



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 24 APRIL 2013

AT 5.30 PM

**IN COUNCIL CHAMBERS
McGREGOR STREET, PORT HEDLAND**

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

*M.J. (Mal) Osborne
Chief Executive Officer*

OUR COMMITMENT

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

ITEM 1	OPENING OF MEETING	6
1.1	OPENING	6
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	6
2.1	ATTENDANCE.....	6
2.2	APOLOGIES	6
2.3	APPROVED LEAVE OF ABSENCE.....	6
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
3.1	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 27 MARCH 2013	6
3.1.1	<i>Chris Whalley</i>	6
3.1.2	<i>Jan Ford</i>	7
3.2	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 27 MARCH 2013	7
3.2.1	<i>Councillor Gillingham</i>	7
ITEM 4	PUBLIC TIME	7
4.1	PUBLIC QUESTION TIME	8
4.1.1	<i>Mr Chris Whalley</i>	8
4.1.2	<i>Mr Frank Weir</i>	8
4.2	PUBLIC STATEMENT TIME	9
4.2.1	<i>Mr Barry Pound</i>	9
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	9
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING	9
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	9
7.1	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 27 MARCH 2013	9
7.2	CONFIRMATION OF MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON WEDNESDAY 3 APRIL 2013.....	10
ITEM 8	ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION	10
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	13
9.1	<i>Councillor Daccache</i>	13
9.2	<i>Councillor Dziombak</i>	13
9.3	<i>Councillor Jacob</i>	13
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	13
10.1	RAYMOND WILEY, DEPARTMENT OF CORRECTIVE SERVICES, COMMUNITY AND YOUTH JUSTICE.....	13
ITEM 11	REPORTS OF OFFICERS	15
11.1	PLANNING AND DEVELOPMENT SERVICES	15
11.1.1	PLANNING SERVICES.....	15
11.1.1.1	<i>Delegated Planning, Building & Environmental Health Approvals and Orders for March 2013 (File No.: 18/07/0002 & 07/02/0003)</i>	15
11.1.1.2	<i>Proposed Place of Public Meeting, Assembly or Worship – Single House (Rectory) on Lot 500 (181) Wilson Street, Port Hedland (File No.: 130127G)</i>	27
11.1.1.3	<i>Proposed Four (4) Grouped Dwellings on Lot 742 (103) Anderson Street, Port Hedland (File No.: 406200G)</i>	41
11.1.1.4	<i>Proposed Closure of Portion of Somerset Crescent Road Reserve and Installation of a Transformer within the Somerset Crescent Road Reserve (File No.: 18/07/0002)</i>	64
11.1.1.5	<i>Proposed Twenty Three (23) Multiple Dwellings on Lots 509 (30) and 510 (31) Sutherland Street, Port Hedland (File No.: 403270G and 401890G)</i>	65
11.1.1.6	<i>Proposed Industry Noxious – Upgrade Existing Concrete Batching Plant on Lot 987 (7) Peawah</i>	

Street, Wedgefield (File No.: 124840G).....	93
11.1.1.7 Proposed Final Adoption of Scheme Amendment 52 to the Town of Port Hedland Town Planning Scheme No.5 to rezone Lot 226 Greenfield Street, Boodarie from "Rural Residential" to "Residential 2.5" (File No.: 18/09/0066).....	108
11.1.1.8 Proposed Partial Closure of Whim Creek Road, Boodarie – Lot 1281 on Deposited Plan 70562 (File No.: 28/01/0017).....	132
11.1.1.9 Proposed Development Signs on Lot 502 Great Northern Highway, Lot 9000 Pinga Street and Lot 301 Phosphorus Street, Wedgefield (File No.: 804857G).....	136
11.1.1.10 Proposed Renaming of Portion of the Great Northern Highway to Wallwork Road (File No.: 18/07/0016).....	147
11.1.1.11 Proposal to Extend Boundaries and Amend the Purpose of Reserve 38848 at Lot 2914 North Circular Drive, South Hedland (File No.: 130328G).....	150
11.1.2 ENVIRONMENTAL HEALTH SERVICES.....	156
11.1.2.1 Consideration of a Trial Period of an Additional Overflow Recreational Vehicle Campsite in Port Hedland. – Reserve 30517 McGregor St, Port Hedland (File No.: 25/10/0001).....	156
11.1.3 ECONOMIC AND LAND DEVELOPMENT SERVICES.....	162
11.1.3.1 Request for Tender - Butler Way Pretty Pool Land Development Project (File No. 802201G).....	162
11.1.3.2 Request for Proposals: 1.4 Hectares on Reserve 8214 (McGregor Street) for Commercial Development Projects (File No. 803179G).....	168
11.2 ENGINEERING SERVICES.....	173
11.2.1 INFRASTRUCTURE DEVELOPMENT.....	173
11.2.1.1 Colin Matheson Oval Change Rooms Project - Revision of Scope of Works and Discharge of Contract 12/11 (File No.: 26/13/0021).....	173
11.2.1.2 Extension of Contract 10/08 Waste Services Technical Consultancy (File No.: 31/13/0001).....	180
11.2.2 INVESTMENT AND BUSINESS DEVELOPMENT.....	184
11.2.2.1 Request to Enter into Co-share Arrangement by way of Licence with SAS Norsat Communications for the Communications Tower Located at Cajarina Street Wedgefield (File 05/05/0102).....	184
11.2.2.2 Request to dispose of Reserve 8402, 76 The Esplanade by way of Lease to Dome Coffees Australia Pty Ltd (Files: 32/04/0001 and 05/05/0101).....	191
11.3 COMMUNITY DEVELOPMENT.....	207
11.3.1 RECREATION SERVICES & FACILITIES.....	207
11.3.1.1 Review of Budgets-Town of Port Hedland Leisure Centre Management Contract 2012/2013 Financial Year (File No.:).....	207
11.4 CORPORATE SERVICES.....	226
11.4.1 ORGANISATIONAL DEVELOPMENT.....	226
11.4.1.1 Periodic Review of Local Laws (File No.: :-:-).....	226
11.4.2 FINANCE.....	231
11.4.2.1 Financial Reports to Council for Period Ended 31 March 2013 (File Nos: FIN-008, FIN-014 and RAT-009).....	231
11.4.2.2 Rates Concessions and Exemptions for 2013/14 Annual Budget.....	238
ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL.....	247
12.1 Proposed Rates in the Dollar & Minimum Rates for 2013/14.....	247
12.2 Policy 6/003 Community Funding and Donations – Adoption of (Revised) Policy (File No.: 02/05/003).....	262
ITEM 13 REPORTS OF COMMITTEES.....	273
13.1.1 Airport Committee Minutes – 3 April 2013.....	273
ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	273
ITEM 15 CONFIDENTIAL ITEMS.....	273
15.1 Catamore Court: Financial Method of Megara Constructions Pty Ltd Revised (File no.: 800240G).....	274
15.2 Proposed New Loan for 2012/13.....	275
ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE.....	280

ITEM 17	CLOSURE.....	280
17.1	DATE OF NEXT MEETING.....	280
17.2	CLOSURE.....	280

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:33 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett
Councillor George J Daccache
Councillor Arnold A Carter
Councillor Michael (Bill) Dziombak
Councillor Julie E Hunt
Councillor Gloria A Jacob
Councillor Penny Taylor

Officers

Malcolm Osborne	Chief Executive Officer
Natalie Octoman	Director Corporate Services
Russell Dyer	Director Engineering Services
Eber Butron	Director Planning & Development
Gordon MacMile	Director Community Development
Josephine Bianchi	Governance Coordinator
Grace Waugh	Administration Officer Governance

2.2 Apologies

Councillor David W Hooper

2.3 Approved Leave of Absence

Councillor Jan M Gillingham

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 27 March 2013****3.1.1 *Chris Whalley***

At the Ordinary Council Meeting held on 6 March 2013 I asked if the Town would contact the companies whose signs were damaged from a cyclone 6 years ago. My question was not answered in the agenda for this Council Meeting and I would like to know whether these companies have been contacted?

Director Planning and Development advised that the Town's Compliance team is currently looking in to the matter and will contact Mr Whalley directly once action has been taken.

3.1.2 Jan Ford

Can Council please arrange for the front door of the Civic Centre to be open to the public for after hours public events such as Council Meetings and Election days?

The front door to the Civic Centre was closed on the recent Election Day forcing people to use the rear entrance of the building where assistants were continually warning people to 'watch their step' on their way through the back entrance.

Director Corporate Services advised that quotes for two different types of screens were sourced during October 2012 with quotes being received in the order of \$10,000. This expenditure was not factored into the 2012/13 Budget therefore would need to be considered in 2013/14.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 27 March 2013

3.2.1 Councillor Gillingham

I have previously requested the Pilbara Country Health Service to present to Council regarding the new health campus in South Hedland. Can this please be looked into again?

Director Corporate Services advised that Town Officers have contacted the Regional Director for WA Country Health Services, Ron Wynn, to organise a date and time. The presentation has been organised for the June 2013 Ordinary Council Meeting. WA Country Health Services have asked for a list of topics from Councillors on what they would like included otherwise the presentation will be on the Pilbara region.

ITEM 4 PUBLIC TIME

IMPORTANT NOTE:

'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 20.3 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so.'

Mayor opened Public Question Time at 5:35pm.

4.1 Public Question Time

4.1.1 *Mr Chris Whalley*

I have noticed that around town there are many metal posts in the ground on a number of different streets that have no signs on them. What is being done with these metal posts?

Director Engineering Services advised that all these posts will shortly be removed.

A while ago I gave the Town a list of companies that had metal sign posts damaged during a past cyclonic event. The Last Chance Tavern needs to be added to this list as the sign post there is also missing the sign.

Chief Executive Officer advised that the Last Chance Tavern will be added to the list that Mr Whalley had provided the Town with.

4.1.2 *Mr Frank Weir*

I am here on behalf of the South Hedland Tennis and Bowls Club. Has there been a change in policy in regards to charging underground power fees? The South Hedland Tennis and Bowls Club has received a letter from the debt collectors advising that the club has 5 days to pay its underground power fees. The South Hedland Tennis and Bowls Club leases the club from the Town of Port Hedland. Who is meant to pay the underground power fees?

Director Corporate Services advised that this would be outlined in the leasing arrangements.

Chief Executive Officer advised that the lease arrangements would need to be looked into to determine who is to pay the fees.

Mayor advised that the Town would be in contact with Mr Weir this Friday regarding the leasing arrangements.

Mayor closed Public Question Time at 5:41pm.

Mayor opened Public Statement Time at 5:41pm.

4.2 Public Statement Time

4.2.1 *Mr Barry Pound*

Mr Pound spoke in favour of item 11.1.1.7 'Proposed Final Adoption of Scheme Amendment 52 to the Town of Port Hedland Town Planning Scheme No.5 to rezone Lot 226 Greenfield Street, Boodarie from "Rural Residential" to "Residential 2.5" (File No.: 18/09/0066)'.

Mr Pound quoted key points supporting the development application from a letter which was previously sent to all Elected Members from the WA Minister for Planning, Hon. John H Day.

Mayor closed Public Statement Time at 5:43pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Mayor Howlett	Councillor Jacob
Councillor Daccache	Councillor Hunt
Councillor Carter	Councillor Taylor
Councillor Dziombak	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 27 March 2013

201213/333 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the Minutes of the Ordinary Meeting of Council held on Wednesday 27 March 2013 be confirmed as a true and correct record.

CARRIED 7/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 3 April 2013**201213/334 Officer's Recommendation / Council Decision****Moved: Cr Carter****Seconded: Cr Jacob**

That the Minutes of the Special Meeting of Council held on Wednesday 3 April 2013 be confirmed as a true and correct record.

CARRIED 7/0**ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION**

Mayor Activity Report for the March and April 2013 period to date is as follows:

March 2013Monday, 11th March

- Weekly CEO & Mayor Catchup Meeting
- Fortnightly Telephone Meeting With RDA Pilbara Chair

Tuesday, 12th March

- Weekly Mayor Chat Spirit Radio 1026am

Wednesday, 13th March

- Weekly CEO & Elected Member Catch Up
- Confidential Concept Forum
- Chair Special Council Meeting

Sunday, 17th March

- Attended Subway South Hedland St Patricks Day Celebration Event
- Attended Port Hedland Bowls Club – Lawn Bowls Social Have A Try Day

Monday, 18th March

- Weekly CEO & Mayor Catchup Meeting
- Meeting With Department Education Sue Cuneo
- Chair Indigenous Camping Taskforce Meeting + CEO + DENG + DCD

Tuesday, 19th March

- Weekly Mayor Chat Spirit Radio 1026am
- Assisted As A Volunteer Town Ambassador For The Cruise Ship Visit

Wednesday, 20th March

- Meeting Native Animal Rescue & WA Police Youth Operations Pilbara Project Feasibility + DCD
- Weekly CEO & Elected Member Catch Up
- Attended De-Brief For TC Rusty

Thursday 21st, March

- Interview With ABC NW Radio 603am Natalie Dumitro

Friday, 22nd March

- Meeting RDA – Pilbara Chair

Tuesday, 26th March

- Weekly Mayor Chat Spirit Radio 1026am
- Meeting With Resident Bob Neville
- Executive Coaching Session – Kerry Neill
- Meeting Minister Regional Development & Lands/Member For Pilbara + Councillors + CEO + DCORP + DPD + DCD + DENG

Wednesday 27th March

- Attended South Hedland Business Association Monthly Breakfast Function
- Confidential TOPH Budget Forum
- Meeting TOPH CEO Performance Review Working Group
- Weekly CEO & Elected Member Catch Up
- Attended Pilbara JDAP Meeting No. 25 + Cr Carter + DPD
- Confidential TOPH Planning Briefing
- Confidential TOPH Concept Forum
- Chair OCM – March

Thursday, 28th March

- Interview With 6PR Radio
- Interview With ABC NW Radio 603am
- Attended Gentle Horse Therapy Demonstration At SHOATA

April 2013

Tuesday, 2nd April

- Weekly CEO & Mayor Catchup Meeting
- Weekly Mayor Chat Spirit Radio 1026am
- Meeting With LandCorp's Brad Pawlenko Re South Hedland CBD

Wednesday, 3rd April

- Attended Port Hedland Substance Use Management Group Meeting
- Weekly CEO & Elected Member Catch Up
- Confidential Presentation Wanangkura Stadium Review
- Chair Special Council Meeting

Thursday, 4th April

- Briefing Depot Staff + CEO
- Visit Marquee Park Splash & Play & Meet Caretaker
- Opened Desktop Exercise – Fire Emergency
- Flight Port Hedland To Perth

Friday, 5th April

- Meeting Department Local Government
- Attended Pilbara/Kimberley Local Government Joint Forum

Saturday, 6th April

- Attended Pilbara/Kimberley Local Government Joint Forum

Sunday, 7th April

- Flight Perth To Port Hedland

Monday, 8th April

- Weekly CEO & Mayor Catchup Meeting
- Briefing Airport Staff + Deputy Mayor + CEO
- Fortnightly Catch Up RDA- Pilbara Chair & RDA-Pilbara CEO

Tuesday, 9th April

- Briefing Civic Centre Staff + Deputy Mayor + CEO
- Weekly Mayor Chat Spirit Radio 1026am
- Attended HSHS Tour and P&C Meeting

Wednesday, 10th April

- Delivering The Strategic Community Plan Workshop

Thursday, 11th April

- Meeting With President Shire East Pilbara & Shire of Roebourne
- Meeting Re Basketball Carnival Fundraising Opportunity

Friday, 12th April

- Attended YIC's 2013 Hedland's Got Talent and Hedland Youth Award Presentation

Saturday, 13th April

- Assisted At The South Hedland Primary School Yr 7 Camp Fundraiser Quiz Night Evening

Monday, 15th April

- Chair Indigenous Camping Taskforce Meeting
- Officiated Citizenship Ceremony

Tuesday, 16th April

- Weekly CEO & Mayor Catchup Meeting
- Weekly Mayor Chat Spirit Radio 1026am
- Meeting With Investors Looking At Port Hedland Opportunities + MPL

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 *Councillor Daccache***

Councillor Daccache advised he attended the following meetings and events:

- 15 April 2013 – Australian Citizenship Ceremony
- 19 April 2013 – Photographic exhibition at the Courthouse Gallery
- 21 April 2013 - Anzac Day ceremony at Whim Creek
- 22 April 2013 - PRC meeting in Perth

9.2 *Councillor Dziombak*

Advised that the Port Hedland Chamber of Commerce held its monthly 'business after hours' networking event and thanked Mal Osborne for being a guest speaker. Councillor Dziombak also attended a meeting in Karratha attended by Senators from the Foreign Affairs, Defence and Trade committee where Councillor Dziombak highlighted his disappointment at the fact that only two hours were spent in Port Hedland during the visit to the Pilbara. Councillor Dziombak advised that the Director Planning and Development prepared information packs for this meeting which were received well.

9.3 *Councillor Jacob*

Attended her first Australian Citizenship Ceremony where the Baler Primary School choir sung the Australia Anthem and Waltzing Matilda; it was a very emotional event. Councillor Jacob attended the South Hedland Business Association breakfast where the CEO of Port Hedland Port Authority gave a presentation on the inner harbour expansions and the new common user facility. Councillor Jacob also attended the last meeting of the Service Worker Accommodation Committee.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**10.1 *Raymond Wiley, Department of Corrective Services, Community and Youth Justice.***

Mr Wiley gave an overview of the work that the Pilbara section of the Department is currently carrying out to assist troubled youths between the ages of 10 and 17. He outlined his 'Prevention and Diversion' and the 'Restorative Justice' models that his team is utilising to assist young kids in the Pilbara to stop committing crimes and to help them reintegrate in the community.

Disclaimer

IMPORTANT NOTE:

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by Council has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

ITEM 11 REPORTS OF OFFICERS**11.1 Planning and Development Services****11.1.1 Planning Services*****11.1.1.1 Delegated Planning, Building & Environmental Health Approvals and Orders for March 2013 (File No.: 18/07/0002 & 07/02/0003)***

Officer	Carly Thompson Executive Assistant Planning & Development
----------------	--

Date of Report	11 April 2013
-----------------------	----------------------

Disclosure of Interest by Officer	Nil
--	------------

Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of March 2013.

Background

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of March 2013 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

Consultation

Nil

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

Nil

DELEGATED PLANNING APPROVALS FOR MARCH 2013

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2011/201.01	AMENDMENT TO APPLICATION 2011/201 - SEA CONTAINER	1546	33 ROBINSON STREET PORT HEDLAND 6721	3/11/2013	KELLY JO MCCORMICK	\$ -
2012/408	NINE (9) MULTIPLE DWELLINGS	3	UNIT C 63 KINGSMILL STREET PORT HEDLAND 6721	3/31/2013	RPS	\$ 2,300,000.00
2012/561	"INDUSTRY - LIGHT" WORKSHOP AND ASSOCIATED OFFICE	113	L113 OXIDE WAY WEDGEFIELD 6722	3/14/2013	CAMPION DESIGN GROUP	\$ 1,000,000.00
2012/579	ANCILLARY ACCOMMODATION	3367	9 KOOLAMA CRESCENT SOUTH HEDLAND 6722	3/26/2013	LEIMAC BUILDING PTY LTD	\$ 177,216.00
2012/580	ANCILLARY ACCOMMODATION	3390	11 DELAMERE PLACE SOUTH HEDLAND 6722	3/25/2013	LEIMAC BUILDING PTY LTD	\$ 173,927.00
2012/606	2 GROUPED DWELLING	1904	36 ROBERTS STREET SOUTH HEDLAND 6722	3/28/2013	GOLDMAN D & R	\$ 570,000.00
2012/610	INDUSTRY - LIGHT - RETROSPECTIVE OFFICE ADDITION	2446	30 MOORAMBINE STREET WEDGEFIELD 6724	3/19/2013	HIGHTOWER PLANNING & DEVELOPMENT	\$ 200,000.00
2012/633	MOTOR VEHICLE AND/OR MARINE SERVICE STATION - SHED ADDITION	2055	67-71 HAMILTON ROAD SOUTH HEDLAND 6722	3/25/2013	PLANNING SOLUTIONS	\$ 110,000.00
2012/645	TWO WAREHOUSES & ANCILLARY CARETAKERS DWELLING	3	13 LEEHEY STREET WEDGEFIELD 6724	3/27/2013	RPS	\$ 1,200,000.00
2012/664	TWO (2) GROUP DWELLINGS	2414	8 PATON ROAD SOUTH HEDLAND 6722	3/26/2013	LMCD HOLDINGS PTY LTD	\$ 535,000.00
2012/668	EIGHT (8) MULTIPLE DWELLINGS	3173	2 BARROW PLACE SOUTH HEDLAND 6722	3/26/2013	CONCEPT BUILDING DESIGN	\$ 1,515,000.00
2012/670	THREE "INDUSTRY - LIGHT" UNITS	203	45 STEEL LOOP WEDGEFIELD 6721	3/14/2013	SAVROC CONSTRUCTIONS PTY LTD	\$ 990,000.00
2013/22	SIXTEEN (16) GROUPED DWELLINGS - ONE (1) ADDITIONAL AND FIFTEEN (15) PREVIOUSLY APPROVED	513	LOT 513 COTTIER DRIVE SOUTH HEDLAND 6722	3/5/2013	PINDAN PTY LTD	\$ 230,000.00
2013/49	TWO (2) GROUPED DWELLINGS	8	2 BOOGALLA CRESCENT SOUTH HEDLAND 6722	3/26/2013	LEIMAC BUILDING PTY LTD	\$ 125,598.00
2013/50	FOUR (4) WAREHOUSE UNITS AND INCIDENTAL OFFICES	218	13 STEEL LOOP WEDGEFIELD 6721	3/25/2013	MICHAEL LITTLE DESIGNS	\$ 1,671,100.00
2013/71	SINGLE HOUSE - RETROSPECTIVE ANCILLARY ACCOMMODATION AND TWO OUTBUILDINGS	107	80 REDBANK ROAD REDBANK 6721	3/28/2013	HEATH RAYMOND COOK	\$ 38,000.00
2013/90	INDUSTRY - LIGHT - TWO (2) WORKSHOPS AND INCIDENTAL OFFICES	114	L114 OXIDE WAY WEDGEFIELD 6722	3/26/2013	VANESSA ELAINE NEMATOLLAHI	\$ 1,110,000.00
2013/93	INFRASTRUCTURE - COMMUNICATIONS ADDITIONS TO EXISTING TOWER	3	25 HAMILTON ROAD SOUTH HEDLAND-CBD 6722	3/11/2013	WESTERN AUSTRALIAN POLICE SERVICE	\$ 39,000.00
2013/111	INFRASTRUCTURE - TEMPORARY CONSTRUCTION LAYDOWN AREA - LOT 556 RESERVE 30768 - CORNER OF COOKE POINT ROAD AND ATHOL STREET PORT HEDLAND	5178	SUTHERLAND STREET PORT HEDLAND	3/19/2013	TENIX SDR	\$ 50,000.00
2013/123	EMERGENCY SERVICES - OFFICE/TRAINING ROOM ADDITION	2443	2444 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721	3/28/2013	CHESCO	\$ 113,000.00

COUNCIL APPROVALS FOR MARCH 2013

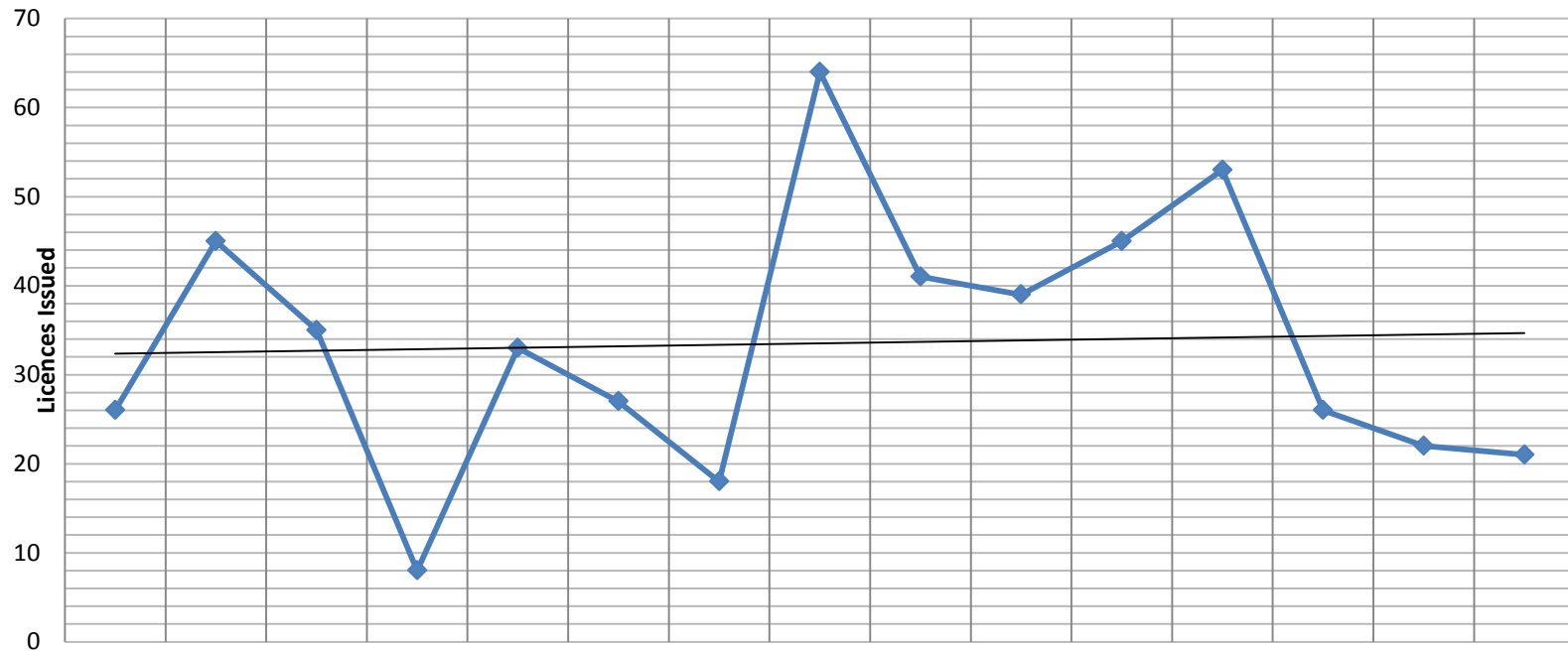
APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2012/323	SIXTEEN (16) MULTIPLE DWELLINGS - 8 EXISTING, 8 ADDITIONAL DWELLINGS	198	53 MORGANS STREET PORT HEDLAND 6721	3/27/2013	PERRINE ARCHITECTURE	\$ 2,118,000.00
2012/324	EIGHT (8) MULTIPLE DWELLINGS	212	25 MORGANS STREET PORT HEDLAND 6721	3/27/2013	PERRINE ARCHITECTURE	\$ 1,845,000.00
2012/541	SIX (6) MULTIPLE DWELLINGS	247	64 MORGANS STREET PORT HEDLAND 6721	3/27/2013	GREG ROWE AND ASSOCIATES	\$ 1,500,000.00
2012/653	ARTS AND CRAFT CENTRE (TWO ARTIST STUDIOS) AND CARETAKERS DWELLING	3267	LOT 3267 HEDDITCH STREET SOUTH HEDLAND 6722	3/7/2013	RPS AUSTRALIA	\$ 1,447,000.00
2013/72	FAMILY DAY CARE	1892	2 PARKER STREET SOUTH HEDLAND WA 6722	3/27/2013	AMANDA SCIKLUNA	\$ 5,000.00

DAP APPROVALS FOR MARCH 2013

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2012/632	WASTE TO ENERGY FACILITY	600	LOT 600 BOODARIE STATION ACCESS ROAD BOODARIE 6722	3/27/2013	NEW ENERGY CORPORATION	\$16,829,800.00

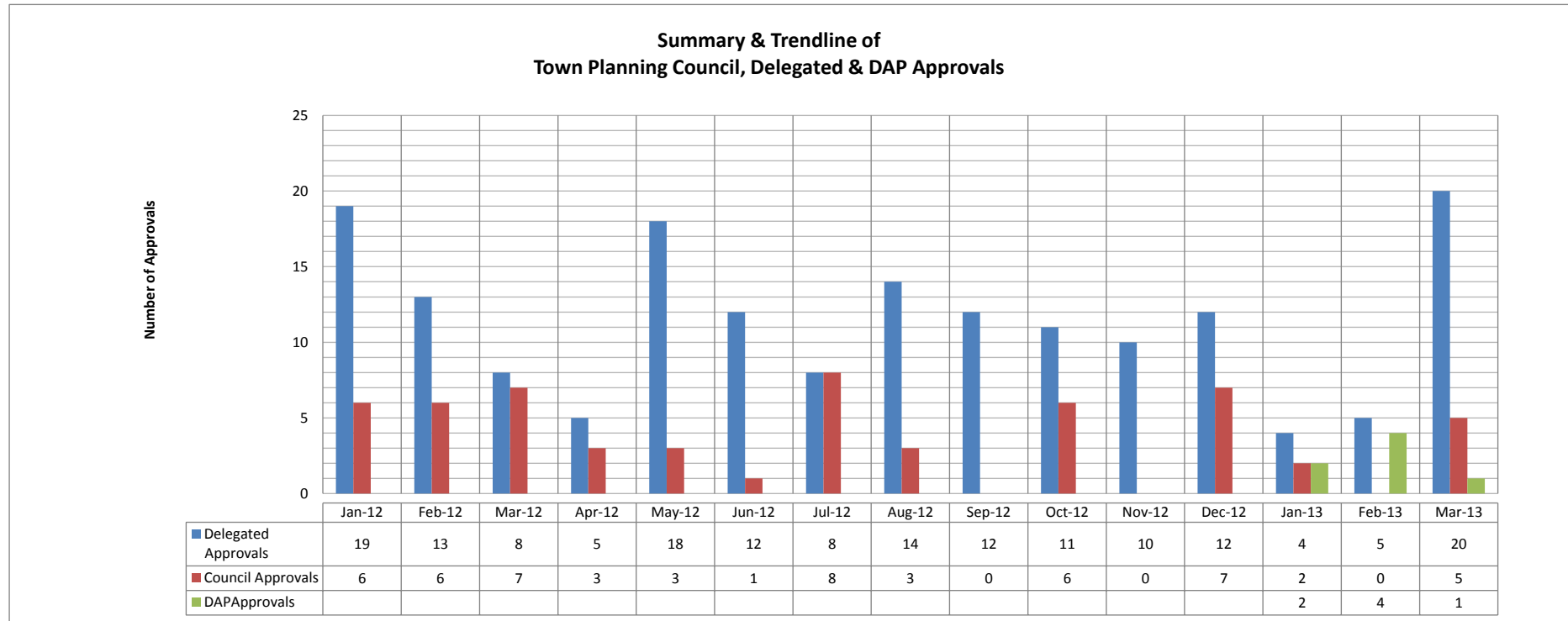
DELEGATED PLANNING APPROVALS FOR MARCH 2013

Summary & Trendline for Building Licence Approvals

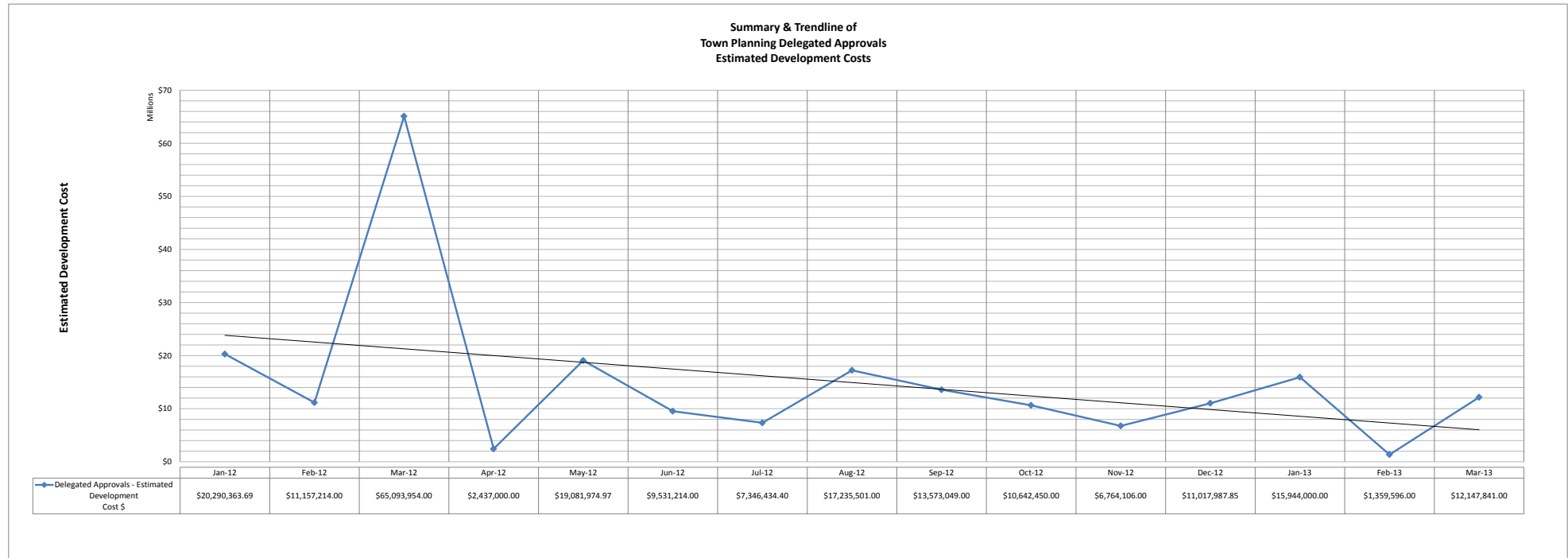


	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13
◆ No of Licences Issued	26	45	35	8	33	27	18	64	41	39	45	53	26	22	21

COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR MARCH 2013



DELEGATED PLANNING APPROVALS FOR FEBRUARY



DELEGATED BUILDING APPROVALS FOR MARCH 2013

BUILDING PERMITS								
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification	Decision	No of SOU Dwellings
13-069	25.03.2013	SOUTH HEDLAND	UNAUTHORISED WORK - PATIO & CARPORT	\$ 18,360.00	24	Class 10a	A	
13-059	13.03.2013	SOUTH HEDLAND	ABOVE GROUND POOL	\$ 2,200.00	17	Class 10b	A	
13-075	25.03.2013	PORT HEDLAND	ABOVE GROUND POOL	\$ 2,000.00	12	Class 10b	A	
13-042	01.03.2013	BOODARIE	NEW DWELLING	\$ 562,606.00	270	Class 1a	A	1
13-044	01.03.2013	BOODARIE	NEW DWELLING	\$ 562,606.00	270	Class 1a	A	1
13-031	12.03.2013	PORT HEDLAND	2x RESIDENTIAL HOUSES	\$ 1,111,826.00	454	Class 1a	A	
13-067	19.03.2013	PORT HEDLAND	2 X UNITS (4 BED 3 BATHROOM)	\$ 982,107.00	315	Class 1a	A	2
13-051	19.03.2013	PORT HEDLAND	ANCILLARY ACCOMODATION	\$ 105,000.00	50	Class 1a	A	2
13-058	20.03.2013	PORT HEDLAND	EXTENSION TO SECOND STORY OF EXISTING SINGLE DWELLING	\$ 135,000.00	33	Class 1a	A	1
13-050	26.03.2013	PORT HEDLAND	3 x Two Storey Grouped Dwellings	\$ 2,667,060.00	294	Class 1a	A	3
13-048	27.03.2013	PORT HEDLAND	Ground floor addition to Dwelling	\$ 12,000.00	25	Class 1a	A	
13-070	25.03.2013	SOUTH HEDLAND	FORWARD WORKS ONLY	\$ 300,000.00	0	Class 2	A	
13-053	15.03.2013	PORT HEDLAND	STAGE ONE - STRUCTURAL WORKS UP TO LEVEL 1 SLAB FOR 21 APARTMENTS, CAR PARK & COMMERCIAL TENANCIES	\$ 2,300,000.00	2753	Class 2 3 5 6 7a	A	
13-043	01.03.2013	SOUTH HEDLAND	44 UNITS - STAGE ONE	\$ 17,176,387.00	3645	Class 2 and 10a	A	
12-216	06.03.2013	WEDGEFIELD	1 x Warehouse with office mezzanine	\$ 565,800.00	215	Class 5 and 7b	A	44
13-056	11.03.2013	WEDGEFIELD	WAREHOUSE WITH OFFICE/MEZZANINE	\$ 565,800.00	215	Class 5 and 7b	A	
13-060	21.03.2013	WEDGEFIELD	STOREROOM FITOUT	\$ 75,000.00	61	Class 7b and 10b	A	
TOTAL	17			\$ 27,143,752.00				54

