering the item with the following options available:
  - a. Initiate the rezoning subject to changes without the need of a Development Plan,
  - b. Refuse the rezoning as proposed, or
  - c. Initiate the rezoning as proposed.

It is recommended that Council initiate the rezoning subject to changes as follows in accordance with Option A:

- a. Initiate the rezoning subject to the following changes:

Amend those portions of Lot 126 identified as "Other Public Purposes – Water and Drainage", and "Local Road" to "Rural Residential".

This change will provide greater flexibility to the ultimate development of the site by allowing the roads and drainage to be moved if necessary, without the need for further scheme amendments. In addition the land to the west which is zoned "Rural" would be located between parcels of land zoned "Rural Residential" will effectively ensure that this land is also developed for similar purposes.

Whilst a Development Plan can be requested given the preliminary status of the proposal there is a strong possibility that changes may occur and as such it is considered unnecessary and inappropriate to adopt a Development Plan at this stage.

### **Attachments**

1. Scheme Amendment Report
2. Development Plan Proposal
3. Flood Maps

### **Officer's Recommendation**

That Council:

- a. Rescinds decision 200910/418 of Agenda Item 11.1.2.5 "Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 126 Great Northern Highway from "Rural" to "Rural Residential", (File No. 129010G), held on 26 May 2010 and recorded on page 71 of those minutes, as follows:

*“That Council:*

1. *Rejects the request from Whelans, Town Planners on behalf of KG & NL Stubbs, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 to amend the zoning of Part Lot 126 Great Northern Highway from “Rural” and “Other Purposes – Infrastructure” to “Rural Residential”, “Other Public Purposes – Water and Drainage”, “State and Regional Road” and “Local Road”.*
  2. *Advises the applicant accordingly.*
  3. *Approaches the Northern Towns Development Fund to seek funds to develop a structured plan for the area from the Broome Highway turn off to the development proposal area.”*
- b. Approves the request from Whelans, Town Planners on behalf of KG & NL Stubbs, to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of Part Lot 126 Great Northern Highway from “Rural” and “Other Purposes – Infrastructure” to “Rural Residential”, “Other Public Purposes – Water and Drainage”, “State and Regional Road” and “Local Road” subject to:
- i. The area north of the Great Northern Highway being rezoned to “Rural Residential”,
  - ii. The portion proposed to be reserved for “State and Regional Road” purposes remains as proposed, and
  - iii. The area south of the Great Northern Highway to remain as proposed “Rural”
- c. Advises the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.
- d. Advises the applicant that the Development Plan is not considered to be required at this time.
- e. Initiates the development of a policy guiding the future development of “Rural Residential” areas with the Town.

#### **201011/048 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr M Dziombak

*NOTE: Mayor called for a show of hands in favour to consider the revoking of Resolution 200910/418 of Agenda Item 11.1.2.5 “Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 126 Great Northern*

*Highway from "Rural" to "Rural Residential", (File No. 129010G), held on 26 May 2010 and recorded on page 71 of those Minutes. The following Councillors indicated their intent to do so;*

*Cr A A Carter  
Cr M Dziombak  
Cr D Hooper*

That Council RESCINDS decision 200910/418 of Agenda Item 11.1.2.5 "Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 126 Great Northern Highway from "Rural" to "Rural Residential", (*File No. 129010G*), held on 26 May 2010 and recorded on page 71 of those minutes, that states:

***"That Council:***

- 1. Rejects the request from Whelans, Town Planners on behalf of KG & NL Stubbs, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 to amend the zoning of Part Lot 126 Great Northern Highway from "Rural" and "Other Purposes – Infrastructure" to "Rural Residential", "Other Public Purposes – Water and Drainage", "State and Regional Road" and "Local Road".***
- 2. Advises the applicant accordingly.***
- 3. Approaches the Northern Towns Development Fund to seek funds to develop a structured plan for the area from the Broome Highway turn off to the development proposal area."***

*CARRIED 7/0*

**201011/049 Council Decision/Officer's Alternative Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr D Hooper

That Council:

- a. APPROVES the request from Whelans, Town Planners on behalf of KG & NL Stubbs, to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of Part Lot 126 Great Northern Highway from "Rural" and "Other Purposes – Infrastructure" to "Rural Residential", "Other Public Purposes – Water and Drainage", "State and Regional Road" and "Local Road" subject to:



- i. The area north of the Great Northern Highway being rezoned to “Rural Residential”,**
  - ii. The portion proposed to be reserved for “State and Regional Road” purposes remains as proposed, and**
  - iii. The area south of the Great Northern Highway to remain as proposed “Rural”**
- b. Advises the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.
- c. Approaches the Northern Town Development Fund to seek funds to develop a structure plan for the area from Broome Highway turn off to the development in this area.
- d. Advises the applicant that development can proceed prior to completion of a Development Plan, and that the Town will undertake preparations of a suitable plan through the revision of Town Planning Scheme No 5, to determine the most appropriate land uses for the area west of the subject lot.
- e. Initiates the development of a policy guiding the future development of “Rural Residential” areas with the Town.

*CARRIED 7/0*

*REASON: Council wishes to illustrate the need to develop a policy that will guide the future of the “Rural Residential” areas in the district*

TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME No 5  
AMENDMENT No



Prepared By



Revision 02  
23 March 2010

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME  
TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME No. 5  
AMENDMENT No.

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act, 2005 (as amended), amend the above Town Planning Scheme by:

1. Rezoning portion of Lot 126 Great Northern Highway from Rural to Rural Residential;
2. Recoding portion of Lot 126 Great Northern Highway from Rural zone to the State and Regional Road reservation;
3. Recoding portion of Lot 126 Great Northern Highway from the Other Purposes - Infrastructure reservation to the Rural Residential zone;
4. Recoding portion of Lot 126 Great Northern Highway from the Rural zone to no code [road reserves]; and
5. Amending the Scheme Maps accordingly.

Dated this          Day of          2010

\_\_\_\_\_  
Chief Executive Officer

FILE NO. \_\_\_\_\_  
PART OF AGENDA \_\_\_\_\_

## PROPOSAL TO AMEND A TOWN PLANNING SCHEME.

- 1) LOCAL AUTHORITY: TOWN OF PORT HEDLAND
- 2) DESCRIPTION OF TOWN PLANNING SCHEME: TOWN PLANNING SCHEME No. - 5
- 3) TYPE OF SCHEME: TOWN PLANNING SCHEME
- 4) SERIAL NUMBER OF AMENDMENT: AMENDMENT No.
- 5) PURPOSE:
1. Rezoning portion of Lot 126 Great Northern Highway from Rural to Rural Residential;
  2. Recoding portion of Lot 126 Great Northern Highway from Rural zone to the State and Regional Road reservation;
  3. Recoding portion of Lot 126 Great Northern Highway from the Other Purposes - Infrastructure reservation to the Rural Residential zone;
  4. Recoding portion of Lot 126 Great Northern Highway from the Rural zone to no code [road reserves]; and
  5. Amending the Scheme Maps accordingly.

TOWN OF PORT HEDLAND  
AMENDMENT REPORT:  
PROPOSED REZONING  
LOT 126 GREAT NORTHERN HIGHWAY

Prepared For:



TOWN OF PORT HEDLAND

Prepared By:



Revision 1  
11 March 2010



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### FIGURES:

Figure I	Location Plan
Figure II	Precinct Plan
Figure III	Current Zoning Plan
Figure IV	Development Plan

### ATTACHMENTS:

Attachment I	Certificate Of Title
Attachment II	Landowner Consent to Rezoning
Attachment III	Hydrology Assessment
Attachment IV	Demand Assessment Study
Attachment V	Advice from Dept of Regional Development & Lands

## 1. INTRODUCTION

Forrest Location 126 is an under utilised rural landholding of 201.94 hectares located approximately 8km east of the Port Hedland Airport between Great Northern Highway and the Port Hedland to Mount Goldsworthy railway line. The site is mostly flat and covered in Spinifex and some eucalyptus trees, however there is a prominent creek line, Beebingarra, that crosses the site from north to south.

The recent mining boom in the northwest of Western Australia and associated influx of workers has resulted in an increased demand for home sites in Port Hedland and other towns dependent on mining and resources activity.

Previous planning studies and a Demand Assessment Study [DAS] prepared by a local Real Estate business demonstrates that there is clear demand for rural residential land, and the subject site represents an opportunity to cater for this increased demand, as well as provide for a unique rural lifestyle opportunity in Port Hedland.

Current policy initiatives also support diversified land use supplies to provide wider choice and diversity for regional centres, and the Pilbara Cities proposal seeks to grow Port Hedland and other Pilbara towns into functional, viable cities with an enviable lifestyle by providing diverse facilities and improvements to infrastructure.

A report has also been prepared to demonstrate hydrological issues associated with the site, concluding that the land can be subdivided and developed without adverse impacts on the proposed development and adjoining properties.

The subject land can provide for the staged release of rural residential land that will allow for a unique lifestyle opportunity that will achieve policy initiatives and satisfy the significant demand for land in Port Hedland.

The Scheme allows for Council to require the preparation of a Development Plan that addresses all relevant issues. A draft Development Plan has been prepared, and draft provisions have been included on this development plan. Once rezoning has been completed, this draft plan can be finalised and adopted.

## 2. LAND TENURE AND OWNERSHIP

The subject site is legally described as follows:

- Forrest Loc 126 on Deposited Plan 213334 being the whole of the land comprised in Certificate of Title volume 2188 and folio 559.

Forrest Loc 126 is owned in freehold by Kevin George Stubbs. With the exception of two mortgages listed on the land title, there are no other easements, encumbrances or notifications on the land title that may impact the use of the site for Rural Residential development. The site is 201.94 hectares in area. Refer to Appendix 1- Certificate of Title.

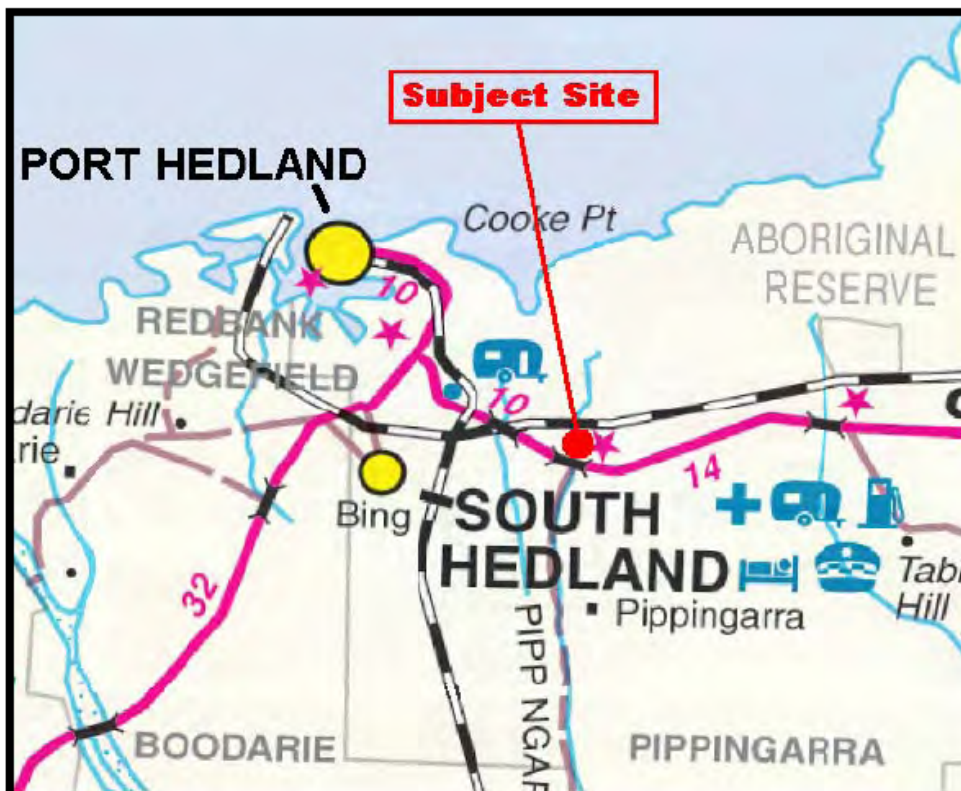


Figure 1 Location Plan

### 3. SITE DESCRIPTION

The site is an irregular shaped land holding with an area of 201.94 hectares, and is physically divided into 3 parts by Great Northern Highway and Beebingarra Creek.

The land area west of Beebingarra Creek is approximately 28 hectares and has separate access from a cul-de-sac. The land area east of Beebingarra Creek is approximately 123 hectares [not including the creek area]. 9.3 hectares of land is located south of the Great Northern Highway. The Highway has an arbitrary reserve width of 100 metres, although this reserve is not gazetted, as the Highway land has yet to be legally removed from the title of Forrest Loc 126. The smaller area is triangular in shape and undeveloped, whilst the northern area is developed with two dwellings and sheds and is being used for the storage and repair of heavy vehicles.

Beebingarra Creek is approximately 100 metres wide and runs in a south to north direction and is mostly dry except in extreme rainfall events. There is a smaller tributary of the Creek which joins another creek line to the east of the site. The creek's tributary's are predominantly dry, and also only flow in extreme rainfall events.

Apart from these creek lines, the site is relatively flat and is covered with Spinifex and low shrubs and eucalyptus trees. Some of the site has been subject to land clearing.

### 4. SURROUNDING CONTEXT

The land holding to the west of the site, Forrest Loc 2, is a freehold lot and is being used for the servicing of trucks and storage of industrial equipment. There are a



The assessment concludes that there will be a sustained demand for quality real estate development of this nature due to the lack of comparative current or future equivalent alternatives in the Port Hedland locality.

While the Bosna Estate located to the south of South Hedland may be granted approval for its second stage, it is considered that due to timing of the release of Bosna and staging of the proposed development there will continue to be significant demand, and the proposed subdivision will not result in oversupply of rural residential land.

Additionally, due to significant constraints [see section 6 of this report] land adjoining the subject site is unlikely to be subdivided in the short to medium term, and again no oversupply will result from the subdivision of the subject land.

Recent State Government intervention and initiatives re-enforces this assessment. The Pilbara Cities initiative recognises significant need for land releases to provide more liveable cities and also meet the need for land and expanded services in the region.

This initiative promotes a mix of housing that is different to the traditional single residential home which has pre-dominated the Port Hedland market, and the proposed subdivision will achieve this objective.

Accordingly, it is considered that there is, indeed, sufficient demand to warrant rezoning and subdivision of the land.

A copy of this assessment is attached as Attachment IV.

## 6. RURAL RESIDENTIAL PRECINCT

As identified in section 5 of this report there is significant demand for Rural Residential land. Lot 126 is ideally suited and situated to satisfy this demand.

It is located in an area adjacent to land zoned Rural Residential, and forms a logical extension to the existing 'Twelve Mile' rural residential subdivision to the west of the site. Accordingly, it is proposed to develop a precinct to guide subdivision of these landholdings.