DEMOLITION LICENCES FOR MARCH 2013

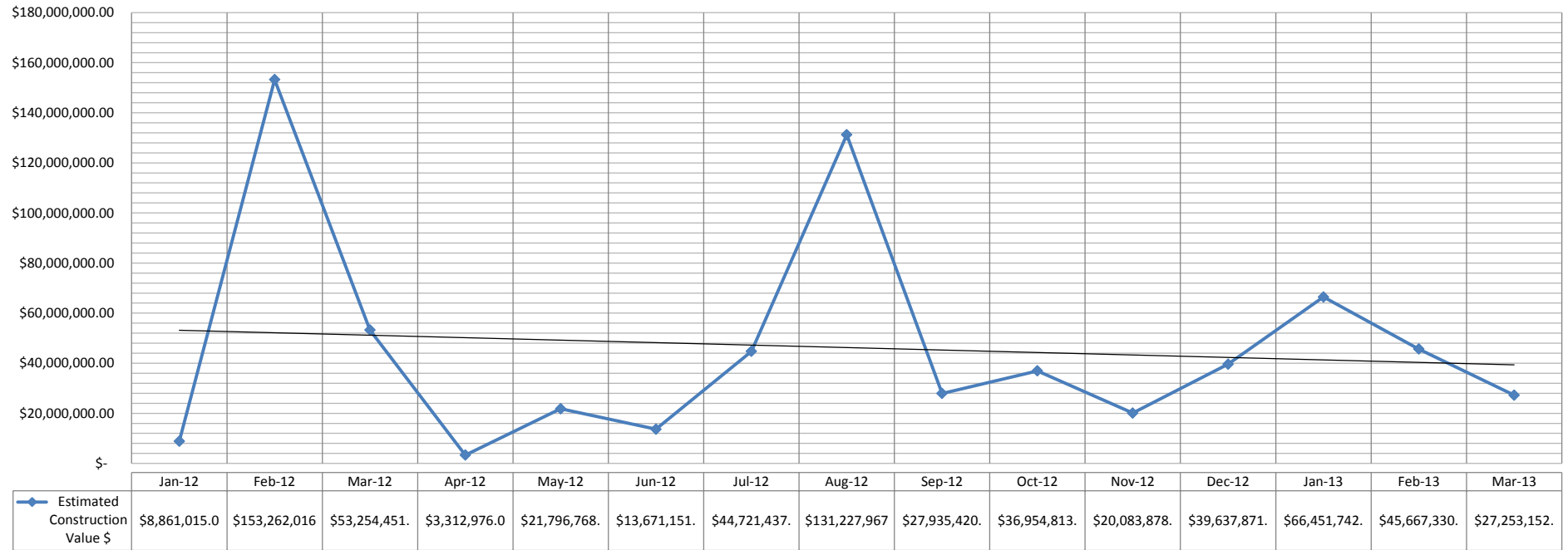
DEMOLITION PERMIT						
Permit Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)	Classification	Floor Area
13-046	07.03.2013	PORT HEDLAND	PARTIAL DEMOLITION	\$ 30,000.00	Class 10a	50
13-061	12.03.2013	PORT HEDLAND	DEMOLITION OF HOUSE	\$ 32,000.00	Class 1a	176
13-066	20.03.2013	SOUTH HEDLAND	DEMOLITION OF SINGLE DWELLING AND CARPORT	\$ 32,400.00	Class 1a & 10a	36
13-040	15.03.2013	WEDGEFIELD	DEMOLITION - WAREHOUSE/SHED	\$ 15,000.00	Class 8	234
Total	4	Demolition Licences Issued		\$ 109,400.00		446

OVERVIEW SUMMARY FOR MARCH 2013

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
4	Demolitions	\$109,400	446	\$245.29
8	Dwellings	\$6,138,205	1,711	\$3,587
1	Class 10a	\$18,360	24	\$765
2	Class 10b	\$4,200	29	\$145
6	Commercial	\$20,982,987	6,889	\$3,046
	Other			
21		\$27,253,152	9,099	\$7,788

DELEGATED BUILDING APPROVALS FOR MARCH 2013

Summary & Trendline of
Estimated Construction Value of Building Licences Issued



CURRENT LEGAL MATTERS FOR MARCH 2013

CURRENT LEGAL MATTERS				
File No.	Address	Issue	Current Status	Officer
118711G	Lot 1675 (1690) Harwell Way, Wedgefield	Non-compliance with planning conditions	Case adjomed until 1/10/2013 to allow for sealing of the properties to occur.	BM
125950G	Lot 2060 Yanana Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorneys - Court proceedings in progress	BM
121110G	Lot 12 Schillaman Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorneys - Court proceedings in progress	BM
805069G	Lot 23, #5 Quartz Quarry road, South Hedland rural estate	Human habitation of an outbuilding	Handed over to the attorneys - Court proceedings in progress	BM
154462G	Lot 82, # 2 Councillor road, South Hedland rural estate	Unauthorised storage of residential structures	Handed over to the attorneys - Court proceedings in progress	BM

CURRENT HEALTH ORDERS AS OF MARCH 2013

Current Health Orders under Delegated Authority by Environmental Health Services				
File No.	Address	Issue	Current Status	
803367G	Lot 2052 McGregor St Port Hedland	Metal frame spectator/grand stand seating erected on a trailer chassis.	~ Health order placed on temporary spectator stand ~ No public building application recieved by Town of Port Hedland, as such no approval has been granted for use as a temporary spectator stand ~ Town has notified Turf Club of issue	

Attachments

Nil

201213/335 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of March 2013 be received.

CARRIED 7/0

11.1.1.2 Proposed Place of Public Meeting, Assembly or Worship – Single House (Rectory) on Lot 500 (181) Wilson Street, Port Hedland (File No.: 130127G)

Officer	Ryan Djanegara Senior Statutory Planner
Date of Report	10 April 2013
Application No.	2013/115
Disclosure of Interest by Officer	Nil

Summary

The Town received an application from T & R Homes WA Pty Ltd on behalf of the registered landowner, the Hedland Christian Church Inc, to utilize a Single House (Rectory) on Lot 500 (181) Wilson Street, Port Hedland (site).

The application is supported by the Town's Officers. Council is requested to consider the application favourably.

Background

Site Description (Attachment 1)

The subject site is located along Wilson Street, Port Hedland and has an area of approximately 10,635m². Although the property fronts Wilson Street, vehicular access is achieved via an access easement from Anderson Street.

In terms of the Port Hedland Town Planning Scheme No. 5, the site is zoned "Community", and currently developed with a church building.

Previous Approvals

On 28th April 1999, Council approved an application to develop a Church which included a hall area of 254.4m² and a social area of 101m². A condition was imposed requiring the church to construct 89 car parking bays to support the development. To date the condition is not complied with as no parking bays have been constructed.

On 11th July 2013, Council at its Ordinary Meeting approved an application to develop a temporary caretaker's dwelling. As part of the application, the Council imposed a condition requiring a car parking plan to be provided to construct 90 car parking bays.

In addition as part of the assessment process for this application, it was identified that there are hydrocarbons present in the ground water in the south west portion of the site.

The Department of Environment and Conservation has since imposed a memorial on the Certificate of Title recording the classification of the site as "Contaminated – restricted use". The land use of this site will be restricted to Church and Single Residence.

Since the caretaker's dwelling was approved, the Church has resolved not to proceed with that approval opting to submit a new application for a single house (rectory).

Proposal (Attachment 2)

The applicant is proposing to erect a Single House (Rectory) and a crossover on the access easement over the drainage reserve Lot 5827 Anderson Street. The Single House will be used to accommodate a youth minister and his family on the site.

Consultation

The application was circulated to the following units / organisations:

Internal

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Engineering Services

External

- Department of Environment and Conservation (DEC)
- Main Roads
- Department of Water
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following noteworthy comments were received:

Main Roads:

1. Access shall be limited via Anderson Street and will not be granted from Wilson Street.

Department of Environment and Conservation:

1. Due to the close proximity of the development site to industrial land uses, DEC strongly suggests that Guidance Statement No. 3 be referred to for advice.

Planning Response

The Environmental Protection Guidance Statement No. 3 identifies the need to have buffer zones between sensitive land uses (such as houses) and industrial land uses (such as service stations). In this instance, the document recommends a 50m buffer zone between residential land uses and services stations to reduce the impact of noise, gaseous and odour emissions. There are two services stations adjacent to the site, Caltex and Shell petrol stations. The Single House is proposed outside the recommended 50m buffer zone from both stations.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012 – 2022 are considered relevant to this proposal:

6.1	Community	
6.1.2	Vibrant	Increased in the number of community led groups and activities available in Port Hedland.
6.3	Environment	
6.3.1	Housing	Attract and retain new residents to increase the population to 40,000 by 2025.
6.4	Local Leadership	
6.4.2	Community Focused	Council is a proactive advocate for community needs and aspirations.

Budget Implications

Immediate:

An application fee of \$1,058.94 has been received as per the prescribed fees approved by Council.

Officer's Comment*Car Parking*

In accordance with Appendix 7 of the TPS5, the applicant is required to provide two (2) car parking bays onsite for the Single House (Rectory). The approval relating to the main use being a church required a minimum of 88 car parking bays to be provided.

Therefore a total of 90 car parking bays are required onsite (88 bays for the church and 2 for the Single House) as shown in the table below:

Access & Parking – Appendix 7 of TPS5 and Previous approval			
Acceptable Development Standards	Calculation	Required	Provided
Place of Public Meeting, Assembly or Worship (1 bay per 4 persons the facility is designed to accommodate)	350 person 4	88	Not shown
Single House (2 per dwelling)		2	2
Total		90	23

The applicant has not complied with the parking requirements as imposed by the approval for the church, it is recommended an advice note be included notifying the applicant Council may institute legal action should the planning conditions of the original church approval not be complied with.

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

Should Council approve the application, the development will allow the Church to provide a community youth resource.

2. Refuse the application.

Refusal of the proposal will require the applicant to reconsider the development proposal. If Council resolves to refuse the application it must give clear reasoning as to its decision.

It is recommended Council supports the application subject to conditions.

Attachments

1. Locality Plan
2. Development Plans

201213/336 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Taylor**

That Council approves the application submitted by T & R Homes WA Pty Ltd on behalf of the registered landowner, the Hedland Christian Church Inc, to construct a Place of Public Meeting, Assembly or Worship – Single House (Rectory) on Lot 500 (181) Wilson Street, Port Hedland, subject to the following conditions:

- 1. This approval relates only to the proposed Single House (Rectory), as indicated on the approved plans (DRG2013/115/1 - DRG2013/115/3). It does not relate to any other development on this lot;**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect;**
- 3. A minimum of 90 car bays shall be provided, 88 bays for the Church and 2 for the proposed Single House;**
- 4. No parking bays shall be obstructed in any way or used for any other purpose than parking;**
- 5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;**
- 6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;**
- 7. The proposed development shall be connected to reticulated mains sewer;**
- 8. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;**
- 9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;**

The following conditions are to be cleared by Planning Services prior to any works taking place on the lot.

10. Prior to the commencement of any works, the landowner shall 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 shall be sufficient to alert prospective landowners or occupiers of the following:

This lot is located in an area likely to be subject to inundation in a 1:100 flood event (or greater), from rising sea level, tidal storm surges and / or catchment flooding.

11. Prior to the commencement of any works the applicant shall submit and have approved a Car Parking Plan for the construction of ninety (90) car parking bays. The plan shall incorporate landscaping and identify any stormwater drainage management requirements;
12. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include:
 - a) location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001; and
 - b) shade trees provided at a ratio of 1 tree per six (6) consecutive external parking spaces.
13. Prior to the commencement of any works, a "Stormwater management plan" shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan;
14. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services;
15. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) The parking arrangements for the contractors and subcontractors;
 - d) Impact on traffic movement;
 - e) Operation times including delivery of materials;

- f) All dust and sand to be contained on site with the use of suitable dust suppression techniques; and
- g) Other matters likely to impact on the surrounding residents / businesses;

Condition to be cleared by Planning Services prior to the occupation of the development.

- 16. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 3);
- 17. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
- 18. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with the approved Car Parking Plan; and
- 19. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

- 1. In terms of the Port Hedland Town Planning Scheme No 5, "Single House" is defined as follows:

"An independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act 1928 (as amended)."
- 2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
- 3. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;

- 4. The Town's Environmental Health Services wishes to advise the landowner to ensure the proposed laundry is compliant with the Town of Port Hedland's Local Laws (1999), Section 2.2.2 (d) by providing external ventilation;**
- 5. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times;**
- 6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;**
- 7. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and**
- 8. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.**

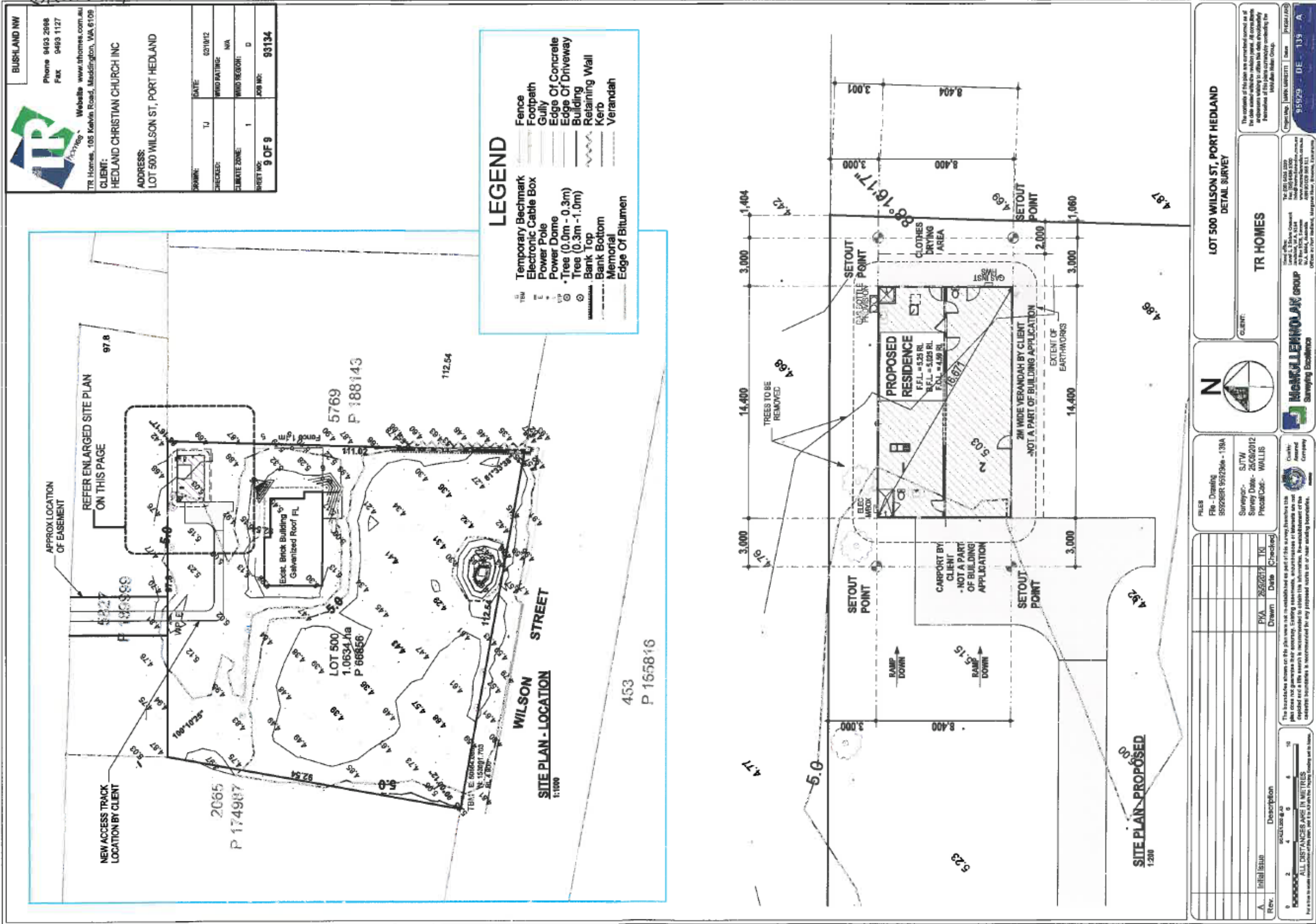
CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.2



(This page intentionally left blank).

DRG 2013/115/1



BUSHLAND NW
 Phone 9493 2988
 Fax 9493 1127
 Website www.bushland.com.au
 TR Homes, 105 Kelvin Road, Maddington, WA 6108
CLIENT:
 HEDLAND CHRISTIAN CHURCH INC
ADDRESS:
 LOT 500 WILSON ST, PORT HEDLAND
 DRAWN: TJ DATE: 02/10/12
 CHECKED: WIA
 CLIMATE ZONE: 1 WIND REGION: D
 SHEET NO: 9 OF 9 JOB NO: 93134

LEGEND

- Temporary Benchmark
- Electronic Cable Box
- Power Pole
- Power Dome
- Tree (0.0m - 0.3m)
- Tree (0.3m - 1.0m)
- Bank Top
- Bank Bottom
- Memorial
- Edge Of Bitumen
- Fence
- Footpath
- Gully
- Edge Of Concrete
- Edge Of Driveway
- Building
- Retaining Wall
- Kerb
- Verandah

LOT 500 WILSON ST, PORT HEDLAND
 DETAIL SURVEY

CLIENT:
 TR HOMES

FILES
 File - Drawing: 93260R 932906 - 139A
 Surveyor: SJW
 Survey Date: 25/02/2012
 Project Code: WALLIS

McKULLOUGH GROUP
 Surveying Excellence

Scale:
 1:200
 1:1000

Scale Bar:
 0 2 4 6 8 10 METRES

North Arrow

Notes:
 The boundaries shown on this plan are established on all titles in respect to the plan area and pertain to the area shown. Existing easements, covenants, and other restrictions are shown and a full search is recommended to obtain full information. The establishment of the easements is recommended for any proposed works on or near existing boundaries.

Scale:
 1:200
 1:1000

Scale Bar:
 0 2 4 6 8 10 METRES

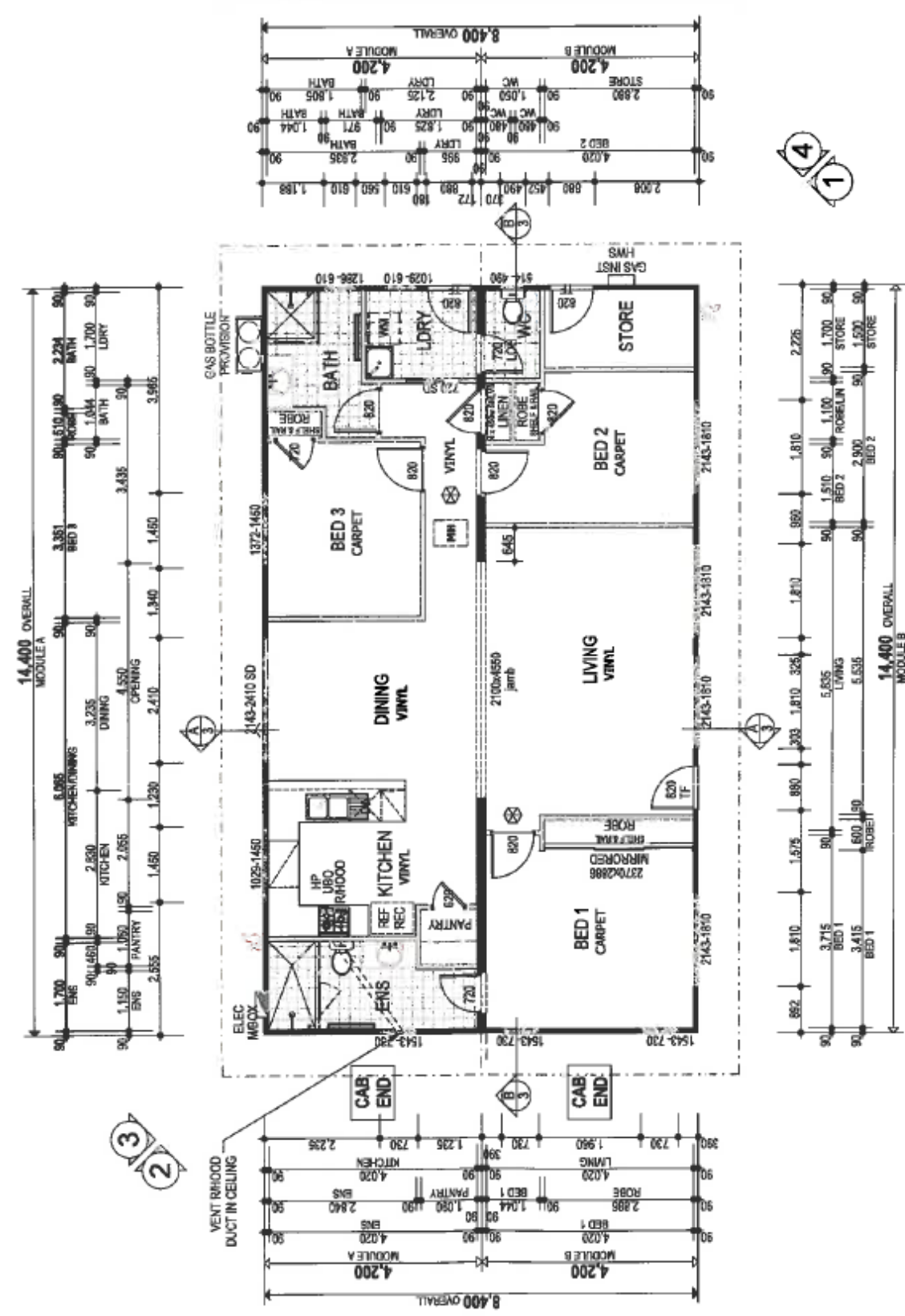
North Arrow

Notes:
 The boundaries shown on this plan are established on all titles in respect to the plan area and pertain to the area shown. Existing easements, covenants, and other restrictions are shown and a full search is recommended to obtain full information. The establishment of the easements is recommended for any proposed works on or near existing boundaries.

DRG 2013/115/2

DO NOT SCALE FROM THIS DRAWING
 ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO COMMENCEMENT OF ANY WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE WITHOUT DELAY.
ALL INTERNAL DIMENSIONS TO STUDWORK
CLIENT NOTE:
 THIS PLAN IS TO BE READ IN CONJUNCTION WITH TR STANDARD SPECIFICATION, ADDENDA AND ENGINEERS DETAILS.
CEILING HEIGHT - 2725mm
SOIL CLASSIFICATION - H

- NOTES**
- CLIENT SUPPLIED MATERIALS & LABOUR - REFER TO CONTRACT & ADDENDA
 - DIMENSIONS ARE TO FRAME STUDS ONLY & DO NOT INCLUDE LININGS OR CLADDINGS (INTERNAL & EXTERNAL)
 - SMOKE DETECTOR TO BCA 3.7.2 AS INDICATED ON PLAN
 - HEIGHTS ARE FROM TOP OF SLAB. NO ALLOWANCE
 - HIDE FOR FLOOR COVERINGS
 - SHELVE AND RAIL @ 1700mm TO ALL ROBES
 - 4 x 450mm SHELVES TO PANTRY & LINEN UNO.
 - 800mm WIDE EAVES UNLESS NOTED OTHERWISE
 - ROOF INSULATION - 50mm ANTICON
 - EXT WALL INSULATION - R4.1 BATTS & PERMISHIELD 65
 - VERTICAL BLINDS TO ALL WINDOWS (EXCLUDING WC, BATHROOM & ENSUITE)
 - 89mm PHYSICAL BARRIER PEST TREATMENT "RITHOR" TO HOME



FLOOR PLAN
1:100

AREA CALCULATIONS
 HOUSE Area 120.96 Perimeter (45.600m)
 120.96 m²

SIGNATURES:		VARIATIONS:		VARIATIONS CONT'D:	
CLIENT:	HEDLAND CHRISTIAN CHURCH INC	DATE:	02/10/12	DATE:	02/10/12
CLIENT:	LOT 500 WILSON ST, PORT HEDLAND	INT:	TJ	INT:	TJ
BUILDER:		CHK'D:	AB	CHK'D:	AB
		APP'D:	LD	APP'D:	LD
		REV'D:	JT	REV'D:	JT
TR Homes, 105 Kelvin Road, Mandalingon, WA 6108 Phone 9493 2998 Fax 9493 1127 Website www.trhomes.com.au		CLIENT: HEDLAND CHRISTIAN CHURCH INC ADDRESS: LOT 500 WILSON ST, PORT HEDLAND		PROJECT: BUSHLAND NW DRAWN: TJ CHECKED: N/A CLIMATE ZONE: 1 SHEET NO: 1 OF 9 JOB NO: 93134	

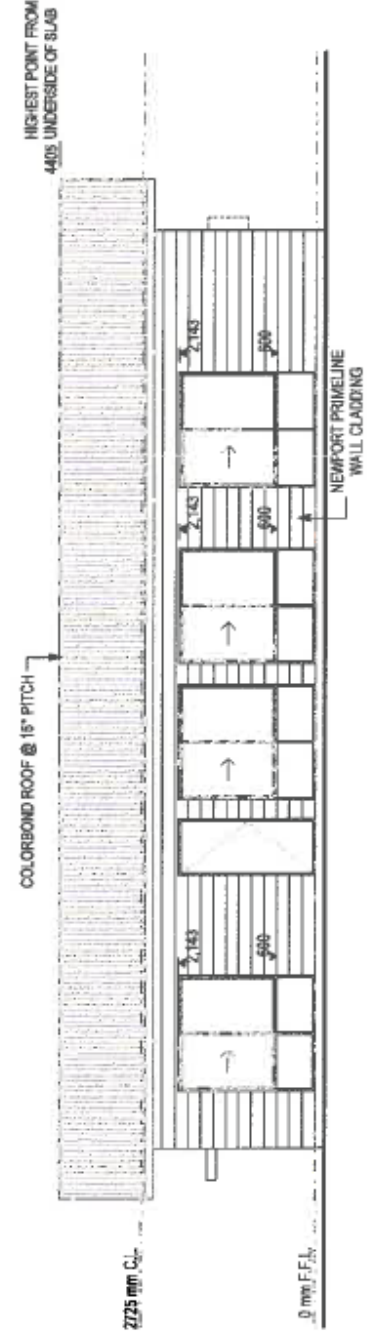
DRG 2013 / 115 / 13

DO NOT SCALE FROM THIS DRAWING
 ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO COMMENCEMENT OF ANY WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE WITHOUT DELAY
 ALL INTERNAL DIMENSIONS TO STUDWORK

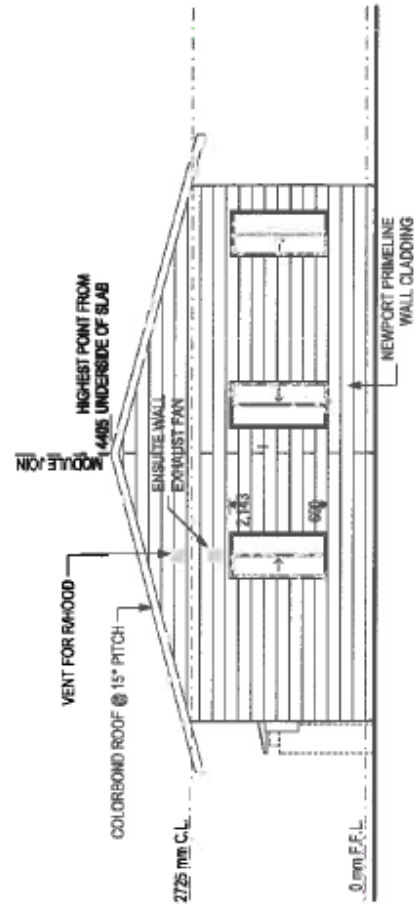
CLIENT NOTE:
 THIS PLANS TO BE READ IN CONJUNCTION WITH TR STANDARD SPECIFICATION, ADDENDA AND ENGINEERS DETAILS

CEILING HEIGHT - 2725mm

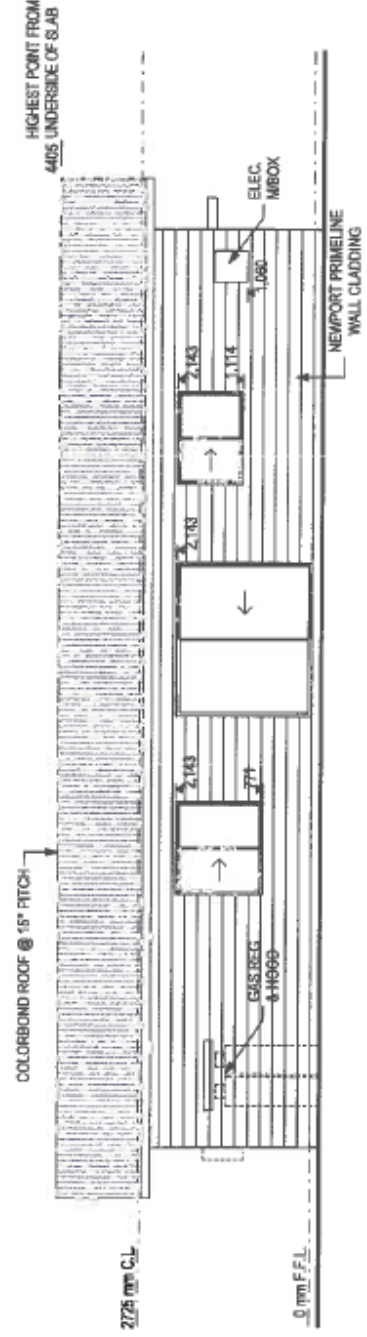
SOIL CLASSIFICATION - H



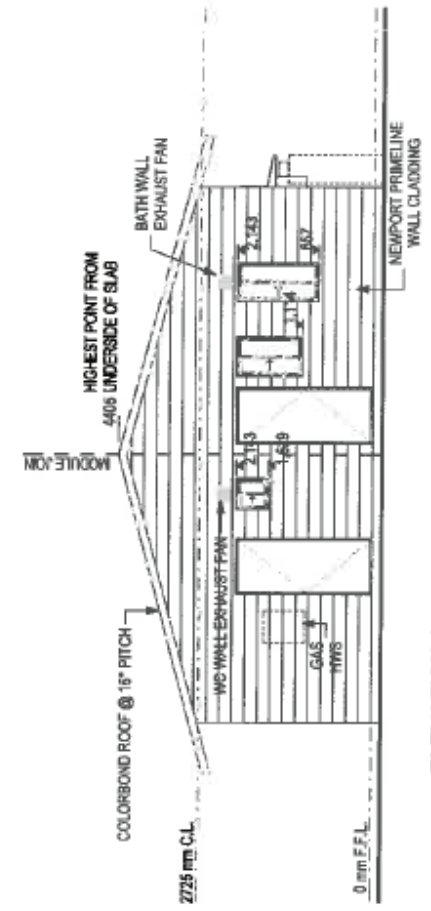
ELEVATION 1
1:100



ELEVATION 2
1:100



ELEVATION 3
1:100



ELEVATION 4
1:100

TR Homes		SIGNATURES:		VARIATIONS:		VARIATIONS CONT'D:		DATE:		DATE:		
		CLIENT:	HEDLAND CHRISTIAN CHURCH INC	DATE:	20/01/12	DATE:	20/01/12	DATE:	20/01/12	DATE:	20/01/12	
This plan was prepared and approved by an architect. It is the property of TR Homes and must not be given, used, copied, altered, or otherwise disseminated without the written consent of the architect.		CLIENT:	ADDRESS:	LOT 500 WILSON ST, PORT HEDLAND	DATE:	20/01/12	DATE:	20/01/12	DATE:	20/01/12	DATE:	20/01/12
		BUILDER:		VOT:	VO3	INT:	TJ	INT:	TJ	INT:	TJ	
				VOT:	VO2	CHKD:	AS	CHKD:	AS	CHKD:	AS	
				VOT:	VO1	VOT:	LD	VOT:	LD	VOT:	LD	
				VOT:	VO4	VOT:	JT	VOT:	JT	VOT:	JT	
				VOT:	VO5	VOT:	NT	VOT:	NT	VOT:	NT	
				VOT:	VO6	VOT:	OT	VOT:	OT	VOT:	OT	
				VOT:	VO7	VOT:	PT	VOT:	PT	VOT:	PT	
				VOT:	VO8	VOT:	ST	VOT:	ST	VOT:	ST	
				VOT:	VO9	VOT:	TT	VOT:	TT	VOT:	TT	
				VOT:	VO0	VOT:	XX	VOT:	XX	VOT:	XX	
				VOT:	VO1	VOT:	YY	VOT:	YY	VOT:	YY	
				VOT:	VO2	VOT:	ZZ	VOT:	ZZ	VOT:	ZZ	
				VOT:	VO3	VOT:	AA	VOT:	AA	VOT:	AA	
				VOT:	VO4	VOT:	BB	VOT:	BB	VOT:	BB	
				VOT:	VO5	VOT:	CC	VOT:	CC	VOT:	CC	
				VOT:	VO6	VOT:	DD	VOT:	DD	VOT:	DD	
				VOT:	VO7	VOT:	EE	VOT:	EE	VOT:	EE	
				VOT:	VO8	VOT:	FF	VOT:	FF	VOT:	FF	
				VOT:	VO9	VOT:	GG	VOT:	GG	VOT:	GG	
				VOT:	VO0	VOT:	HH	VOT:	HH	VOT:	HH	
				VOT:	VO1	VOT:	II	VOT:	II	VOT:	II	
				VOT:	VO2	VOT:	JJ	VOT:	JJ	VOT:	JJ	
				VOT:	VO3	VOT:	KK	VOT:	KK	VOT:	KK	
				VOT:	VO4	VOT:	LL	VOT:	LL	VOT:	LL	
				VOT:	VO5	VOT:	MM	VOT:	MM	VOT:	MM	
				VOT:	VO6	VOT:	NN	VOT:	NN	VOT:	NN	
				VOT:	VO7	VOT:	OO	VOT:	OO	VOT:	OO	
				VOT:	VO8	VOT:	PP	VOT:	PP	VOT:	PP	
				VOT:	VO9	VOT:	QQ	VOT:	QQ	VOT:	QQ	
				VOT:	VO0	VOT:	RR	VOT:	RR	VOT:	RR	
				VOT:	VO1	VOT:	SS	VOT:	SS	VOT:	SS	
				VOT:	VO2	VOT:	TT	VOT:	TT	VOT:	TT	
				VOT:	VO3	VOT:	UU	VOT:	UU	VOT:	UU	
				VOT:	VO4	VOT:	VV	VOT:	VV	VOT:	VV	
				VOT:	VO5	VOT:	WW	VOT:	WW	VOT:	WW	
				VOT:	VO6	VOT:	XX	VOT:	XX	VOT:	XX	
				VOT:	VO7	VOT:	YY	VOT:	YY	VOT:	YY	
				VOT:	VO8	VOT:	ZZ	VOT:	ZZ	VOT:	ZZ	
				VOT:	VO9	VOT:	AA	VOT:	AA	VOT:	AA	
				VOT:	VO0	VOT:	BB	VOT:	BB	VOT:	BB	
				VOT:	VO1	VOT:	CC	VOT:	CC	VOT:	CC	
				VOT:	VO2	VOT:	DD	VOT:	DD	VOT:	DD	
				VOT:	VO3	VOT:	EE	VOT:	EE	VOT:	EE	
				VOT:	VO4	VOT:	FF	VOT:	FF	VOT:	FF	
				VOT:	VO5	VOT:	GG	VOT:	GG	VOT:	GG	
				VOT:	VO6	VOT:	HH	VOT:	HH	VOT:	HH	
				VOT:	VO7	VOT:	II	VOT:	II	VOT:	II	
				VOT:	VO8	VOT:	JJ	VOT:	JJ	VOT:	JJ	
				VOT:	VO9	VOT:	KK	VOT:	KK	VOT:	KK	
				VOT:	VO0	VOT:	LL	VOT:	LL	VOT:	LL	
				VOT:	VO1	VOT:	MM	VOT:	MM	VOT:	MM	
				VOT:	VO2	VOT:	NN	VOT:	NN	VOT:	NN	
				VOT:	VO3	VOT:	OO	VOT:	OO	VOT:	OO	
				VOT:	VO4	VOT:	PP	VOT:	PP	VOT:	PP	
				VOT:	VO5	VOT:	QQ	VOT:	QQ	VOT:	QQ	
				VOT:	VO6	VOT:	RR	VOT:	RR	VOT:	RR	
				VOT:	VO7	VOT:	SS	VOT:	SS	VOT:	SS	
				VOT:	VO8	VOT:	TT	VOT:	TT	VOT:	TT	
				VOT:	VO9	VOT:	UU	VOT:	UU	VOT:	UU	
				VOT:	VO0	VOT:	VV	VOT:	VV	VOT:	VV	
				VOT:	VO1	VOT:	WW	VOT:	WW	VOT:	WW	
				VOT:	VO2	VOT:	XX	VOT:	XX	VOT:	XX	
				VOT:	VO3	VOT:	YY	VOT:	YY	VOT:	YY	
				VOT:	VO4	VOT:	ZZ	VOT:	ZZ	VOT:	ZZ	
				VOT:	VO5	VOT:	AA	VOT:	AA	VOT:	AA	
				VOT:	VO6	VOT:	BB	VOT:	BB	VOT:	BB	
				VOT:	VO7	VOT:	CC	VOT:	CC	VOT:	CC	
				VOT:	VO8	VOT:	DD	VOT:	DD	VOT:	DD	
				VOT:	VO9	VOT:	EE	VOT:	EE	VOT:	EE	
				VOT:	VO0	VOT:	FF	VOT:	FF	VOT:	FF	
				VOT:	VO1	VOT:	GG	VOT:	GG	VOT:	GG	
				VOT:	VO2	VOT:	HH	VOT:	HH	VOT:	HH	
				VOT:	VO3	VOT:	II	VOT:	II	VOT:	II	
				VOT:	VO4	VOT:	JJ	VOT:	JJ	VOT:	JJ	
				VOT:	VO5	VOT:	KK	VOT:	KK	VOT:	KK	
				VOT:	VO6	VOT:	LL	VOT:	LL	VOT:	LL	
				VOT:	VO7	VOT:	MM	VOT:	MM	VOT:	MM	
				VOT:	VO8	VOT:	NN	VOT:	NN	VOT:	NN	
				VOT:	VO9	VOT:	OO	VOT:	OO	VOT:	OO	
				VOT:	VO0	VOT:	PP	VOT:	PP	VOT:	PP	
				VOT:	VO1	VOT:	QQ	VOT:	QQ	VOT:	QQ	
				VOT:	VO2	VOT:	RR	VOT:	RR	VOT:	RR	
				VOT:	VO3	VOT:	SS	VOT:	SS	VOT:	SS	
				VOT:	VO4	VOT:	TT	VOT:	TT	VOT:	TT	
				VOT:	VO5	VOT:	UU	VOT:	UU	VOT:	UU	
				VOT:	VO6	VOT:	VV	VOT:	VV	VOT:	VV	
				VOT:	VO7	VOT:	WW	VOT:	WW	VOT:	WW	
				VOT:	VO8	VOT:	XX	VOT:	XX	VOT:	XX	
				VOT:	VO9	VOT:	YY	VOT:	YY	VOT:	YY	
				VOT:	VO0	VOT:	ZZ	VOT:	ZZ	VOT:	ZZ	
				VOT:	VO1	VOT:	AA	VOT:	AA	VOT:	AA	
				VOT:	VO2	VOT:	BB	VOT:	BB	VOT:	BB	
				VOT:	VO3	VOT:	CC	VOT:	CC	VOT:	CC	
				VOT:	VO4	VOT:	DD	VOT:	DD	VOT:	DD	
				VOT:	VO5	VOT:	EE	VOT:	EE	VOT:	EE	
				VOT:	VO6	VOT:	FF	VOT:	FF	VOT:	FF	
				VOT:	VO7	VOT:	GG	VOT:	GG	VOT:	GG	
				VOT:	VO8	VOT:	HH	VOT:	HH	VOT:	HH	
				VOT:	VO9	VOT:	II	VOT:	II	VOT:	II	
				VOT:	VO0	VOT:	JJ	VOT:	JJ	VOT:	JJ	
				VOT:	VO1	VOT:	KK	VOT:	KK	VOT:	KK	
				VOT:	VO2	VOT:	LL	VOT:	LL	VOT:	LL	
				VOT:	VO3	VOT:	MM	VOT:	MM	VOT:	MM	
				VOT:	VO4	VOT:	NN	VOT:	NN	VOT:	NN	
				VOT:	VO5	VOT:	OO	VOT:	OO	VOT:	OO	
				VOT:	VO6	VOT:	PP	VOT:	PP	VOT:	PP	
				VOT:	VO7	VOT:	QQ	VOT:	QQ	VOT:	QQ	
				VOT:	VO8	VOT:	RR	VOT:	RR	VOT:	RR	
				VOT:	VO9	VOT:	SS	VOT:	SS	VOT:	SS	
				VOT:	VO0	VOT:	TT	VOT:	TT	VOT:	TT	
				VOT:	VO1	VOT:	UU	VOT:	UU	VOT:	UU	
				VOT:	VO2	VOT:	VV	VOT:	VV	VOT:	VV	
				VOT:	VO3	VOT:	WW	VOT:	WW	VOT:	WW	
				VOT:	VO4	VOT:	XX	VOT:	XX	VOT:	XX	
				VOT:	VO5	VOT:	YY	VOT:	YY	VOT:	YY	
				VOT:	VO6	VOT:	ZZ	VOT:	ZZ	VOT:	ZZ	
				VOT:	VO7	VOT:	AA	VOT:	AA	VOT:	AA	
				VOT:	VO8	VOT:	BB	VOT:	BB	VOT:	BB	
				VOT:	VO9	VOT:	CC	VOT:	CC	VOT:	CC	
				VOT:	VO0	VOT:	DD	VOT:	DD	VOT:	DD	
				VOT:	VO1	VOT:	EE	VOT:	EE	VOT:	EE	
				VOT:	VO2	VOT:	FF	VOT:	FF	VOT:	FF	
				VOT:	VO3	VOT:	GG	VOT:	GG	VOT:	GG	
				VOT:	VO4	VOT:	HH	VOT:	HH	VOT:	HH	
				VOT:	VO5	VOT:	II	VOT:	II	VOT:	II	
				VOT:	VO6	VOT:	JJ	VOT:	JJ	VOT:	JJ	
				VOT:	VO7	VOT:	KK	VOT:	KK	VOT:	KK	
				VOT:	VO8	VOT:	LL	VOT:	LL	VOT:	LL	
				VOT:	VO9	VOT:	MM	VOT:	MM	VOT:	MM	
				VOT:	VO0	VOT:	NN	VOT:	NN	VOT:	NN	
				VOT:	VO1	VOT:	OO	VOT:	OO	VOT:	OO	
				VOT:	VO2	VOT:	PP	VOT:	PP	VOT:	PP	
				VOT:	VO3	VOT:						

(This page intentionally left blank).

11.1.1.3 Proposed Four (4) Grouped Dwellings on Lot 742 (103) Anderson Street, Port Hedland (File No.: 406200G)

Officer	Ryan Djanegara Senior Statutory Planner
Date of Report	11 February 2013
Application No.	2012/649
Disclosure of Interest by Officer	Nil

Summary

The Town received an application from Peter Williams on behalf of the registered proprietor Basemark Enterprises Pty Ltd, to construct four (4) two bedroom "Grouped Dwellings on Lot 742 (103) Anderson Street, Port Hedland (subject site).

The proposed development is located within the West End Residential Zone. The proposal has been referred to Council to determine, as the design differs from what is required by clause 6.3.8 of the Town Planning Scheme No. 5.

The application is supported by the Town's Officers. Council is requested to consider the application favourably.

Background*Site Description (Attachment 1)*

The subject site is rectangular in shape, covers an area of approximately 867m² and achieves vehicular access via Anderson Street.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential". The permissibility of the proposed "Grouped Dwellings" is an "AA" use.

Proposal (Attachment 2)

The applicant is proposing to construct four (4) two bedroom grouped dwellings ranging from 90.6m² to 95.6m².

Consultation

The application was circulated to the following units / organisations:

Internal

- Manager Technical Services
- Manager Building Services

- Manager Environmental Health Services
- Manager Engineering Services

External

- Department of Environment and Conservation (DEC)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following comments were received:

Department of State Development:

1. Development within the “West End Residential” zone must comply with the design requirements outlined in Town of Port Hedland Town Planning Scheme Amendment 22.
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22.

Department of Environment & Conservation:

1. DEC notes that this site is located in the area west of Taplin St which is in an area considered to be sensitive to dust generated by local industrial activities. DEC recommends that the Port Hedland Air Quality and Noise Management Plan be referred to for advice with regards to planning in this area.

The application was advertised for a period of 14 days to adjoining landowners.

No submissions were received.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Nil

Strategic Planning Implications

The following section of the “Pilbara’s Port City Growth Plan” is considered relevant to the proposal:

5.6.1 Precinct 1 – West End

Summary of Influences

Noise and dust emissions particularly in proximity to existing developed urban areas.

The following sections of Council’s Strategic Community Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

6.3.1 Housing

Attract and retain new residents to increase the population to 40,000 by 2025.

Budget Implications

Immediate:

An application fee of \$4,170.00 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

After the expiry of the two (2) year maintenance period the Town will be responsible for the maintenance of the landscaping and parking bays within the Anderson Street road reserve.

Officer’s Comment

Dust Mitigation requirements in the West End Residential Zone

The site is located in the West End Residential Zone. Developments located within this zone are required to be designed in order to mitigate the perceived impacts of elevated dust levels experienced within the locality. Section 6.3.9 of TPS5 states:

“Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and the Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to -

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orientation of buildings to avoid wind tunneling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.”*

In the absence of a Council adopted local planning policy, development plan or design guideline, state government stakeholders have expressed concerns regarding suitable design requirements for residential development in the “West End Residential”.

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the clause. Consequently, legal advice was obtained from the Town’s Solicitors and further advice requested from the Department of Planning. As a result of the various advice received, all residential applications within this area are to be accompanied by a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the same intent as the provision within Clause 6.3.9 of TPS5.

The applicant has submitted a report by C.A. & M.J. Lommers who has confirmed the proposal will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no comments being received.

Residential Design Codes of Western Australia (R Codes)

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature. The proponent has provided justification identifying design consideration and how the performance criterion has been achieved.

It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

Attachments

1. Locality Plan
2. Development Plans
3. Dust mitigation report

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

Approval will allow the site to be developed in accordance with the scheme requirements, providing additional accommodation choice to the community.

2. Refuse the application.

Refusal of the proposal will require the applicant to reconsider the development proposal.

Should Council resolve to refuse the application Council is required to provide clear reasoning as to its decision.

Option 1 is recommended.

201213/337 Officer's Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Carter

That Council:

- A. Requests the applicant to make the following amendments and have approved by the Manager Planning Services:**

A door or screen shall divide the laundry and kitchen in accordance with Clause 2.2.2 of the Town of Port Hedland Health Local Laws 1999; and

- B. Approves the application submitted by Peter Williams on behalf of the registered proprietor Basemark Enterprises Pty Ltd, to construct four (4) grouped dwellings on Lot 742 (103) Anderson Street, Port Hedland, subject to the following conditions:**

- 1. This approval relates only to the proposed Four (4) Grouped Dwellings, as indicated on the approved plans (DRG2012/649/1 - DRG2012/649/7). It does not relate to any other development on this lot;**

2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;
3. A minimum of eight (8) car bays shall be provided on-site and two (2) within the Anderson Street road reserve, as indicated on the approved site plan (DRG2012/649/1);
4. No parking bays shall be obstructed in any way or used for any other purpose than parking;
5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;
6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;
7. Stormwater disposal shall be accordance with the approved stormwater management plan (DRG2012/649/7);
8. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;
9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;
10. The proposed development shall be connected to reticulated mains sewer;
11. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;
12. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;

The following conditions are to be cleared by Planning Services prior to any works taking place on the lot.

13. Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the two (2) off site car parking bays within the Anderson Street road reserve, to be constructed to the satisfaction of the Manager Technical Services at the expense of the landowner;
14. Prior to the commencement of works, the developer shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$10 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 20 below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;
15. Prior to the commencement of any works, the landowner shall 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 shall be sufficient to alert prospective landowners or occupiers of the following:
 - a. This lot is located in an area likely to be subject to inundation in a 1:100 flood event (or greater), from rising sea level, tidal storm surges and / or catchment flooding; and
 - b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health.
16. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;

17. The landowner shall ensure refuse storage / collection is in accordance with the approved “Refuse Collection Strategy / Management Plan”;
18. Prior to the commencement of any works, an “Erosion and Sediment Control Plan” shall be submitted and approved by the Manager Planning Services;
19. Prior to the commencement of any works, a “Construction Site Management Plan” shall be submitted and approved by the Manager Planning Services. The “Construction Site Management Plan” shall indicate how it is proposed to manage the following during construction:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) The parking arrangements for the contractors and subcontractors;
 - d) Impact on traffic movement;
 - e) Operation times including delivery of materials;
 - f) Dust and sand shall be contained on site with the use of suitable dust suppression techniques; and
 - g) Other matters likely to impact on the surrounding residents / businesses;

Conditions to be cleared by Planning Services prior to the occupation of the development.

20. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A & M.J Lommers Pty Ltd;
21. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 3);
22. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;

23. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
24. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

1. In terms of the Port Hedland Town Planning Scheme No 5, "Group Dwelling" is defined as follows:

"Group Dwelling,

a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
4. 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;
5. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;

6. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
7. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
8. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

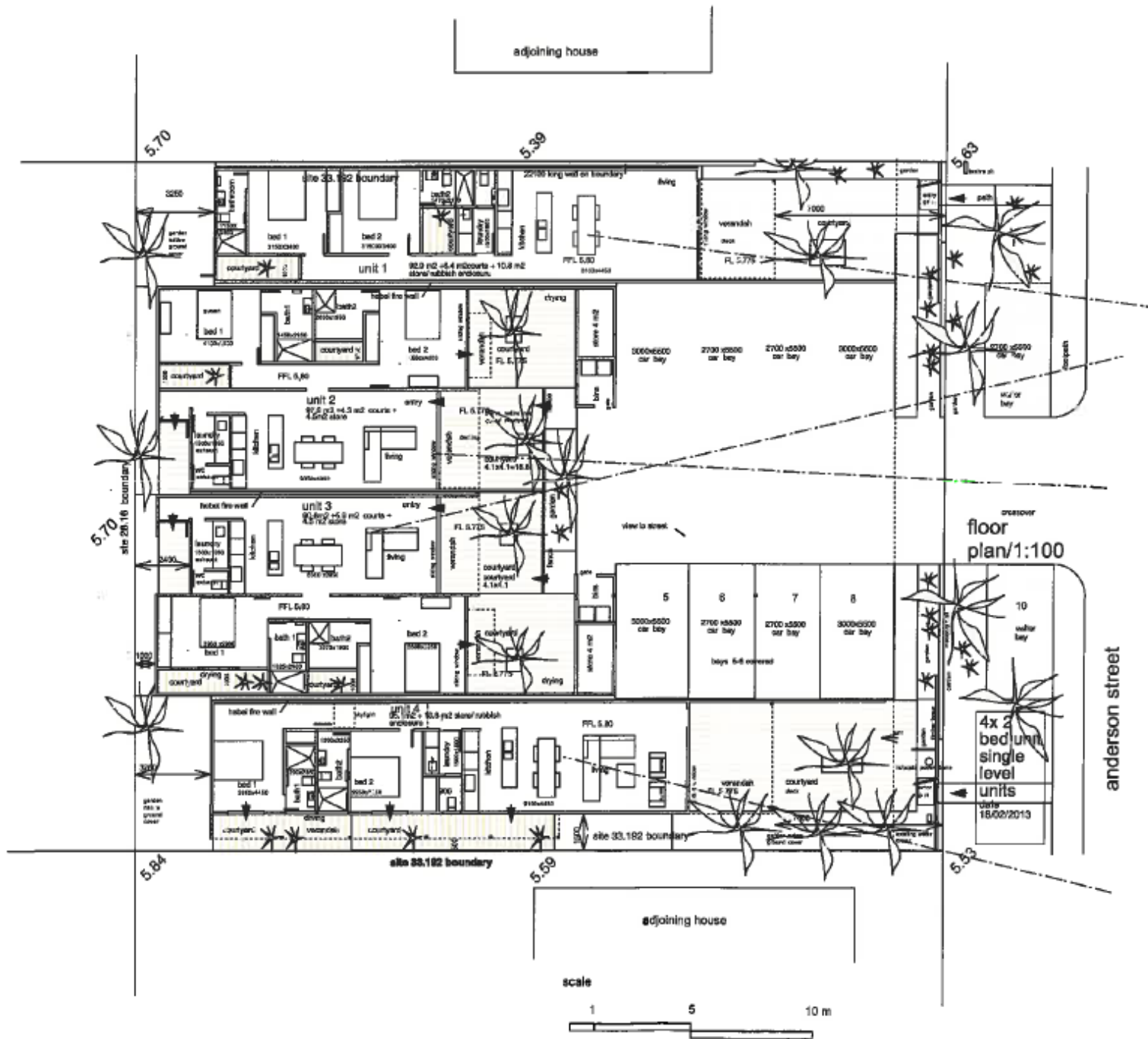
CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.3



(This page intentionally left blank).

DRh 2012/649/1



site plan
1:200



proposed
apartments

**103
anderson st
pt hedland**

michael
bradshaw
architect
19 redfern st
subiaco
6008
e
mba2arch@
westnet.com.
au
m
0407443836

floor
plan/1:100

anderson street

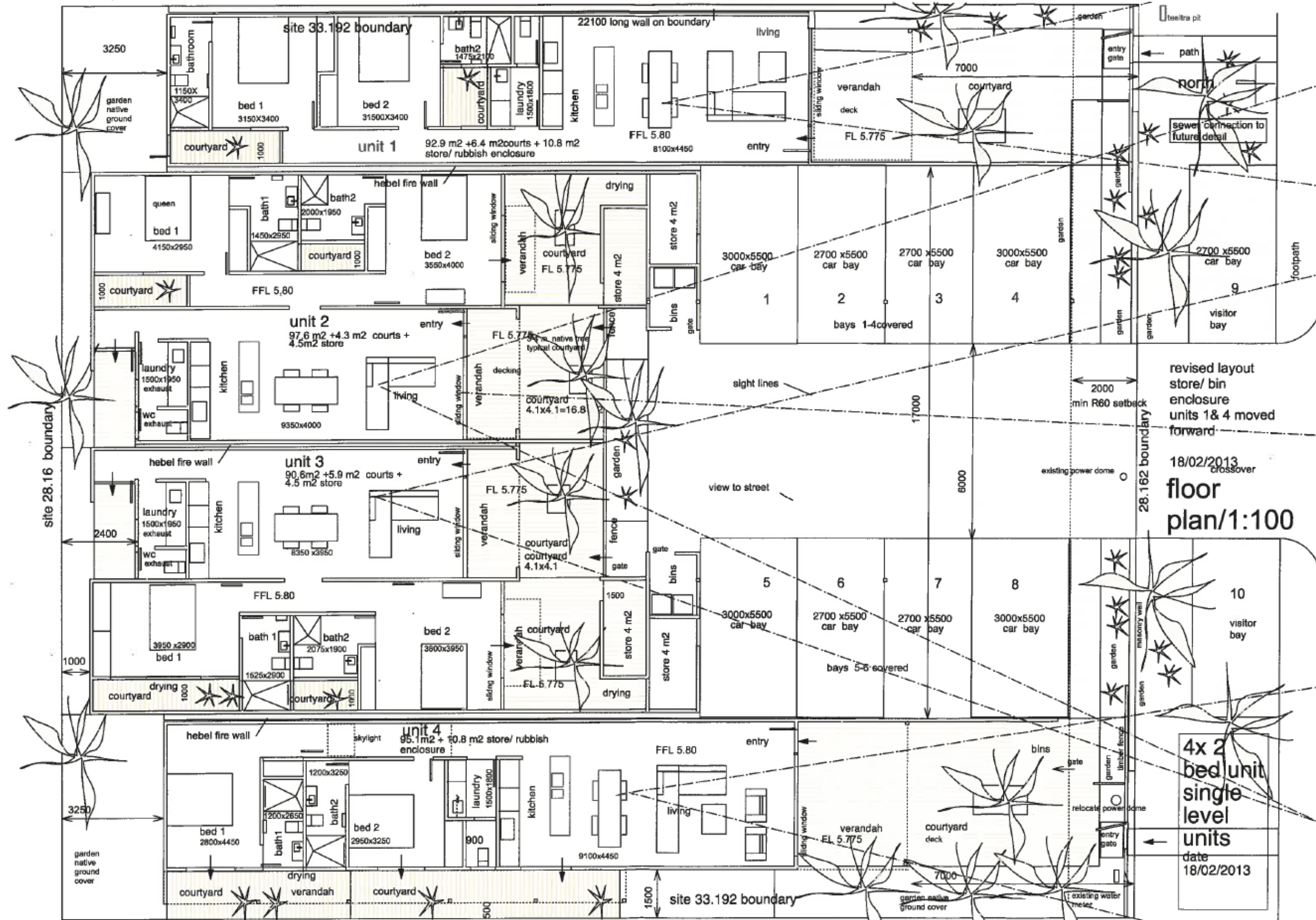
revised layout
store/ bin
enclosure
units 1 & 4 moved
forward

18/02/2013

**4x 2
bed unit
single
level
units**

date
6/11/2012

DRh 2012/649/2



DRH2012/649/3

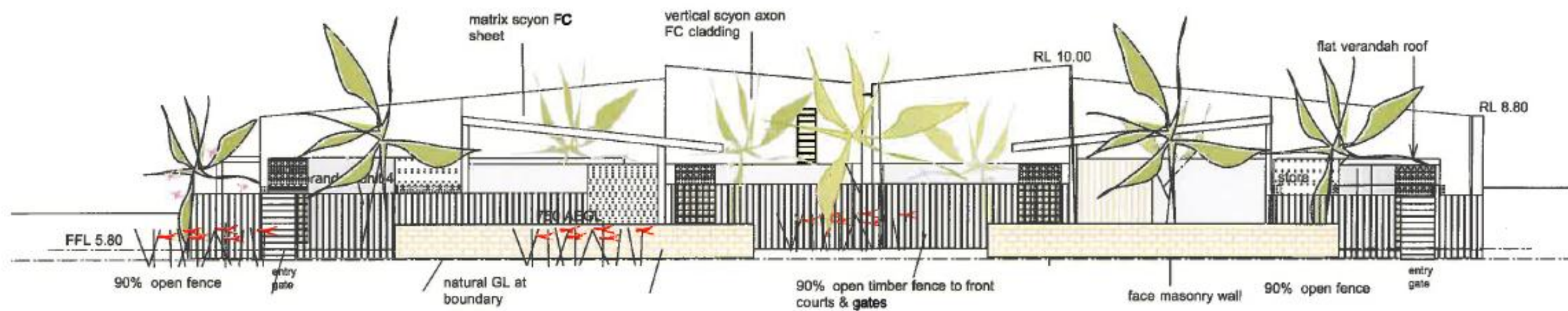
V V V

elevations
1:100

proposed
apartments

**103
anderson st
pt hedland**

michael
bradshaw
architect
19 redfern st
subiaco
6008
e
mba2arch@
westnet.com.
au
m
0407443836



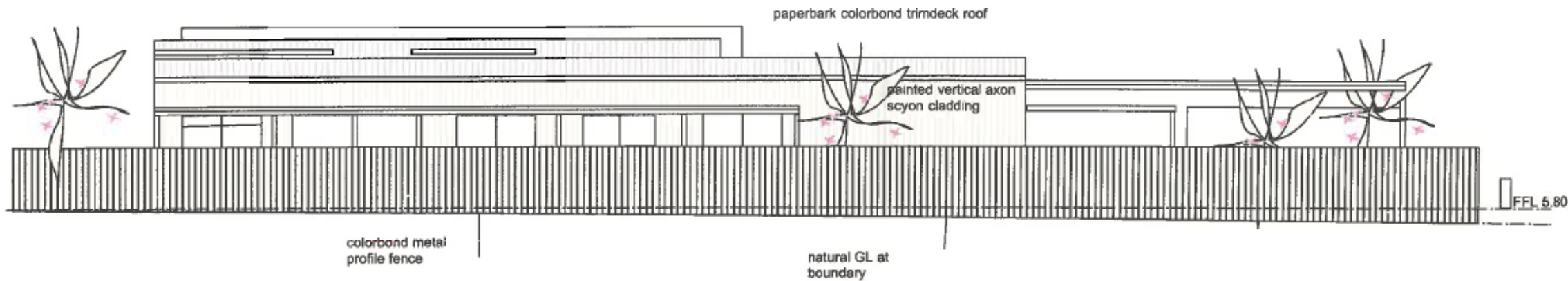
anderson st elevation

4x 2
bed unit
single
level
units

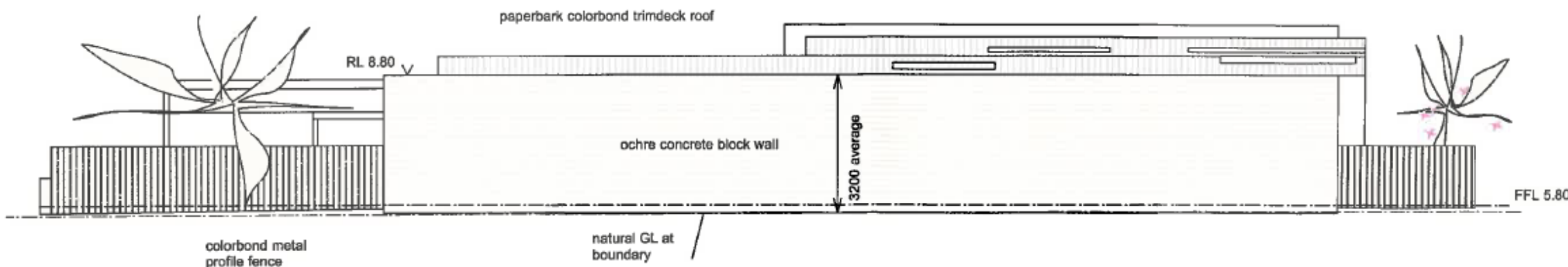
date
6/11/2012

DRW2012/6915

20/02/2013 revision
units 1 & 4 moved
forward
unit 4 verandah
changed to match unit 1



west elevation



east elevation

clarification rev 1 21/01/2013

elevations
1:100

proposed
apartments

**103
anderson st
pt hedland**

michael
bradshaw
architect
19 redfern st
subiaco
6008
e
mba2arch@
westnet.com.
au
m
0407443836

**4x 2
bed unit
single
level
units**

date
6/11/2012

clarification rev 1
21/01/2013

DRH 202/649/6



landscaping plan specification

hardy native plants & trees
 100mm of gravel mulch to all gardens
 all gardens irrigated with polythene trickle system on timer system

planting key

- trees**
 1 Delonix regia - Poinciana
 2 Spathodea companulate - African Tulip
ground covers
 gravel mulch plus
- 3 Acacia gregorii - Gregorys Wattle
 4 Acacia hilliana
 5 Ipomoea brasiliensis - Goats Foot/ Beach Morning Glory
 6 Myoporum parvifolium - Creeping Boobiala
shrubs
 7 Nerium oleander - Oleander
- narrow courts**
 8 succulent planting in large pots

landscape plan 1:200

proposed apartments

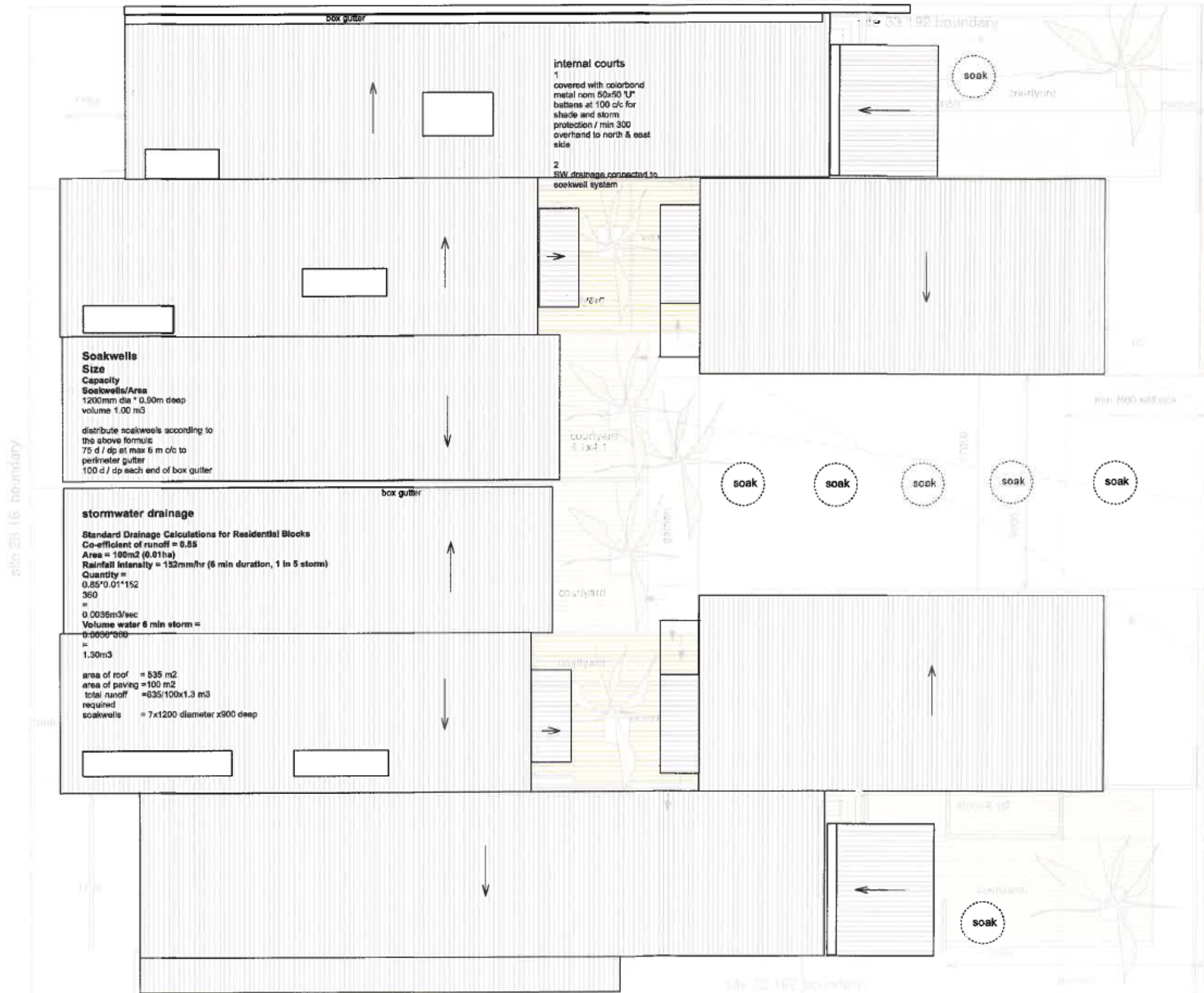
103 anderson st pt hedland

michael bradshaw architect
 19 redfern st subiaco 6008
 e mba2arch@westnet.com.au
 m 0407443836

4x 2 bed unit single level units

date 6/11/2012

DRh2012/649/7



20/02/2013
 revision
 units 1 & 4
 moved forward
 unit 4 verandah
 cahnge dto
 match unit 1
 stores moved

roof
 plan
 1:100

proposed
 apartments

103
 anderson st
 pt hedland

michael
 bradshaw
 architect
 19 redfern st
 subiaco
 6008
 e
 mba2arch@
 westnet.com.
 au
 m
 0407443836

4x 2
 bed unit
 single
 level
 units

date
 24/08/2012

ATTACHMENT 3 TO ITEM 11.1.1.3

C.A. & M.J. LOMMERS PTY LTD

Suite 10, 1321 Hay Street • WEST PERTH • W.A. • 6005
 Phone: (08) 9466 7900
 Email: admin@lommers.com.au
 Trading for the LOMMERS FAMILY TRUST

Energy (ESD), Mechanical, Refrigeration &
 Fire Safety Services Consulting Engineers
 ABN 76 349 760 785
 ACN 053 135 318

Date: 18 October 2012

MICHAEL BRADSHAW ARCHITECT

19 Redfern Street
 SUBIACO WA 6008

Attention Mr. M. Bradshaw

Dear Sir,

**PROJECT: PROPOSED APARTMENT DEVELOPMENT
 103 ANDERSON STREET, PORT HEDLAND**
RE: DUST MANAGEMENT ASSESSMENT REPORT

Further to your instructions we have prepared an assessment of the dust mitigation features present in the proposed building design and subsequent dust management assessment report for the proposed apartment development located at 103 Anderson Street in Port Hedland.

The report has been prepared for and on behalf of the project architect, Michael Bradshaw Architect.

1. DEVELOPMENT LOCATION:

The proposed development is located within the "West End" precinct of Port Hedland, which is an area bound by Amendment 22 to the Town Planning Scheme No. 5.

As a result it is required to be designed in accordance with specific requirements of the Town Planning Scheme for the area.

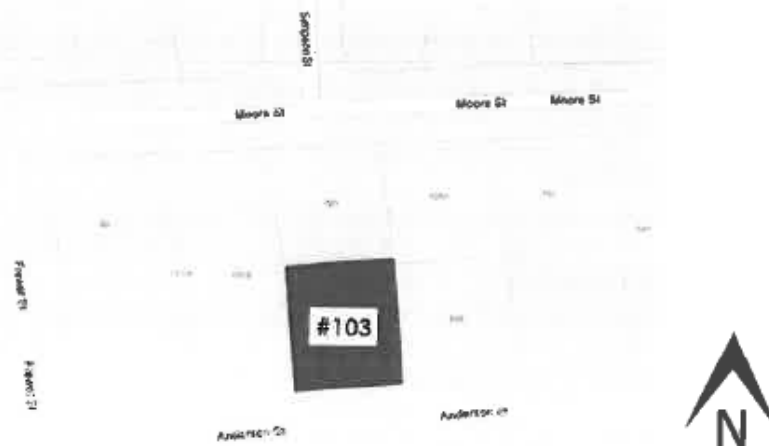


Figure 1 – Development Location Plan

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22:

The building generally achieves compliance with the policy objectives of the Town of Port Hedland Town Planning Scheme No. 5 Amendment 22.

Building Openings Orientation

Legislative Requirement – Location of operable windows and doors on the Western and Southern facades only, and the use of deflection screens on the northern and eastern edges of operable windows.

Performance Objective – Number of openings shall be minimised and generally limited to walls on the leeward side of the prevailing winds for Port Hedland and protected accordingly to reduce the direct ingress of dust into the building.

The proposed development has been designed with features and openings limited to the walls on the leeward side of the building, and achieves the legislative requirement.

The following features have been provided to achieve compliance with this requirement;

- No openings have been documented in the northern or eastern facades of the building.
- Openings in the southern façade of the building have been documented with extensive overhangs and reveals to their eastern edges achieving compliance with the legislative requirement.
- Openings in the western façade of the building have been documented with a shared reveal to the northern edge of the façade to achieve compliance with the legislative requirement.

Entrances to Sole Occupancy Units and the Building

Legislative Requirement – Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.

Performance Objective – Entrances into the building shall be protected accordingly to reduce the direct ingress of dust into the building.

The following features have been provided to achieve compliance with this requirement;

- Entrances to the apartments are generally located to the southern side of the development and have been documented with extensive overhangs and courtyard provisions to reduce the impact of direct wind currents and associated ingress of dust.

This achieves the legislative requirement of this clause.