Figure II shows the proposed 'precinct plan', as well as surrounding site context. This precinct plan depicts the existing Twelve Mile rural residential area, comprised of 26 lots of approximately 4 hectares, the Crown land between Lot 126 and 'Twelve Mile', the land colloquially known as 'bull buck', and Lot 126 itself.

While it is proposed to develop this area as a precinct, there are some constraints to developing all of the land immediately.

The predominant land owner of land within the Twelve Mile area is the Department of Regional Development and Lands [RDL], which acknowledges that there are significant issues in developing the land to the west.

The Crown land area known as Twelve Mile is all crown land that is privately leased. While there is some demand for free holding of this land, RDL recognises that due to the existing leases, significant negotiations will be required before an agreed land release and subdivision process can be agreed.

number of sheds and other steel fabricated structures on Forrest Loc 2, as well as a number of caretakers dwellings and workers accommodation.

There are two land holdings to the east of the site, one is Reserve 9701 which forms part of the De Grey Stock Route, and the other is vacant rural land. There is a minor creek line that runs in a south to north direction on these two land holdings. The north of the site is bounded by the Port Hedland to Mount Goldsworthy Railway line reservation.

At the south-west corner of the site is a triangular shaped land holding – Reserve 24055 which is the site of an Aboriginal community named Jalku Warra. The community is abandoned and structures and infrastructure have been removed.

To the south of the site is vacant rural land. There are no existing land uses nearby that would raise any specific land use compatibility issues for the proposed Rural Residential development on the site.

## 5. DEMAND FOR RURAL RESIDENTIAL LAND

In accordance with item (xi) in Appendix 6 of the Town of Port Hedland Planning Scheme 5, an assessment has been made of the level of demand for this form of rural residential development.

The Demand Assessment Study [DAS] was prepared by Hedland First National Real Estate. The DAS utilises information from various published planning documents and in addition, completed a market survey capturing demand responses from a localised preliminary marketing program.

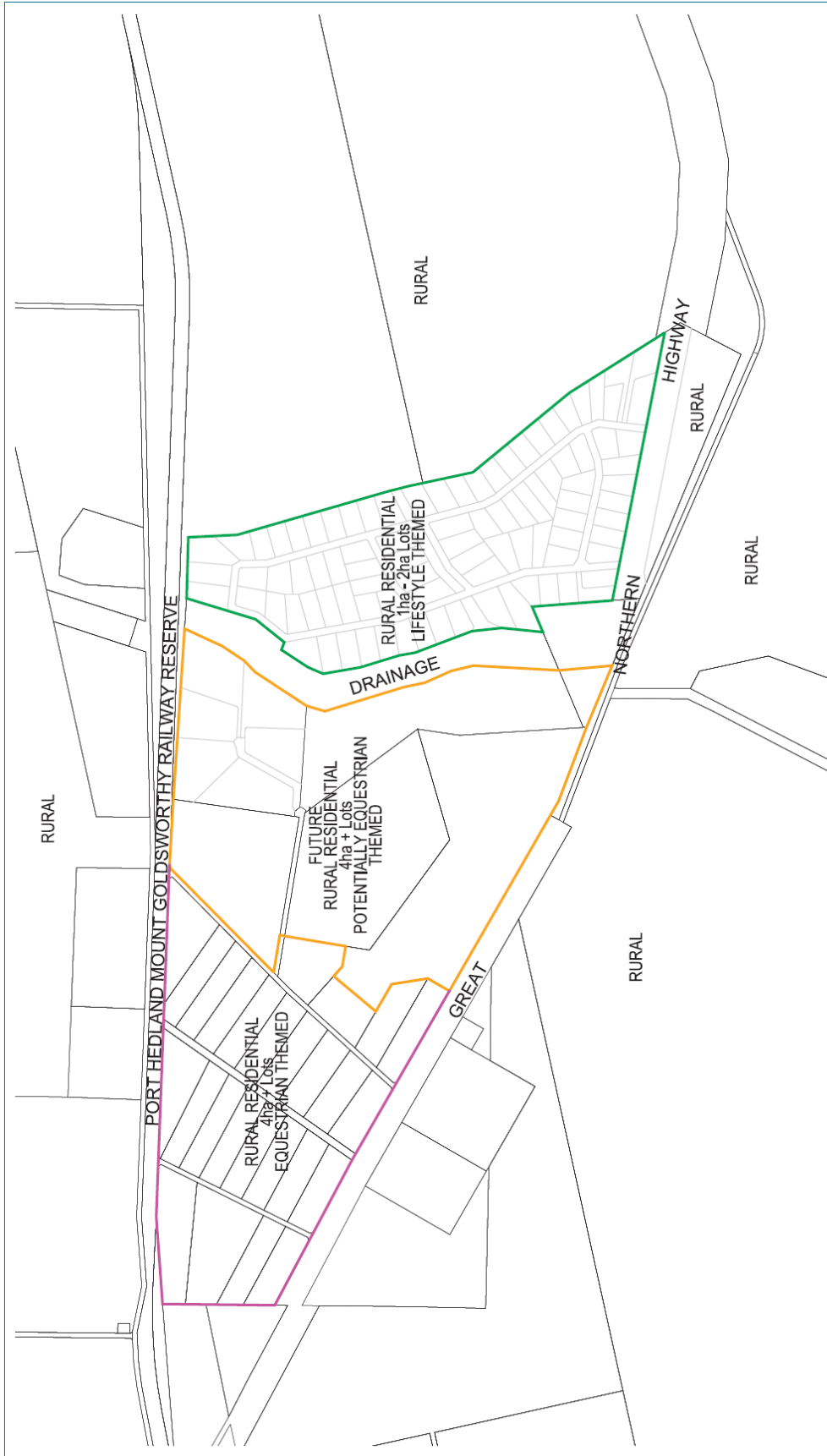
The DAS notes that “there is clear recognition of the considerable pressure for the release of land to satisfy demand” in the local Port Hedland market.

The DAS determined that there is significant demand for non-suburban land with registrations of interest documented for over 50% of the total available lots of the proposed 3 staged development. This is significant considering that the assessment was localised.

The demand assessment indicates there are two primary buyer market segments, consisting of those seeking a non-suburban environment to establish their primary residence and secondly, buyers that operate a business who require a property that can accommodate the housing of business equipment in addition to their primary residence.

It is not considered that a composite industry zone providing for a residence and industry is appropriate for this location, and any rezoning should not accommodate the operation of a business from any of the lots proposed to be created, however, the garaging of a business vehicle or running a home occupation from the proposed rural residential subdivision would be appropriate.

Market sentiment also indicates that buyer motivations for this form of real estate include a desire for alternative lifestyle choices and buyers are seeking to escape perceived negative elements associated with inner suburban living consisting of noise, traffic and crime.



**RURAL RESIDENTIAL CONCEPT PLAN  
GREAT NORTHERN HIGHWAY  
PORT HEDLAND**

**LEGEND**

- 125.6ha
- 175.24ha
- 123.09ha

Job Number: 1188E  
 Sheet Name: 1188E-5  
 Scale: 1:5000 @ A3  
 Date: 26 February 2010  
 Drawn By: S.S.P.  
 Checked By: S.P.P.  
 All dimensions and areas are subject to survey. All dimensions are to the centre of the road. All areas are to be confirmed by the engineer. This is based on aerial imagery of 2008. The information is provided for general information only. It is not intended to be used for any other purpose.

133 Rockingham Road, Rockingham WA 6016  
 Ph: 9447 4000 Fax: 9447 4001  
 T: 98 842 131 F: 98 844 1001  
 E: info@whelans.com.au W: www.whelans.com.au

**whelans**  
TOWN PLANNING

CCPC Member Practice

These negotiations will revolve around pricing, structure planning, lot sizes and proposed land uses. Additionally, subdivision of the leased Crown Land will require close consultation with the Town of Port Hedland prior to any action proceeding. RDL recognises that these negotiations are likely to take some time.

While RDL has confirmed that it will undertake structure planning of the area, this process has not been confirmed, and will be undertaken at a later date in conjunction with LandCorp. Structure Planning will require resolution of a number of issues including Native Title .

RDL has confirmed that it has not commenced any processes associated with the release of any of this land, and is not currently in a position to progress any planning.

Additionally, there are significant issues with demand if the entire precinct is released at once, as there are over 400 hectares of land within the precinct. Release of all of the precinct would result in a significant potential oversupply in the availability of Rural Residential land.

The Eastern portion of Lot 126 includes 123 hectares of land that can be released in discrete stages, ensuring that oversupply does not occur.

Lot 126 is essentially development ready, as it is not subject to Native Title, is in single ownership and does not require discussions with other landholders, and structure planning has significantly progressed.

It is logical therefore, to develop this precinct as follows:

- Lot 126, which has no significant constraints
- UCL Lot , which requires structure planning and clearance of Native Title
- Twelve Mile, which requires structure planning, clearance of Native Title, and detailed negotiations

This will ensure a progressive, planned release of Rural Residential land over a period of time within the precinct.

Furthermore, the RDL confirms that the Department of Regional Development (RDL) has no objections to an application for freehold subdivision of Lot 126 great Northern Highway.

The advice of the Department of Regional Development and Land regarding these matters is included as Appendix V.

The precinct plan shows the proposed Brookdale subdivision on the Eastern side of Beebingarra Creek. This subdivision is comprised of smaller lot sizes, ranging from 1 - 2 hectares providing a higher lot yield and meeting demand for lots within this range. This land would form the first stages of the subdivision.

This eastern portion of the site is separated from the remainder of the precinct by Beebingarra Creek. It is more wooded than the western side of the precinct, and forms a discrete precinct with its own character. It is intended that this subdivision would be themed as lifestyle bush blocks.

It is intended that the land on southern side of the highway will remain rural.

This conforms to the stated intention of the Town of Port Hedland to restrict the growth of quasi industrial uses outside of existing industrial areas, and provides for supply of lifestyle lots that will assist with meeting demand for land in Port Hedland.

## 7. UTILITY SERVICES

### *Water*

The site is located within the Port Hedland operating area of Potable Water Supply Service of the Water Corporation licence. The intention is to provide reticulated water to the proposed lots. Existing rural residential lots to the west of the site and the abandoned Community on R 24055 are being serviced with reticulated water mains connecting directly to the De Grey River Supply Main located alongside the railway line to the north. It is intended to upgrade and extend these existing mains to service the proposed Rural Residential lots.

### *Sewer*

There is no reticulated sewer main in the locality. Any future dwelling development on the land will require provision of on-site effluent disposal systems to the satisfaction of the Health Department of WA and the Town of Port Hedland Health Department.

### *Power*

There is above ground power supply located in the Great Northern Highway reserve. This service may need to be upgraded to service a multi-lot subdivision proposal.

### *Telecommunications*

A telecommunications cable is located in the Great Northern Highway reserve.

## 8. ROAD ACCESS

The site has frontage to Great Northern Highway and an unnamed cul-de-sac to the portion of the site west of Beebingarra Creek. Additional access (roads and crossovers) on to Great Northern Highway should be limited as far as possible, as per the Draft Development Plan .

## 9. MINING TENEMENTS

There is a Mining Lease (M45/1119) granted over Forrest Loc 126 to the landowner, Kevin Stubbs, which is valid to 30 January 2027. Should the land be subdivided, the lease would need to be surrendered.

## 10. INDIGENOUS HERITAGE

A search of the Department of Indigenous Affairs on-line database did not identify any sites registered under the Aboriginal Heritage Act 1972 or ethnographic surveys

having been carried out on the site. The adjacent Jalku Warra Aboriginal Community on Reserve 24055 was subject to an investigation of Aboriginal burial sites in 1994.

Due to the freehold status of Lot 126, Native Title is extinguished.

## 11. ENVIRONMENTAL ISSUES

### *Vegetation and Landform*

The vegetation landform on the site comprises shrub steppe which dominates the local surrounding landscape. It is characterised by flat or rolling plains broken by rocky hills with soils of predominantly red sands (pindan) and loams associated with rivers. Beebingarra Creek is usually dry, flowing only after heavy rains.

The principle flora of this landscape is Spinifex. There are some River Gums and other gum trees growing within, and along the fringes, of Beebingarra Creek. A search of the Department of Environment and Water Resources on-line database did not identify any threatened ecological communities on the site.

### *Endangered and Rare Flora and Fauna*

A search of the Department of Environment and Water Resources on-line database revealed that there are two threatened species and 11 migratory bird species whose habitat may occur in the area. The threatened species include the Northern Quoll and the Pilbara Leaf Nosed Bat. The migratory bird species include terrestrial species, wetland species and marine birds. These species are protected under the Environmental Protection Biodiversity Conservation Act 1999. It is noted that habitat modification of Rural Residential development will be minimal.

### *Acid Sulphate Soils*

A review of the Department of Environment and Conservation's database shows the site is designated with no known risk of Acid Sulphate Soils occurring within 3 metres of the natural soil surface or deeper. Accordingly, under the Western Australian Planning Commission's subdivision requirements, the site would not be subject to any detailed Acid Sulphate Soil investigations.

## 12. HYDROLOGY

Modelling carried out by the Department for Planning and Infrastructure indicates that the site is subject to a combination of storm surge and inundation (1 in 100 year return period). Refer to Appendix 2 Flood Map 1:100 ARI. A hydrology assessment was carried out by JDA Consultant Hydrologists in June 1998 in support of a town planning appeal against WA Planning Commission refusal of a 3 lot subdivision for the site (subsequently approved).

One of the conclusions of the report was that the 1 in 100 ARI (average return interval) has a flood level of approximately 0.6 metre depth on the flood plain and that building pad levels of 1 metre for the site would provide sufficient clearance above the 100 year ARI. The report recommended that: buildings be located 100 metres or more from the banks of the creek; flood levels in the 100 year ARI be estimated over the

whole of the property; high ground be used for location of buildings; and, building pads be constructed to prevent scour during major flood events.

The report concludes by confirming that inundation is not a major constraint to development, and it was therefore recommended that further assessment be undertaken to identify a more detailed lot layout that includes appropriate setbacks and building exclusion zones that ensure impacts of the creek are minimised.

The three lot subdivision was accordingly approved by the WAPC, however, the new titles were never created.

Additional assessment has now been undertaken by Sinclair Knight Merz to determine the risk and impact on the land from inundation. The assessment also addresses that the development of the subject site may have on adjoining properties.

The following technical conclusions were drawn from this investigation:

- Flood depths were found to be up to 1m for the 100 year ARI event hence filling would be required on affected housing lots to provide adequate freeboard above the 100 year ARI design flood event.
- Flood velocities were determined and found to be up to 1m/s within the proposed development in the 100year ARI flood event and should be considered in the design of housing lots.
- Duration of inundation at the site was found to be up to 11 hours for a 20 year ARI flood event and 17 hours for a 100 year ARI flood event. The duration of inundation across the site varied based on the position of overland flowpaths.
- Flood hazard ranges between low and high for the 100 year ARI event on the proposed development site. Areas around the proposed development have hazard classification of extreme and this should be considered in flood evacuation planning.
- Some impact may be caused by filling on the flood plain, however it is expected that this may be a small impact due to the small proportion of area being filled and the low conveyance of water through the proposed site.

Maps have been included in the assessment to demonstrate hazard ranges, inundation extent and velocity extents.

This assessment concludes that the site can be developed with specified minimum floor levels for the majority of the site, and with specific mitigation mechanisms for portions of the site identified as high risk, without adversely impacting proposed development or adjoining properties.

This report is attached.

### 13. TOWN PLANNING FRAMEWORK

*Town of Port Hedland Town Planning Scheme No. 5*

The site is predominately zoned Rural under the Town of Port Hedland Town Planning Scheme No. 5. The northern section of the site is reserved Other Purposes -

Infrastructure, but is not being used for such purposes. Under Scheme No. 5, a Rural Residential zone has been used to implement small rural lot subdivisions; a notable example is the Bosna Estate to the south of South Hedland.

To provide for the use and development of Loc 126 for Rural Residential purposes, an amendment to Scheme No. 5 to reclassify and rezone Forrest Loc 126 from Rural and Other Purposes - Infrastructure to Rural Residential is required, along with a proposal to reclassify the Highway land from Rural to State and Regional Roads.

Given that it cannot easily be subdivided due to access issues, it is proposed that land to the south of the proposed highway reserve would remain as Rural.

Scheme No. 5 provisions for Rural Residential development indicates a minimum lot area of 1 hectare for lots with reticulated water and a minimum lot area of 2 hectares for lots without reticulated water. The Council can also require the preparation of a Development Plan and scheme provisions for Rural Residential as part of scheme amendments. This report and Draft Development Plan, as discussed below, address the relevant requirements located in Appendix 6 of Scheme No. 5.



Figure III - Existing Zoning

#### 14. DRAFT DEVELOPMENT PLAN

The Draft Development Plan proposes to subdivide the site into 99 lots ranging in area from 1 to 5 hectares [Lot 99 being an exception at 12.5 hectares]. The following details the main design elements. The Draft Development Plan is included as Figure IV. This plan includes provisions to address matters identified in Appendix 6 of TPS5, and will be required to be adopted by Council.



### *Services*

It is proposed to service the lots with reticulated water from the existing connections to the De Grey River Supply Main, and power from the mains located in Great Northern Highway. Individual land owners will be responsible for installing their own on site effluent disposal systems at housing construction stage.

### *Roads and Access*

The Development Plan 's road reserve widths are 20 metres. Roads will be constructed to the specifications and standards of the local government at subdivision stage. It is recognised that direct access to Great Northern Highway should be discouraged, and is accordingly restricted to two access points on the highway. Both have excellent sight lines and are on straight sections of the Highway.

These access points are required to provide for emergency access in case of flood or fire, and to provide permeability to the subdivision layout.

Access to land on the southern side of the highway is problematic, where due to the depth of the lots no subdivisional road can be provided. Accordingly, this land is being retained under the existing rural zoning.

### *Drainage*

The main tributaries of the Beebingarra Creek are proposed to be ceded to the Town of Port Hedland as a reserve for drainage through the subdivision process. The Creek line cannot be developed and it is considered appropriate to place it under the management of the Town rather than with multiple land owners. Road drainage will likely be into spoon drains either side of the pavement with the use of culverts where appropriate. A detailed drainage design will be prepared by an engineer for the approval of the Town.

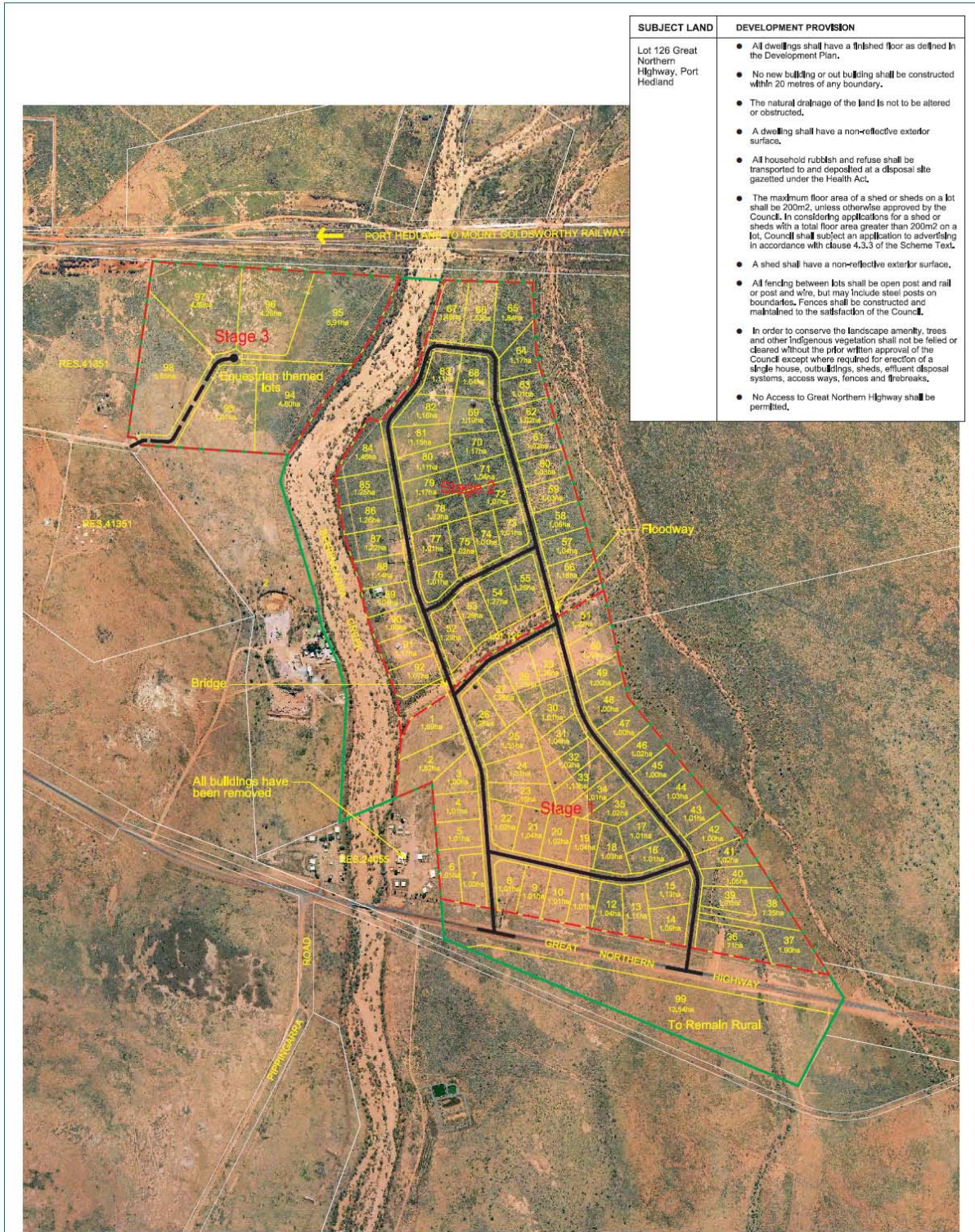
### *Staging*

The Development Plan proposes subdivision in 3 distinct stages. It is anticipated a total of 99 lots will be created. The minor east-west tributary of Beebingarra Creek forms the logical boundary between Stages 1 & 2. Development of the first stage will provide useful market information on demand and price for consideration in release of future stages.

Stage 1 will comprise the lots on the north side of the highway between the Highway and the Beebingarra Creek tributary. This will comprise 51 lots, with sizes ranging from 1 to 1.9 hectares.

Stage 1 contains an essentially circular road network, with two access points to the Great Northern Highway. This road network provides for permeability and effective emergency access.

Stage 2 is proposed on the northern side of the Beebingarra Creek tributary. This stage consists of a further 41 lots, again ranging from 1 to 1.9 hectares, and again exhibiting an essentially circular road layout.



SUBJECT LAND	DEVELOPMENT PROVISION
Lot 126 Great Northern Highway, Port Hedland	<ul style="list-style-type: none"> <li>All dwellings shall have a finished floor as defined in the Development Plan.</li> <li>No new building or out building shall be constructed within 20 metres of any boundary.</li> <li>The natural drainage of the land is not to be altered or obstructed.</li> <li>A dwelling shall have a non-reflective exterior surface.</li> <li>All household rubbish and refuse shall be transported to and deposited at a disposal site gazetted under the Health Act.</li> <li>The maximum floor area of a shed or sheds on a lot shall be 200m<sup>2</sup>, unless otherwise approved by the Council. In considering applications for a shed or sheds with a total floor area greater than 200m<sup>2</sup> on a lot, Council shall subject an application to advertising in accordance with clause 4.3.3 of the Scheme Text.</li> <li>A shed shall have a non-reflective exterior surface.</li> <li>All fencing between lots shall be open post and rail or post and wire, but may include steel posts on boundaries. Fences shall be constructed and maintained to the satisfaction of the Council.</li> <li>In order to conserve the landscape amenity, trees and other indigenous vegetation shall not be felled or cleared without the prior written approval of the Council except where required for erection of a single house, outbuildings, sheds, effluent disposal systems, access ways, fences and firebreaks.</li> <li>No Access to Great Northern Highway shall be permitted.</li> </ul>

Job Number: 11885  
 Sheet Name: 11885-3  
 Scale: 1:10000 @ A3  
 Date: 26 March 2010  
 Drawn By: SJF  
 Checked by: KBW  
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**DEVELOPMENT PLAN - FIGURE 4  
 LOT 126 GREAT EASTERN HIGHWAY  
 PORT HEDLAND**

133 Scarborough Beach Road, Mount Hawthorn WA 6114  
 PO Box 99, MOUNT HAWTHORN WA 6115  
 T: 08 9442 1011 F: 08 9444 3901  
 E: whelans@whelans.com.au W: www.whelans.com.au

Stage 3 is located on the western side of Beebingarra Creek, and due to this physical separation from the remainder of the site and proximity to similar existing subdivided lots, is proposed as a large lot subdivision. It is intended to provide an equestrian theme to this subdivision consisting of 6 lots with 4 hectare minimum lot size. This will be partly dependant on progress of planning for the remainder of the 'Twelve Mile' precinct.

This will also ensure minimal impact on the existing road network servicing this parcel of land.

#### *Lot sizes and Layout*

The Development Plan is currently in conceptual form, however, has been drawn to scale, and is largely indicative of proposed subdivision.

Lot sizes are all above 1 hectare, and range from 1 to over 5 hectares in size. The predominant lot range is 1.2 - 1.5 hectares, and where possible lots have been designed and oriented to provide consistent lot shapes. The exception is Lot 99, which will remain zoned for rural purposes and is 12.5 hectares in size.

The design also accommodates pedestrian access to Beebingarra Creek and tributaries at appropriate locations.

## 15. SCHEME PROVISIONS

In order to manage land use and development of the lots, the following development provisions are proposed to be included as part of the Development Plan prepared and adopted for the site. This plan will be required to be adopted separately prior to submission of a subdivision plan to ensure all these matters are addressed:

Subject Land	Development Provision
Lot 126 Great Northern Highway, Port Hedland	<ul style="list-style-type: none"> <li>➤ All dwellings shall have a finished floor as defined in the Development Plan.</li> <li>➤ No new building or out building shall be constructed within 20 metres of any boundary.</li> <li>➤ The natural drainage of the land is not to be altered or obstructed.</li> <li>➤ A dwelling shall have a non-reflective exterior surface.</li> <li>➤ All household rubbish and refuse shall be transported to and deposited at a disposal site gazetted under the Health Act.</li> <li>➤ The maximum floor area of a shed or sheds on a lot shall be 200m<sup>2</sup>, unless otherwise approved by the Council. In considering applications for a shed or sheds with a total floor area greater than 200m<sup>2</sup> on a lot, Council shall subject an application to advertising in accordance with clause 4.3.3 of the Scheme Text.</li> <li>➤ A shed shall have a non-reflective exterior surface.</li> </ul>

	<ul style="list-style-type: none"> <li>➤ All fencing between lots shall be open post and rail or post and wire, but may include steel posts on boundaries. Fences shall be constructed and maintained to the satisfaction of the Council.</li> <li>➤ In order to conserve the landscape amenity, trees and other indigenous vegetation shall not be felled or cleared without the prior written approval of the Council except where required for erection of a single house, outbuildings, sheds, effluent disposal systems, access ways, fences and firebreaks.</li> <li>➤ No Access to Great Northern Highway shall be permitted.</li> </ul>
--	---

## 16. CONCLUSION

The mining boom in the northwest of the State has resulted in increased demand for home sites and the proposed Rural Residential development can cater for this demand. The site has relatively good access to the Town centre and in particular the Port Hedland airport.

Detailed investigations into hydrology indicate that flooding of Beebingarra Creek in extreme rain fall events is the main environmental constraint on the site, but that this is infrequent, does not present a significant risk, and with mechanisms to address this issue, infrastructure and dwellings can be protected. It is therefore considered that inundation is not a constraint to development.

A draft Development Plan has been prepared to demonstrate subdivision. This plan will include provisions to address the criteria in Appendix 6 of TPS5.

The lots are proposed to be serviced with reticulated water and power and development provisions would be entered into Scheme No. 5 to provide some additional controls on development. The proposed development is considered an appropriate end use for the site given its relative size, location and need for housing sites within the district.

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME  
TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME No. 5  
AMENDMENT No.

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act, 2005 (as amended), amend the above Town Planning Scheme by:

1. Rezoning portion of Lot 126 Great Northern Highway from Rural to Rural Residential;
2. Recoding portion of Lot 126 Great Northern Highway from Rural zone to the State and Regional Road reservation;
3. Recoding portion of Lot 126 Great Northern Highway from the Other Purposes - Infrastructure reservation to the Rural Residential zone;
4. Recoding portion of Lot 126 Great Northern Highway from the Rural zone to no code [road reserves]; and
5. Amending the Scheme Maps accordingly.

ADOPTION

ADOPTED by resolution of the Council of the Town of Port Hedland at the Ordinary Meeting held on the        day of                    2010.

\_\_\_\_\_  
President

\_\_\_\_\_  
Chief Executive Officer

FINAL APPROVAL

ADOPTED for final approval by resolution of the Town of Port Hedland at the Ordinary Meeting of Council held on the        day of                                2010.