Development Orientation

Legislative Requirement – Orienting buildings to avoid wind tunnelling effect

Performance Objective – building design should be structured such that wind tunnelling effects from long corridors and the likes are minimised.

The following features have been provided to achieve compliance with this requirement;

- The development has been designed such that the apartments are accessed from separate courtyards.

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22: (Cont.)Pitch of Roofs*Legislative Requirement – use of eaves.**Performance Objective – Rooves shall be designed in a manner to minimise the build-up of dust.*

The proposed development has been designed with features to reduce the build-up of dust on the roof of the building, and generally achieves the performance objective.

The following features have been provided to achieve compliance with this requirement;

- Roof pitching features requiring assessment in accordance with this clause have been documented to the eastern and western facades of the development. Northern and southern facades of the building are documented with parapet walls.

The eastern façade is located on the boundary of the lot and as such is not considered to require compliance with the legislative requirement due to the lack of access, habitable area and openings.

The western façade overhang has been provides with eaves in accordance with the legislative requirement which shall be horizontally lined to the underside to reduce static stagnation of wind currents rising over the building.

- The building is intended to form part of a high density area development. It is expected that other similar buildings will be effective to create a building boundary layer that could further reduce the direct air-flow onto the building.

Due to the high density nature of the development, it is considered a high pitched roof is impractical and not necessary to achieve the requirements of this performance objective.

Filtered Air Conditioning System*Legislative Requirement – filtration of incoming air into the building designed to utilise coarse disposable pre-filtration and then a finer filter.**Performance Objective – Habitable buildings are provided with Filtered Air Conditioning system and have management systems in place to ensure appropriate levels of maintenance.*

The proposed development has not been documented with air-conditioning systems of any type.

It is therefore considered that should only "wall split type" air-conditioning (and similar non-ducted packaged type air-conditioning units) by installed in the building, the building will not require treatment in accordance with the requirements of this clause.

Ancillary Features*Performance Objective – Ancillary facilities such as car parking bays, outdoor living area and clothes drying facilities are to be designed/located in a manner so as to minimise adverse impacts resulting from elevated dust levels.*

The proposed development has been designed with ancillary features to enable occupants to minimise their exposure to elevated dust levels, and generally achieves the performance objective.

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22: (Cont.)Ancillary Features (Cont.)

The following features have been provided to achieve compliance with this requirement;

- Covered outdoor areas have been provided to all units to enable clothes drying in acceptable areas.
- Covered parking bays for all apartments have been provided to the southern portion of the lot.
- Generally, outdoor living spaces have been provided to the southern façade of the building.

3. CONCLUSION:

On the condition that the provisions noted in section 2 of this letter are implemented during the construction of the project we conclude that the requirements and intent of Town Planning Scheme No. 5—Amendment No. 22 clause (3)(iv) item 6.3.9 have been satisfied.

It is also concluded that this report forms a suitable "dust management plan" in conjunction with the project drawings to the satisfaction of the planning scheme.

4. ASSUMPTIONS AND LIMITATIONS:

Any alterations to the design that result in the assumptions becoming invalid should result in a new dust management assessment.

Assumptions

The following assumptions have been made in the report:

- All areas of the development, not addressed in this report are designed to comply with the Deemed-to-Satisfy provisions of other town planning requirements, R-Codes and NCC/BCA, unless otherwise noted and agreed by the authorities as not having an impact on the energy usage of the proposed design.
- All installations will be fully maintained in accordance the relevant Australian Standards.

Limitations

The following limitations apply to the dust management analysis performed. Any change in the limitations may alter the final design solution and hence should be referred to a suitably qualified engineer for review prior to altering the design.

- The Deemed-to-Satisfy provisions of other town planning requirements, R-Codes and NCC/BCA are to be addressed by the relevant building surveyor and reported in separate documentation where appropriate.
- If the development is to change in the future the building may have to be re-classified and re-addressed.

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

4. ASSUMPTIONS AND LIMITATIONS: (Cont.)

Comments and assessment made in this report apply ONLY to the revisions of the project drawings as noted below.

Any changes to the assessed material will require further review to confirm their compliance with the Town Planning Scheme.

- Six sheets of drawings, all dated 24/08/2012, consisting of a site plan, floor plan, street elevation, roof plan and elevations. (Copies attached)

We trust the information provided meets your approval.
Please do not hesitate to contact our office if you have any queries.

Yours faithfully,

C.A. & M.J. LOMMERS PTY LTD



M.D. Lommers
Mechanical & Fire Safety Engineer

B.Eng (Mech), M.I.E.Aust, M.A.I.R.A.H.,
Grad. Cert. Performance Based Building & Fire Codes
Grad. Dip. Building Fire Safety & Risk Engineering

11.1.1.4 Proposed Closure of Portion of Somerset Crescent Road Reserve and Installation of a Transformer within the Somerset Crescent Road Reserve (File No.: 18/07/0002)

NOTE: The Mayor advised that this item has been pulled by Officers as further investigation into the matter is required. This item will be represented at a future Council meeting.

6:17pm Councillor Taylor declared a financial interest in agenda item 11.1.1.5 'Proposed Twenty Three (23) Multiple Dwellings on Lots 509 (30) and 510 (31) Sutherland Street, Port Hedland (File No.: 403270G and 401890G)' as she lives in close proximity to the subject site.

Councillor Taylor left the room.

11.1.1.5 *Proposed Twenty Three (23) Multiple Dwellings on Lots 509 (30) and 510 (31) Sutherland Street, Port Hedland (File No.: 403270G and 401890G)*

Officer Ryan Djanegara
Senior Statutory Planner

Date of Report 3 April 2013

Application No. 2013/122

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Megara on behalf of the registered landowner Megara Six Pty Ltd, to construct twenty three (23) multiple dwellings on Lots 509 (30) and 510 (31) Sutherland Street, Port Hedland (subject site).

The proposed development is located within the West End Residential Zone. The proposal has been referred to Council to determine as the design differs from what is required by clause 6.3.8 of the Town Planning Scheme.

The application is supported by the Town's Officers. Council is requested to consider the application favourably.

Background

Site Description (Attachment 1)

The subject site is generally rectangular in shape, achieves vehicular access via Sutherland Street and covers an area of approximately 1991.68m².

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential". The permissibility of the proposed "Multiple Dwellings" is an "AA" use.

Proposal (Attachment 2)

The applicant is proposing to construct twenty three (23) "Multiple Dwellings" comprising of 16 two bedroom units and 7 one bedroom units

Consultation

The application was circulated to the following units / organisations:

Internal

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Engineering Services

External

- Department of Environment and Conservation (DEC)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health
- Department of Water
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following noteworthy comments were received:

Department of State Development:

1. Development within the “West End Residential” zone must comply with the design requirements outlined in Town of Port Hedland Town Planning Scheme Amendment 22.
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22.

Department of Environment & Conservation:

1. DEC notes that the dust mitigation measures for the proposed development have been assessed by a suitably qualified mechanical engineer and determined to be in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5.

Adjoining advertising

The application was advertised for a period of 21 days to adjoining landowners. No submissions were received.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Nil

Strategic Planning Implications

The following section of the "Pilbara's Port City Growth Plan" is considered relevant to the proposal:

5.6.1 Precinct 1 – West End

Summary of Influences

Noise and dust emissions particularly in proximity to existing developed urban areas.

The following sections of Council's Strategic Community Plan 2012 – 2022 are considered relevant to this proposal:

6.3	Environment
-----	-------------

6.3.1	Housing
-------	---------

	Attract and retain new residents to increase the population to 40,000 by 2025.
--	--

Budget Implications

Immediate:

An application fee of \$13,910.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

Dust Mitigation requirements in the West End Residential Zone

The site is located in the West End Residential Zone. Developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels experienced within the locality. Section 6.3.9 of TPS5 states:

“Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and the Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to -

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orientation of buildings to avoid wind tunneling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.”*

In the absence of a Council adopted local planning policy, development plan or design guideline, state government stakeholders have expressed concern regarding suitable design requirements for residential development in the “West End Residential”.

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the clause. Consequently, legal advice was obtained from the Town’s Solicitors and further advice requested from the Department of Planning. As a result of advice received, all residential applications within this area are to be accompanied by a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent of the provisions within Clause 6.3.9 of TPS5.

The applicant has submitted a report by Norman Disney & Young who has confirmed the proposal will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no comments being received

Residential Design Codes of Western Australia (R Codes)

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature. The proponent has provided justification identifying design consideration and how the performance criterion has been achieved. It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

Attachments

1. Locality Plan
2. Development Plans
3. Dust mitigation report
4. 3D Perspective

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

Should Council approve the application, the development will provide a much needed housing resource and help alleviate the housing affordability issues experienced in Port Hedland.

2. Refuse the application.

Refusal of the proposal will require the applicant to reconsider the development proposal. If Council resolve to refuse the application it must give clear reasoning as to its decision.

It is recommended Council supports the application subject to conditions.

201213/338 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That Council approves the application submitted by Megara on behalf of the registered landowner Megara Six Pty Ltd, to construct twenty three (23) multiple dwellings on Lots 509 (30) and 510 (31) Sutherland Street, Port Hedland, subject to the following conditions:

1. **This approval relates only to the proposed twenty three (23) Multiple Dwellings, as indicated on the approved plans (DRG2013/122/1 - DRG2013/122/6). It does not relate to any other development on this lot;**
2. **If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**
3. **A minimum of 29 car bays (including 23 bays for residents and 6 bays for visitors) and 6 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/122/1);**
4. **No parking bays shall be obstructed in any way or used for any other purpose than parking;**

5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;
6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;
7. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;
8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;
9. The proposed development shall be connected to reticulated mains sewer;
10. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;

The following conditions are to be cleared by Planning Services prior to any works taking place on the lot.

11. Prior to the commencement of any works, the landowner shall 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 shall be sufficient to alert prospective landowners or occupiers of the following:
 - a) This lot is located in an area likely to be subject to inundation in a 1:100 flood event (or greater), from rising sea level, tidal storm surges and / or catchment flooding; and
 - b) This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health.

12. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include:
 - a) location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001; and
 - b) shade trees provided at a ratio of one (1) tree per six (6) consecutive external parking spaces.
13. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services;
14. Prior to the commencement of any works, a "Stormwater management plan" shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan;
15. The landowner shall ensure erosion and sediment control is in accordance with the approved "Erosion Prevention and Sediment Control Plan" (DRG2012/122/6);
16. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) The parking arrangements for the contractors and subcontractors;
 - d) Impact on traffic movement;
 - e) Operation times including delivery of materials;
 - f) Dust and sand shall be contained on site with the use of suitable dust suppression techniques; and
 - g) Other matters likely to impact on the surrounding residents / businesses;

Conditions to be cleared by Planning Services prior to the occupation of the development.

17. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by Norman, Disney & Young Pty Ltd;
18. Prior to the occupation of the development, the landowner shall provide the Manager Planning Services with confirmation that Lots 509 and 510 have been amalgamated and registered with Landgate;
19. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 5);
20. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
21. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
22. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

1. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:

"Multiple Dwelling,

a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;

3. With regards to Condition 9, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. With regards to Condition 9, the Water Corporation wishes to advise the following:
 - a) the site is serviced by a Vacuum sewer system designed for a density of R50. The local wastewater components will require a review by the developer's Consulting Engineer, and may require upgrading. Details are to be provided to the Water Corporation at the time of building application together with a water efficiency plan, for assessment and agreement; and
 - b) locations to buildings to sewer shall maintain a minimum 2.5m setback from a sewer main or no be closer than 0.6 metres (on one side of sewer only) with piles.
5. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
6. The Town's Building Services wishes to advise the landowner should consider the following issues prior to submitting a building application:
 - a) fire resistance to comply with National Construction Codes Series of the Building Codes of Australia Volume 1.
7. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;
8. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
9. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
10. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

CARRIED 6/0

6:18pm Councillor Taylor re-entered the room and resumed her chair.

Mayor advised Councillor Taylor of the Council's decision.

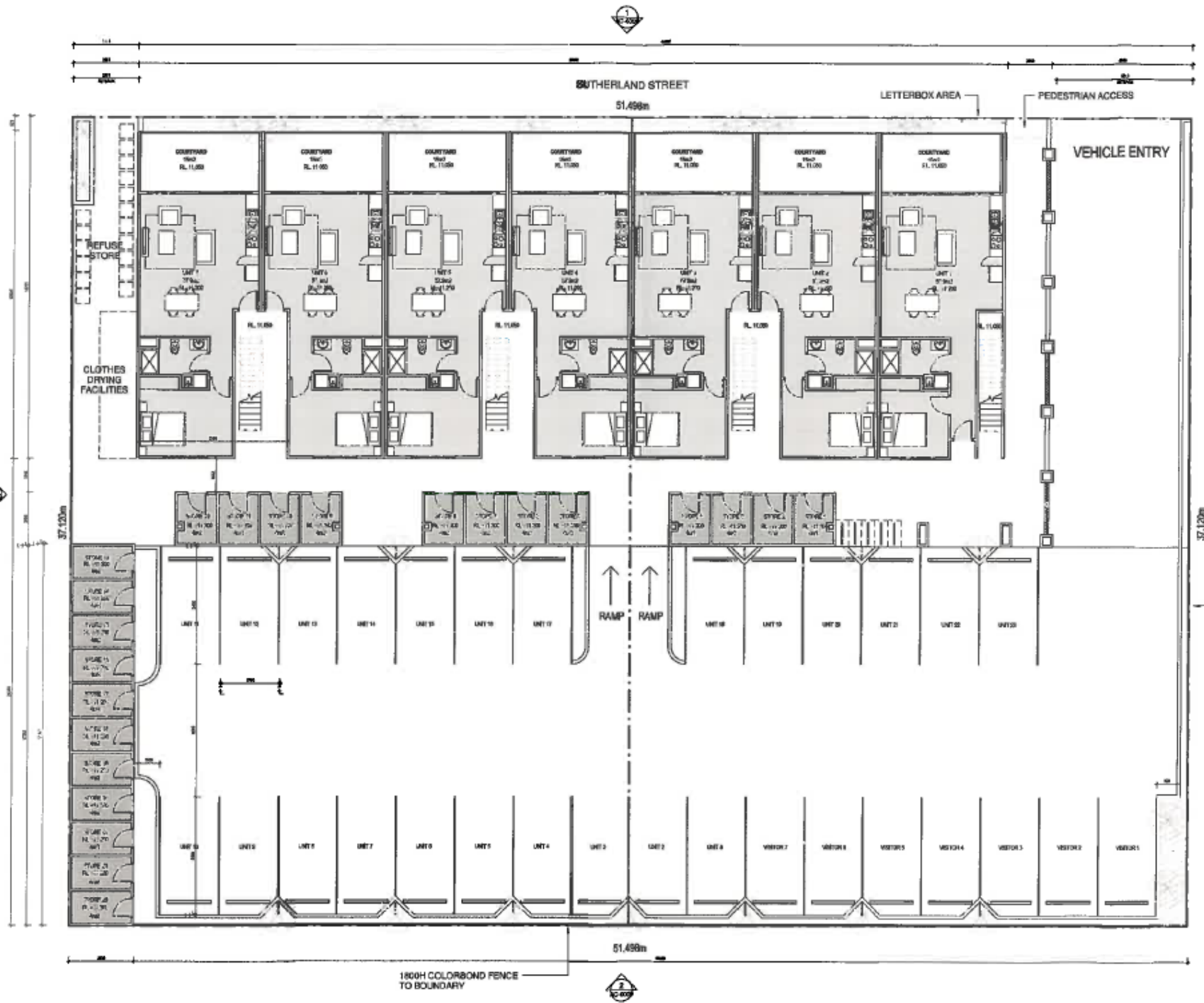
ATTACHMENT 1 TO ITEM 11.1.1.5



(This page intentionally left blank).

DR 2013 / 122 / 1

DEVELOPMENT INFORMATION	
SITE ZONING	R80
SITE AREA	1911.89sqm
LOT RATIO	1
MAX PLOT RATIO AREA	1911.89sqm
MIN OPEN SPACE REQ.	9sqm
PROPOSAL	(7) 1x1 BED UNITS (16) 2x2 BED UNITS
PROPOSED FLOORED AREAS	
(7) 1x1 UNITS No. 1,2,3,4,5 & 7	Each 57.9sqm 405.3sqm
(16) 2x2 UNITS No. 8,9,10,11,12,13,14,15,16,17, 18,19,20,21,22 & 23	Each 74.4sqm 1190.4sqm
TOTAL PROPOSED FLOORED AREA	1595.7sqm
PROPOSED AREAS	
(7) 1x1 UNITS No. 1,2,3,4,5 & 7	Each 57.9sqm 405.3sqm
(7) 1x1 UNIT COURTYARDS No. 1,2,3,4,5 & 7	Each 15.0sqm 105.0sqm
Sub Total	510.3sqm
(16) 2x2 UNITS No. 8,9,10,11,12,13,14,15,16,17, 18,19,20,21,22 & 23	Each 74.4sqm 1190.4sqm
(16) 2x2 UNITS BALCONIES No. 8,9,10,11,12,13,14,15,16,17, 18,19,20,21,22 & 23	Each 17.2sqm 275.2sqm
(16) 2x2 UNITS REAR BALCONIES No. 8 & 23	Each 8.5sqm 170sqm
(16) 2x2 UNITS REAR BALCONIES No. 9,10,12,14,16,18,20,22	Each 11.4sqm 182.4sqm
(16) 2x2 UNITS REAR BALCONIES No. 11,13,15,17,19,21	Each 11.4sqm 182.4sqm
Sub Total	942.3sqm
FIRST FLOOR STAIR LANDINGS	83.8sqm
SECOND FLOOR STAIR LANDINGS	83.8sqm
(2) OPENED FLOOR AND EXERCISE DECK	52sqm
TOTAL BUILDING AREA (Includes Common Area/Decks)	1914.4sqm
TOTAL COURTYARDS	105.0sqm
TOTAL BALCONIES	631.0sqm
PROPOSED NET COVERAGE	
(7) 1x1 UNITS No. 1,2,3,4,5 & 7	205.4sqm
(7) GROUND FLOOR COURTYARDS	105.0sqm
(2) GROUND FLOOR AND STOREROOMS UNDER COMMON WALKWAY AREAS	10.0sqm
AND TOTAL PROPOSED NET COVERAGE AREA	320.4sqm
TOTAL PROPOSED NET COVERAGE AREA LESS 30sqm CAR FOR R-GOING	290.4sqm
TOTAL PROPOSED OPEN SPACE	1645.4sqm
PROPOSED OPEN SPACE %	86.0%
CARSPACES	
27 CARSPACES PROVIDED FOR DWELLINGS	
4 VISITOR CARSPACES PROVIDED	



GROUND FLOOR ROOM TYPE LEGEND

- 7 1x1 UNIT 58m² 406m²
- 23 STORE ROOM 4m² 92m²

OVERALL ROOM TYPE LEGEND

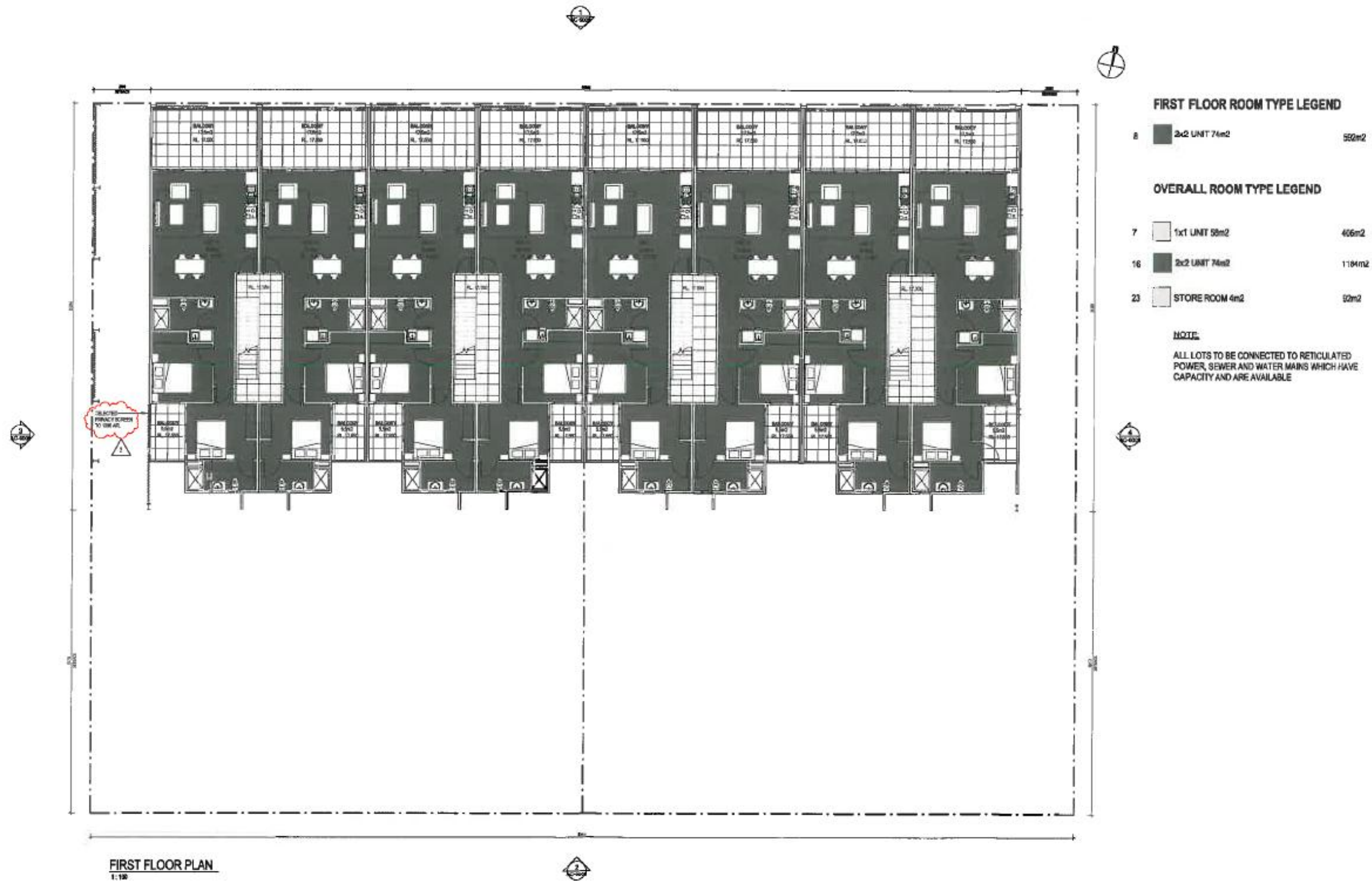
- 16 2x2 UNIT 74m² 1184m²
- 7 1x1 UNIT 58m² 406m²
- 16 STORE ROOM 4m² 92m²

NOTE:
ALL LOTS TO BE CONNECTED TO RETICULATED POWER, SEWER AND WATER MAINS WHICH HAVE CAPACITY AND ARE AVAILABLE

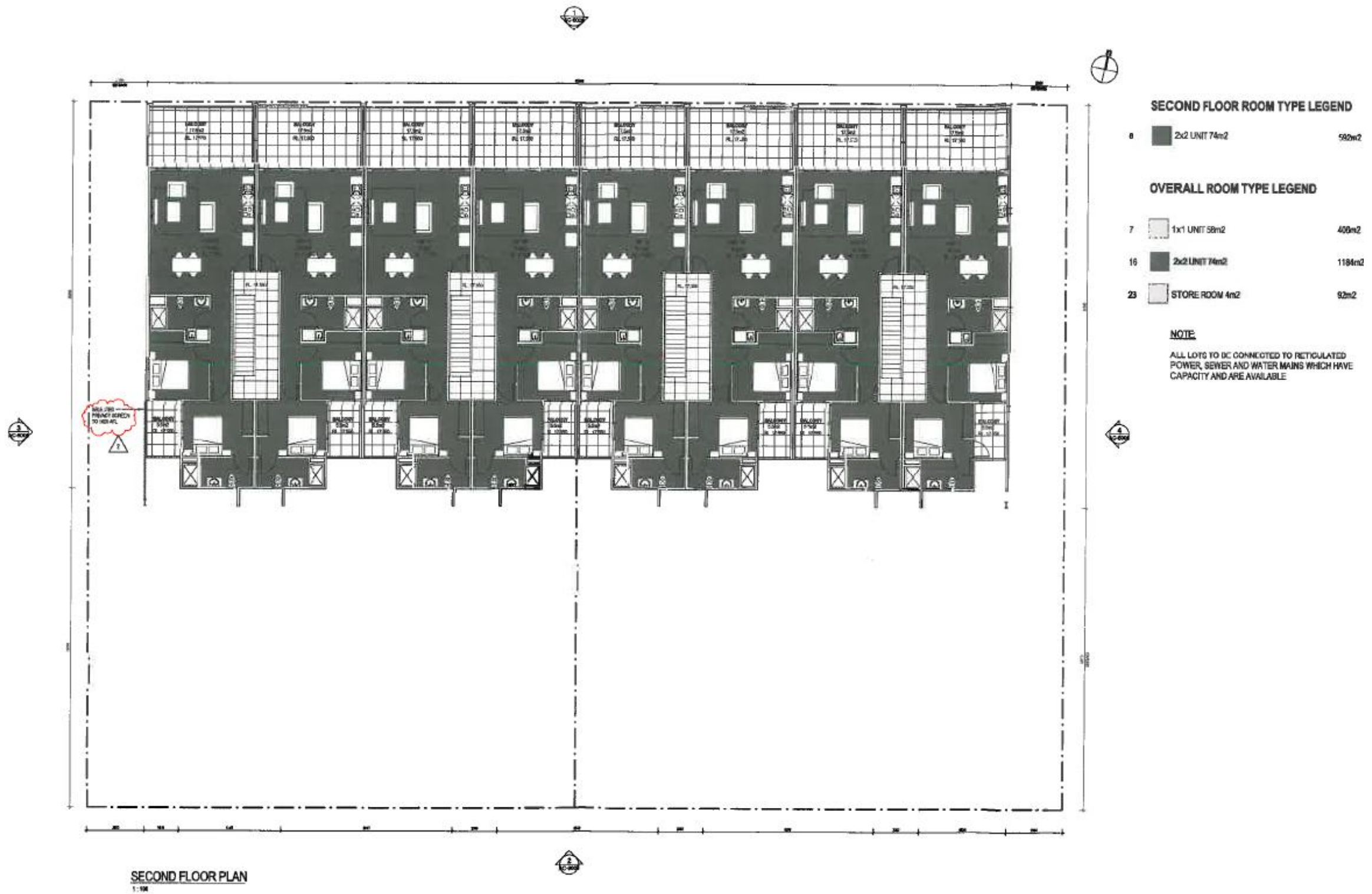
GROUND FLOOR PLAN
1:100

Drawn by: M. J. ... Checked by: ... Date: 18/04/2013 Scale: 1:100	MEGARA CIVIL & ELECTRICAL ENGINEERING	Title: GROUND FLOOR PLAN Project: ... Date: 18/04/2013 Scale: 1:100
--	--	--

DRG 2013 / 122 / 2

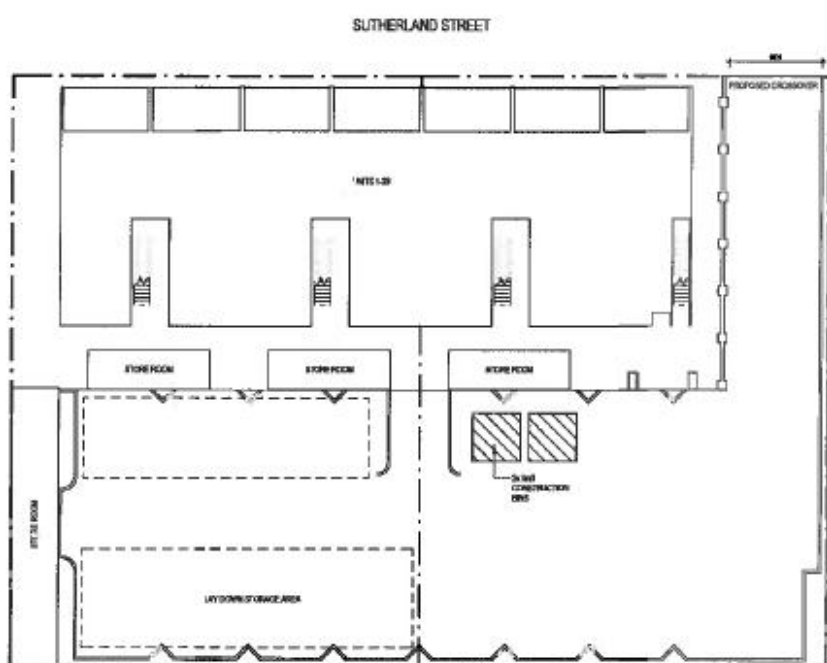


DRL 2013 / 122 / 3

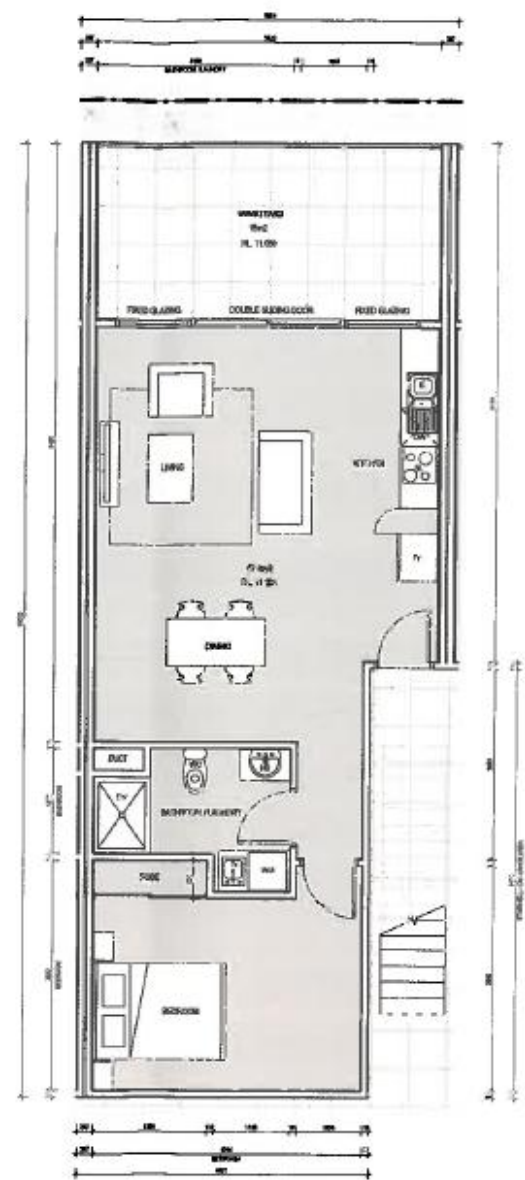


DR62013/122/4

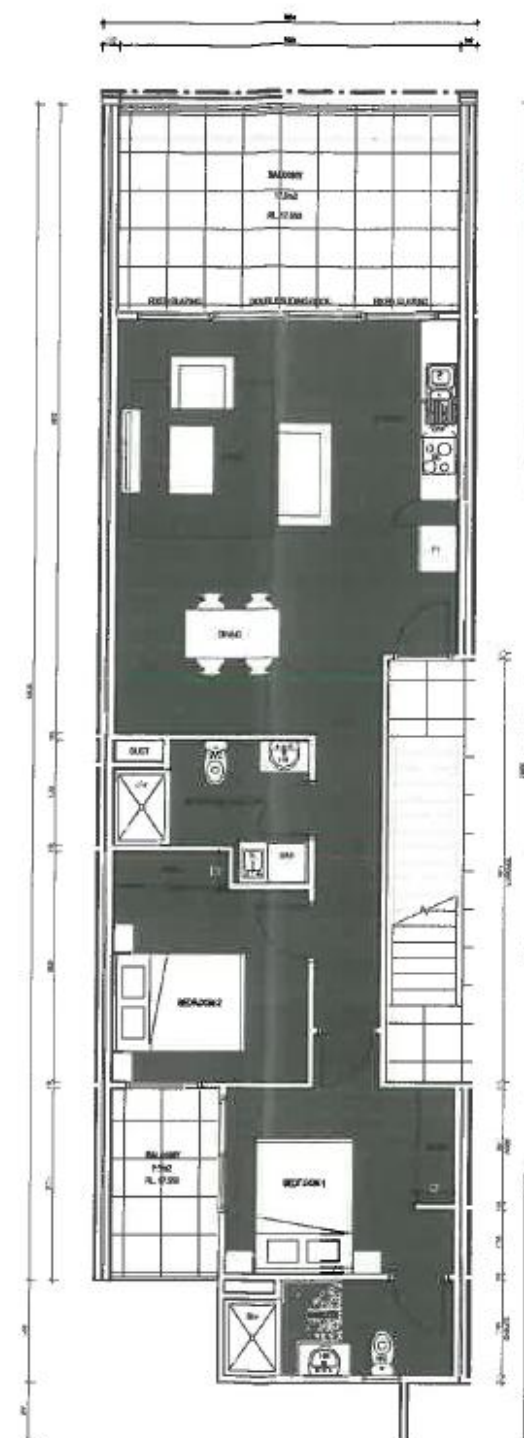
- Legend
- FR Floor Finish
 - HD Hand Down
 - WC Toilet
 - SH Shower
 - TR Trough
 - ME Mating Machine
 - HC Hand Saw
 - FF Concrete Floor Finish
 - LP Timber Laminated Flooring
 - FR Floorboard
 - FR Fridge
 - SI Sink
 - SB Stove
 - SS Sinks
 - ME Mechanical Service Motor
 - HT Hand and Electric Drives
 - HT Hydraulic The Press
 - HT 3 Zones Hand Electric Press
 - HT Winch
 - HT Hand Bar



SITE MANAGEMENT PLAN
1:200



TYPICAL 1x1 FLOOR PLAN
1:50



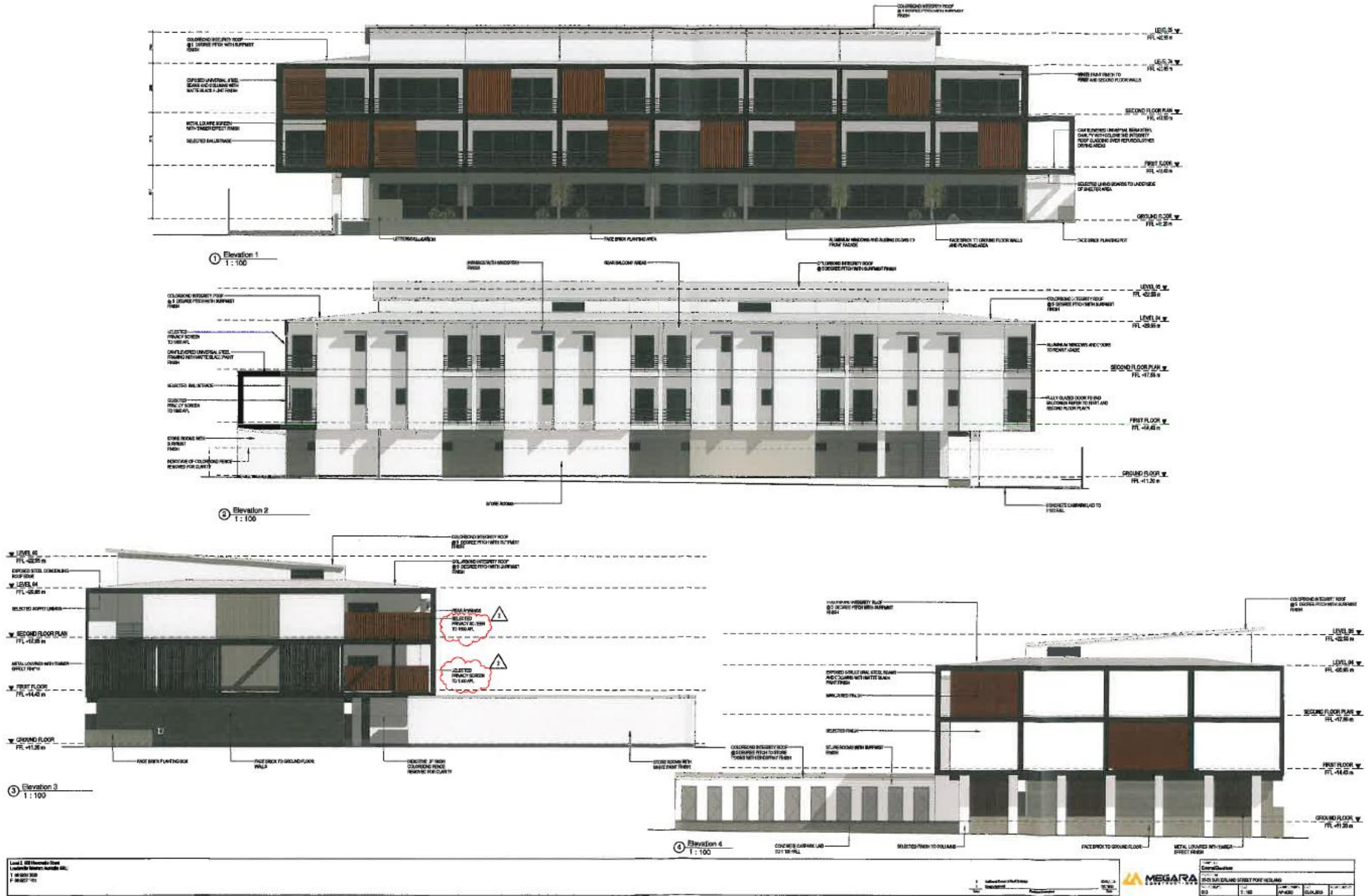
TYPICAL 2x2 FLOOR PLAN
1:50

Level 1 - 2D Floorplan
 Layout: 1/12/13
 Date: 1/12/13
 Scale: 1:200

MEGARA CONSTRUCTION

Project No.	ME1
Client	ME1
Date	1/12/13
Scale	1:200
Revision	01

DA 2013/122/5



Report



BUILDING SERVICES

30-31 Sutherland Street - Dust Ingress Control Megara

CONFIDENTIAL

Revision: 4.0 - FINAL
Issued: 4 February 2013



NORMAN DISNEY & YOUNG

CONSULTING ENGINEERS

NDY Management Pty Limited trading as Norman Disney & Young
ABN 29 003 234 571
200 St. Georges Terrace
Perth WA 6000

Telephone: +618 9281-6800
Facsimile: +618 9281-6888

www.ndy.com

OFFICES

Australia: Sydney, Melbourne, Brisbane, Perth, Canberra, Adelaide, Darwin
New Zealand: Auckland, Christchurch, Wellington
United Kingdom: London, Manchester
UAE: Dubai
Malaysia: Kuala Lumpur

CONFIDENTIAL INFORMATION

This document is made available to the recipient on the express understanding that the information contained in it be regarded and treated by the recipient as strictly confidential. The contents of this document are intended only for the sole use of the recipient and should not be disclosed or furnished to any other person.