THE COMMON SEAL of the Town of Port Hedland was hereto affixed in the presence of

\_\_\_\_\_  
President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

---

Recommended / Submitted for Final Approval

\_\_\_\_\_  
delegated under S.16 of PDAct 2005

\_\_\_\_\_  
Date

Final Approval granted

\_\_\_\_\_  
Minister for Planning

\_\_\_\_\_  
Date

**LEGEND**

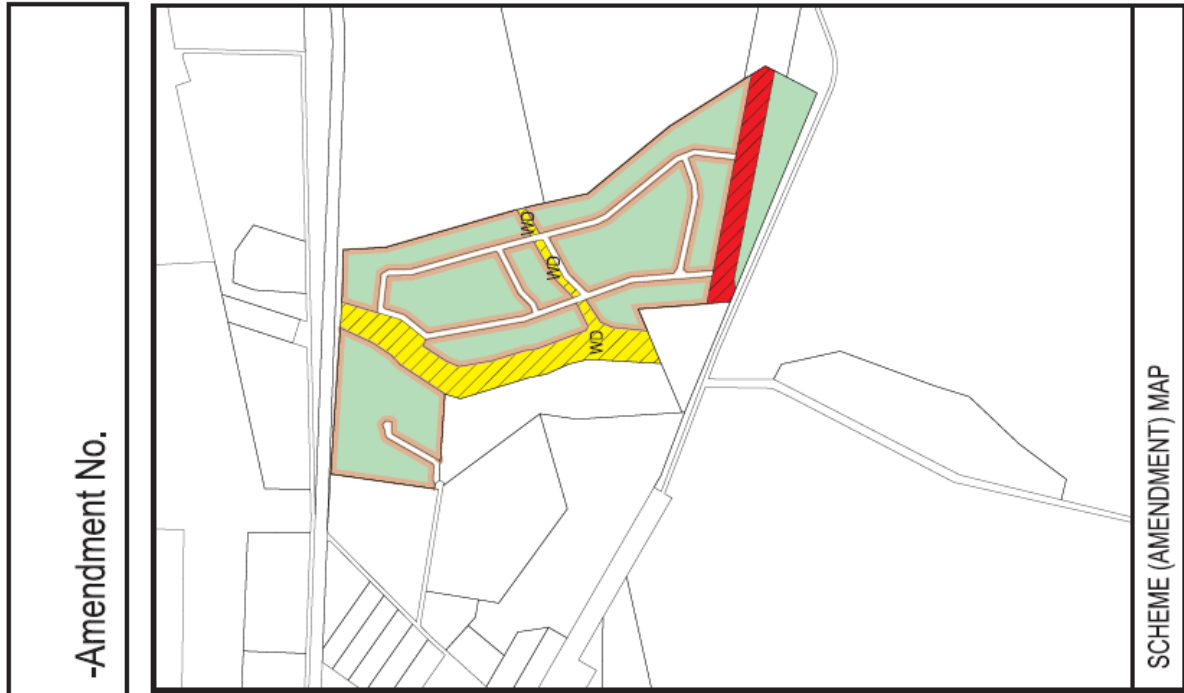
**LOCAL SCHEME RESERVES**

- Local Road
- Other Public Purposes Denoted As Follows:
  - WD Water and Drainage
  - Other Purposes Denoted As Follows:
    - Infrastructure
    - State and Regional Road

**ZONES**

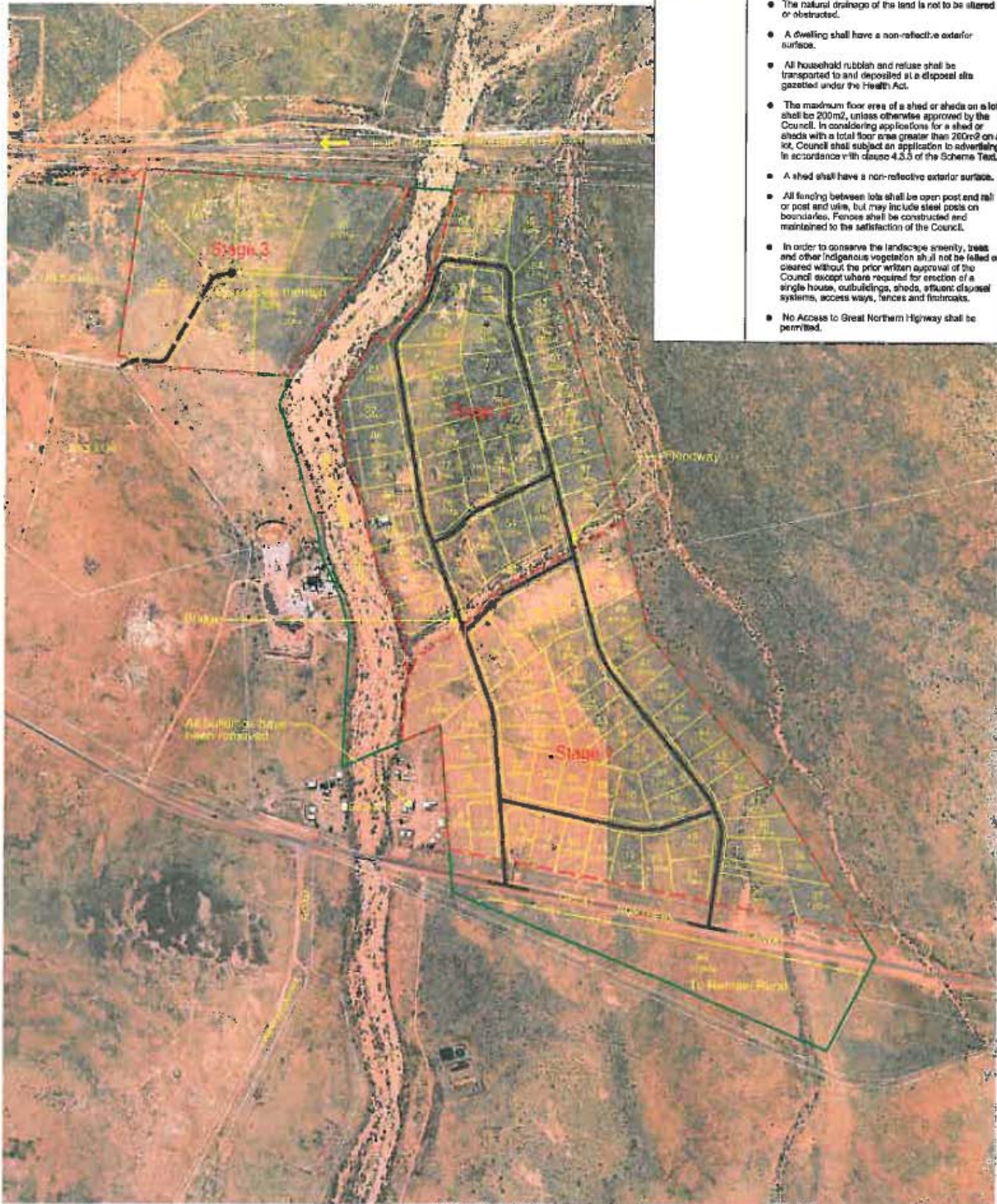
- Rural
- Rural Residential
- OTHER
- Townsite - Land Act
- No Zone

**SCALE 1: 30 000**





ATTACHMENT 2 TO AGENDA ITEM 11.1.2.3



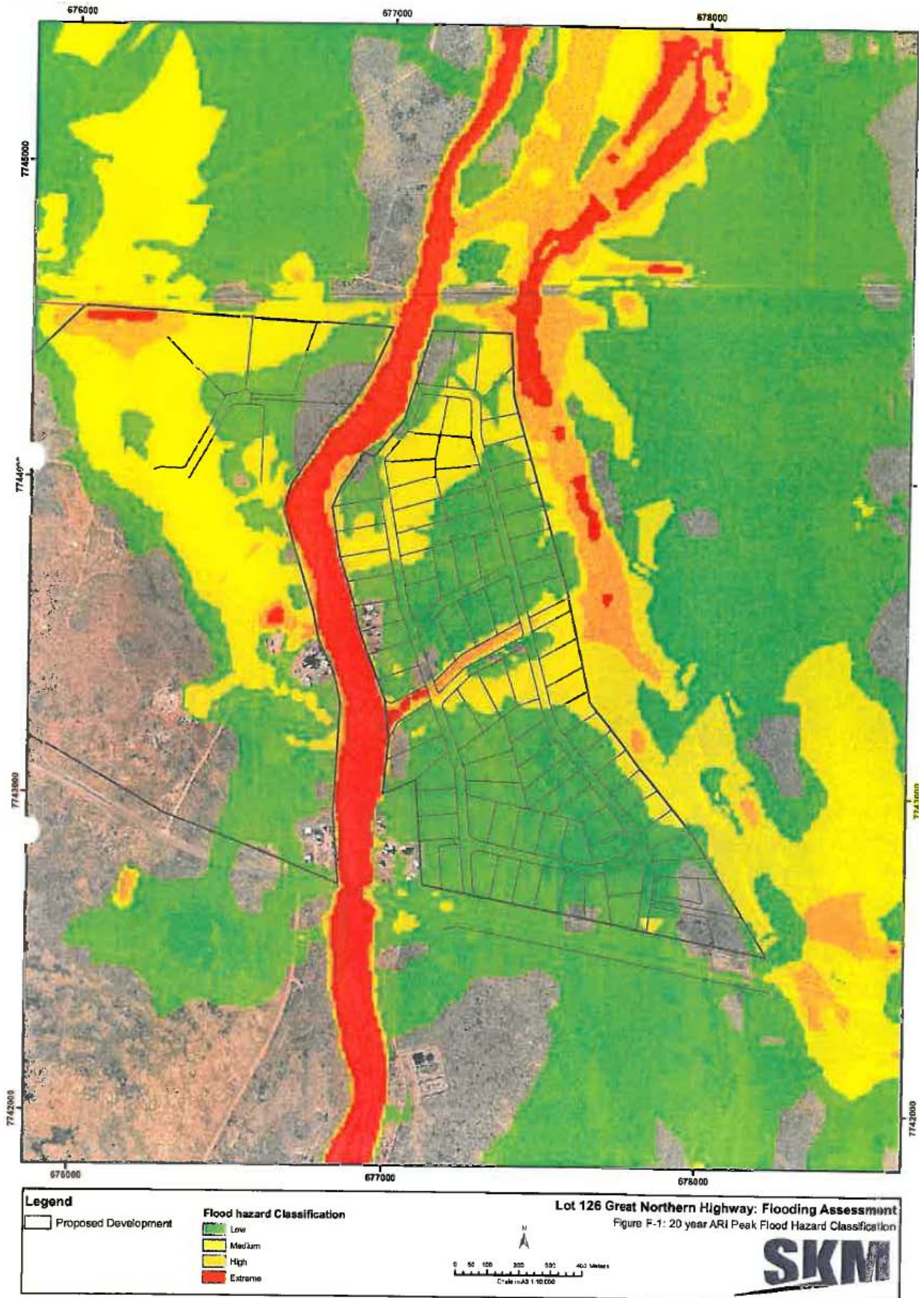
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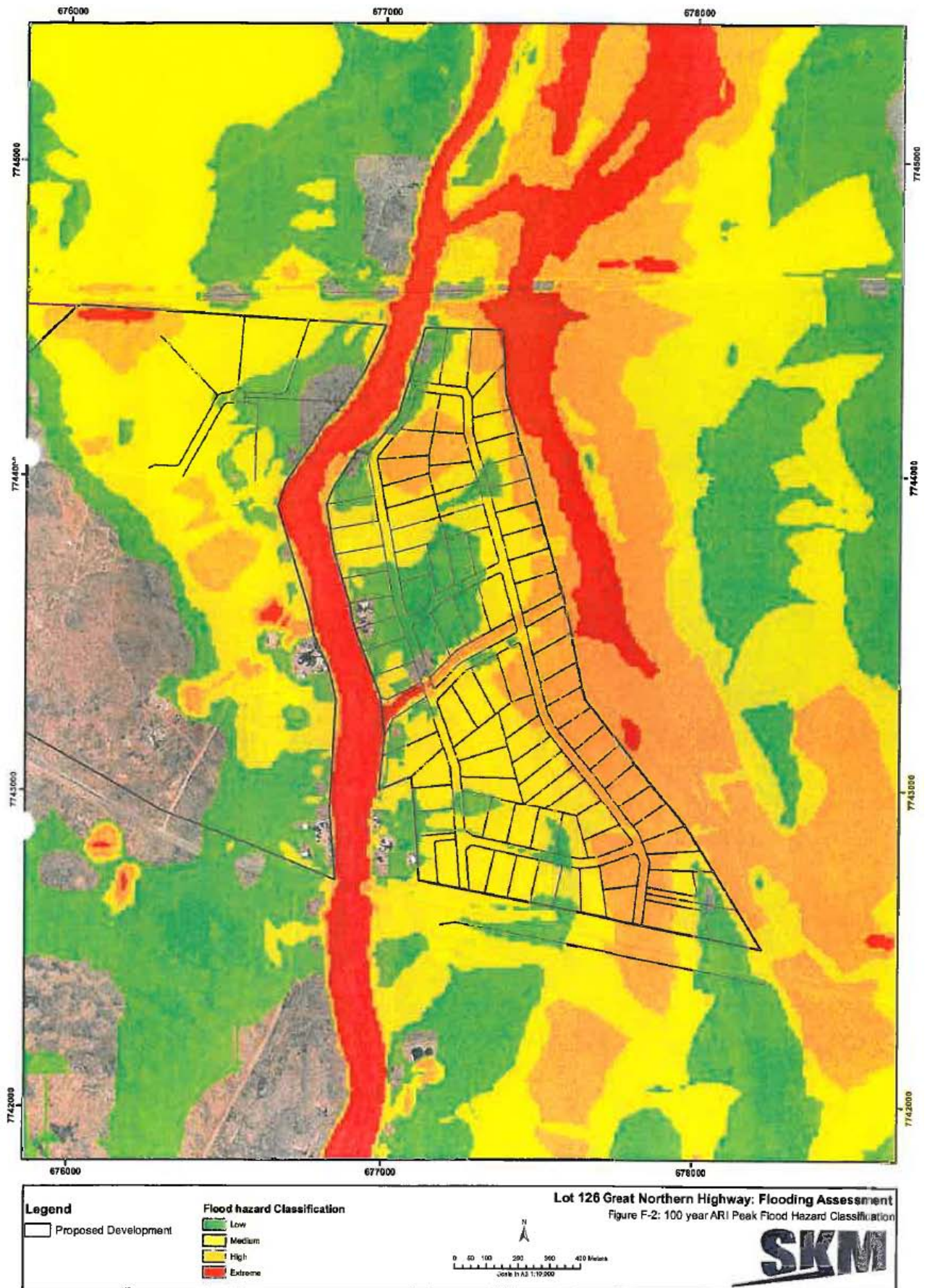
Job Number: 11866  
 Sheet Name: 11866-1  
 Title: 1:10000 @ A3  
 Date: 26 March 2010  
 Drawn By: BAF  
 Checked by: KBR  
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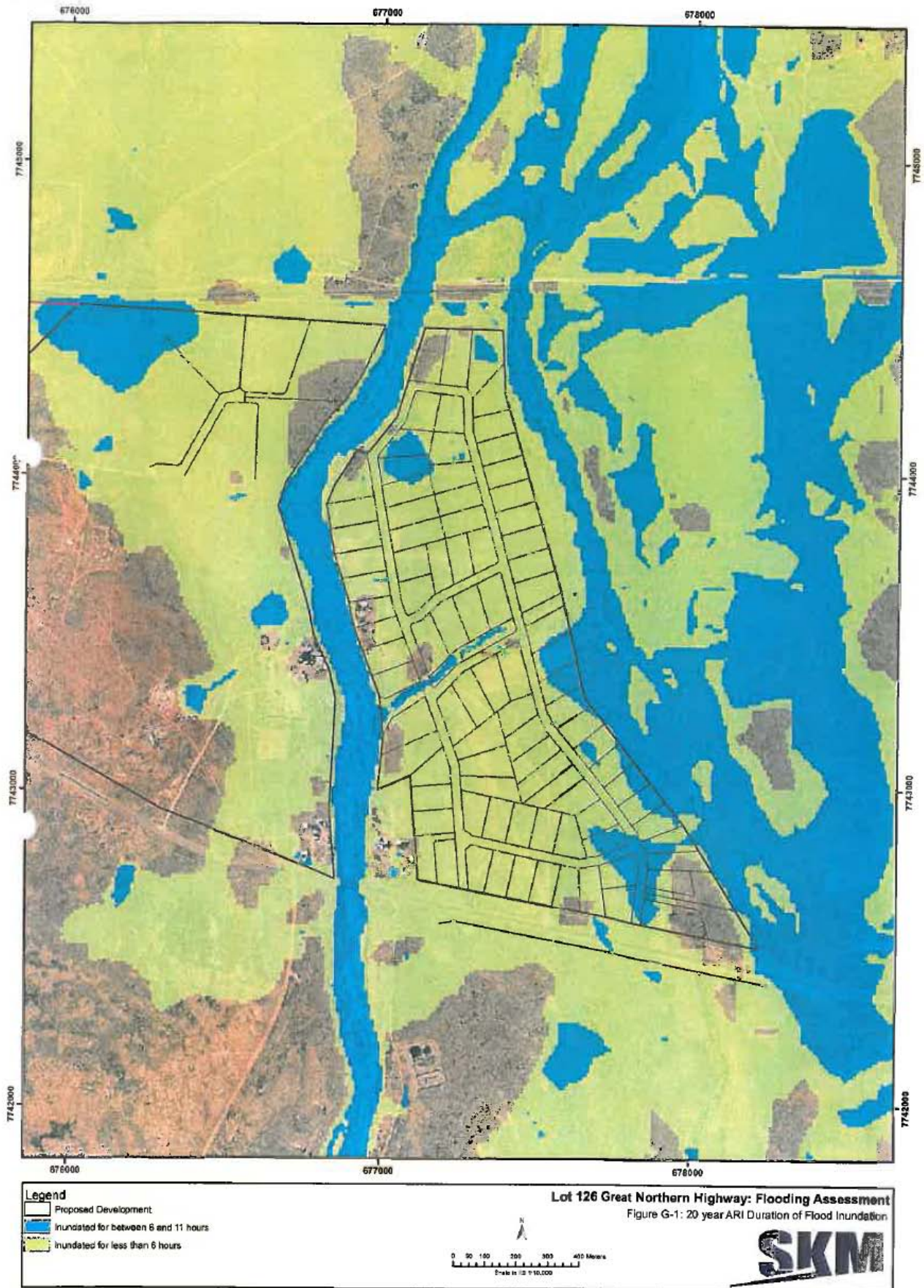


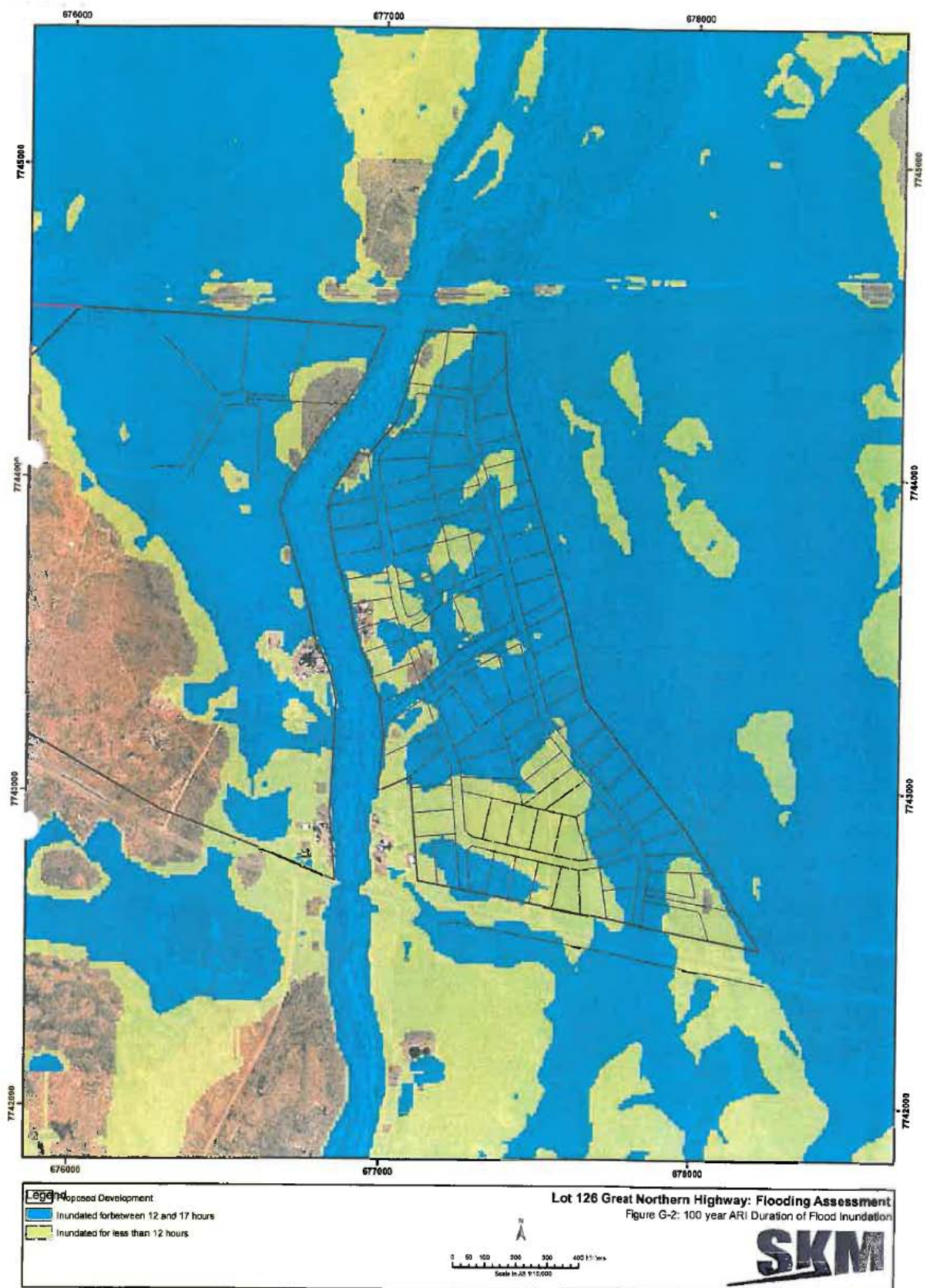
**DEVELOPMENT PLAN - FIGURE 4  
LOT 126 GREAT EASTERN HIGHWAY  
PORT HEDLAND**

ATTACHMENT 3 TO AGENDA ITEM 11.1.2.3









**11.2 Engineering Services**

## 11.2.1 Infrastructure Development

*11.2.1.1 Naming of Turtle Interpretive Loop (File No.: 08/02/0009)*

<b>Officer</b>	Jenella Voitkevich Manager Infrastructure Development
<b>Date of Report</b>	3 August 2010
<b>Disclosure of Interest by Officer</b>	Nil

## Summary

The purpose of this report is to seek Council approval for the formal naming of the turtle interpretive loop currently being constructed at the Cemetery Beach turtle rookery area.

## Background

The Turtle Interpretive Loop is a \$1 million project that has been funded by the State Government and administered by the Pilbara Development Commission (PDC).

The scope of this project as approved at the Ordinary Council Meeting held on 25<sup>th</sup> February 2009 includes:

- Creation of a Turtle Interpretive Loop connecting Cemetery Beach Park with the Crawford Street beach access and the Civic Centre Gardens. This is a combination of constructed pathways and informal beach walks
- Installation of four interpretive nodes at different intervals with the major node at Cemetery Beach Park being an interpretive facility marking the start of the loop
- Installation of a major node to provide a defined access point to the beach and meeting area for turtle volunteers
- Installation of interpretive signage about the flatback turtle and dune flora and fauna along the Sutherland Street section and a turtle logo to identify the loop

A dual use path along the foreshore from the Civic Centre to the All Seasons Hotel was completed in 2007 as stage 1 of this project. Three interpretive nodes have been completed along the foreshore walk, including improvements to beach and the Koombana Lookout access. The major interpretive node pavilion at Cemetery Beach park is currently under construction and will be completed within 2 weeks.

The outstanding item in the scope of this project is the fabrication of the interpretive signage, which is pending the formal naming of the project.

It was suggested in early stages of the project that an indigenous name would be appropriate.

#### Consultation

The following parties have been involved in discussions regarding the naming of the turtle interpretive loop:

- Pilbara Development Commission (PDC)
- Epcad Pty Ltd
- Wangka Maya Pilbara Aboriginal Language Centre
- Care For Hedland
- Pilbara Native Title Service (PNTS)
- Diana Robinson

The proposed name was prepared by Wangka Maya in consultation with the PDC. The PNTS advised the PDC to liaise directly with a representative of the Kariyarra people (Diana Robinson) for comment prior to presenting the proposed name to the Kariyarra Working Group for approval. Ms Robinson has advised of her acceptance of the proposed name.

As the Working Group does not meet until 17<sup>th</sup> August, Council approval is sought for the name pending the outcomes of the Working Group meeting so that the project doesn't experience delays.

**Statutory Implications** Nil

**Policy Implications** Nil

#### Strategic Planning Implications

##### Key Result Area 4 – Economic Development

Goal 1 – Tourism: That the Town's profile as a tourism destination is lifted and visitor nights in the town have significantly increased

Strategy 5: Implement both the Turtle Boardwalk project and the Stairway to the Moon project and work with stakeholders to identify other tourism product development initiatives

**Budget Implications** Nil

#### Officer's Comment

The proposed name of the turtle interpretive loop is Thajarruka Jina. The translation of this name is 'sea turtle tracks', which is exactly what the walk is promoting. Thajarruka Jina is pronounced Tu-ju-roo-gu Ji-nu. In the Kariyarra spelling system, each sound corresponds to a unique letter or set of letters. This ensures that you know how to pronounce a letter each time you see it. The sounds in 'Thajarruka Jina' are listed below:

th This is 't' sound said with the tip of the tongue touching the back of the upper teeth. Practise saying 't' with your tongue in

- this position.
- a This is the same as the vowel sound in the English words cut, bud, and luck.
  - j This sound is very similar to the j sound in the English words jam and jump, but it is said with most of the front half of the tongue pressed to the top of the mouth.
  - rr This is like the trilled r sound used by speakers of Scottish English. Sometimes Australian English speakers say it when they say words like 'butter' very quickly.
  - u This is the same as the vowel sound in the English words put, cook, and foot.
  - k This sound is about halfway between English sounds g as in the word gum, and k as in the word kid. Just a little bit of sound comes out.
  - i This is the same as the vowel sound in the English words pin, finish, and miss.
  - n This is the same as the sound in English words no, funny and van.

In Kariyarra, stress falls on the first syllable of each word, and then on every odd syllable after that. If stress is represented in capitals, this looks like: THA.ja.RRU.ka JI.na

The project name is built into the pavilion roof and interpretive signs and therefore is critical to the construction and installation of these items. The project name will also be used to promote the facilities and turtle walk by other organizations such as the Port Hedland Visitors Center and Care For Hedland.

Approval of the name Thajarruka Jina will be subject to acceptance of the name by the Kariyarra Working Group on 17<sup>th</sup> August 2010.

**Attachments**

Nil

**201011/050 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J Gillingham

That Council approves the name 'Thajarruka Jina' for the Cemetery Beach turtle interpretive loop, subject to formal acceptance by the Kariyarra Working Group

*CARRIED 7/0*



*11.2.1.2 Tender 10/21 Construction of Floodwater Pump Electrical Cabinet Upgrade (File No.: 23/08/0045)*

**Officer** Helen Taylor  
Project Officer

**Date of Report** 26 July 2010

**Disclosure of Interest by Officer** Nil

### **Summary**

The purpose of this report is to provide a summary and assessment of submissions received for Tender 10/21 Construction of Floodwater Pump Electrical Cabinet Upgrade.

### **Background**

During the event of a cyclonic storm and high rainfall periods, the west end of Port Hedland can experience flooding. As the west end is below the high tide level, excess floodwater requires mechanical pumping by 3 large pumps located in the vicinity. The 3 large pumps are controlled by an electrical switchboard which requires major upgrades to ensure the integrity of supply is maintained during cyclonic rain events. Failure not to upgrade could result in major consequences should power fail during cyclone events and subsequent flooding.

### **Consultation**

- Council's Engineering staff
- CNF & Associates

### **Statutory Implications**

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

*"3.57. Tenders for providing goods or services*

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

### **Policy Implications**

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

### **Strategic Planning Implications**

Key Result Area 1 – Infrastructure

**Goal 2 – Roads, Footpaths and Drainage**

Strategy 1 – Ensure that Councils core community infrastructure assets are being managed appropriately through the Implementation of the following Council Five-Year programs:

- Drainage upgrade Program

**Budget Implications**

A total of \$130,000 has been allocated in 2010/11 towards this project held in account 1203440. Funding for this project has been provided by Council.

**Officer's Comment**

Tender 10/21 closed at 2.30pm on Wednesday 21st July 2010. Tenders were opened and recorded by Councillor Carter and Council staff members. Tender packages were sent out to 8 companies and submissions were received from 1 company, Goodline.

Table 1 below indicates the lump sum price submitted by the above tenderer.

Table 1:

Tenderer	Lump Sum Price (excluding GST)
Goodline	\$315,371

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

Table 2:

Assessment Criteria	Loading Factor	Max Score	Max Loaded Score
Price		50	50
Experience	4	5	20
Resources (supervisory, plant, equipment)	2	5	10
Demonstrated understanding of WUC	2	5	10
Local Industry Development	2	5	10
Max Loaded Score			100

The lowest price Tender (T<sub>lp</sub>) shall be awarded a score of 50 for the Price criterion. The remaining priced Tenders (T<sub>slp</sub>) shall be awarded a score determined in the following manner:

$$T_{slp} \text{ Score} = 50 - \frac{[(\$T_{slp} - \$T_{lp}) \times 50]}{\$T_{lp}}$$

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

Table 3:

Contractor/ Assessment Criteria	Price (50%)	Experience (20%)	Resources (10%)	Understand WUC (10%)	Local Industry Development (10%)	Total Score (100%)
	Score	Score	Score	Score	Score	
Goodline	21.2	7.7	6.5	4	6.9	46.3

#### *Price*

Goodline was the only company that had submitted a quote therefore we have calculated the price score using the budget figure as the Lowest Price Tender.