DISCLAIMER OF LIABILITY

The information contained in this document is provided for the sole use of the recipient and no reliance should be placed on the information by any other person. In the event that the information is disclosed or furnished to any other person, the NDY Management Pty Limited trading as Norman Disney & Young accepts no liability for any loss or damage incurred by that person whatsoever as a result of using the information.

COPYRIGHT ©

All rights reserved. No part of the content of this document may be reproduced, published, transmitted or adapted in any form or by any means without the written permission of the NDY Management Pty Limited trading as Norman Disney & Young.

NDY QA SYSTEM

Revision No: 4.0
Revision Date: 4 February 2013
Reason Description: FINAL
File Location: W:\P667xx\P66749\001\P124_Reports
Filename: rp121211p0016

Client Name: Megara
Client Contact: Trent Durward

Project Co-ordinator: Marc Atherton
Editor: Robert Horn

Authorisation By: Robert Horn

Verification By: Marc Atherton



Table of Contents

TOWN OF PORT HEDLAND REQUIREMENTS	1
REVIEW OF THE LOT AND POSITION	1
ACTION TAKEN TO REDUCE DUST INGRESS	1
FILTRATION RATINGS	2
OUTSIDE AIR UNIT	2
BCA F4 VENTILATION REQUIREMENTS	2
APPENDIX A	3
CLAUSE 6.3 TOWN OF PORT HEDLAND	3
APPENDIX B	4
FINUCANE ISLAND MAP	4



TOWN OF PORT HEDLAND REQUIREMENTS

We understand that the residential development on Sutherland Street is close to the Taplin Street intersection. This development is within the residential zone which is subject to the plan/design guideline adopted by the council for performance based reduction for exposure to dust. The guidelines are supposed to address:

- Filtration of incoming air into the building
- Location of operable windows and doors
- Use of eaves
- Use of deflection screens on the northern and eastern edges of operable windows
- Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening

As per Councils legal advice, Clause 6.3.9 of the Scheme (TPS5) is prescriptive and does not allow innovative design solutions and therefore all applications are to be accompanied by a report prepared by a certified Mechanical Engineer, certifying that the design will mitigate dust exposure and achieves the same intent as the prescriptive provisions of clause 6.3.9 of TPS5. This report has examined the design and certifies that it will mitigate against dust impacts and achieves the same intent as TPS5, as per our assessment below.

Review of the Lot and Position

In reviewing the development we considered that this lot is correctly orientated to take advantage of energy efficient construction in keeping with the BCA J section requirements. The major aspect of the building is north and south. The Balcony and Courtyard windows/self closing doors of the units have been oriented to the North with the side balcony walls acting as wind shields and to the South, West and East within balcony recesses. In reviewing the wind rose in relationship to this development we consider that the wind from the North through to the NWN is predominately across the sea and unlikely to entrain ore dust from stock piles from the Finucane Island (see Appended 'B' Map).

Action Taken to Reduce Dust Ingress

To maintain an energy efficient design to meet BCA Section J requirements and to mitigate whilst minimising the dust issue and comply with the intent of TPS 5 Clause 6.3.9, the following has been incorporated into the design:

1. The north facing aspect is considered to be unaffected by the entrainment of dust. The location of the development from the north through to the NWN aspect receives air directly from the ocean making it suitable for self closing opening doors to this aspect.
2. There are no windows to the bathrooms and the bedroom windows on the south, east and west facades are generally within alcoves/balconies. Thus providing protective screens sheltering windows from prevailing winds in all aspects except from the south.
3. The front entry doors are generally located in a stairwell, the entry to which is from the south.
4. The ensuites on the upper floors have windows to the south which are screened as required.
5. The entry door to unit no 1 on the ground floor is located on the south face and has a wind shield to the east.
6. Units 8 and 16 to the east of the development have a door opening to the balcony. This balcony is enclosed on the east side and the enclosure extends beyond the balcony creating an opening to the south with an east located windshield.



7. The internal and outside air will be filtered to the standards required by the Town development standards. Outside air shall be filter by a course pre-filter and higher grade filter of G3, 4 and F5 type filters respectively. The internal air mixed with the filtered outside air will be filtered by a high grade F5 filter.
8. An outside air fan will supply filtered air to the space to ensure a positive pressure is maintained in the unit. This fan shall run in conjunction with the toilet exhaust (see item 11). The outside air filter shall be as specified by the Town development standards.
9. The air conditioning units in this development would generally be wall hung split units with suitable filters.
10. Entry door will be fitted with dust seals and be self closing.
11. The toilet and bathroom would be mechanically ventilated. The outside air quantity will exceed the exhaust air quantity by at least 50% to provide a positive pressure within the units.

As stated, we consider these measures demonstrate that the proposed design achieves the same intent as the provisions within Clause 6.3.9 of Town of Port Hedland Planning Scheme No. 5.

Filtration Ratings

The following air filter grade list is for BS EN779 and BS EN1822 tests. The tests apply to filters used for HVAC, controlled zones and other process control requirements.

BS EN 779 Arrestance		Test type/application
G1	<65	Average value for collection of large particles using synthetic dust. Filters installed to prevent mechanical system fouling and as pre-filters to secondary and semi-HEPA range.
G2	65<80	
G3	80<90	
G4	>90	

BS EN 779 Efficiency %		Test type/application
F5	40<60	Average percentage value (for atmospheric dust spot efficiency) using atmospheric air. Filters installed to keep buildings and process spaces clean and free from airborne pollution.
F6	60<80	
F7	80<90	
F8	90<95	
F9	>95	

Outside Air Unit

The outside air unit will provide approximately 100 litres a second of filtered, outside air to pressurise the space. The outside air unit would generally be located in the entry hall way and has a depth of 400mm.

BCA F4 Ventilation Requirements

Below is an extract from the 2012 Building Codes of Australia (BCA).

F4.5 Ventilation of rooms

A *habitable room*, office, shop, factory, workroom, *sanitary compartment*, bathroom, shower room, laundry and any other room occupied by a person for any purpose must have—

- (a) Natural ventilation complying with F4.6; or
- (b) A mechanical ventilation or air-conditioning system complying with AS 1668.2 and AS/NZS 3666.1.

As there are limited operable windows and the issue of dust ingress is paramount we advise that the provision of mechanical ventilation and pressurisation be applied to all spaces in the unit.



APPENDIX A

Clause 5.3 Town of Port Hedland

6.3.9 Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to—

- filtration of incoming air into the building designed to utilise coarse disposable ✓
✓ pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);
- location of operable windows and doors on the western and southern building facades only;
- ✗ use of deflection screens on the northern and eastern edges of operable windows;
- use of eaves;
- orienting buildings to avoid wind tunnelling effects; and
- protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.

6.3.10 Notwithstanding anything contained within the Residential Design Codes, all residential development in the West End Residential Zone shall comply with the following—

- (a) Residential development must be between a minimum yield equivalent to the R30 density and a maximum yield equivalent to the R80 density for all land and/or any individual lot included within an application for planning approval.
- (b) The maximum internal floor area for all dwellings is 110 m².
- (c) No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms.

6.3.11 When considering an application for planning approval within the West End Residential Zone, Council shall consider the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health.

6.3.12 Notwithstanding Clause 6.1.1 of the Residential Design Codes of Western Australia 2008, Council shall not recommend approval for the creation of lots that are less than 600 m² unless the lots are already developed or it is demonstrated that the lots may be developed for grouped or multiple dwellings.

6.4 URBAN DEVELOPMENT ZONE

6.4.1 The purpose of the Urban Development zone is to identify land where detailed planning and the provision of infrastructure is required prior to the further subdivision and development of land. This planning should be documented in the form of a Development Plan. Although subdivision and development may take place prior to the Scheme maps being amended to reflect the details of Development Plans; the Scheme maps should be amended as soon as practicable following the creation of lots and Crown reserves.

6.4.2 Subject to the provisions of clause 5.2, the Council may require the preparation of a Development Plan for the whole or any part of the Urban Development zone.

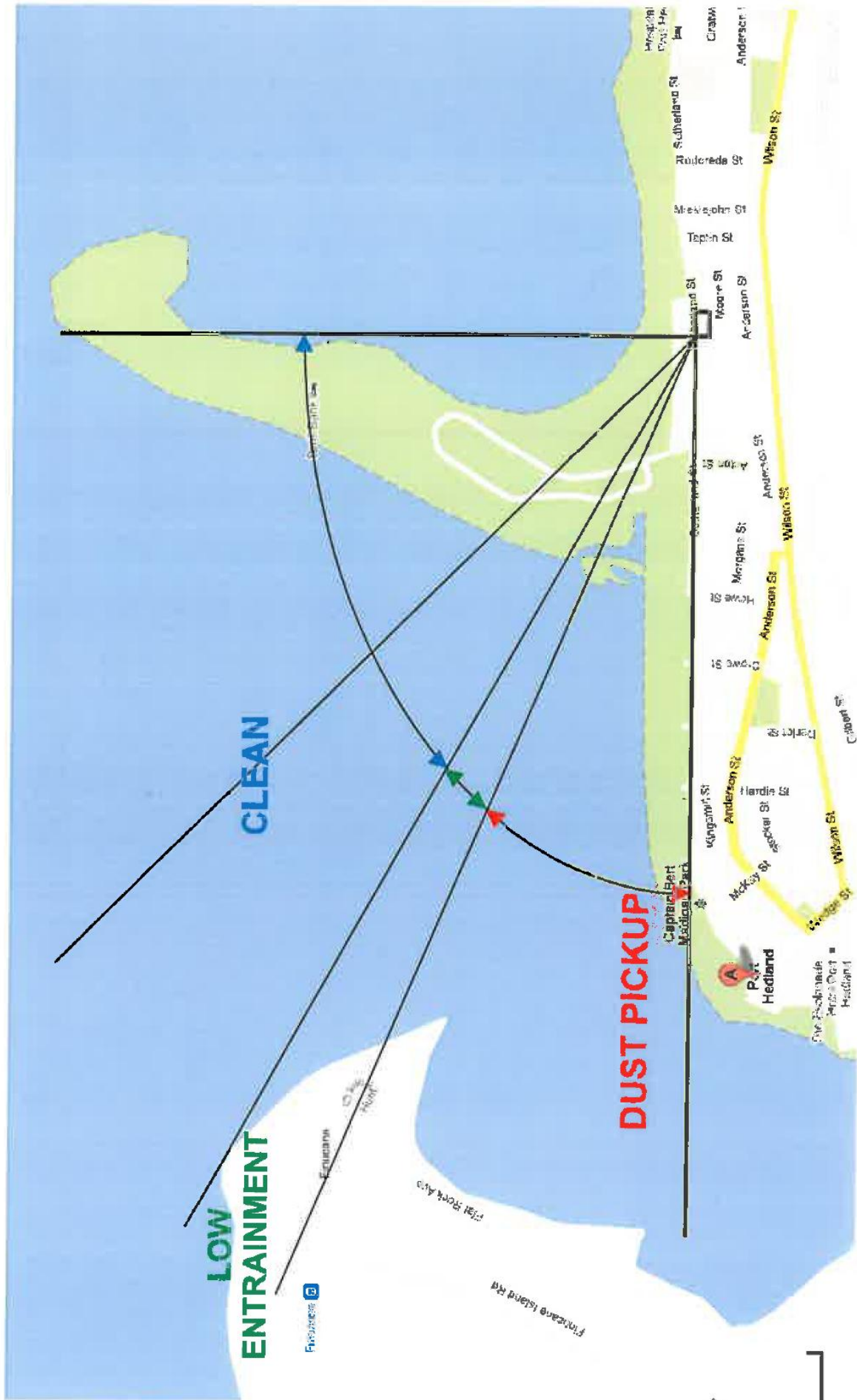
6.4.3 The Development Plan shall address the matters outlined in Appendix 6.

6.4.4 A Development Plan may require additional conditions and these shall be outlined in Appendix 10. AMD 14 GG 22/8/08



APPENDIX B

Finucane Island Map



ATTACHMENT 4 TO ITEM 11.1.1.5



11.1.1.6 Proposed Industry Noxious – Upgrade Existing Concrete Batching Plant on Lot 987 (7) Peawah Street, Wedgefield (File No.: 124840G)

Officer	Ryan Djanegara Senior Statutory Planner
Date of Report	28 February 2013
Application No.	2012/461
Disclosure of Interest by Officer	Nil

Summary

The Town received an application from Robin Salter & Associates on behalf of the registered landowner Hanson Construction to upgrade an existing “Industry Noxious” – Concrete Batching Plant on Lot 987 (7) Peawah Street, Wedgefield (subject site).

Given the contentious nature of “Industry Noxious” uses, the report has been submitted to Council for consideration.

The application is supported by the Town’s Officers. Council is requested to consider the application favourably.

Background

Site Description (Attachment 1)

The subject site is generally rectangular in shape, achieves vehicular access via Pinga and Peawah Street and covers an area of approximately 10,200m².

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5), the subject site is zoned “Industry”. An “Industry Noxious” use is an “SA” which may be considered for approval by Council in an “Industry” zone.

Previous Approvals

Council at its Ordinary Council Meeting dated 8th September 2010, approved an “Industry – Noxious” Upgrade Concrete Batching Plant on the site. The approval included replacing a number of existing structures and additional access point from Pinga Street.

No additional emissions were created from the approved upgrade works in 2010 however the relocation of raw materials has impacted the adjoining neighbour.

Proposal (Attachment 2)

The applicant is seeking to address the impact of the emissions by upgrading their concrete batching facility, which comprises of the following works:

- Installation of concrete wall to prevent material spillage into neighbouring caretaker dwelling;
- Installation of precast panels for existing and proposed materials storage;
- Installation of new storage bin panels for proposed materials storage;
- Laydown of concrete pavement;
- Installation of additional water catchment pit;
- Installation of sprinklers for aggregate conditioning;
- Removal of existing bin panels and materials storage for the installation of a concreted front end loader (FEL) ramp; and
- Installation of new materials hopper and conveyor.

Consultation

The application was circulated to the following units / organisations:

Internal

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Engineering Services

External

- Department of Environment and Conservation
- Telstra
- Optus
- Horizon Power
- Water Corporation
- Adjoining Property Owner

The following noteworthy comments received are:

Department of Environment & Conservation:

1. The Department advises this type of industry can be associated with noise and dust issues which can be nuisance to sensitive land uses.
2. The proponent has a responsibility to comply with the requirements of the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998, which includes provisions to minimise and control dust.

The application was advertised as follows:

- North West Telegraph on 21st and 28th November 2012
- Notice placed on site allowing for a 14 day period for any interested parties to provide comments / objections to the proposal.
- Letters to the adjoining property owners

No submissions were received.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012 – 2022 are considered relevant to this proposal:

6.2 Economic

6.2.1 Diverse Economy

The following sections of Council's City Growth Plan are considered relevant to this proposal:

The following sections of Council's City Growth Plan are considered relevant to this proposal:

5.7.6 Precinct 6 – Wedgefield Industry & Logistics

Precinct Summary

- Retention of existing Wedgefield with gradual relocation of heavier uses to other Growth Precincts more appropriately designated.

Budget Implications

Immediate:

An application fee of \$2,371.79 has been received as per the prescribed fees approved by Council.

Officer's Comment

Council's Pilbara Port City Growth Plan has identified the need to improve the amenity of the existing Wedgefield area by gradually relocating heavier industrial land uses (such as Industry – Noxious and Industry – General uses) to more appropriately designated growth precincts.

Council can achieve this by not supporting any development of heavier industrial uses within the existing Wedgefield area. From a planning perspective noxious uses are better located within an area designated for such uses. However, currently there is no land available for noxious uses, resulting in the existing Wedgefield Industrial area being the most compatible area for such uses.

The proposal is for the upgrade of an already existing Concrete Batching Plant in order to reduce to emissions and impacts to surrounding properties. As the use already exists, Council only needs to consider the works not the actual use of the land for a Concrete Batching Plant.

The proposal includes sealing all access and vehicle turning areas which is consistent with the requirements of the scheme. The proposed works will not result in any additional car parking as no additional buildings have been proposed. Given the proposed works are seeking to reduce emissions and mitigate impacts to the adjoining properties it is recommended the application is supported.

Attachments

1. Locality Plan
2. Development Plans
3. Previously approved plans with marked changes
4. Technical Report – Under Separate Cover
5. DEC response to Technical Report

201213/339 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council approves the application submitted by Robin Salter & Associates on behalf of the registered landowner Hanson Construction to upgrade an existing Industry – Noxious – Concrete Batching Plant on Lot 987 (7) Peawah Street, Wedgefield, subject to the following conditions:

1. **This approval relates only to the proposed “Industry – Noxious” – Upgrades to an existing Concrete Batching Plant, as indicated on the approved plans (DRG2012/461/1 - DRG2012/461/4). It does not relate to any other development on this lot;**

2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect;
3. The office shall be incidental to the predominant use, being “Industry Noxious”, and shall not be used for office activities unrelated thereto;
4. No human habitation shall be permitted on the lot;
5. A minimum of 16 car parking bays and 5 oversized vehicle bays shall be provided onsite as indicated on the approved site plan (DRG2012/461/1);
6. No parking bays shall be obstructed in any way or used for any other purpose than parking;
7. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;
8. Dust and sand shall be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Environmental Health Services;
9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner’s cost, to the specification and satisfaction of the Manager Technical Services;

The following conditions are to be cleared by Planning Services prior to any works taking place on the lot.

10. Prior to the commencement of any works, the landowner shall 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 shall be sufficient to alert prospective landowners or occupiers of the following:

This lot is located in an area likely to be subject to inundation in a 1:100 flood event (or greater), from rising sea level, tidal storm surges and / or catchment flooding.

11. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan to include location, species and planting details with reference to Council’s list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;

12. Prior to the commencement of any works, a “Stormwater management plan” shall be submitted and approved by the Manager Planning Services;
13. Prior to the commencement of any works, an “Erosion and Sediment Control Plan” shall be submitted and approved by the Manager Planning Services;
14. Prior to the commencement of any works, a “Construction Site Management Plan” shall be submitted and approved by the Manager Planning Services. The “Construction Site Management Plan” shall indicate how it is proposed to manage the following during construction:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) The parking arrangements for the contractors and subcontractors;
 - d) Impact on traffic movement;
 - e) Operation times including delivery of materials; and
 - f) Other matters likely to impact on the surrounding residents / businesses;

Conditions to be cleared by Planning Services within 60 days of the date of this approval or such further time as approved by the Manager Planning Services.

15. Within 60 days of the date of this approval or such further time as approved by the Manager Planning Services landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 3);
16. Within 60 days of the date of this approval or such further time as approved by the Manager Planning Services, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
17. Within 60 days of the date of this approval or such further time as approved by the Manager Planning Services, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services;

18. Within 60 days of the date of this approval or such further time as approved by the Manager Planning Services the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services;
19. Within 60 days of the date of this approval or such further time as approved by the Manager Planning Services a suitably screened bulk bin area shall be provided to the satisfaction of the Manager Planning Services;
20. Within 60 days of the date of this approval or such further time as approved by the Manager Planning Services, an approved effluent disposal system shall be installed to the satisfaction of the Manager Planning Services; and
21. Within 60 days of the date of this approval or such further time as approved by the Manager Planning Services an overall signage strategy shall be submitted and approved by the Manager Planning Services.

ADVICE NOTES:

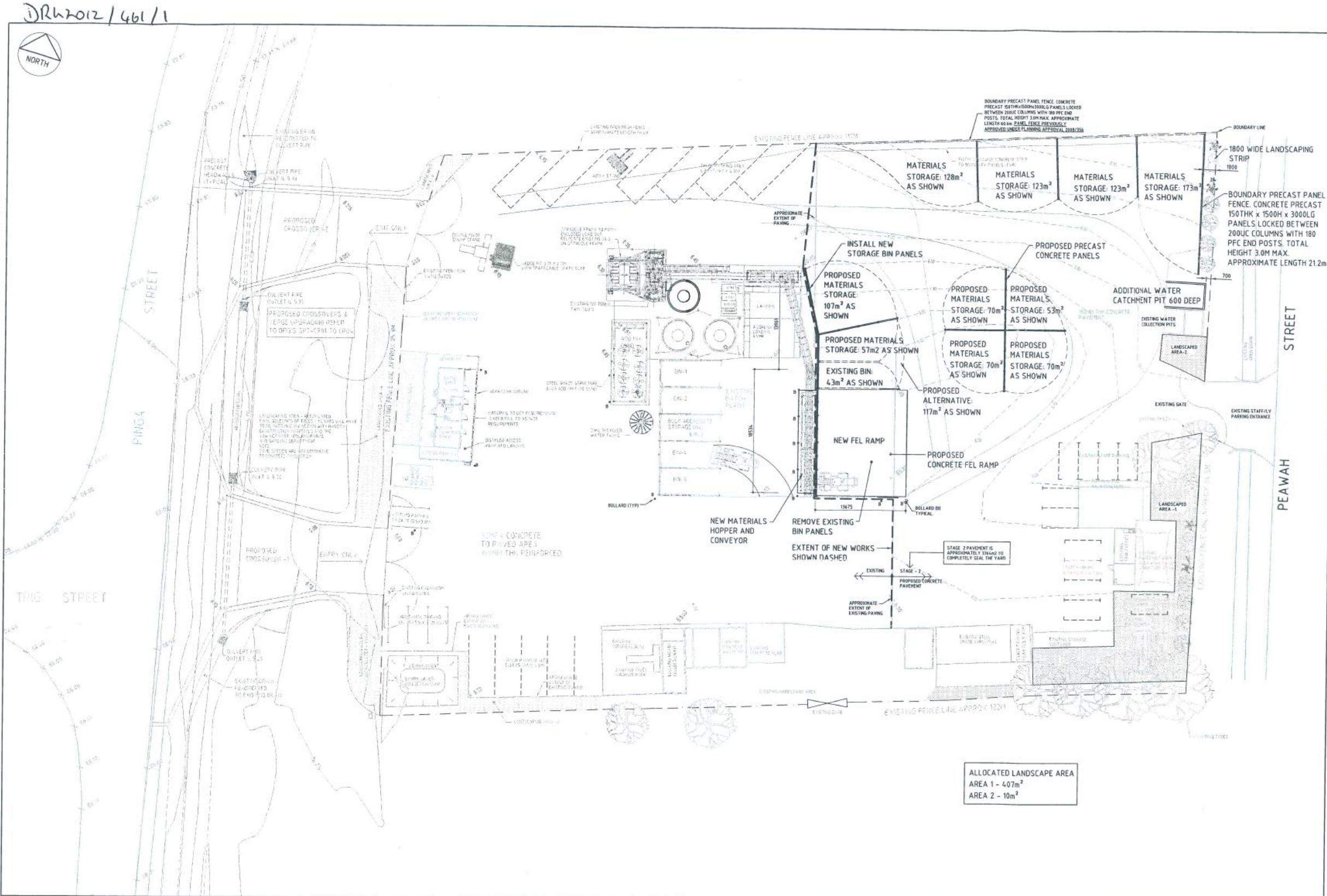
1. In terms of the Port Hedland Town Planning Scheme No 5, "Industry Noxious" is defined as follows and shall only be used for this purpose:

"An industry which is subject to licensing as "Prescribed Premises" under the environmental Protection Regulations 1987 (as amended)."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
4. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
5. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.6

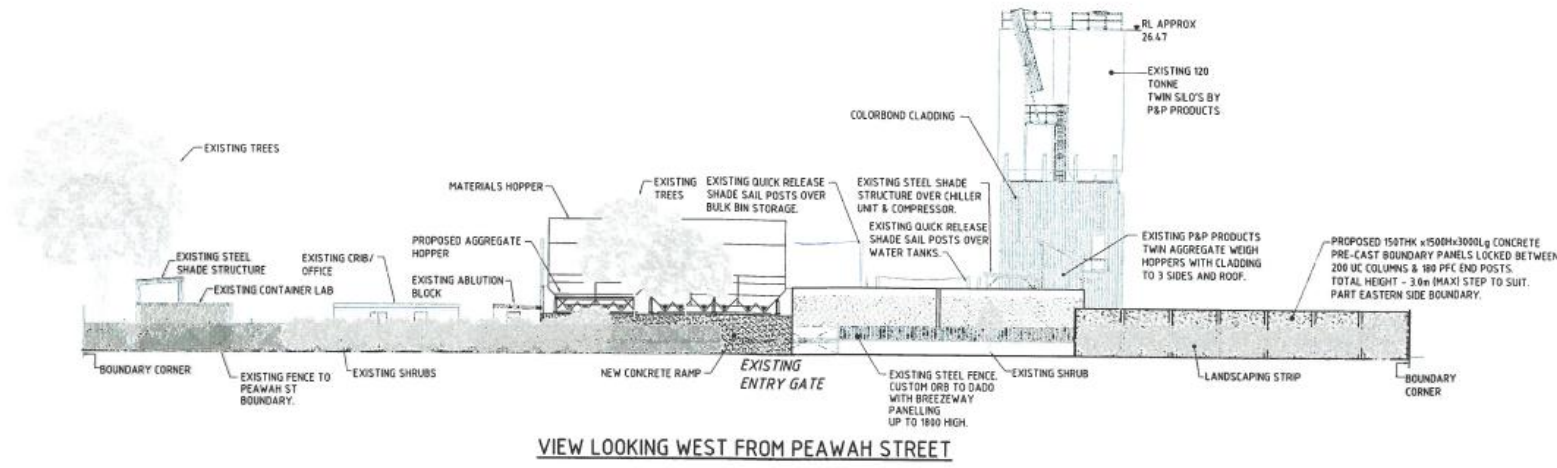




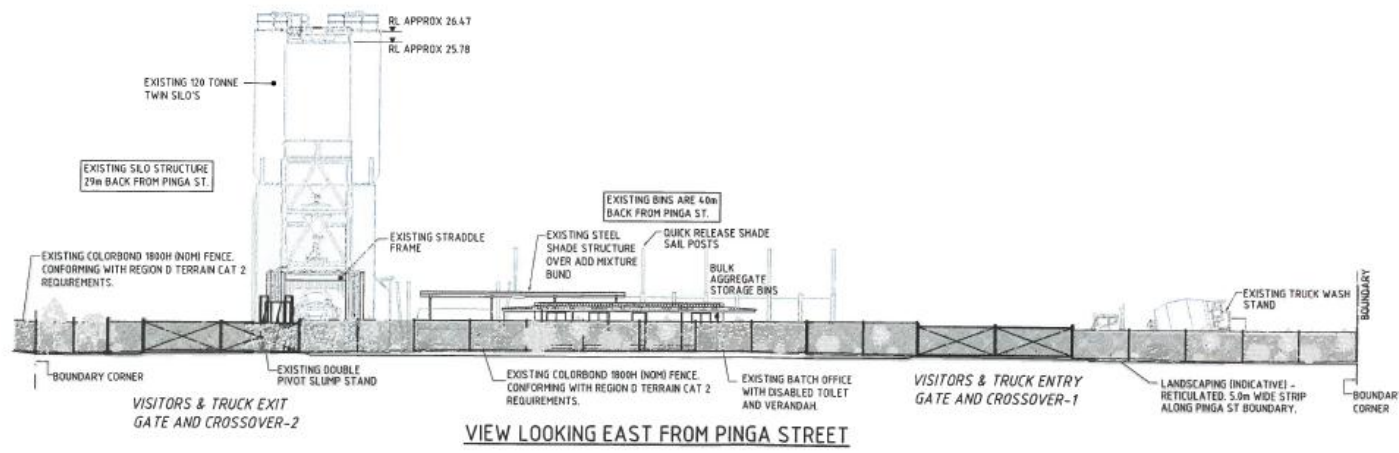
ALLOCATED LANDSCAPE AREA
 AREA 1 - 407m²
 AREA 2 - 10m²

<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>A</td> <td>03/09/12</td> <td>ISSUED FOR PLANNING APPROVAL</td> </tr> </table>	REV	DATE	DESCRIPTION	A	03/09/12	ISSUED FOR PLANNING APPROVAL		<p>CONSULTING ENGINEERS DESIGNERS & PROJECT MANAGERS Unit 6 / 9 Playle Street Myaree 6154 WA P 08 9317 3331 F 08 9317 3337 E info@rsaperth.com.au</p>	PROJECT HANSON PORT HEDLAND - STAGE 2 WORKS PEAWAH STREET, PORT HEDLAND	CLIENT HANSON	PROJECT No 2012-566
	REV	DATE	DESCRIPTION								
A	03/09/12	ISSUED FOR PLANNING APPROVAL									
TITLE OVERALL SITE PLAN	SCALE 1:250	DATE AUG '12	DESIGNED BS	DRAWN RB	DRG No S1.01						

DR2012/461/2



VIEW LOOKING WEST FROM PEAWAH STREET



VIEW LOOKING EAST FROM PINGA STREET

REV	DATE	DESCRIPTION
A	03/09/12	ISSUED FOR PLANNING APPROVAL

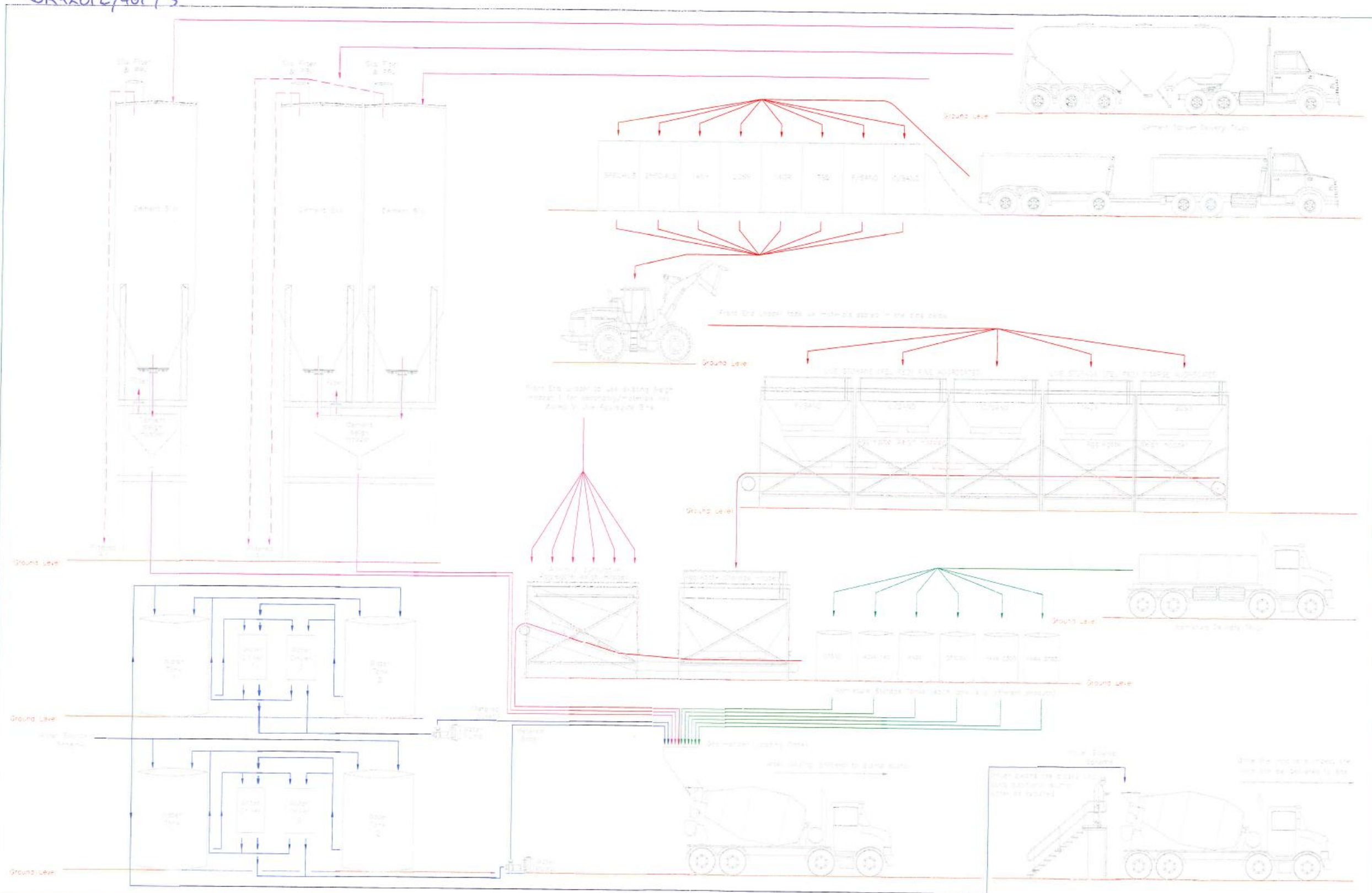


CONSULTING ENGINEERS
DESIGNERS & PROJECT MANAGERS
Unit 6 / 9 Playle Street Myaree 6154 WA
P 08 9317 3331 F 08 9317 3337 E info@rsaperth.com.au
ALL DIMENSIONS SHALL BE VERIFIED BEFORE COMMENCING ANY WORK ON SHOP DRAWINGS
THIS DRAWING IS THE COPYRIGHT OF RSA PTY LTD UNDER THE COMMONWEALTH COPYRIGHT ACT