#### *Experience*

Goodline has provided minimal information on their experience as reflected in the score, however they are a local company who offer services relevant to this project.

#### *Resources*

Goodline has demonstrated suitable resources for this project.

#### *Understanding of Works Under Contract*

Goodline has not provided their construction program and has not addressed the unique and critical activities. However based on their schedule of rates they have demonstrated some understanding of the scope of works.

#### *Local Industry Development*

Goodline has advised that they employ local people and use local materials where applicable. Goodline own and operate an extensive fleet of plant and specialist equipment that is located in Port Hedland.

#### *Summary*

Prior to the tender process staff received construction cost estimates from CNF & Associates who designed the upgrade. These estimates were within the proposed budget. Council staff consulted with CNF & Associates following the tender opening to confirm the cost estimates and they're confident that the cost estimates are still achievable. It has been identified that some lack of clarity in the scope of works may have created uncertainty, thus contributed to higher prices. Since the only

tender was in excess of the cost estimates and the budget it is recommended to reject the tender and source more quotes.

In calling quotes officers will provide greater clarity of the scope of the works to reduce uncertainty, which may have impacted upon price.

**Attachments**

Nil

**201011/051 Council Decision/Officer's Recommendation**

**Moved:** Cr G Daccache

**Seconded:** Cr A A Carter

That Council:

1. Reject all tenders received for Tender 10/21 Construction of Floodwater Pump Electrical Cabinet Upgrade
2. Authorises the CEO or delegated officer to source further quotes for the scope of works in accordance with Council's Procurement Policy 2/015, excluding the requirement for further tender processes

*CARRIED 7/0*

*11.2.1.3 Request to Waive Landfill Disposal Fees – Marquee Park Earthworks (File No.: 21/05/0011 & 31/10/0005)*

<b>Officer</b>	Jenella Voitkevich Manager Infrastructure Development
<b>Date of Report</b>	4 August 2010
<b>Disclosure of Interest by Officer</b>	Nil

Summary

The purpose of this report is to request the waiver of landfill disposal fees for earthworks for the Marquee Park development.

Background

At the Ordinary Council Meeting on 28<sup>th</sup> July 2010 Council awarded the construction tender for the Marquee Park development, with the Council Resolution noted below:

*“That Council:*

- i) awards Request for Tender 10/20 Construction of Level 1 District Park Project to Earthcare Landscapes for the scope of Option A at a lump sum price of \$11,384,156 plus gst;*
- ii) notes that the total amended project cost is \$13,176,500 with the project funding being contributed from the following sources:*

1	ToPH (Approved Loan)	\$830,000
	ToPH (Open Space Reserve Fund)	\$470,000
2	BHP Billiton	\$1,450,000
3	South Hedland New Living	\$2,000,000
4	Royalties for Regions	\$2,700,000
5	Newcrest Mining	\$200,000
6	LotteryWest	\$500,000
7	Variety WA	\$100,000
8	R4R Pilbara Priority Project: Savings	\$198,500
9	R4R Interest Allocation	\$290,000
10	Reallocation of funds from MPRC project	\$1,185,000
11	Town of Port Hedland (New Loan)	\$3,253,000
	TOTAL	\$13,176,500

- iii) acknowledges that TOPH budget contribution will decrease if additional funding is received from other sources; and*
- iv) adjusts the 2010/11 Budget by taking out a loan of no greater than \$3,253M to ensure that the project is fully funded, noting that the annual repayment cost for this loan (over 20yrs) are projected at \$306,744.*

- v) *advertises the new proposed loan in accordance with Section 6.20 of the Local Government Act 1995; and*
- vi) *advise the unsuccessful tenderers of the outcome."*

The award of the construction tender for Marquee Park has resulted in a significant increase in the loan capital for Council. The waiving of landfill disposal fees provides an opportunity to reduce this loan capital.

#### Consultation

- Council's Engineering Services
- Earthcare Landscapes

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

#### Budget Implications

Although the waiving of landfill disposal fees will reduce the income received in account 1004329 it will also reduce the loan capital and associated interest for the Marquee Park project. The total capital reduction is approximately \$123,000 ex gst, calculated based on 3,311 tonnes of contaminated waste at a cost of \$37.18/t (as per 2010/11 fees and charges).

#### Officer's Comment

Early investigations into soil conditions at the Marquee park site (corner of Cottier drive, Kennedy street and Dale street, South Hedland) resulted in the requirement to remove 125mm of topsoil across the site. This is due to the quality of the soil and minor contaminants.

The scope of works in Tender 10/20 awarded to Earthcare Landscapes for \$11,384,156 includes these remediation works which involves the appropriate disposal of contaminated soils at the South Hedland Waste Management facility. The waiving of landfill disposal fees provides an opportunity to reduce the loan capital and associated interest that Council bears to complete this project.

**Attachments** Nil

#### Officer's Recommendation

That Council waives the South Hedland Waste Management facility disposal fees for earthworks incurred by Earthcare Landscapes for Tender 10/20 Construction of Level 1 District Park Project (Marquee Park).

**201011/052 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

1. waives the South Hedland Waste Management facility disposal fees for earthworks incurred by Earthcare Landscapes for Tender 10/20 Construction of Level 1 District Park Project (Marquee Park); and
2. amends the contract with Earthcare Landscapes for Marquee Park accordingly.

*CARRIED 7/0*

*REASON: Council notes the changes to the trees relocation with the Marquee Park development.*

**11.3 Community Development**

## 11.3.1 Recreation and Youth Services

*11.3.1.1 South Hedland Skate Park Redevelopment (File No.: 26/06/0004)*

**Officer** Bob Tomlins  
Acting Manager Recreation  
and Youth Services

**Date of Report** 4 August 2010

**Disclosure of Interest by Officer** Nil

**Summary**

LandCorp is redeveloping the South Hedland Skate Park as part of the revitalisation of the town centre. LandCorp has requested Council to consider relocation of the skate park to another location.

**Background**

As part of the revitalisation of the South Hedland town centre, Colebatch Way will be realigned 13 meters to the east enabling a re-skin of the existing shopping centre. This will lead to the loss of eight (8) metres of the South Hedland Skate Park. In order to ensure no loss of amenity LandCorp has presented two options for Council's consideration:

- Modify the existing skate park and build a replacement section on the eastern end (Attachment 1). The estimated cost to LandCorp for this option is \$250,000.
- Build a new facility at an alternate location (Attachment 2). The estimated cost to LandCorp for this option is \$500,000. This is the option recommended by LandCorp.

**Consultation**

Paul Martin, A/Chief Executive Officer  
Debra Summers, A/Director Community Development  
Nicole Roukens, Coordinator Recreation Services  
Sarah Cunningham, Club and Project Development Officer  
Aaron Grant, Project Manager, LandCorp  
LandCorp has conducted some consultation with skate park users

**Statutory Implications** Nil

**Policy Implications** Nil



### **Strategic Planning Implications**

The following statement from the Town's Draft Strategic Plan relate to this matter.

#### **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.*

### **Budget Implications**

The redevelopment of the South Hedland Skate Park will be funded by LandCorp as part of the South Hedland town centre revitalisation project.

LandCorp will be required to fund the additional consultation process recommended.

### **Officer's Comment**

In determining these two options LandCorp has undertaken some consultation with some of the users of the skate park on some of the issues (Attachment 3).

LandCorp conducted workshops with students, aged 11 to 13 years at the primary schools in South Hedland. Students were shown a potential layout for the redevelopment of the skate park on the existing site and asked for their ideas around design. The consultation report documents their considerable interest with many ideas being forthcoming.

In addition LandCorp was able to gain the views of some older users at a community event and by visiting the skate park. It was unable to meet students at South Hedland Senior High School.

Subsequent to this consultation, and partly arising out of it, LandCorp determined that the new location was a better financial option. It would present fewer dangers to skaters by having longer run off areas and be further away from main roads. It would be close to other community facilities, including library, community centre and aquatic centre. Appropriate landscaping would integrate the skate park with these facilities.

The consultation process conducted to date by LandCorp is considered too limited to have a decision upon relocation, based on the following grounds:

- The consultation focused primarily on a limited age cohort of the skate park users. A further opportunity needs to be extended to additional older users to express their views.

- The design changes produced as a result of the initial consultation with young people have not been fed back in a further consultation process.
- Most importantly, no consultation has been undertaken in regard to any potential relocation of the skate park.

The South Hedland Skate Park is a very popular recreational facility with local young people and is well used all year round. It is of critical importance that they be fully consulted to ensure they are not disappointed with the final product and it then becomes under-utilised.

LandCorp has indicated that as part of the required works the skate park will need to be decommissioned by late September. It seeks a sign-off from Council on its future at the earliest opportunity.

It is recommended that the Town of Port Hedland undertake additional consultation with skate park users, working closely in conjunction with LandCorp. The outcomes of the consultation and recommendations for the future of the existing skate park would be presented to the Ordinary Council Meeting on Wednesday 8 September 2010.

### **Attachments**

1. Redesign of the South Hedland Skate Park, remaining in the current location.
2. Site map, displaying LandCorp's proposed new location for the South Hedland Skate Park.
3. LandCorp's South Hedland Skate Park Consultation Report.

### **Officer's Recommendation**

That Council:

1. advises LandCorp that its proposal to relocate the existing South Hedland Skate Park is not supported, until it can be demonstrated that:
  - a. there is overwhelming support from young people for the Skate Park to be in a different location;
  - b. the relocation is done at no cost to the Town of Port Hedland;
  - c. the alternate location supports good planning outcomes and principles; and
  - d. the alternative Skate Park development is a significant improvement on existing facilities;
2. engages a consultant funded by LandCorp to seek the views of young people, of all age groups, who use the existing South Hedland Skate Park, in regard to its future design in its existing location; and

3. requires a report to be presented to the Ordinary Council Meeting on Wednesday 8 September 2010, providing findings from consultation process, recommendations on the proposed design and required changes to the existing skate park facility in the South Hedland CBD location.

**201011/053 Council Decision/Officer's Alternative Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G Daccache

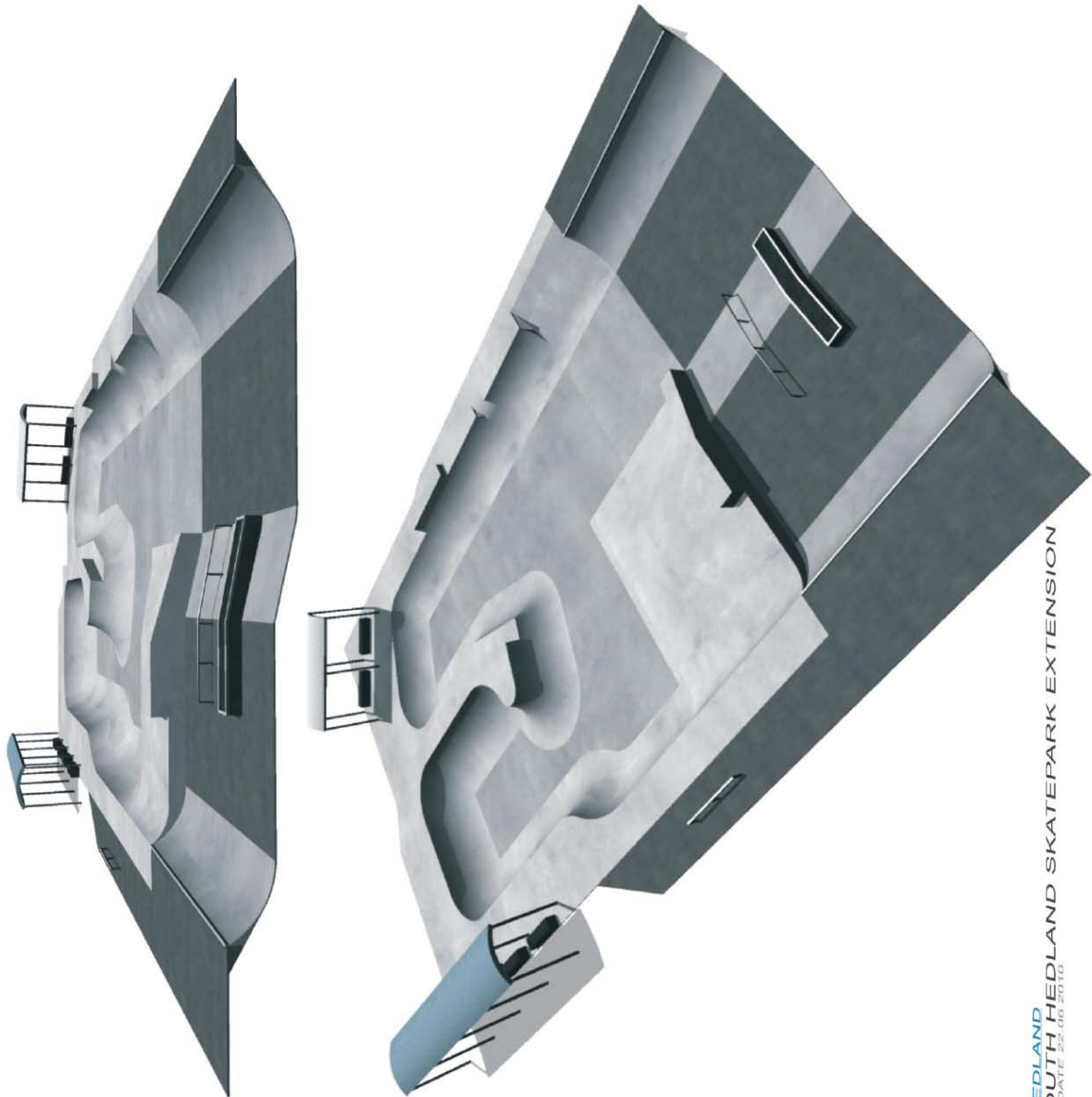
That Council:

1. advises LandCorp that its proposal to relocate the existing South Hedland Skate Park is not supported.
2. Acknowledges that some changes are required to the current South Hedland Skate Park to facilitate the realignment of Colebatch Way.

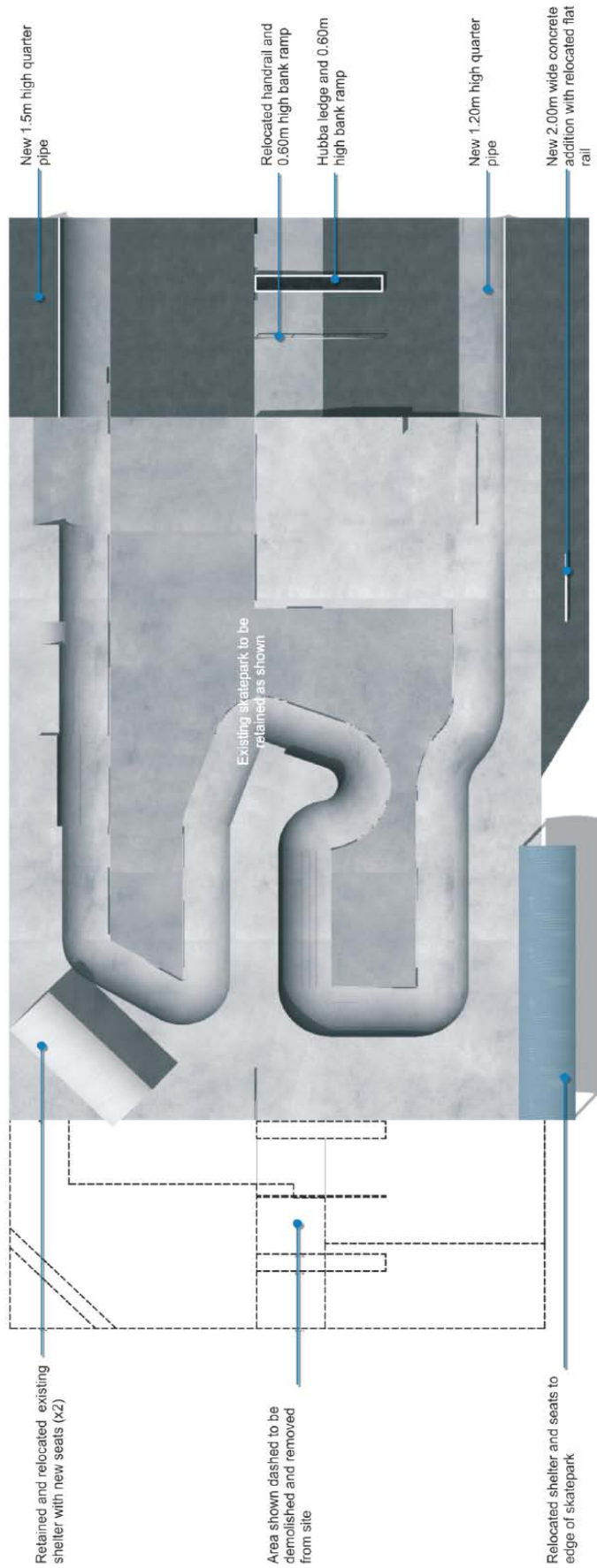
*CARRIED 7/0*

*REASON: Council believes there is the need to refine the officer's recommendation and adopted the alternative recommendation in consequence.*

ATTACHMENT 1 TO AGENDA ITEM 11.3.1.1

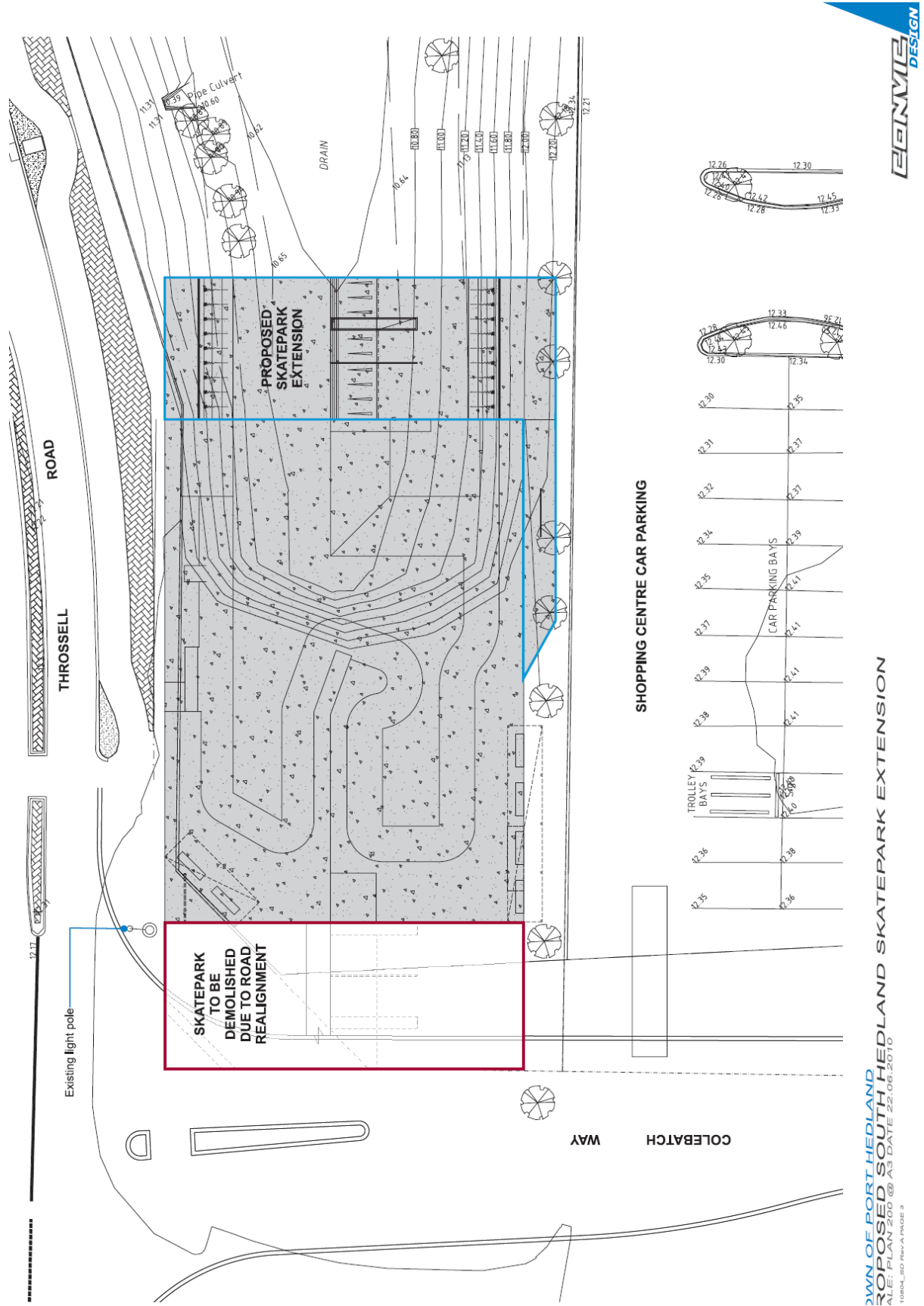


TOWN OF FORT HEDLAND  
PROPOSED SOUTH HEDLAND SKATEPARK EXTENSION  
SCALE: PLANNING @ A3 DATE 22.06.2010  
REF: 1004\_3D.POV.A.PAGE 1



TOWN OF PORT HEDLAND  
PROPOSED SOUTH HEDLAND SKATEPARK EXTENSION  
SCALE: PLAN NTS @ A3 DATE 22.06.2010  
PREP: TISHA, SCJ PM/JA PAGE: 2





TOWN OF PORT HEDLAND  
 PROPOSED SOUTH HEDLAND SKATEPARK EXTENSION  
 A/E: PLAN 200 @ A3 DATE 22.06.2010  
 10804\_S01 Rev A PAGE 3

ATTACHMENT 2 TO AGENDA ITEM 11.3.1.1



Base data supplied by McMullen Nolen Licensed Surveyors  
Aerial Photography dated January 2010, accuracy +/- 4m, Projection PHIG84  
Areas and dimensions shown are subject to final survey calculations.  
All cartageways are shown for illustrative purposes only and are subject to detailed engineering design.

LandCorp : CLIENT  
1:1,500@A3 : SCALE  
22 July 2010 : DATE  
2967\_5-6-006.dgn : PLAN No  
- : REVISION  
N.T. : PLANNER  
M.H. : DRAWN  
Not : CHECKED

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ATTACHMENT 3 TO AGENDA ITEM 11.3.1.1



# South Hedland Skate Park

## Landcorp: Community Consultation

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A report outlining the key ideas proposed by local skaters with regard to the upgrade of the South Hedland Skate Park

JUNE 2010





## Purpose

As a component of the major infrastructure projects earmarked for the South Hedland Town Precinct, the future amenity and aesthetics of the South Hedland Skate Park needed to be considered. With this in mind, Landcorp welcomed the opportunity to support the Town of Port Hedland in the consultation and planning phase of any potential or actual changes to the park.

The options presented to date, regarding the upgrade of the existing skate park provide an ideal opportunity for local skaters and will lead to increased activation of the overall town precinct.

The purpose of the community consultation with local young skaters was to inform them of the “big picture” changes to the town square, the impact this will have on the skate park, and encourage them to feedback their ideas and/or concerns.

As well as ideas directly related to the physical aspects of skating, scootering or biking, the information obtained from this consultation also draws interest in the park from a broader cross section.

## Methodology

A series of workshops were conducted at all the primary schools located in South Hedland by Landcorp Project Manager Aaron Grant and community development staff Jenny Thomas and Natasha Hayman, at the request of the Town of Port Hedland.

The target group being, upper primary school age students (11-13yrs old).

The classroom sessions consisted of:

- a) A visual presentation of the overall changes to the South Hedland Town Precinct and the impact this will have on the skate park
- b) A visual presentation of the changes to the skate park layout
- c) Brainstorming ideas of what they would like to see in the new skate park
- d) Group activity – students drawing and annotating their ideas on paper



During these sessions, the following concepts were considered:

1. What works well within the existing skate park?
2. What doesn't work?
3. What do we need to consider before any changes are suggested? Eg. cost, catering for all levels, safety
4. What would you like to see built, installed, created in relation to:
  - skating, scootering or biking?
  - art work?
  - other areas e.g. for sitting, watching, relaxing?
5. What should the users be contributing to any changes and how could they do this?

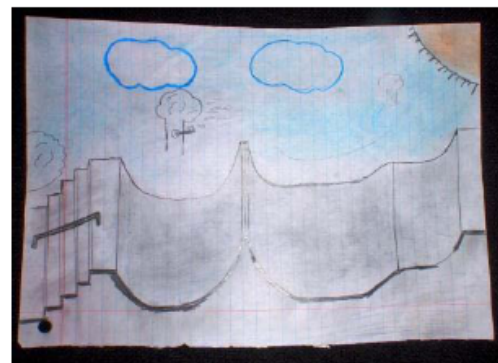
In addition, skaters were informally consulted at a community event held at Centenary Park, with Landcorp and Town of Port Hedland representatives.

## Key Themes

### A. Ideas and/or concerns *directly* related to the Skate Park

- Include a Spine – instead of current ledge
- Include Stairs and rail
- Bigger bowl – at eastern end
- Half pipe – on northern wall
- Include a Funbox
- Include a Table-top
- Relocate existing lighting
- Shade cover over the top of skate park
- Remove the rocks and stones that form part of the existing landscaping around the skate park
- Gate located at skate park onto Throssell Road needs to be removed
- Gap in fence along Throssell Road dangerously exposes skate park users to traffic
- Replace fence along Throssell Road with a tag and/or mural wall
- Mural wall – images of skaters, ocean pictures, graffiti art, young people help with artwork under the guidance of a professional artist
- Existing platform on northern edge (near Throssell Road) to be widened to prevent skaters from hitting the fence
- Current seat is too close to the bowl – relocate to eastern end
- Foam pit as a special event
- New Skateboard sculpture
- More skateboard competitions
- Anti-graffiti clear coat on all equipment
- Lessons for beginners
- Times at the skate park for smaller children or beginners to use
- Skate structures suitable for beginners

- B. Ideas and/or concerns *indirectly* related to the Skate Park
- Provide lots of bins – litter a real problem
  - Install security cameras
  - Toilets
  - Shaded seating areas - chairs, benches and grass (not synthetic – real!!)
  - Water fountain
  - Drink machine with a cage around it
  - Handball courts (3m x 3m)
  - Half-court basketball area
  - Playground equipment
  - Bike racks/locks
  - Fence around skate park
  - Music at skate park
  - Mobile snack bar
  - Landscaping to be grass (no rocks or other loose impediments close to park)



### Actions

- A. Address the issue of the open gate/gap in the fence located along Throssell Road. Skate park users demonstrated to consultant the danger when they overrun the ramp out into the traffic.
- B. Liaise with the Town of Port Hedland with regard to communicating the closure of the South Hedland Skate Park during construction phase, to the wider community and skate park users. For example, YIC, HYLIC and schools.
- C. Liaise with the Town of Port Hedland to discuss alternative opportunities for skate park users during the closure period. For example – provision of transport to the Port Hedland Skate Park; basketball competitions set up in the car park.
- D. Discuss with the Town of Port Hedland if, based on the results of the report, the level of consultation undertaken is satisfactory.

*11.3.1.2 The Redevelopment of Kevin Scott Oval and Relocation of Sporting Clubs (File No: 21/01/0037)*

<b>Officer</b>	Bob Tomlins Acting Manager Recreation and Youth Services
<b>Date of Report</b>	5 August 2010
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

The closure of Kevin Scott Oval during the construction of the Multi Purpose Recreation Centre requires sporting clubs to be accommodated elsewhere. This report presents Council with an option to achieve this need.

**Background**

Construction of the Multi Purpose Recreation Centre (MPRC) requires the realignment of Kevin Scott Oval (KSO). The oval will be closed from 1 September 2010 until early 2012 in order to undertake the required works.

During the closure sporting clubs who normally use the oval require relocation elsewhere. After consideration of the limited options, it is recommended that the Hedland Senior High School (HSHS) oval be up-graded for use by these clubs. This would require the installation of lights and other facilities. When the clubs return to the KSO the Town would have another valuable lit playing area.

*Relocation of Sporting Clubs – Immediate Impact*

The oval will close on 1 September 2010. The immediate impact on the sporting clubs that use the oval is minimal as follows:

Swans Football Club	North Pilbara Football League (NPFL) home and away fixtures completed (not including finals) – If Reserves make finals, training at Colin Matheson Oval as the only other lit reserve with AFL goals.
Junior Football (Auskick)	2010 season will be finished.
Junior Rugby	One week only of training to be rescheduled.
Hedland Touch Assoc.	Transfer to Colin Matheson Oval (CMO) – Rovers Football Club season complete.

Discussions have been held with these clubs. All are aware of the closure and impact on their fixtures and training.