PROJECT HANSON PORT HEDLAND - STAGE 2 WORKS
PEAWAH STREET, PORT HEDLAND
TITLE SITE ELEVATIONS

CLIENT	HANSON	
SCALE	1:200	PROJECT No
DATE	AUG '12	2012-566
DESIGNED	BS	DRAWN
CHECKED	RB	REV
	A1	S2.01
		A

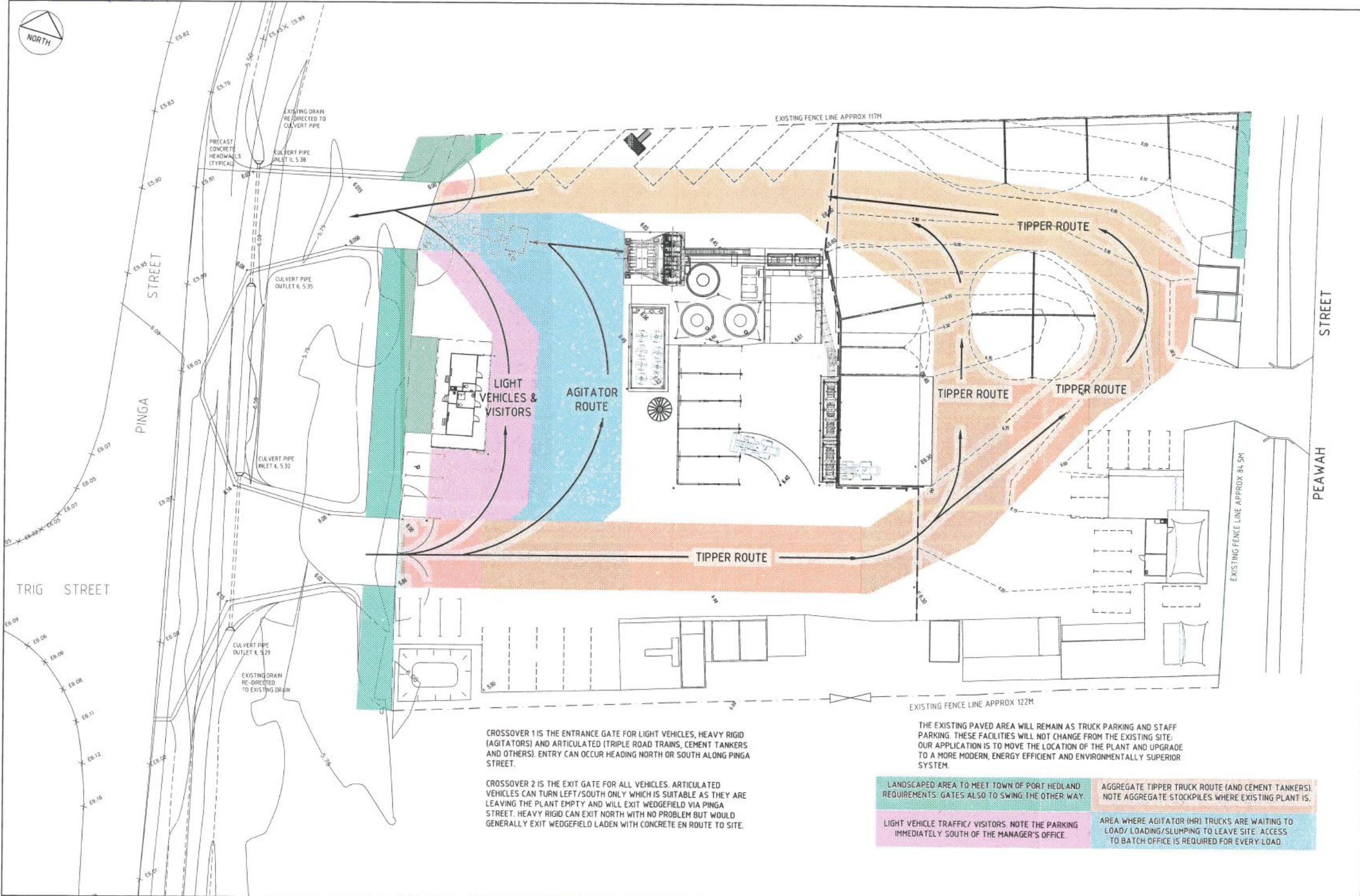
DR2012/461/3



DATE	REVISION	DESCRIPTION
July 3, 2012	1.0	Proposed flow of materials of Port Hedland Plant

Port Hedland	HANSON	
	A.B.N. 86 009 186 845	
Flow of Materials	ADDRESS	LOT 987 Peawah St, Wedgefield
	DRAWING	FLOW_PHE-PROP
	DRAWN	Nathan Vivion
	DATE	03/07/2012
	SCALE	1:150 When on A3

DR2012/461/4



REV	DATE	ISSUED FOR PLANNING APPROVAL
A	03/09/12	



CONSULTING ENGINEERS DESIGNERS & PROJECT MANAGERS

Unit 6 / 9 Playle Street Myaree 6154 WA
 P 08 9317 3331 F 08 93173337 E info@rsaperth.com.au

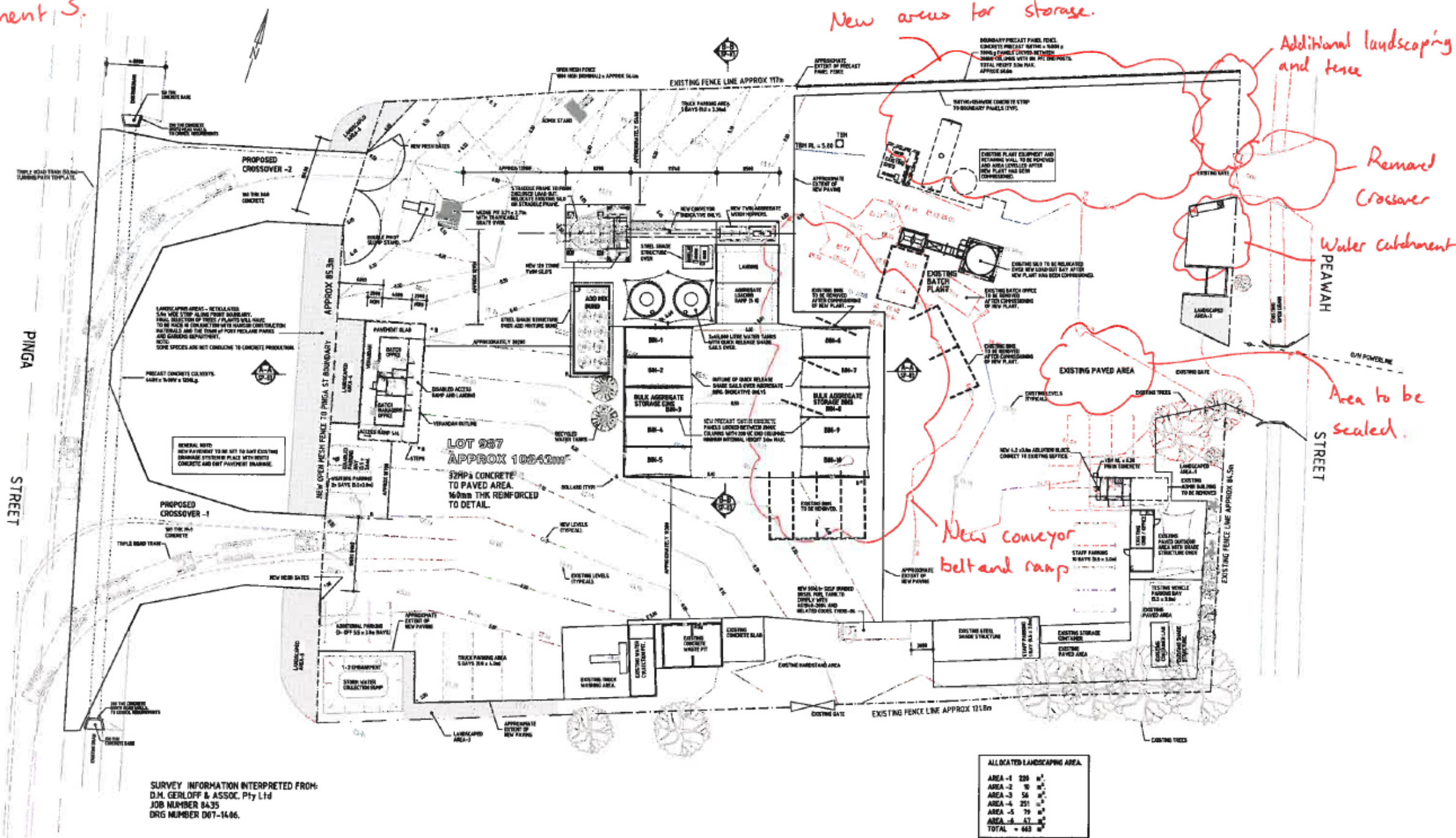
ALL DIMENSIONS SHALL BE VERIFIED BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS. THIS DRAWING IS THE COPYRIGHT OF RSA PTY LTD UNDER THE COMMONWEALTH COPYRIGHT ACT.

PROJECT **HANSON PORT HEDLAND - STAGE 2 WORKS**
PEAWAH STREET, PORT HEDLAND

TITLE **TRAFFIC MANAGEMENT PLAN**

CLIENT	HANSON		
SCALE	1:250	PROJECT No	2012-566
DATE	AUG '12	DRG No	S0.01
DESIGNED	BS	DRAWN	RB
CHECKED			AT
		REV	A

Attachment 3



SURVEY INFORMATION INTERPRETED FROM:
D.M. GERLOFF & ASSOC. Pty Ltd
JOB NUMBER 8435
DRG NUMBER D07-1446.



ALLOCATED LANDSCAPING AREA.

AREA-1	226 m ²
AREA-2	70 m ²
AREA-3	56 m ²
AREA-4	251 m ²
AREA-5	79 m ²
AREA-6	67 m ²
TOTAL	649 m ²

BUILDING DESIGN WIND SPEED TO AS 1170.2-2002
ANNUAL PROBABILITY OF EXCEEDANCE - 1/500
WIND REGION - D (DEVELOPING TERRAIN CATEGORY) - 2
REGION WIND SPEED - 30m/s WIND BURST PROBABILITY - 1/5000
TOPOGRAPHY MULTIPLIER - 1.0

ROBIE SALTER D.L.C./M.A.S.T. Aust. C.P. Eng.
FRANK WARDEN D.E. M.A.S.T. Aust. C.P. Eng.
E: info@rsawest.com.au P: 08 8317 3331

No.	REVISION	DATE
1	PARKING, LANDSCAPING REVISED AND LEVELS ADDED	AUG. 2010
2	ISSUED AS ORIGINAL FOR PLANNING APPROVAL	JUNE 2010

**CONSULTING ENGINEERS
PROJECT MANAGERS**

UNIT 6/9 PLAYLE STREET, MYAREE 6154
PH: 9317 3331 | Fax: 9317 3337 | EMAIL: info@rsawest.com.au

RSA

All drawings shall be verified before commencing any work or sign-off drawings.
This drawing is the copyright of Robie Salter & Associates under the Commonwealth Copyright Act.

PROJECT PROPOSED H.C.M. PORT HEDLAND PLANT UPGRADE
WEDGEFIELD CONCRETE BATCH PLANT
LOT 987 PEAWAH ST WEDGEFIELD

CLIENT HANSON CONSTRUCTION MATERIALS

SCALE	1:250	JOB No.	2007-181
DATE	MAR. 2010	DRG No.	SP2-S01/A
DRAWN	JV	CHECKED	A1
GENERAL ARRANGEMENT			

(This page intentionally left blank).

ATTACHMENT 5 TO ITEM 11.1.1.6



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: 2012/461
Our ref: DEC7088
Enquiries: Libby Hoskin
Phone: 08 9182 2004
Fax: 08 9144 1118
Email: libby.hoskin@dec.wa.gov.au

Senior Planning Officer
Town of Port Hedland
PO Box 61
Port Hedland WA 6721

Attn: Luke Cervi

Referral of application for Industry Development Plan Lot 987 Peawah Street Wedgefield – Application 2012/461

Thank you for referring the above mentioned application to the Department of Environment and Conservation (DEC) for comment. The planning application refers to the redevelopment of a storage/ laydown area in Wedgefield, Port Hedland.

DEC understands that the development application involves the construction of a concrete batching plant at Lot 987 (7) Peawah Street, Wedgefield. Under part V of the *Environmental Protection Act 1986* (the Act) the proponent will be required to submit a works approval application for the prescribed premises as outlined in the Environmental Protection Regulations 1987 to construct the facility and upon completion will be required to obtain a licence or registration to operate the facility.

If you have any queries regarding this matter please call Libby Hoskin at DEC Karratha Regional Office on 9182 2004.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Allisdair MacDonald'.

Allisdair MacDonald
REGIONAL MANAGER - PILBARA

5 December 2012

Pilbara Region
Lot 3 Cm Mardie & Anderson Roads, Karratha KIE WA 6714
Phone: (08) 9182 2000 Fax: (08) 9144 1118
PO Box 835, Karratha WA 6714
www.dec.wa.gov.au

11.1.1.7 *Proposed Final Adoption of Scheme Amendment 52 to the Town of Port Hedland Town Planning Scheme No.5 to rezone Lot 226 Greenfield Street, Boodarie from "Rural Residential" to "Residential 2.5" (File No.: 18/09/0066)*

Officer	Ryan Djanegara Senior Statutory Planner
Date of Report	12 April 2013
Application No.	2012/637
Disclosure of Interest by Officer	Nil

Summary

Council at its Ordinary Meeting held on the 28th November 2012 resolved to initiate Scheme Amendment No. 52 after receiving a Ministerial Order under Section 76(1) of the Planning and Development Act. The amendment seeks to rezone Lot 226 Greenfield Street, Boodarie from "Rural Residential" to "Residential R2.5". The amendment was forwarded to the Environmental Protection Authority (EPA) and advertised in accordance with the *Town Planning Regulations 1967*.

During the advertisement periods, eleven (11) submissions were received, none of which objected to the proposal. Council is requested to adopt the scheme amendment having addressed the concerns and conditions raised in the written submissions.

Background

At the Ordinary Council Meetings of 14th December 2011, 25th January 2012 and 22th August 2012, the proposed scheme amendment was presented to Council recommending initiation of Scheme Amendment No. 52, for the rezoning of Lot 226 Greenfield Street, Boodarie from "Rural Residential" to "Residential R2.5". On all three occasions Council resolved not to initiate the subject scheme amendment.

The resolution not to initiate the scheme amendment resulted in a Section 76 application (s76 of the Planning & Development Act 2005) being lodged with the Minister of Planning. The Minister ordered the Town, through Section 76 to initiate the scheme amendment as its next available Council Meeting.

At its Ordinary Meeting on the 28th November 2012 Council resolved to initiate Scheme Amendment 52 to the Town of Port Hedland *Town Planning Scheme No. 5 (TPS5)*.

Subsequently, the application was forwarded to the Environmental Protection Authority (EPA) for consideration. The EPA advised that an assessment was not required and permitted the Council to advertise the amendment in accordance with the *Town Planning Regulations 1967*.

Consultation

In accordance with the *Town Planning Regulations 1967*, the proposed scheme amendment has been advertised and circulated as follows:

North West Telegraph: 6 February 2013 – 20 March 2013.

Site signs: 6 February 2013 – 20 March 2013.

Council Website: 31 January 2013 – 16 April 2013.

Written notification was sent to all adjoining and affected landowners.

Written notification was sent to the following agencies:

- Water Corporation.
- Department of Environment and Conservation.
- Department of Water.
- Main Roads Western Australia.
- Horizon Power.
- Telstra.
- Optus.

A summary of submissions received during the advertising period is contained with Table 2 below (Attachment 3):

Correspondent	Issue Raised	Planning Response
Department of Indigenous Affairs	No objection.	Not required.
Optus	No objection	Not required
Members of the public (6 submissions)	I/we believe the proposed scheme amendment should be adopted as proposed.	Not required.

Department of Water (Attachment 4)

A Local Water Management Strategy should be prepared as part of the subdivision or scheme amendment. The planning report provides no consideration for the protection of the waterway or impacts upon the waterway from the proposed development and will need to be addressed as part of the Local Water Management Strategy.

The Department has previously assessed and approved the flood study (Hydraulic Impact Assessment VDM 2011) prepared for the site. The proposed subdivision and increase lot yield is not expected to detrimentally impact on the natural flooding regime of the area. The Department is concerned about the increase in development in an area prone to flood.

A flood emergency plan should be prepared for the area and a minimum habitable floor level of 0.5m above the 100 year ARI flood level to ensure adequate flood protection.

Planning Response

The applicants engineers VDM Consulting, provided a detailed Hydraulic Impact Assessment confirming:

- The revised lot layout showing 133 lots has no additional impact to the surrounding stakeholders when compared to hydraulic modelling previously carried and approved by the WAPC when considering the subdivision application for 71 lots.
- The building pads for Stage 2 will be constructed at 500mm above the 100 year flood level.
- Roads in Stage 1 will be elevated so that there is no more than 300mm of flood water over the road during a 100 year flood event.

The above mitigation factors will ensure dwellings are not flooded and roads are not impassable after a 100 year flood event. In addition, the further details and flood management measures will be addressed via a Local Water Management Strategy as part of the subdivision process.

Department of Environment and Conservation (Attachment 5)

The Department of Environment and Conservation advises the site is in close proximity to known populations of the Mulgara (*Dasyercus Cristicauda*) which is noted as a protected species. It is recommended a fauna survey is conducted by a suitably qualified biologist, in accordance with the Environmental Protection Authority Guidance Statement No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia. If the Mulgara is found, a fauna management plan should be prepared.

Applicant's Response (Attachment 6)

In response to the above, the applicant has agreed to undertake the survey as part of the subdivision process. Notwithstanding this, as part of the Scheme Amendment process, the application was granted approval by the Environmental Protection Authority (EPA) and did not require any further assessment.

Megara Developments Pty Ltd (member of the public)

The Town has received a detailed submission from a landowner requesting their property is listed as part of the Scheme Amendment for the following reasons:

1. *South Hedland Rural Estate is closer to the South Hedland town centre, so any justification presented about efficient use of land for rezoning of the subject land is more relevant to the South Hedland Rural Estate land.*
2. *There should be no confusion for existing land owners as no one is compelled to develop, and this is a very simple principle that can easily be explained to existing owners in the South Hedland Rural Estate.*
3. *Any increased traffic will be directed to the South Hedland Town Centre and have nil impact on the area subject to this rezoning.*
4. *This rezoning process provides a unique opportunity to continue to solve housing affordability and supply issues by piggy backing onto an existing amendment process therefore streamlining the rezoning of the South Hedland Rural Estate.*
5. *The rezoning will not affect the underlying lifestyle lot amenity of the area;*
6. *The rezoning of our and all land in the South Hedland Rural Estate accords with the principles detailed in the Pilbara Planning and Infrastructure Framework, Pilbara Port City Growth Plan and the Pilbara Cities Vision.*
7. *Accords with orderly and proper planning and avoids 'leap frogging' of density away from the high areas of amenity (ie South Hedland Town Centre) and provide a more coordinated and logical approach to density and housing in South Hedland.*

The point of our submission was to note concerns regarding the leapfrogging of development away from areas of amenity. It is our opinion a good orderly and proper plan for the area would be to include the whole area in the amendment; this would make for a coordinated plan that follows best practice planning principles. In summary we support the amendment generally but we believe its implementation is flawed.

Planning Response

Proper and orderly planning would dictate that the natural development pattern is from high density around town centres with a gradual decline in density the further removed there from.

While this is ideal planning principles, it is often not achievable due to historical planning decision and market forces. The overall design / layout of South Hedland present unique challenges, in that the South Hedland Rural Estate is located closer to the South Hedland Town Centre than existing medium density residential development, due in part to natural constraints.

To follow ideal planning principles and preferred development patterns the applicant should be required to include the existing 61 "Rural Residential" lots located to the north (existing South Hedland Rural Residential Estate) in the subject scheme amendment.

This option has been discussed with the applicant at the time and it was agreed this may result in further delays, as a result of the residents not having a full understanding of the proposal (i.e. residents may assume that the approval may result in the decrease in the size of their lots).

Furthermore the inclusion of the northern estate would require additional studies to understand the impacts of increased densification of the existing rural estate. At this stage it is considered inappropriate to include the northern portion of the estate within the Scheme Amendment without further consideration of the above issues. It would therefore be recommended, the Council reviews the zone and density of the existing rural residential estate as part of the Scheme Review process.

Statutory Implications

Section 76, of the Planning and Development Act 2005, provides the Minister with the ability to intervene where,

- There are proper planning grounds that the Minister "ought" to intervene so that the proposed scheme amendment or amendment is made or adopted.

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

Policy Implications

Nil

Strategic Planning Implications

The following section of the “Pilbara’s Port City Growth Plan” is considered relevant to the proposal:

5.6.14 Precinct 14 – Southern

Precinct Highlights

1. South Hedland rural residential estate expansion.

The following sections of Council’s Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

6.3.1 Housing

Attract and retain new residents to increase the population to 40,000 by 2025.

Budget Implications

Immediate:

Council was required to advertise the scheme amendment under the provisions of the *Town Planning Regulations 1967*. The costs associated with the scheme amendment have been budgeted for by the Planning & Development Unit.

Whole of Life:

The Town will take control of the public roads within any future subdivision. However the properties will become rateable.

Officer’s Comment

As the Town grows towards a City, “Rural Residential” areas located within close proximity to the Town Centre are likely to experience pressure to increase development potential. Acknowledging this is a natural growth phenomenon of any growing Town, consideration must be given to the time such a shift in development would take and the original intent of the zone.

The intent of a “Rural Residential” zone is to provide residents with an opportunity to have a country living experience within a relative distance to community and commercial amenities.

Currently in terms of TPS5 the site can only be developed with residential lots to a minimum size of 10000m². The applicant proposes to amend the zoning of portion of the site to “Residential R2.5”, enabling the development of residential properties to a minimum size of 4000m².

It is considered the proposed lot sizes of 4000m² plus, will be compatible with the existing "Rural Residential" lots of between 10000m² and 20000m². This provides the residential market with additional residential choices, for those looking for a rural residential life style but not the large lots that are often costly and difficult to maintain.

Attachments

1. Locality Plan.
2. Scheme Amendment Documents (Under Separate Cover)
3. Public Submissions Received.
4. Department of Water's submission
5. Department of Environment and Conservation's submission
6. Applicant's response

Options

1. Approve final adoption of Scheme Amendment 52.
2. Approve final adoption of Scheme Amendment 52 with modifications.
3. Refuse final adoption of Scheme Amendment 52.

Option 1 is recommended as the proposed scheme amendment is deemed to be consistent with the strategic direction of the Town. Progressing the scheme amendment will ensure existing and future developments are consistent with the TPS5.

201213/340 Officer's Recommendation / Council Decision

Moved: Cr Daccache

Seconded: Cr Jacob

That Council resolves to:

1. **Rezone Lot 226 Greenfield Street, Boodarie from "Rural Residential" to "Residential" with a density code of R2.5;**
2. **Amend the zoning map(s) accordingly;**
3. **Authorise the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's common seal; and**
4. **Forward three (3) copies of the approved scheme amendment and associated documentation to the Western Australian Planning Commission for Ministerial Consent in accordance with the *Town Planning Regulations 1967* (as amended).**

CARRIED 5/2

For:	Against:
Mayor Howlett	Cr Carter
Cr Daccache	Cr Dziombak
Cr Jacob	
Cr Hunt	
Cr Taylor	

ATTACHMENT 1 TO ITEM 11.1.1.7



ATTACHMENT 2 TO ITEM 11.1.1.7

Long Leonard

From: Trent Durward [Trent.Durward@megara.net.au]
Sent: Tuesday, 19 February 2013 5:38 PM
To: Long Leonard
Subject: IPA35846 - Scheme Amendment No. 52 – Lot 226 Greenfield street, South Hedland

SynergySoft: IPA35846

Dear Leonard,

We provide this response in writing regarding the above Amendment No. 52 currently advertised for public comment, as requested in your correspondence dated 31 January 2013.

We write as a land owner at 22 Quartz Quarry Road, South Hedland Rural Estate (Megara Developments Pty Ltd) and generally provide our support for the proposal on the basis that the South Hedland Rural Estate be included. In this regard we provide the following reasons:

1. South Hedland Rural Estate is closer to the South Hedland town centre, so any justification presented about efficient use of land for rezoning of the subject land is more relevant to the South Hedland Rural Estate land.
2. There should be no confusion for existing land owners as no one is compelled to develop, and this is a very simple principle that can easily be explained to existing owners in the South Hedland Rural Estate.
3. Any increased traffic will be directed to the South Hedland Town Centre and have nil impact on the area subject to this rezoning.
4. This rezoning process provides a unique opportunity to continue to solve housing affordability and supply issues by piggy backing onto an existing amendment process therefore streamlining the rezoning of the South Hedland Rural Estate.
5. The rezoning will not affect the underlying lifestyle lot amenity of the area;
6. The rezoning of our and all land in the South Hedland Rural Estate accords with the principles detailed in the Pilbara Planning and Infrastructure Framework, Pilbara Port City Growth Plan and the Pilbara Cities Vision.
7. Accords with orderly and proper planning and avoids 'leap frogging' of density away from the high areas of amenity (ie South Hedland Town Centre) and provide a more coordinated and logical approach to density and housing in South Hedland.

Cheers, thanks for your time, we look forward to further consideration of the amendment.

Regards,

Trent Durward, as representative of Megara Developments Pty Ltd



Level 2, 658 Newcastle St Leederville WA 6007
PO Box 104, Leederville WA 6902
T (08) 9230 3600 F (08) 9227 0611 M 0421 567 180
E trent.durward@megara.net.au W www.megara.net.au

Djanegara Ryan

From: Djanegara Ryan
Sent: Thursday, 4 April 2013 9:13 AM
To: 'Trent Durward'
Subject: RE: Scheme Amendment no. 52

Hi Trent,

The reason I ask is further studies and detailed assessment would be required in order to understand the impacts of further densification of the existing rural estate. Should further density development occur North of the site, development standards building pads, envelopes and minimum floor levels would need to be taken consideration of urban stormwater management and flood mitigation.

At this stage, I am likely to support the amendment as proposed however I am wanting to be sure that there were no objections. Thanks for your clarification to your previous submission.

Regards,



Ryan Soerja Djanegara
Senior Statutory Planner
PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9326 Fax: (08) 9158 9399
Mob: 0448058366
Email: po@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

From: Trent Durward [mailto:Trent.Durward@megara.net.au]
Sent: Thursday, 4 April 2013 8:28 AM
To: Djanegara Ryan
Subject: RE: Scheme Amendment no. 52

Hi Ryan,

The point of our submission was to note concerns regarding the leapfrogging of development away from areas of amenity. It is our opinion a good orderly and proper plan for the area would be to include the whole area in the amendment, this would make for a coordinated plan that follows best practise planning principles.

To this end we support the amendment generally, but predicated on the points above being clearly conveyed to Council/WAPC.

In summary we support the amendment generally but we believe it's implementation is flawed.

Cheers

Trent Durward
Development Manager



Level 2, 658 Newcastle St Leederville WA 6007
PO Box 104, Leederville WA 6902

From: Djanegara Ryan [<mailto:po@porthedland.wa.gov.au>]
Sent: Wednesday, 3 April 2013 6:08 PM
To: Trent Durward
Subject: Scheme Amendment no. 52

Hi Trent,

I'm currently preparing the final adoption report for Scheme Amendment No. 52 which seeking to rezone land from "Rural Residential" to "Residential R2.5". I've read your submission and wish to have clarified:

Would you support the proposal should your property (22 Quartz Quarry Road) not be included as part of the scheme amendment?

And if so what would your reasons be?

Can you please get back to me as soon as possible. Your comments would be appreciated. Thank you.

Regards,



Ryan Soerja Djanegara
Senior Statutory Planner
PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9326 Fax: (08) 9158 9399
Mob: 0448058366
Email: po@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au



Hedland
**first
national**
REAL ESTATE

Address
2/20 Wedge St,
Port Hedland
WA 6721

202/637
Contact
P (08) 9173 9200
F (08) 9173 2363
E sales@hfn.com.au
rentals@hfn.com.au
W www.hfn.com.au

Mr Mal Osborne
Chief Executive Officer
Town of Port Hedland
PO BOX 41
PORT HEDLAND WA 6721



Dear Mr Osborne,

Re: Town Planning Scheme No 5 Amendment No 52

On behalf of our clients, the applicants of the Quartz Estate, Bosna Rural Estate, Hedland First National is happy to confirm, in support of the above amendment, that, in our experience -

- Considerable demand exists for blocks of this size
- The location is of particular interest to purchasers preferring a rural / residential amenity
- The size of block appeals to both individual purchasers and also to companies
- The size of block allows the building of a spacious family home plus outbuildings suitable for leisure / hobby activities
- The development creates diversity that offers an attractive alternative to suburban / density living and is an important adjunct to our future growth as a community
- The development will maintain the rural amenity of the area and incorporate building standards that will enhance liveability

As a leading Real Estate agency in the Pilbara we are constantly approached for property of this size and design, and feel that Quartz Estate will be an attractive development, enhancing the lives of its residents and leading to the creation of a thriving local community.

Yours sincerely,

Morag Lowe

Principal/Licensee



Document #: ICR35853
Date: 20.02.2013
Officer: LEONARD LONG
File: 18/09/0066



HON KEN BASTON MLC
Member for Mining & Pastoral Region
Government Whip

27th February 2013



Document #: ICR36126
Date: 07.03.2013
Officer: MAL OSBORNE & LEONARD LONG
File: 18/09/006

Mr Mal Osborne
Chief Executive Officer
Town of Port Hedland.
PO Box 41
PORT HEDLAND
WA 6721

Eber / Leonard
Please prepare response
Mal

To Whom it May Concern,

Re: Zoning Approval for Quartz Estate

As the Member for the Mining and Pastoral Region in the WA Government I write in support of Mr Barry Pound's proposed development 'Quartz Estate'.

I believe block sizes of 4000m2 in this estate utilizes the land efficiently, considering the shortage of housing options available in the Town of Port Hedland, whilst maintaining a low density, semi-rural feel. I understand that the developer will be placing building caveats on the estate in a further effort to promote an atmosphere of rural living. For these reasons I am happy to confirm my support for this development in its current form.

I am happy to discuss this further should you have any queries.

Yours faithfully,

Hon Ken Baston MLC
Member for the Mining and Pastoral Region

cc. Mr Barry Pound PO Box Z5291 St Georges Terrace PERTH WA





Government of Western Australia
Department of Indigenous Affairs



ENQUIRIES : Joseph Aldis- Ph 6551 8029

joseph.aldis@dia.wa.gov.au

OUR REF: 2013/D4336

YOUR REF: 2012/637 / 18/09/0066

Document #: IPA36050
Date: 05.03.2013
Officer: LEONARD LONG
File: 18/09/0066

Mr Leonard Long
Manager Planning
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mr Long

**APPLICATION 2012/637 FOR SCHEME AMENDMENT NO 52 ON LOT 226
GREENFIELD STREET SOUTH HEDLAND RURAL ESTATE**

Thank you for your letter dated 31 January 2013 regarding the above mentioned proposal.

As this proposal **does** not affect land held by the Aboriginal Lands Trust, the Department of Indigenous Affairs (DIA) has no comment regarding the proposal at this time.

Please note though that any development needs to comply with the requirements of the *Aboriginal Heritage Act 1972*. If you have any queries regarding this please contact the Heritage Branch at DIA on (08) 6551 8000.

Kind Regards

ROB BAKER
SENIOR STRATEGIC LAND OFFICER

25 February 2013

13/3/2013

Mr Mal Osborne.

Chief Executive officer

Town of Pt Hedland.

P.O.Box 41

Port Hedland W A 6721

Dear Mr Osborne,

I write to you to confirm my support of the proposed development in the Quartz Estate as advertised in the North West Telegraph on Wednesday 6th February 2013

I support that the 4000 m2 blocks are a far better use of the land , particularly when we have such a housing shortage. I also understand that the developer plans on incorporating some building standards , which will maintain the quality of the area , and a quality, as I understand, that will go a long way to keeping the rural feel of the area.

As the traditional owners being the Marajukurrinya.
Karruparra people acknowledge the support by
the developers

Your Faithfully.

KERRY ROBINSON

Kerry Robinson
/



Diana Robinson

Dr Alan Eggleston

Senator for Western Australia



Mal Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mr Osborne

I refer to the re-zoning of the Quartz Estate, Boodarie, South Hedland.

I am writing to support the application by the owners of lot 226 with reference to the re-zoning application currently advertised for public comment.

This development will, I believe, lead to superior land use with particular regard to those seeking a rural lifestyle.

I understand the estate is in 4000 square metre lots which are ideal for supporting the Pilbara style of living. Such a size would enable buyers to build a large home complete with a shed while still leaving adequate garden and recreational space. Ample land would also remain for keeping horses or other animals and growing trees, further adding to value to the rural setting.

I believe that restrictive covenants will be placed on the land to maintain a certain level of building quality.

In closing I believe this development would enhance the amenity and general ambience of Port Hedland.

Again, I offer my support for this project.

Yours sincerely

Dr Alan Eggleston
Senator for Western Australia

7 MAR 2013

Canberra Office:
Suite 5G/116, Parliament House, Canberra ACT 2600
Tel: (02) 6277 3407 Fax: (02) 6277 3413

Toll Free: 1300 301 845
Email: senator.eggleston@aph.gov.au
Website: www.senatoralaneeggleston.com

Perth Office:
26 Charles Street South Perth WA 6151
P.O. Box 984 South Perth WA 6951
Tel: (08) 9368 5632 Fax: (08) 9368 5600

1 Stitfold Promenade

Salter Point WA 6152

5th February 2013

Town of Port Hedland

Civic Centre

McGregor St

Port Hedland WA

Attention: Mr Leonard Long

Ref;APPLICATION 2012/637 SCHEME AMMENDMENT No. 52 ON LOT 226 GREENFIELD STREET
SOUTH HEDLAND RURAL ESTATE. 18/09/0066

Dear Sir,

WE the following owners of the property lot 92 Greenfield Street , whole heartedly agree and give our approval to the rezoning change.

We are;

Hatfield Holdings Pty Ltd

Taronga Nominees Pty Ltd

Zdenka Lukic

John and Angela Separovich

Yours Faithfully

John Separovich

Tel 0413448580





Government of **Western Australia**
Department of **Water**



Looking after all our water needs

Your ref: 2012/637/18/09/0066
Our ref: RF741-11/ SRS 33134
Enquiries: Natalie Leach 08 6364 6574

Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721



Attn: Leonard Long

Dear Sir

Application 2012/637 – Scheme Amendment No.52 – Lot 226 Greenfield St, South Hedland Rural Estate

Thank you for the opportunity to provide comment on the above application. The Department of Water (DoW0) has considered the application and offers the following comments.

Local Water Management Strategy

Under the *Better Urban Water Management framework*, the Department requires the preparation of a Local Water Management Strategy (LWMS) to support a local planning scheme amendment.

The site is constrained by its location within a floodplain and is traversed by South West Creek. Therefore a thorough understanding of the water related issues on the site is required to protect both the water resources and proposed infrastructure.

The LWMS should address floodplain management issues, waterway protection (including setbacks to the waterway and fencing and rehabilitation if required) and stormwater management.

Ideally a LWMS would be submitted with the planning documentation. However, as the proponents have already undertaken flood management studies for the site, it is considered the major water management constraint to the site has already been addressed. As such, the Department does not want to constrain the planning process at this stage and requires that the LWMS be prepared and approved prior to subdivision stage - with the consent of the Town of Port Hedland.

Waterways

South West Creek traverses Lot 226. The planning report provides no consideration for the protection of the waterway or impacts upon the waterway from the proposed development. The LWMS needs to provide an assessment of the waterway and determine management strategies that should be implemented at subdivision stage.

Pilbara Region
Lot 4608 Cherratta Road KIE
Karratha Western Australia 6714
PO Box 836 Karratha Western Australia 6714
Telephone (08) 9144 0200 Facsimile (08) 9144 2610
www.water.wa.gov.au
wa.gov.au

Floodplain management

The Department of Water's guiding principles for floodplain management are to ensure that:

- Proposed development has adequate flood protection from a 100 year ARI flood.
- Proposed development does not detrimentally impact on the existing flooding regime of the general area.

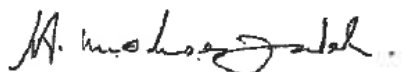
The department has previously assessed and approved the flood study (Hydraulic Impact Assessment VDM 2011) prepared for this site. The proposal to redesign the subdivision guide plan and increase the lot yield is not expected to detrimentally impact on the natural flooding regime of the general area. However, the Department is concerned about the increase in development in an area which is known to be flood prone, and the associated potential isolation and evacuation issues during major events.

The *Port Hedland Coastal Vulnerability Study* shows that the lot is affected by flooding during major events. The 100 year ARI flood event is predicted to reach depths of up to 2.8 m over the lot.

It is recommended that the Local government, emergency services and the community is made fully aware of the flood risk, adequately prepared for events and responds appropriately. It is recommended that a flood emergency plan for the area is prepared. Additionally, minimum habitable floor levels of 0.5 m above the 100 year ARI flood level are recommended to ensure adequate flood protection.

Thank you for the opportunity to comment on the above proposal. If you wish to discuss the above please, contact Natalie, at the Department of Water on (08) 6364 6574.

Yours Sincerely,



Hamid Mohsenzadeh
Regional Manager
Department of Water
Pilbara Region

8 April 2013

ATTACHMENT 5 TO ITEM 11.1.1.7



Government of **Western Australia**
Department of **Environment and Conservation**

Manager Planning
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Attn: Leonard Long

Your ref: 2012/637
Our ref: DEC7088
Enquiries: Libby Hoskin
Phone: 08 9182 2004
Fax: 08 9144 1118
Email: libby.hoskin@dec.wa.gov.au

Referral of application for Scheme Amendment No. 52 on Lot 226 Greenfield Street, South Hedland - Application 2012/637.

Thank you for referring the above mentioned application to the Department of Environment and Conservation (DEC) for comment. The planning application refers to rezone portion of Lot 226 from 'Rural Residential' to 'Residential'.

DEC advises that the proposed site is in close proximity to known populations of the Mulgara (*Dasyercus Cristicauda*) Listed as Schedule 1 under the Wildlife Conservation Act 1950 and as Vulnerable under the Commonwealth's EPBC Act 1999. In the absence of a vegetation survey to confirm potential habitat or a fauna survey it is not clear whether there is potential for the population to use remnant vegetation on proposed rezoning site. DEC recommends that fauna surveys are conducted to establish the presence/absence of Mulgara on the site prior to subdivision. The fauna survey should be carried out by a suitably qualified biologist, in accordance with the Environmental Protection Authority (EPA) Guidance Statement No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia. If the Mulgara is found to be present on this site a fauna management plan should be prepared, on the advice of DEC.

Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004

If you have any queries regarding this matter please call Libby Hoskin at DEC Karratha Regional Office on 9182 2004.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Allisdair MacDonald'.

Allisdair MacDonald
REGIONAL MANAGER - PILBARA

26 February 2013

Pilbara Region
Lot 3 Cm Mardie & Anderson Roads, Karratha KIE WA 6714
Phone: (08) 9182 2000 Fax: (08) 9144 1118
PO Box 835, Karratha WA 6714
www.dec.wa.gov.au

ATTACHMENT 6 TO ITEM 11.1.1.7

Djanegara Ryan

Subject: RE: IPA36723 - FW: South Hedland - Amendment No.52 on Lot 226

From: Anthony Rowbottam [<mailto:anthony.rowbottam@acuitus.com.au>]
Sent: Thursday, 28 March 2013 9:11 AM
To: Long Leonard
Cc: barry.pound@gmail.com; Evan Jones; Scott Vanson; Luke Montgomery (Luke@tbplanning.com.au)
Subject: FW: South Hedland - Amendment No.52 on Lot 226

Leonard

Please find attached a response from RPS regarding the DEC's correspondence in regard to Scheme Amendment No. 52 on Lot 222 Greenfield Street, South Hedland. Whilst RPS considers that there is only a low possibility of Mulgara being present on the site, they recommend that a site survey should be undertaken as part of the subdivision process. I am writing to advise that we are happy to commit to this, and will initiate the survey as soon as practicable.

RPS also correctly advise that the DEC's own guidelines include that an approved subdivision is exempt from requiring a clearing application. It is therefore not a relevant consideration for the rezoning or subdivision of Lot 226.

Regards

Anthony Rowbottam
Director
Acuitus
Level 1/322 Hay Street
SUBIACO WA 6008

DD: +61 8 9468 2010
M:+61 417 085 943
PO Box 7182
Shenton Park WA 6008
anthony.rowbottam@acuitus.com.au

Please consider the environment before printing this e-mail

This email and any attachments are confidential and may be legally privileged in which case neither is intended to be waived. The contents of this email, including any attachments, are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, you are not permitted to distribute or use this message or any of its attachments in any way. If you have received this message in error, please notify us and remove it from your system. Any views expressed in this email or the attachments are those of the individual sender, except where the sender expressly, and with authority, states otherwise. It is your responsibility to check any attachments for viruses and defects before opening or sending them on. None of the sender or any of its related entities accepts any liability for any consequential damage resulting from this email containing any computer viruses.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Privacy and Confidentiality Notice

The information contained herein and any attachments are intended solely for the named recipients. It may contain privileged confidential information. If you are not an intended recipient, please delete the message and any attachments then notify the sender. Any use or disclosure of the contents of either is unauthorised and may be unlawful. Any liability for viruses is excluded to the fullest extent permitted by law.



38 Station Street, Subiaco, WA 6008 • PO Box 465, Subiaco 6904, Western Australia
T +618 9211 1111 F +618 9211 1122 E environment@rpsgroup.com.au W rpsgroup.com.au

Our Ref: L999998D

Email: john.halleen@rpsgroup.com.au

Date: 12 March 2013

Mr Evan Jones
Director
Acuitus
PO Box 7182
SHENTON PARK WA 6008

Dear Evan

LOT 226 GREENFIELD STREET, SOUTH HEDLAND

I refer to your request for comments on the recent correspondence from the Department of Environment and Conservation (DEC) in relation to Scheme Amendment No. 52 on Lot 226 Greenfield Street, South Hedland.

RPS in responding to the DEC's comments reviewed the following key report:

- Belleng VDM 2007. Environmental Due Diligence Report.
- Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) 2011. *Dasyercus cristicauda* in Species Profile and Threats Database, Department of Sustainability, Environment, Water, Population and Communities
- Thompson, G. G. & Thompson, S. A. 2007. Shape and spatial distribution of Mulgara (*Dasyercus cristicauda*) burrows, with comments on their presence in a burnt habitat and a translocation protocol. *Journal of the Royal Society of Western Australia* 90: 195–202.

Firstly in terms of assessment RPS notes, the DEC's letter does not reference or have regard to the Environmental Protection Authority's (EPA) assessment of the Scheme Amendment and subsequent subdivision approval. The EPA's assessment of the Scheme Amendment included a review of Belleng VDM Environmental Due Diligence Report.

Belleng VDM undertook the key fauna and flora searches of the relevant DEC and databases as follows:

- The DEC's Threatened Ecological Communities Database which revealed that there were no known occurrences of threatened ecological communities recorded within the subject site.
- The DEC and the Western Australian Herbarium's databases for declared rare fauna was undertaken, also revealing no results.



- The DEC's database for Threatened Fauna was undertaken. From the results, only two of the fauna, *Aspidities ramsayi* (Woma) and *Ardeotis australis* (Australian Bustard), may based on the habitat present on site would potentially occur on the site.

The site survey by Belleng VDM subsequently confirmed that there are no threatened ecological communities present on the site and no Threatened Fauna were recorded at the site. Further, the survey did not identify any active or abandoned burrows.

Belleng VDM advised the site consists of low species diversity. A total of 17 taxa from 13 genera and 8 vascular plant families were recorded from the site survey. The most common families were *Mimosaceae*, *Protoceae* and *Poaceae*.

RPS considers there is a low possibility of Mulgara being present on the site. However, to confirm this, a site survey should be undertaken as part of the subdivision process.

The DEC also raised the matter of clearing. The DEC's Guide to the Exemptions and Regulations for Clearing Native Vegetation, includes an approved subdivision as exempt from requiring a clearing application. This is therefore not a relevant consideration for the proposed scheme amendment or subdivision.

I trust this helps in responding to the DEC's comments.

Yours sincerely

RPS

A handwritten signature in black ink, appearing to read 'John Halleen', written in a cursive style.

John Halleen
Technical Director

11.1.1.8 Proposed Partial Closure of Whim Creek Road, Boodarie – Lot 1281 on Deposited Plan 70562 (File No.: 28/01/0017)

Officer Julie MacMile
Lands and Technical Officer

Date of Report 9 April 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Roy Hill Infrastructure to permanently close a portion of Whim Creek Road. This portion of Whim Creek Road impinges on the proposed rail marshalling land of the Roy Hill Special Rail Licence.

Council is requested to approve the partial closure of Whim Creek Road in accordance with the attached plan.

Background

Whim Creek Road currently dissects the Roy Hill Special Rail Licence corridor and impinges on the proposed rail marshalling yard.

It is evident through aerial photography that Whim Creek Road is currently unsealed.

Consultation

Section 58(3) of the *Land Administration Act 1997* states that a local government must not resolve to make a request under subsection (1) until a period of 35 days has lapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Consultation with service providers will occur during the formal advertising period.

Consultation with the Town's Technical Services unit has been undertaken and no objections were raised.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

6.2 Economic

6.2.1 Diverse Economy

Work closely with businesses to achieve sustainable economic growth and a broad economic base

Budget Implications

The application fee for Road Closures is \$350.00 in accordance with Council's adopted Town Planning Fees and Charges.

Any costs associated with the advertising of this proposal will be invoiced to the applicant in accordance with the adopted operating procedure for road closures.

Officer's Comment

Whim Creek Road is currently unsealed and overgrown with vegetation. The proposed closure of the portion of Whim Creek Road is not used and will not impact on accessibility to fishing areas.

The Town's Technical Service unit has no objection to the proposed closure. Council has the following options for responding to the request:

1. Approve the request for partial closure of Whim Creek Road in accordance with the attached plan.

The partial closure of Whim Creek Road will result in Roy Hill Infrastructure obtaining full access to the Special Rail Licence area

2. Refuse the request for request for partial closure of Whim Creek Road with the attached plan

Should Council choose not the support the partial closure, Whim Creek Road will remain as is, and may impact on Roy Hills future works.

Option 1 is recommended.

Attachments

1. Aerial Plan

201213/341 Officer's Recommendation / Council Decision

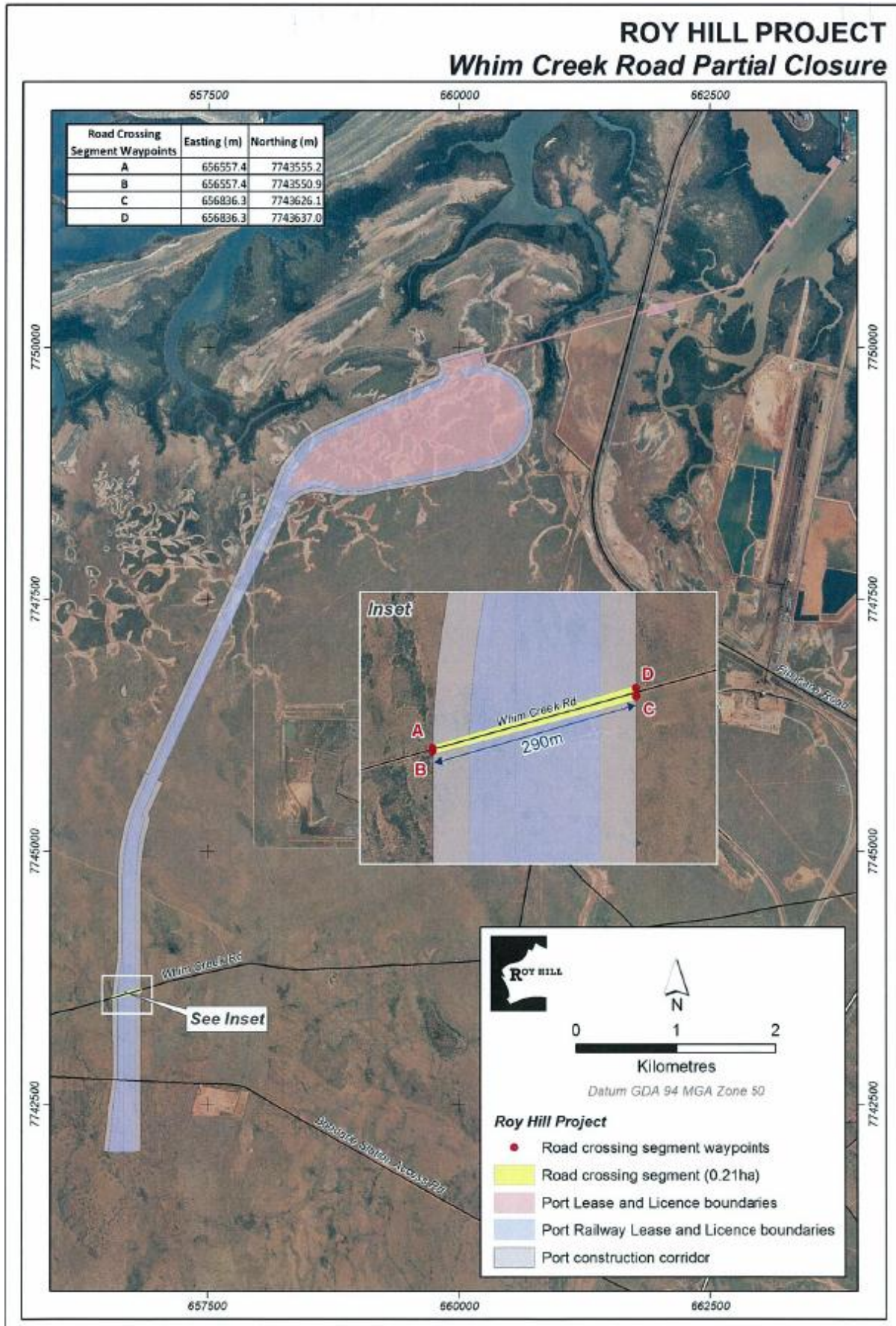
Moved: Cr Carter

Seconded: Cr Hunt

That Council:

- 1. Approves the request for partial closure of Whim Creek Road as indicated on Attachment 1, subject to the following conditions;**
 - a) The proposed partial road closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997;**
 - b) No objections being received during the advertising period; and**
 - c) Any costs associated with the closure shall be invoiced to Roy Hill Infrastructure.**
- 2. Delegates the Chief Executive Officer, or his delegate, to submit the partial road closure request to the Department of Regional Development and Lands (State Lands Services).**

CARRIED 7/0



11.1.1.9 Proposed Development Signs on Lot 502 Great Northern Highway, Lot 9000 Pinga Street and Lot 301 Phosphorus Street, Wedgefield (File No.: 804857G)

Officer	Ryan Djanegara Senior Statutory Planner
Date of Report	20 March 2013
Application No.	2012/544
Disclosure of Interest by Officer	Nil

Summary

The Town received an application from Signage Strategy (Landcorp) on behalf of the registered landowner Department of Regional Development and Lands to construct a Development Sign (Sea Container) on Lot 502 Great Northern Highway and two (2) Development Signs (Pylon Signs) on Lot 9000 Pinga Street and Lot 301 Phosphorus Street, Wedgefield.

The proposed signs do not comply with the Town of Port Hedland's "Signs, Hoardings and Bill Postings" Local Law.

The application is supported by the Town's Officers, and Council is requested to consider the application favourably.

Background

Landcorp has subdivided industrial land to support transport and light industrial purposes within Wedgefield.

It is proposed to install two development (pylon) signs on Lot 301 Phosphorus Street and Lot 9000 Pinga Street, which will provide contact information and a subdivision map for those interested in purchasing land.

In addition, a third development sign using a sea container will be constructed on Lot 502 Great Northern Highway, which will provide contact information for those interested in purchasing land.

Consultation

Internal

- Manager Technical Services
- Manager Building Services

External

- Main Roads Western Australia

The following comments were received:

Main Roads Western Australia:

1. Main Roads is concerned with the location of the proposed sign on Lot 502 Great Northern Highway being 5m from the road edge. It is likely the sign will distract road users and may present as a road safety issue at the turning onto Great Northern Highway from Great Northern Highway.
2. It is recommended the proposed sign on Lot 502 Great Northern Highway should be relocated on a straight section of road and to have a minimum 20m setback off the edge line of the road.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

The development is subject to the provisions of the Town of Port Hedland's "*Signs, Hoardings and Bill Postings*" Local Law.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

Immediate:

An application fee of \$139.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

In accordance with Council's Local Signage laws, the proposed signs are defined as a "Development Sign" which means:

“a sign erected on land which has been approved for subdivision into a number of small lots, advertising the Lots for sale but upon which no building development has taken place at the time of the approval of the sign;”

The placement of the proposed signs (sea container and pylon signs) on the subject sites is to promote the release of the land for Light Industry and Transport Development purposes. Council has previously approved plans of a similar nature within the vicinity.

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

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

Attachments

1. Locality Plan
2. Development Plans

201213/342 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

- A. Requests the applicant to make the following amendments and be approved by the Manager Planning Services:**
 - 1. The proposed sign shall be relocated (as per the attached plan DRG2012/541/1) and to have a minimum 20m setback off the edge line of the road.**
- B. Subject to A, approves the application received from Signage Strategy on behalf of the registered landowner Department of Regional Development and Lands to construct a Development Sign (Sea Container) and two (2) Development Signs (Pylon Signs), subject to the following conditions:**
 - 1. This approval relates only to the proposed Industry - Light – Development Sign (Sea Container) and Industry - Transport – Two (2) Development Signs (Pylon Signs), as indicated on the approved plans (DRG2012/544/1 - DRG2012/544/5). It does not relate to any other development on this lot;**

2. This approval shall remain valid for a period of two (2) years until 24th April 2015 or until such time as the land release is complete, whichever occurs first;
3. Upon the expiry of the permit the signs must be removed to the satisfaction of the Manager Planning Services; and
4. The proposed signs (Sea Container and Pylon) shall be maintained at all times to the satisfaction of the Manager Planning Services.

Advice Notes:

1. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
2. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
3. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.9

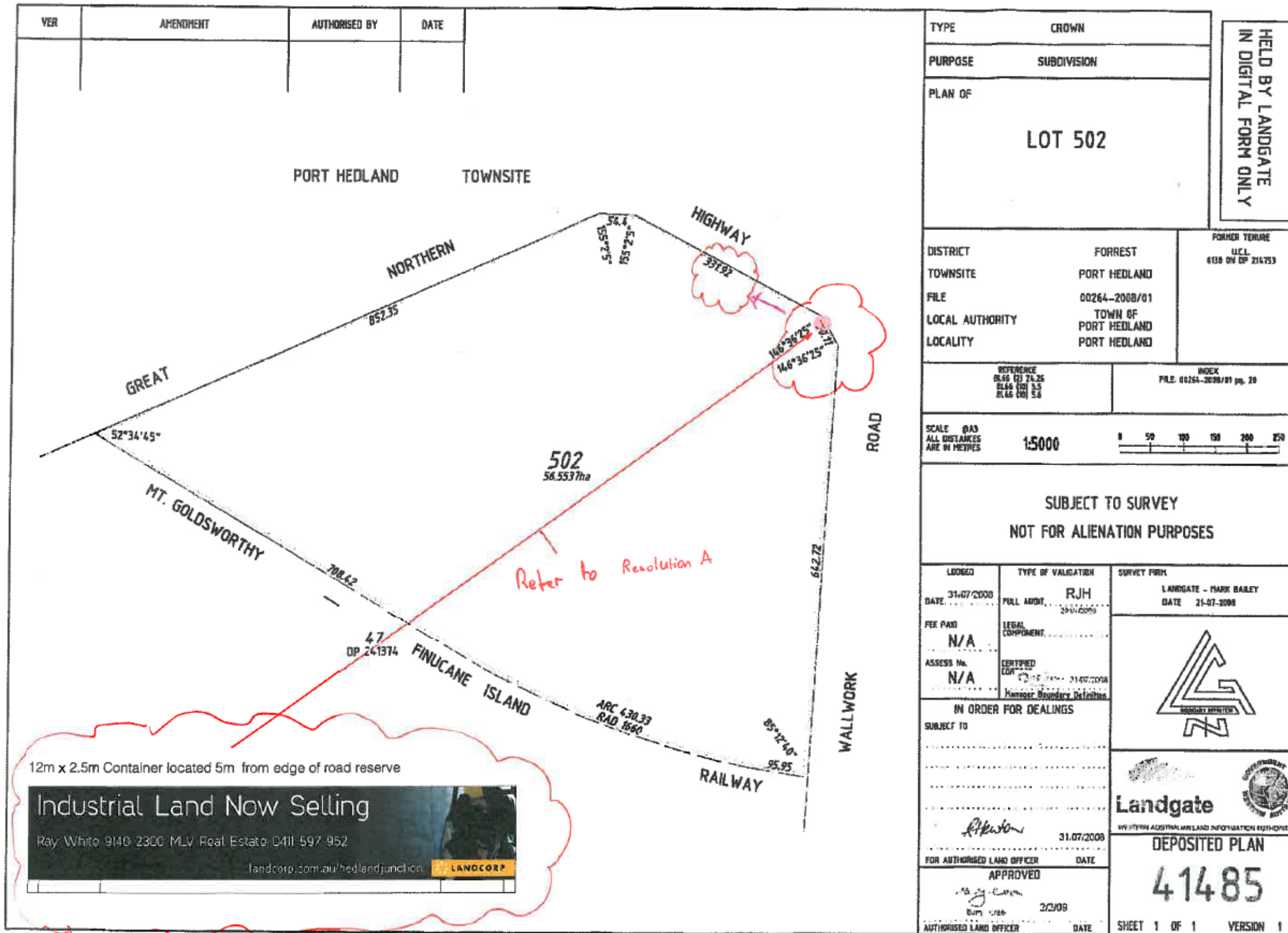
Lot 502 Great Northern Highway



Lot 9000 Pinga Street and Lot 301 Phosphorus Street, Wedgefield



DRU2012/544/1



DRG 2012 / 544 / 2



12000mm



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

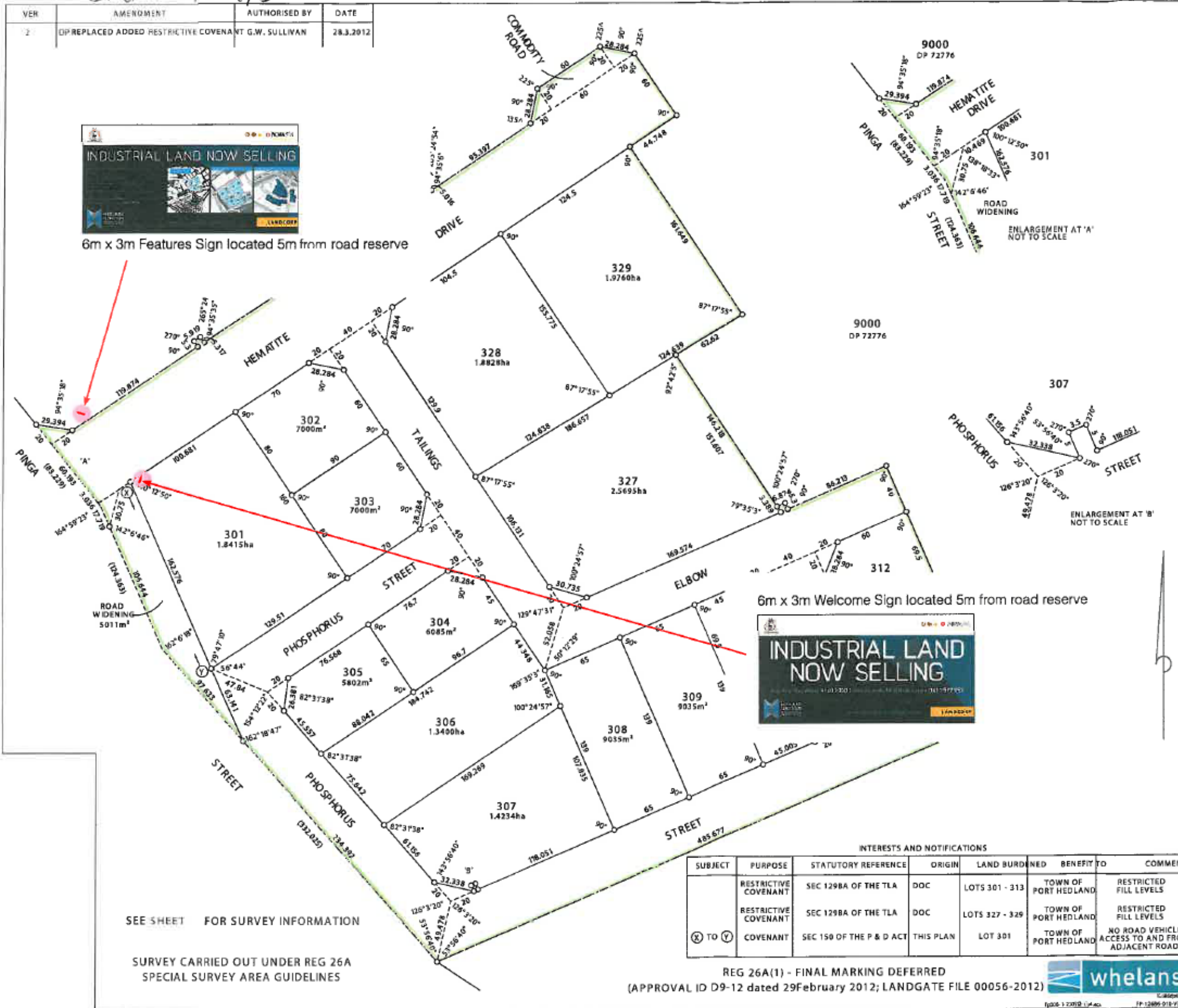
LandCorp
 LCS 0590 - Hedland Junction CtrSz 2.4m x 12m
 October 2011

DRL 2012/544/3

VER	AMENDMENT	AUTHORISED BY	DATE
12	DP REPLACED ADDED RESTRICTIVE COVENANT	G.W. SULLIVAN	28.3.2012



6m x 3m Features Sign located 5m from road reserve



SEE SHEET FOR SURVEY INFORMATION

SURVEY CARRIED OUT UNDER REG 26A SPECIAL SURVEY AREA GUIDELINES

INTERESTS AND NOTIFICATIONS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
	RESTRICTIVE COVENANT	SEC 129BA OF THE TLA	DOC	LOTS 301 - 313	TOWN OF PORT HEDLAND	RESTRICTED FILL LEVELS
	RESTRICTIVE COVENANT	SEC 129BA OF THE TLA	DOC	LOTS 327 - 329	TOWN OF PORT HEDLAND	RESTRICTED FILL LEVELS
(X) TO (Y)	COVENANT	SEC 150 OF THE P & D ACT	THIS PLAN	LOT 301	TOWN OF PORT HEDLAND	NO ROAD VEHICLE ACCESS TO AND FROM ADJACENT ROAD

REG 26A(1) - FINAL MARKING DEFERRED
(APPROVAL ID D9-12 dated 29 February 2012; LANDGATE FILE 00056-2012)



TYPE FREEHOLD		
PURPOSE SUBDIVISION		
PLAN OF		
LOTS 301-313, 327-329, ROADS, ROAD WIDENING & COVENANT		
DISTRICT FORREST	SSA YES/NO	
TOWNSITE PORT HEDLAND	FORMER TENURE	
DRDL FILE	LOT 504 DP 72776	
LOCAL AUTHORITY TOWN OF PORT HEDLAND	FIELD BOOK 110441 110442	
LOCALITY WEDGEFIELD	ON	
INDEX SEE SMART PLAN	110441 110442	
SCALE: 1:2000 AT A2 SIZE		
ALL DISTANCES ARE IN METRES		
SURVEYOR'S CERTIFICATE - Reg 54 L. GARRY WILLIAM SULLIVAN I hereby certify that this is accurate and is a correct representation of the (a) survey; and (b) calculations from measurements I have taken in accordance with the relevant legislation for the purposes of this plan and that it complies with the relevant written laws in relation to such a signed	SURVEYOR'S CERTIFICATE - Completed I hereby certify that this completed plan (a) is a correct and accurate representation of the accessible subject land; and (b) is in accordance with the relevant law in relation to which it is lodged.	
Licensed Surveyor Date	Registered Surveyor Date	
SURVEYING & DRAFTING BY WHELANS (WA) PTY LTD (08) 9484 3333 www.welans.com.au		
LODGED	TYPE OF VALIDATION	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION
DATE	FULL ASSESSMENT LEGAL COMPONENT BOOKED PLAN DATED CERTIFIED CORRECT	FILE 143413 Delegated Under S.R.P & D.P.A.C.T 2005
FEE PAID	ISSC	DATE
ASSESS NO	P.S.C.	
IN ORDER FOR DEALINGS		
SUBJECT TO		
FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER		
APPROVED REG 26A (1H4)		
INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER		
 Western Australian Land Information Authority		
DEPOSITED PLAN		
73689		
SHEET 1		
VERSION 2		

DRG2012/544/4

6000mm

GOVERNMENT OF WESTERN AUSTRALIA

PILBARACITIES
DEVELOPING THE FUTURE

INDUSTRIAL LAND NOW SELLING

Rob Fry, Ray White 9140 2300 | David Lamb, MLV Real Estate 0411 597 952

HEDLAND JUNCTION
WEDGEFIELD INDUSTRIAL

landcorp.com.au/hedlandjunction

LANDCORP

3000mm

1000mm

FRONT ELEVATION

HEDLAND JUNCTION INDUSTRIAL ESTATE
INDUSTRIAL LAND NOW SELLING SIGN 3M X 6M

LandCorp
LAND2837F-10thSz_6x3m Hedland Junction Sign Visual
October 2012

DRL2012/544/5

6000mm

GOVERNMENT OF WESTERN AUSTRALIA

PILBARACITIES
DEVELOPING THE FUTURE

INDUSTRIAL LAND NOW SELLING

- Lots ranging from 2462sqm to 2.5ha
- Suitable for a wide range of businesses
- Generous rebates available from \$30,000 to \$160,000
- Serviced with power, water and access to high speed broadband
- Join Komatsu, Transfield and 25 other businesses

Rob Fry, Ray White 9140 2300
David Lamb, MLV Real Estate 0411 597 952

HEDLAND JUNCTION WEDGEFIELD INDUSTRIAL

landcorp.com.au/hedlandjunction

LANDCORP

3000mm

1000mm



FRONT ELEVATION
HEDLAND JUNCTION INDUSTRIAL ESTATE
INDUSTRIAL LAND NOW SELLING SIGN 3M X 6M

LandCorp
LAND2837H-10inSz 3x3m Hedland Junction Key Features Sign Visual
November 2012

(This page intentionally left blank).

11.1.1.10 Proposed Renaming of Portion of the Great Northern Highway to Wallwork Road (File No.: 18/07/0016)

Officer Katherine Press
Lands and Technical Officer

Date of Report 9 April 2013

Disclosure of Interest by Officer Nil

Summary

The Town received a request from Main Roads Western Australia to rename a portion of Great Northern Highway (GNH), Port Hedland. The renaming of a portion of GNH is required as part of the GNH realignment project.

Council is requested to consider the request favourably.

Background

The GNH realignment works will see the existing section of GNH between Wallwork Road and the Broome turn off becoming a local road, resulting in the need for the renaming of the portion.

The care and control of the portion of road is yet to be agreed between the Town and Main Roads WA, which does not form part of this report.

It is proposed, that the existing name 'Wallwork Road' is extended through to the Broome turn off of the GNH, rather than providing that portion of the road with a new name. Please refer to Attachment 1.

Consultation

This matter has been referred to Engineering Services and no objection has been received.

Statutory Implications

The naming or renaming of a Road must be dealt with as per Part 2, Division 3, Section 26A of the Land Administration Act 1997.

Policy Implications

Nil

Strategic Planning Implications

6.2 Economic

6.2.2 Gateway City & an attractive destination

Develop Port Hedland's sea, air and road transport infrastructure so that it becomes that main access hub for the Pilbara.

Budget Implications

Main Roads WA will be required to provide any new signage required for the newly named road portion.

Officer's Comment

When the GNH realignment work is complete, GNH will bypass the existing portion of the GNH between Wallwork Road and the Broome turn off. It is proposed to extend the road name 'Wallwork Road' to include the downgraded portion of GNH.

Attachments

1. Great Northern Highway renaming map.

201213/343 Officer's Recommendation / Council Decision

Moved: Cr Carter

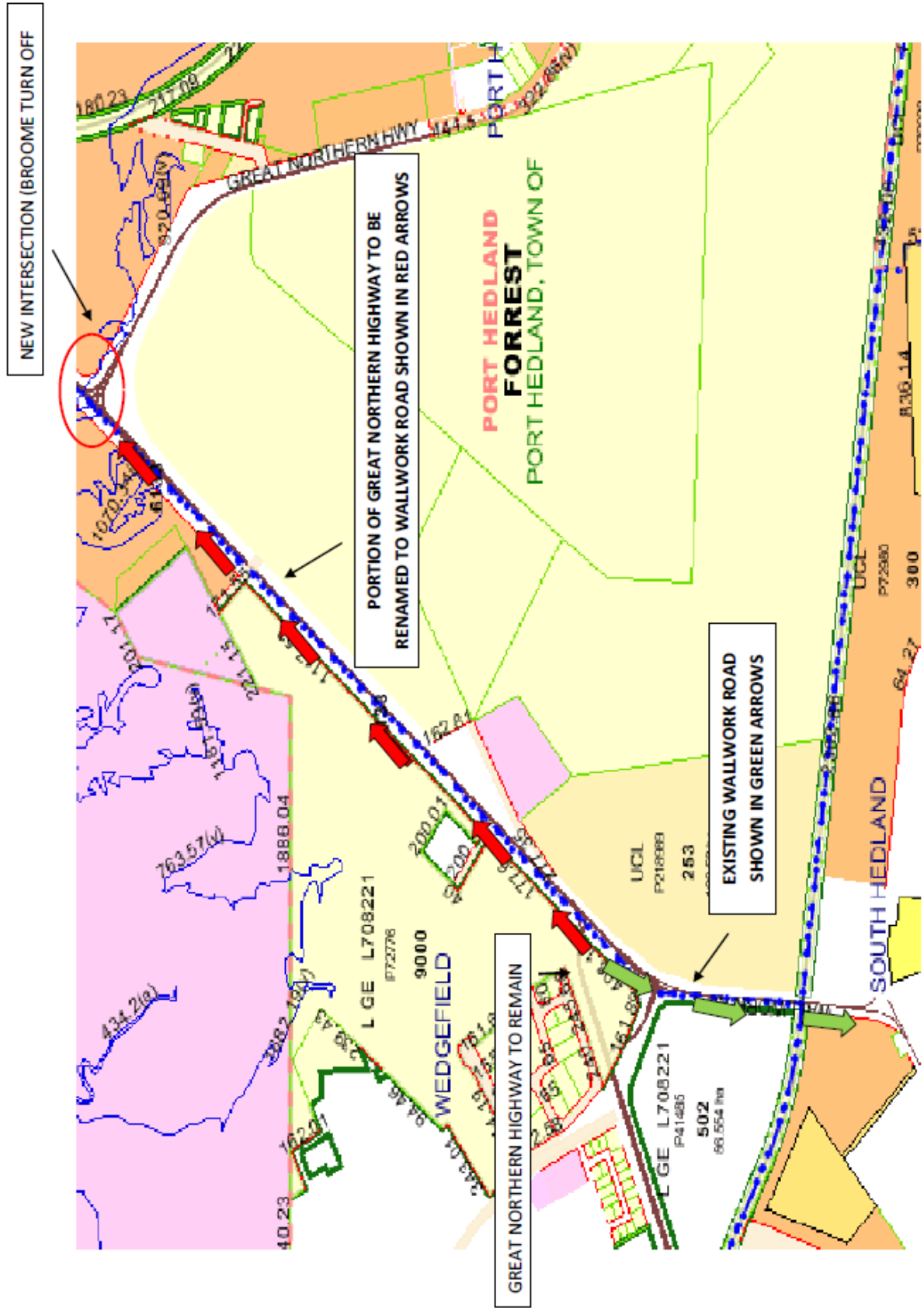
Seconded: Cr Dziombak

That Council:

1. **Approves the renaming of the portion of Great Northern Highway, Port Hedland to 'Wallwork Road', as per Attachment 1, when the subject portion of Great Northern Highway is downgraded to a local road;**
2. **Authorises the Chief Executive Officer, or his delegate, to submit the request for the re-naming of the portion of Great Northern Highway to the Geographical Names Committee for final approval, subject to the following:**
 - a) **The proposed renaming of the portion of Great Northern Highway being advertised for a period of 30 days pursuant to Town of Port Hedland Policy 12-004 Road Names and Street Numbering;**
 - b) **No objections being received during the advertising period.**
3. **Advises the applicant, that any costs associated with the required road signage will be at the cost of the applicant; and**
4. **Advises the applicant that the proposed street signs are to be to the satisfaction of Town's Technical Services Unit.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.10



11.1.1.11 Proposal to Extend Boundaries and Amend the Purpose of Reserve 38848 at Lot 2914 North Circular Drive, South Hedland (File No.: 130328G)

Officer Katherine Press
Lands and Technical Officer

Date of Report 14 March 2013

Disclosure of Interest by Officer Nil

Summary

As a result of expansion pressures on South Hedland, it is proposed to further extend the boundaries of Reserve 38848 (Deep Water) at Lot 2914 North Circular Drive, South Hedland.

The proposal will secure additional land required for future stormwater drainage, Council is requested to consider the proposal favourably.

Background

Reserve 38848 located at Lot 2914 North Circular Drive, South Hedland (the Reserve) and vested to the Town for "Drainage" and "Off Road Vehicle" purposes.

In October 2012, the Town's Engineering Department requested the boundaries of Reserve 38848 be extended to increase the land area, in order to facilitate the development of an expanded drainage network.

This matter was presented to Council at the Ordinary Council meeting held on 14 November 2012. At the meeting Council resolved to:

"1. Supports the proposal to amalgamate a portion of the UCL located at Lots 300 and 301 on deposited plan 72980 into Reserve 38818 at Lot 2914 North Circular Drive, South Hedland, as per the attached location plan and accept the vesting of the new portion of land for the purpose of "Drainage" and "off Road Vehicles"; and

2. Delegates the Manager Planning Services to request the Department of Regional Development and Lands;

to alter the boundaries of Reserve 38848 at lot 2914 North Circular Drive, South Hedland, as per the attached location plan; for the new portion of land to be vested to the Town of Port Hedland."

Please refer to attachment 1 for the approved extended boundaries of Reserve 38848.

Consultation

The requirement to further extend the boundaries of Reserve 38848, has been discussed with the Town's Technical Services Department.

Statutory Implications

The following sections of the *Land Administration Act 1997* are relevant to the proposal:

41. *Minister may reserve Crown land;*
46. *Placing of care, control and management of reserves*

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012-2022 are considered relevant to the proposal:

6.4 Local Leadership

6.4.1 Strategic

Deliver responsible management of infrastructure, assets, resources and technology

Budget Implications

Extending the reserve now will be financially beneficial to the Town, the excavations required to create the stormwater ponds will be done by Main Roads WA at their cost.

The soil being excavated from the reserve will be used as fill for the construction of the Wallwork Bridge and GMH Interchange.

Officer's Comment

The current purpose of the reserve is for "Drainage" and "Off Road Vehicles" purposes. The land being proposed to be included into the reserve is impacted upon by native title. As a result of the native title it is proposed the purpose of the reserve be amended to exclude "Off Road Vehicles". By amending the purpose of the reserve it will not be necessary to apply through the Department of Regional Development and Lands to have the native title extinguished.

The amendment of the purpose of the reserve will not negatively impact the community. Council on 21 September 2011 resolved to allocate a large portion of land east of the subject reserve for the purposes of "Private Recreation".

Works carried out by Main Roads to increase drainage reserve support recommendations from the South Hedland Flood Study.

It is recommended Council approve the further extension of the boundaries of Reserve 38848 being Lot 2914 North Circular Drive, for "Drainage" purposes, as per attachment 2.

Options

Council has the following options for responding to the request:

1. Supports the expansion of Reserve 38848 at Lot 2914, to include a portion of the UCL located at Lots 300, 301 and 302 on Deposited Plan 72980, as per attachment 2, for the purpose of "Drainage".

This will see Council obtain control and responsibility for the new portion of land enabling it to be utilized for "Drainage".

2. Object to the expansion of Reserve 38848 at Lot 2914, as per attachment 2.

This may see Lot 300, 301 and 302 on deposited plan 72980 being disposed of or reserved for other purposes, which may have an impact on the Town's drainage network.

Attachments

1. Approved Reserve boundary expansion map.
2. New proposed Reserve boundary expansion map.

201213/344 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

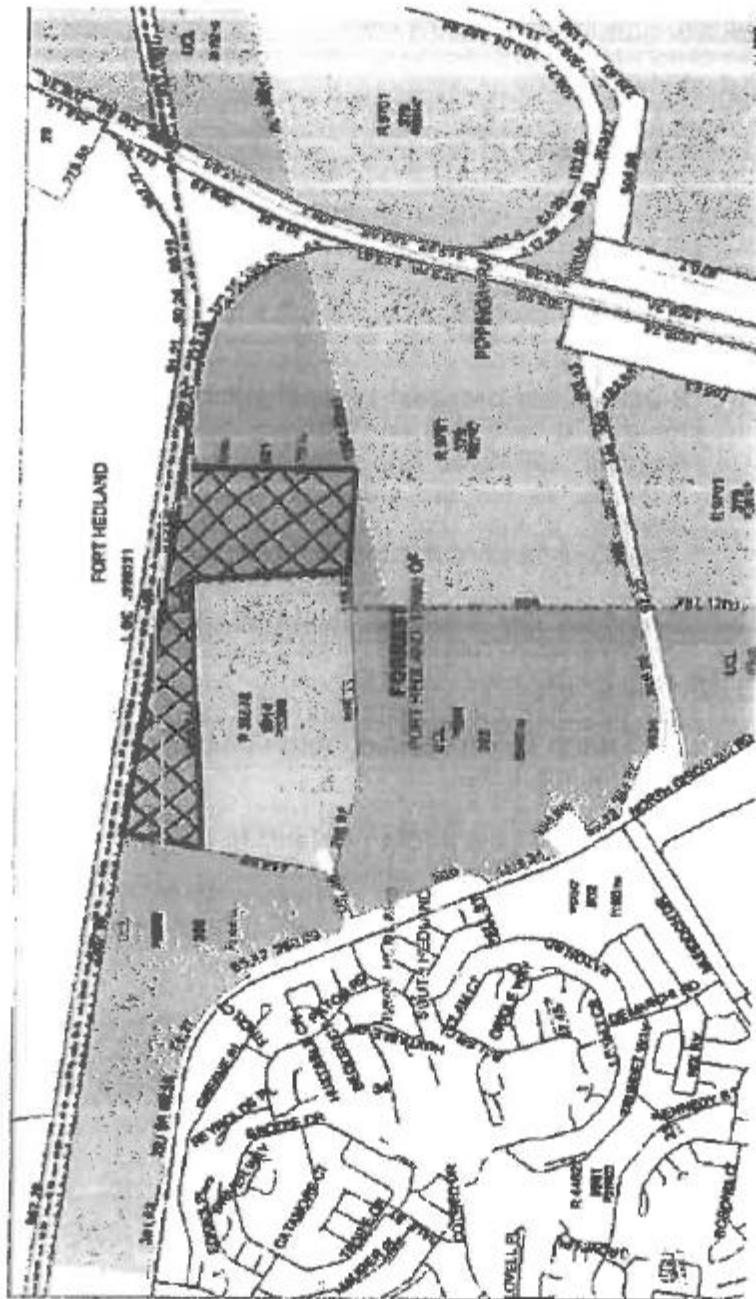
That Council:

1. **Supports the expansion of Reserve 38848 at Lot 2914 to include a portion of the Unallocated Crown Land (UCL) located at Lots 300, 301 and 302 on Deposited Plan 72980, as per attachment 2.**
2. **Supports the amendment of the purpose of Reserve 38848 from "Drainage and Off Road Vehicles" to Drainage" only.**
3. **Accepts the management order of the new portion of land for the purpose of "Drainage".**
4. **Delegates the Manager Planning Services to request the Department of Regional Development and Lands to action (1), (2) and (3) above; and**

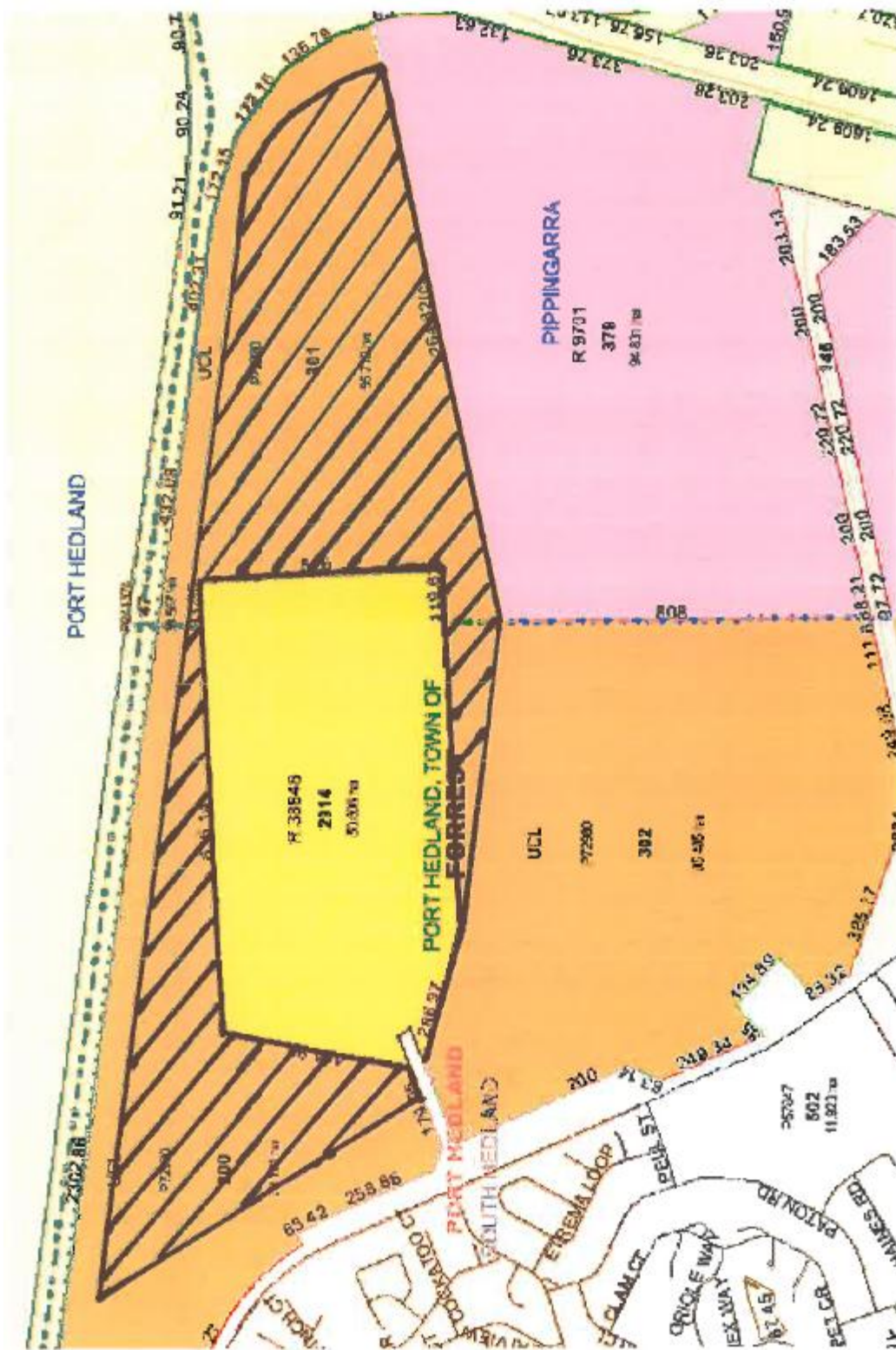
5. **Subject to RDL approval, requests the Chief Executive Officer or his delegate(s) to provide information to the public regarding extending boundaries.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.11



ATTACHMENT 2 TO ITEM 11.1.1.11



11.1.2 Environmental Health Services**11.1.2.1 *Consideration of a Trial Period of an Additional Overflow Recreational Vehicle Campsite in Port Hedland. – Reserve 30517 McGregor St, Port Hedland (File No.: 25/10/0001)***

Officer Darryal Eastwell
Manager of Environmental
Health Services

Date of Report 11 April 2013

Disclosure of Interest by Officer Nil

Summary

At the February Concept Forum an information item was presented to Councillors to consider if an additional Recreational Vehicle (RV) overflow campsite could be considered adjacent to the Port Hedland Tennis Club site.

At the forum it was considered that an additional overflow campsite could be considered for the tourist season for RV vehicles only and this item is designed to formalise that feedback.

The intent of this initiative is to consider allowing these types of vehicles only, to camp on Council controlled property to assist with the shortage of overnight RV camping sites in the Town during our tourist season.

Background

In 2006 Council considered an item to allow overflow camping at a range of sites however, it was decided that the Port Hedland Golf Club site was the most appropriate. Since that time the Golf Club has been issued with a camping ground license and the concept seems to be working quite well. In line with their agreement the Golf Club can only accept campers when all other licensed Caravan Parks in our Town are full.

It is now considered that an additional overflow camping site for fully self-contained RV vehicles only adjacent to the Port Hedland Tennis Club could be trialled.

Fully self-contained RV vehicles contain their own shower and toilet facilities and are capable of containing all wastes in the vehicle itself for later disposal. These vehicles are road registered and take the form of a self-contained bus, motor home, self-contained caravan or self-contained camper van and do not include tents, camper trailers, mini vans, backpacker vans or the like.

The proposed location of the RV campsite is shown in attachment 1 which will be in a designated area between the tennis courts and rugby oval in Port Hedland. It will be recommended that a maximum of 2 nights camping only be permitted for any one vehicle. There will be no access to toilets or showers during the trial.

Consultation

External

A phone survey was conducted of the existing caravan parks in the Town and the general comment concluded that provided the parks are full they had no objection to the initiative.

Internal

The proposed trial was referred to our Recreation section who advised that the reserve is occasionally booked by travelling circuses and for equestrian events and needs to be available at these times.

It will be recommended to Council that adequate signage be in place indicating when the RV camping ground is open or closed and the use of this precinct for events outlined above needs to be preserved.

Statutory Implications

Under the caravan parks and camping ground regulations the owner of land can allow camping on land for up to 3 nights in any 28 consecutive days period.

Council has delegated authority down to the officers to approve Caravan parks and camping ground licenses however the impact of this initiative needs to be considered by Council.

Policy Implications

Nil

Strategic Planning Implications

For several years the town has received concerns in respect to the lack of available caravan sites from various agencies including the tourist information centre. This initiative will assist in providing extra sites for short term stays for tourists and travellers to rest up and have a look around our thriving Town.

Budget Implications

It will be recommended that the Town does not charge for RV camping however the Town will incur costs for the initial set up which will include signage, chain link for closing the site, slashing the site, allocating and emptying of rubbish bins, litter pick up, maintenance on the site and ongoing staff monitoring costs.

It is envisaged that the initial set costs will be approximately \$5,000.00 with the signage being the main expense. This funding will need to be sourced from within existing budgets. If the trial is successful the Town will try and raise grants for a permanent water supply and dump point.

Officer's Comment

As Council is aware ongoing illegal camping in our parks and reserves has been a significant issue for many years now with all forms of accommodation being in high demand.

It is envisaged that the availability of this site will attract those campers that do not have self-contained RV vehicles and will question the intent of the RV camping only initiative. Clear signage needs to be prepared and a specific public education campaign undertaken to ensure that the Towns initiative is not abused and the site is used for its intended purpose.

A definition of a RV will need to be included in the carefully worded signage which will outline the need for the vehicle to be road registered; containing toilet and shower facilities and these wastes are to be contained within the vehicle for later disposal. This would not include the use of outside porta-potties or external showers and washing facilities.

A common sense enforcement strategy will be used for the site however it will be policed vigorously by the Towns Rangers especially in the early stages to ensure it is used for its intended purpose by fully self-contained RV's only. A short education campaign (warnings) will be undertaken however ongoing issues will result in infringements being issued by the Town's Rangers for what is considered illegal use of the site.

Town Officers suggest that the use of the site by any one vehicle should be limited to two nights between the months of May - July. In August, the Town has significant events adjacent to this reserve being the Port Hedland Cup and the North West Festival therefore it is considered that camping should not be permitted during this month.

Re-Use water is reticulated on the nearby rugby oval close to the reserve and it will be recommended to Council that only the western end of Reserve 30517 be utilized for RV camping which will accommodate 20-30 vehicles.

Attachments

1. Site Map

201213/345 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council:**

1. **Approve a trial period for Overflow Recreational Vehicle (RV) camping on the western end of Reserve 30517 McGregor St, Port Hedland from May 1 – 31 July 2013 in accordance with the following conditions.**
 - a) **That all existing caravan park sites are full;**
 - b) **Signage is in place to outline the conditions of approval for the site and include a warning that re-use water is reticulated in the immediate area and odours could be expected;**
 - c) **That all RV,s have their own on board toilet and shower facilities and all wastes are to be retained in the vehicle for later disposal. The vehicles are to be road registered and take the form of a self contained bus, motor home, self contained caravan or self contained camper van and do not include tents, camper trailers, mini vans, back packer vans or the like;**
 - d) **All stays are to be no longer than 2 nights;**
 - e) **The site may be closed for RV camping at times when the reserve is booked for other activities;**
 - f) **Dogs are only permitted if retrained and are not causing a disturbance;**
 - g) **No amplified music permitted;**
 - h) **No fires permitted; and**
 - i) **All campers are to follow reasonable directions from TOPH staff.**
2. **Delegate power to the Chief Executive Officer to withdraw the overflow camping approval at any time should he feel that the RV Camping ground is not being utilised in accordance with Council's intended approval.**

- 3. Receive a further report on the success or otherwise of the trial for further consideration.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.2.1



11.1.3 Economic and Land Development Services**11.1.3.1 Request for Tender - Butler Way Pretty Pool Land Development Project (File No. 802201G)**

Officer David J. Westbury
Manager Economic Development and Strategy

Date of Report 1 March 2013

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland has recently been granted a development lease by the Department of Regional Development and Lands (RDL) on Recreation Reserve 40652 Lot 5863 on Deposited Plan 191022, Butler Way Port Hedland. The property is approximately 2,156m² and is located on Butler Way in Pretty Pool. The excision of this property from the reserve was approved by Council on 26 September 2012. This report seeks to provide different development scenarios and the recommendation for the issuance of a Request for Tender (RFT) to find a suitable qualified developer whom will work for a fee on the delivery of this project.

Background

Pilbara Cities representatives met with Town Officers on 21 June 2012 to scope the next round of the properties identified as potential residential infill parcels, referred to as the 'Lazy Lands' project. Key parcels within South and Port Hedland were identified as having potential for residential infill.

On 25 July 2012 Council resolved to acquire eleven of the identified properties within the Recreational Reserves for land development projects. Pilbara Cities has since responded to the request and identified nine of the eleven properties as the basis for negotiations. Reserve 40652 Butler Way Port Hedland has been identified as a "Clean Skin" parcel by the RDL and thus a development lease has been approved. This lease allows the Town to investigate different development scenarios until the actual purchase of the property is finalised. The property will be purchased via Clause 25 of the *Government Land Policy Manual-Policy No. 04.0105*, colloquially known as the "5% policy" once a development plan is achieved.

Two Strategies adopted by Council support the need for Butler Way to be development. Firstly, the Staff Housing Strategy which outlines the need for additional housing to assist in achieving the Strategic Themes and Performance indicators identified within the Community Hedland *Strategic Community Plan 2012 - 2022*.

Specifically, the strategy identified the need to construct 58 new units of housing to accommodate the expected increases in staff by 2016. Secondly the *Active Open Space Strategy* recommends the property for disposal.

Consultation

External

Department of Regional Development and Lands

Internal

Concept Forum, Elected Members 23 January 2013
 Director Planning and Development
 Manager Economic Development and Strategic Planning
 Economic Development and Strategic Planning Officer

Statutory Implications

Local Government Act 1995 (WA) Section 3.57 – Tenders for providing goods or services

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property

Policy Implications

Nil

Strategic Planning Implications

Council's Strategic Community Plans 2012 - 2022 identifies Strategic Themes and Performance Indicators relating to Workforce and Land Development Projects including the following:

6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth.
6.3	Environment
6.3.1	Housing
	Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.
6.4	Local Leadership
6.4.3	Capable
	Attract, develop and retain a productive and effective workforce to deliver the Strategic Community Plan.

Budget Implications

The report seeks authorisation to issue a Tender for Reserve 40652 located on Butler Way in Pretty Pool. This specific item will only incur costs in relation to advertisement, administrative and potentially legal advice.

Officer's Comments

Currently the Town of Port Hedland is experiencing a severe staff housing shortage and is involved in the private rental market. As a result, the Town is attempting to develop properties to alleviate the need to rent properties on the open market.

Several different development scenarios can be pursued in relation to Reserve 40652 Butler Way in terms of a disposition method. The property will be purchased via Clause 25 of the *Government Land Policy Manual-Policy No. 04.0105*, colloquially known as the "5% policy". This essentially means that if the property was to be sold on the open market the proceeds would need to be dedicated a Trust fund specifically set aside for capital improvements to recreational reserves. By building homes on the property Council will essentially lock the value (or the 95%) into the houses. When the situation in Port Hedland normalises and housing is no longer provided for staff the houses can be sold with the revenue from the sale dedicated to fund set aside for recreation reserves in the immediate vicinity. This is an ideal scenario where the additional housing stock will allow Council to divest from the rental market while providing a future legacy payment for the enhancement of the recreation reserves.

The development will be four-single family homes so as to be complementary to the surrounding neighbourhood.

Build the Development as Council Staff Housing

The Town could and has recently designed and constructed developments for staff housing and retained ownership. This would require substantial capital which the Town simply does not have at this point in time.

Expression of Interest

An Expression of Interest is used to gauge the commercial interest in a property and gain an understanding of the potential uses for the property and provide feedback to the Town on the opportunities, expectations and costs to the Town, to enable the Council to make an informed decision as to the future of the property. Following the receipt of the Expression of Interest, one of three processes could follow, namely:

- A public tender;
- A select group tender from those who expressed an interest; and

- A private treaty negotiation, if the Town receives one expression of interest that meets the relevant criteria.

The potential outcome is undeterminable until the expression/s of interest have been received.

Request for Proposal

A Request for Proposal (RFP) allows the Town to assess development proposals in a much timelier manner while still ensuring that the objectives of Council are achieved. By eliminating the Expression of Interest step, Council will still be able to assess the development proposals against the criteria that would normally be obtained in a two-step process and proceed with the development as soon as all of the statutory obligations are completed. It is important to note at this point that none of these options are mutually exclusive and staff should and will pursue any transaction which provides creative solutions to the staff housing issue. A RFP allows Council to enter into any number of development scenarios having thoroughly tested the market with a full picture of the properties possibilities/potential.

Developer- for- a- Fee: Request for Tender

Developer-for-a-fee Request for Tender (RFT) is a unique vehicle that is the well suited for project where the ultimate use is predetermined and essential only requires the expertise and upfront funding of predevelopment work in return for a fee paid to the successful proponent upon project delivery.

Essentially, the tender will request a developer to fund the soft costs of the construction of four single-family homes. Once planning and building approval is received the developer will market two of the homes on the private market which will be sold off the plan. The developer will then use the funds from the sale of the two homes to construct all four homes with two of the four homes being retained by the Town for staff housing. The developer would then receive payment for all cost incurred plus a "fee" for the work performed.

Town Officers have done some preliminary estimates on the proposed development for illustrative purposes only:

Value of the Land \$1.6m

- 4 homes (4 bedrooms x 2 bathrooms) sales price \$1.2m each total sales price \$4.8m
- Cost of construction \$550,000 each (plus some additional earthworks) \$2.2m
- Profit \$2.6m

The successful proponent will be selected based upon their experience in successfully delivering similar scoped housing projects and the proposed fee to be paid by the Town for the expertise provided. It is hoped that this development will pay for itself; however, if a gap in funding is identified then staff will report back to Council and seek funding.

If that gap is insurmountable the property will need to be returned to the State of Western Australia as the Town has a limited window of opportunity.

Attachments

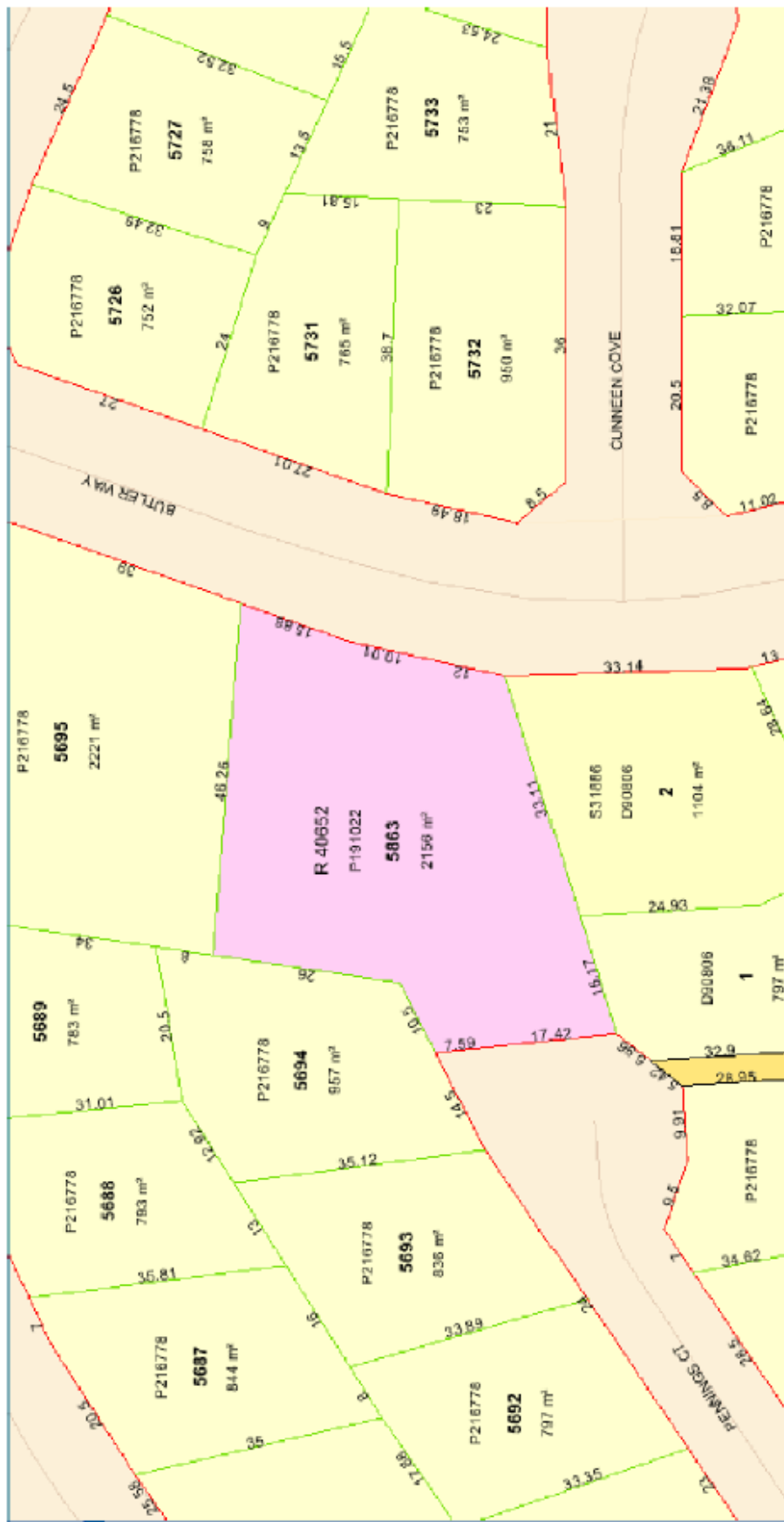
1. Map Reserve 40652 Butler Way Port Hedland

201213/346 Officer's Recommendation / Council Decision**Moved: Cr Jacob****Seconded: Cr Carter**

That Council requests the Chief Executive Officer or his delegate to prepare and advertise a Request for Tender for Reserve 40652 Butler Way Port Hedland in accordance with the provisions of section 3.57 of the *Local Government Act 1995*.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.3.1



11.1.3.2 Request for Proposals: 1.4 Hectares on Reserve 8214 (McGregor Street) for Commercial Development Projects (File No. 803179G)

Officer David J. Westbury
Manager Economic Development and Strategy

Date of Report 2 April 2013

Disclosure of Interest by Officer Nil

Summary

At the Special Council meeting held on 14 November 2012 Council approved the excision and acquisition of a 1.4ha portion of Reserve 8214 (Port Hedland Turf Club) for commercial land development projects. At that time, Council stipulated that the approval of the excision and acquisition was conditional based upon extensive consultation with the Port Hedland Turf Club as they have a registered interest in the site. The Town's Officers have since received the support of the project from the Turf Club and now seeks to issue a Request for Proposal (RFP) for the site.

Background

The recently completed Pilbara Port City Growth Plan identified the lack of retail offering in Port Hedland as major impediment which can discourage potential long term residents and make recruitment more difficult for the resource sector.

The growth plan estimates that Port Hedland will need an additional 125,000m² of new commercial floor space (93,000m² more than current levels) with an urgent need to address the current retail undersupply of cafes, restaurants/takeaways, groceries and retail offerings.

In order to begin to address this issue a meeting was held between Town Officers and Department of Regional Development and Lands (RDL) on 2 November 2012 where Town Officers presented several land acquisition-development projects within the town to facilitate investment.

One of the options presented was the excision and acquisition of a portion of Reserve 8214 (Port Hedland Turf Club) for commercial development purposes. Positive feedback was received relating to the development potential of a 1.4ha portion of Reserve 8214 at the South West corner of the Port Hedland Turf Club (attachment 1) from both RDL and LandCorp. Town Officers subsequently sought and received the approval of the excision and acquisition of the property from Council and now seeks Council's consent to submit an RFP to the Minister for Regional Development and Lands for approval.

This additional step is necessary because the Town anticipates acquiring control of the property via Clause 25 of the *Government Land Policy Manual-Policy No. 04.0105*, colloquially known as the “5% policy”. This innovative development scenario should allow the Town to increase its commercial base while providing income stream for improvements to the remaining Reserve 8214. Once the Town has received approval of the concept from the Minister, the RFP will be issued to the development community. It is hoped that Ministerial approval will allow Town Officers to seek and evaluate proposals based upon a host of factors with the price of the land not necessarily being the most important. This will include added commercial amenity such as additional cafes and the quality of the site layout and design rather than the maximizing lettable floor area as is the case with most private commercial developments.

Some work related to feasibility and due diligence such as a survey and soil testing have been completed so that potential developers can submit accurate proposals in terms of the cost of engineering.

Consultation

External

Port Hedland Turf Club
Department of Regional Development and Lands
LandCorp

Internal

Director of Planning and Development
Manager Recreation Services

Statutory Implications

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property

Government Land Policy Manual-Policy No. 04.0105

Policy Implications

Nil

Strategic Planning Implications

Council's Strategic Community Plans 2012 - 2022 identifies Strategic Themes and Performance Indicators relating to Land Development Projects including the following:

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Create Local employment and investment and diversify the economy.

Enhance supply of suitably located and supported industrial and retail land.

Budget Implications

The report seeks authorisation to issue an RFP. This specific item will only incur costs in relation to advertisement, administrative and potentially legal advice. The Town's Officers will seek approval for the purchase of the site when those costs are available by the Valuer General's Office.

Officer's Comments

Currently the Town of Port Hedland lacks many of the commercial amenities that people in other regional areas of Western Australia take for granted. Many of the commercial enterprises that do exist are paying rents that are unaffordable causing the prices of services and merchandise to be higher than even that of the Perth Central Business District. This causes people that might be willing to move to Port Hedland (FIFO workers in particular) to acquire a negative impression of the liveability of Port Hedland and increases existing residents reliance on internet shopping. This creates vicious circles whereas existing commercial enterprises must charge high prices to cover the high overhead increasing the likelihood that customers will seek alternatives such as internet shopping decreasing the profitability of existing businesses. A simple supply and demand analysis concludes that more commercial floor space will lower shop rents and thus make a better environment for entrepreneurs wishing to set-up shops in Port Hedland. The availability of more commercial premises will also help diversify the local economy making Port Hedland a more economically sustainable place where people want to live and are proud to call home.

Attachments

1. Survey of part Reserve 8214 McGregor Street

201213/347 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council requests the Chief Executive Officer or his delegate to prepare and advertise a Request for Proposal for the 1.4ha parcel of land on Reserve 8214 in accordance with the provisions of section 3.58 of the *Local Government Act 1995* in consultation with the Turf Club to be submitted and approved to the Minister of Regional Development and Lands.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.3.2



11.2 Engineering Services**11.2.1 Infrastructure Development**

6:26pm Councillors Daccache, Dziombak and Hunt declared a financial interest in agenda item 11.2.1.1 'Colin Matheson Oval Change Rooms Project – Revision of Scope of Works and Discharge of Contract 12/11 (File No.: 26/13/0021)' as they have BHP Billiton shares over the statutory threshold.

Councillors Daccache, Dziombak and Hunt left the room.

6:27pm Councillor Jacob declared an impartiality interest in agenda item 11.2.1.1 'Colin Matheson Oval Change Rooms Project – Revision of Scope of Works and Discharge of Contract 12/11 (File No.: 26/13/0021)' as her ex-partner is an employee of BHP Billiton.

Councillor Jacob did not leave the room.

NOTE: Chief Executive Officer advised that the Department of Local Government [Brendan Peyton Manager Governance] on 24 April 2013 granted the Town of Port Hedland Council the authority to consider agenda item 11.2.1.1 'Colin Matheson Oval Change Rooms Project – Revision of Scope of Works and Discharge of Contract 12/11 (File No.: 26/13/0021)' with a reduced quorum of four Councillors, in accordance with Section 5.7(1) of the Local Government Act 1995.

11.2.1.1 Colin Matheson Oval Change Rooms Project - Revision of Scope of Works and Discharge of Contract 12/11 (File No.: 26/13/0021)

Officer Anthony Williams
Project Development
Officer

Date of Report 25 March 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to obtain Council approval for the discharge of Contract 12/11 – Renovation and Structural Upgrades: Colin Matheson Oval (CMO) Change Rooms due to the recommended change of scope, also the subject of Council approval via this report. The change of scope involves reallocating existing funding towards designs for the extension of the recently built clubhouse facility to accommodate change rooms.

Background

In 2012 funding was provided by BHP Billiton to upgrade the Colin Matheson Oval change rooms to complement the recently built separate clubhouse and to undertake minor renovation works. After consultation with sporting groups and within the organisation, a scope of works was developed and approved by Council at the Ordinary Council Meeting on 23 May 2012. A Contract for these works was awarded to Pilbara Constructions at the Ordinary Council Meeting held on 11 July 2012 (Council Decision 201213/013).

During the Development Application process several new compliance issues were identified that impacted on the project scope, budget and merits overall. The process recognised a lack of public and less abled ablution facilities, poor access provisions for less abled users, lack of bin storage, inadequate exit signage and lighting and non-compliant kitchen facilities.

Considering the budget implications associated with rectifying the compliance issues as well as the age, condition and location of the building, it's recommended to alter the scope of this project to achieve a better outcome for the precinct overall. Work undertaken by Pilbara Constructions has been suspended by mutual agreement until this matter is resolved. The recommended change of scope will require the discharge of contract 12/11 with Pilbara Constructions.

Consultation

External

- BHP Billiton
- Pilbara Constructions
- Rovers Football Club

Internal

- Executive Group
- Manager Infrastructure Development
- Manager Recreation Services & Facilities
- Manager Planning
- Manager Building
- Manager Community Development

Statutory Implications

A local government is permitted to discharge a contract in accordance with the Local Government Act (1995), Part 9, Division 3:

"9.49B. Contract formalities

- (1) *Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.*
- (2) *The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.*
- (3) *Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal."*

Any future tenders required as a result of the recommended new scope of works will be called in accordance with the Local Government (Function and General) Regulations (1996), Part 4, Division 2 