*Relocation of Sporting Clubs – 2011*

Relocation arrangements will need to be made to accommodate the following clubs and their commitments in season/s 2011:

- Swans Football Club, February to September
- Touch Association, February to June and July to November
- Junior Football, March to July
- Junior Rugby, February to September

With all other options leading inevitably to over-crowding on existing lit ovals, consideration has been given to the installation of permanent lighting at the Hedland Senior High School (HSHS) oval. This would accommodate the above commitments in 2011 as follows:

Swans Football Club	Training at HSHS – home games at CMO
Touch Association	HSHS
Junior Football Association	Train and play at HSHS
Junior Rugby Association	Train at HSHS – play games at McGregor Street Reserve (same as this year)

#### *Facilities Required on HSHS Oval and Costings*

The following facilities would be required to establish the HSHS Oval as a lit facility:

- Lighting – potential for components of the existing KSO lighting to be used – installation of a separate metered power supply.
- Ablution – purchase and installation of a Saturn Exceloo – mains water sub-meter and connection to HSHS mains water system.
- Kiosk – a temporary building, 12 x 6 meters, hired for 12 months to store equipment, provide hot water system and sink – cost includes transport, installation. This would be for a twelve (12) month period.
- Playing surface – need to upgrade and maintain to better quality than currently – under the current contract with the Ministry of Education, ToPH is only required to water and mow the grass, which would be insufficient if it is to get more formal use.
- Vehicle entry – minor road maintenance, signage from North Circular Drive and bollards to Hamilton Road

The cost estimates to provide these are as follows:

Lighting Upgrade	\$345,000
Ablution	\$137,000
Kiosk (hire for 12 months)	\$53,000
Playing Surface Upgrade	\$45,000 (recurrent)
Vehicle Entry Improvements	\$20,000
<b>Total</b>	<b>\$600,000</b>

*Formal Agreement with the Minister for Education*

Under the '1998 Agreement South Hedland Schools' Ovals' between the Minister for Education and Town of Port Hedland, the Town has been granted a license to use the oval for public recreation outside of school hours. Ministerial approval will be required before the lights and other facilities can be erected.

The Agreement states that on termination in 2019, the Town may remove from the oval any fixture it purchased and affixed to the ground provided that it make good any damage caused by the removal. However, it is likely that the parties will agree to renew the contract for a further 21 years.

Discussions have commenced with HSHS and initial indications are that the High School is very supportive of the proposal as it will offer an extension of its own activities.

**Consultation**

A/Chief Executive Officer  
A/Director Community Development  
Director Engineering Services  
Manager Engineering Services  
Coordinator Recreation Services  
Club and Project Development Officer  
Project Officer Engineering  
Swans Football Club  
Junior Football (Auskick) Association  
Junior Rugby Association  
Hedland Touch Association  
Rovers Football Club  
Hedland Senior High School

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications**

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

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

**Budget Implications**

In awarding the tender for the construction of the Multi Purpose Recreation Centre (MPRC) at the OCM on 28 July 2010, the following financial provision was made:

- Upgrade to High School Oval to accommodate users relocated from Kevin Scott during construction \$600,000.

The Town will bear future costs of maintaining the lights and other facilities. Users will be charged for the power to run the lights in accordance with normal Town of Port Hedland practice.

It is anticipated the improvements to the playing surface will cost an additional \$45,000 annually to maintain.

### **Officer's Comment**

There are a number of short and long term advantages of installing permanent lighting on the Hedland Senior High School oval, including the following:

Short Term – in 2011

- Affected sporting groups that currently use the Kevin Scott Oval will be able to remain in South Hedland.
- The newly redeveloped Colin Matheson Oval playing surface won't be jeopardised by overuse.

Long Term – 2012 and beyond

- Pressure on the newly developed Kevin Scott Oval, which is currently used seven (7) days per week, will be relieved.
- Another lit training ground for sporting groups in South Hedland will become available.
- When Marie Marland Reserve is redeveloped, it will provide an additional lit oval in South Hedland for affected users.

### **Attachments**

Nil

### **Officer's Recommendation**

That Council:

1. approve the expenditure of \$600,000 to upgrade the Hedland Senior High School Oval to include lighting and other facilities to provide an additional lit oval available for sporting and other purposes;
2. make this approval subject to acceptable arrangements to protect the Town's interests being successfully negotiated with the Minister of Education.

**201011/054 Council Decision/Officer's Alternative Recommendation****Moved:** Cr A A Carter**Seconded:** Cr G Daccache

That Council lay the matter on the table subject to:

1. the Mayor, Deputy Mayor and CEO approaching the Principal of the Hedland Senior High School for discussion on land tenure associated with this proposal; and
2. the Mayor, Deputy Mayor and CEO approaching the Minister for Education for discussion on land tenure associated with this proposal; and
3. the set up of a workshop with Councillors on any other alternative options to accommodate the current users of Kevin Scott Oval during the construction phase.

*CARRIED 7/0*

*REASON: Council believes it needs to defer the matter for further consultation.*



**11.4 Governance and Administration**

## 11.4.1 Governance

*11.4.1.1 Airport Committee: Community Members (File No.: ...)*

<b>Officer</b>	Paul Martin
Officer	Acting Chief Executive
<b>Date of Report</b>	4 August 2010
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Report seeks Council's consideration of a proposal to appoint an additional community representative on to the Town's Airport Committee.

**Background**

At its Special Meeting held 10 March 2010, Council resolved to:

*Disband the current Airport Working Group and establishes the Town of Port Hedland Airport Committee and that:*

- a) *The Committee be constituted as a formal committee of Council under the provision of Section 5.8 of the Local Government Act (1995)*
- b) *The membership of the committee be as follows:  
Mayor Kelly A Howlett;  
Councillor Arnold A Carter  
Councillor W (Bill) Dziombak  
Councillor Jan M Gillingham  
Councillor Stan R Martin*
- c) *Call on applications through advertisement for two (2) community representatives.*
- d) *The quorum for the Committee be a minimum of 50% of its membership.*
- e) *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) *Determine all Town Planning applications pertaining to the Town Planning Scheme No 5 that relate to Port Hedland International Airport without further reference to Council.*
- iv) *Undertake all Council statutory functions pertaining to Local Planning Schemes under Part 5 of the Planning and Development Act (2005) on Port Hedland International Airport land.*
- v) *Undertake all Council statutory functions pertaining to subdivision of land under Part 10 of the Planning and Development Act (2005) on Port Hedland International Airport land.*
- vi) *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.*

In accordance with item c) of the above recommendation, an advertisement was placed in the local media seeking community nominations for the committee. A total of five applications were received and Council subsequently resolved (28/4/10) to appoint Janice Tucker, Serge Doumergue and Doug Gould (3 representatives) on to the Committee. Carmen Hanisch and Damien Newbold were the unsuccessful applicants.

Subsequent to the appointments, Janice Tucker has relocated from Port Hedland and has indicated that she is no longer able to serve on the Airport Committee.

### **Consultation**

The issue was discussed at the Airport Committee Meeting.

### **Statutory Implications**

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

- Requires committees to have at least three members if they are established.
- Outlines the prescribed method of appointment of committee members
- Details the tenure of committee representatives.
- Specifies the Mayors ability to be involved in any or all committees of Council and/or the CEO's ability to be on the committee if Council elects to include staff member/s.
- Details quorum requirements of committees.

- Limits the roles and functions that committees are able to make decisions on.
- Details requirements for record keeping, particularly in relation to minutes and decisions made by the committee under delegated authority.

The requirements of Committee Meetings are largely the same as those that apply to formal Council meetings. There is no requirement for a Local Government to establish and/or operate committees of Council other than an Audit Committee.

**Policy Implications** Nil

### **Strategic Planning Implications**

The Airport has been identified as a key strategic asset by the Council.

**Budget Implications** Nil

### **Officer's Comment**

At the Airport Committee meeting on 22 July 2010 the issue of community representation was discussed. At that meeting, the committee resolved *'To invite Michele Cooke to become a member of the Airport Committee.'*

While the intent of the Committee is clear, the selection of Committee members can only be done by an absolute majority decision of Council as the committee is a formally gazetted group under the Local Government Act.

Options to progress this matter include:

1. Operating the Committee with two community representatives (as was the intent from the 10 March 2010 Council Meeting);
2. Placing a public advertisement for an additional community based, Committee member with Council selecting the individual at a subsequent Meeting;
3. Council selecting one of the previous unsuccessful applicants to fulfill the vacant role (Carmen Hanisch or Damien Newbold); or
4. Council appointing Michelle Cooke as per the recommendation of the Airport Committee.

**Attachments** Nil

### **Officer's Recommendation**

That Council operate the Airport Committee with the existing five nominated Councillors and two community representatives (Serge Doumergue and Doug Gould)

OR

That Council publicly advertises for an additional community based, committee member for the Town's Airport Committee with Council selecting the individual at a subsequent meeting.

OR

That Council selects Carmen Hanisch and/or Damien Newbold (previous applicants) to be members of the Airport Committee

OR

That Council appoints Michelle Cooke to be a member of the Airport Committee.

### **201011/055 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr M Dziombak

That Council appoints Michelle Cooke to be a member of the Airport Committee.

*CARRIED 5/2*

Record of Vote:

FOR	AGAINST
Cr A A Carter	Cr G J Daccache
Cr S J Coates	Cr J Gillingham
Cr M Dziombak	
Mayor K Howlett	
Cr D Hooper	

**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL****12.1 South Hedland CBD Redevelopment/Trees Removal (File No. 18/12/0010)**

**Officer** Jenella Voitkevich  
Manager Infrastructure  
Development

**Date of Report** 6 August 2010

**Disclosure of Interest by Officer** Nil

**Summary**

The purpose of this report is to request Council approval for tree removal in conjunction with the South Hedland CBD redevelopment project.

**Background**

The redevelopment of the South Hedland CBD is being managed by Landcorp and is progressing in various stages. This report relates directly to the area of land incorporating Colebatch way, Murdoch drive extension, the shopping centre car park and Centenary Park. Construction works and the park redevelopment are scheduled to commence at the beginning of September.

Council received a request from Landcorp at the beginning of July for approval of the relocation and removal of several trees associated with the South Hedland CBD redevelopment. This was presented to Council at the Ordinary Council Meeting on 14 July 2010 with the following resolution:

*"201011/020 Council Decision*

*Moved: Cr A A Carter*

*Seconded: Cr W Dziombak*

*That Council:*

- i) approves the tree relocation and removal for the South Hedland CBD development as proposed in attached plans;*
- ii) the works be advertised; and*
- iii) reuse of removed trees to be undertaken"*

*REASON: Council sought for the community to be advised of relocation and removal of trees being undertaken throughout the South Hedland CBD development; and that those trees being removed to be reutilised elsewhere."*

Council has received a request from Landcorp on 5 August 2010 to alter this resolution due to several issues – the quotes received for the tree relocation are prohibitive to the project budget and considered uneconomical, and the reuse of the removed trees, as noted in point 3 of the amended resolution, would not be successful as outlined in the Council report on 14<sup>th</sup> July.

Consultation

Landcorp

**Statutory Implications**

Nil

Policy Implications

Council Policy 10/002 states that:

*“Where groups of ten trees or more are to be removed the matter of tree removal shall be referred to Council.”*

Strategic Planning Implications

Key Result Area 1 – Infrastructure

- Goal 1 – Roads, Footpaths and Drainage
  - Immediate Priority 1 – Undertake road works in South Hedland to improve road permeability (particularly in the CBD)

Key Result Area 2 – Community Pride

- Goal 1 – Townscape
  - Immediate Priority 1 - Undertake projects that upgrade the appearance of verges and streetscapes along major thoroughfares within the District
  - Immediate Priority 5 - Install more shade in parks and public areas (both trees and shade structures), including shade facilities at skate parks

**Budget Implications**

Nil

Officer’s Comment

Landcorp has reviewed the costs associated with the relocation and re-use of the existing trees in the South Hedland CBD area since the resolution at the OCM on 14 July. The quotes received for the relocation of 7-12 trees vary from \$251,000 to \$289,900. Quotes were initially sourced from locally based arborists however Landcorp was referred to the Arbor Centre given the specialized nature of the works required.

Quotes were not sourced for the reused of the removed trees as required in point 3 of the resolution. Landcorp engaged a qualified arboricultural sub-consultant to assess the trees in the area to

determine their suitability for transplantation. The trees proposed to be removed (not transplanted) are varieties that are small, weak structured and would not transplant well. Given the result of quotes received to transplant only 7-12 trees and the high risk of failure of transplanting the remainder of the trees, it's unlikely that the cost to transplant all of the trees would be justified.

For the relocation of only 7-12 trees, it is considered that the use of these funds could be better used to improve the overall streetscape and amenity of the South Hedland Town Centre. An alternative approach that has been identified by Landcorp involves the planting of 114 semi-mature trees (approximately 4m in height when planted) as per the attached plan. This could be provided at a comparative cost of \$86,190. Advice from local, Perth based and Northern Territory tree nurseries notes that the maximum size of potted trees available from nurseries is 4m in height. Trees larger than this are not potable and would require the same transplantation requirements that resulted in the \$251,000 to \$289,900 quotes.

It is considered that the planting of 114 new semi-mature trees at less than half the cost to preserve only 7-12 trees will achieve a much greater comparative benefit overall to the future amenity of the South Hedland CBD. It will also make better use of available funds and allow for the costs otherwise associated with the relocation of existing trees to be spent on other improvements to the South Hedland CBD.

### **Attachments**

South Hedland CBD Landscape Plan - Trees

### **201011/056 Council Decision/Officer's Recommendation 1**

**Moved:** Cr G Daccache

**Seconded:** Cr A A Carter

*NOTE: to revoke the decision made in accordance with 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 subregulation (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.*

#### Voting Requirements

1. To consider – 1/3 of members (3).
2. To revoke – absolute majority.

*NOTE: Mayor to call for a show of hands in favour to consider the revoking of Resolution 201011/020 of Agenda Item 11.2.2. 'South Hedland CBD Redevelopment – Tree Relocation and Removal Presented to Council's Ordinary Meeting held on 14 July 2010, and recorded on page 142 of those Minutes. The following Councillors indicated their intent to do so;*

*Cr G Daccache  
Cr A A Carter  
Cr M Dziombak*

That Council rescinds Council decision 201011/020 of Agenda Item 11.2.2. 'South Hedland CBD Redevelopment – Tree Relocation and Removal Presented to Council's Ordinary Meeting held on 14 July 2010, and recorded on page 142 of those Minutes, that states:

***"That Council:***

- i) approves the tree relocation and removal for the South Hedland CBD development as proposed in attached plans;***
- ii) the works be advertised; and***
- iii) reuse of removed trees to be undertaken"***

*CARRIED 7/0*



**201011/057 Council Decision/Officer's Recommendation 2****Moved:** Cr A A Carter**Seconded:** Cr S Coates

That Council approves the tree removal for the South Hedland CBD development subject to:

- i) the planting of a minimum of 114 new semi-mature trees (approximately 4m in height); and
- ii) landscaping plans to be submitted to Council's Engineering Services for approval prior to implementation

*CARRIED 7/0*

**ITEM 13      MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

Nil.

**ITEM 14      CONFIDENTIAL ITEMS**

Nil.

**ITEM 15      APPLICATIONS FOR LEAVE OF ABSENCE**

**ITEM 16      CLOSURE**

16.1          Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 25 August 2010, commencing at 5.30 pm.

16.2          Closure

There being no further business, the Chairman declared the meeting closed at 6:50 pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE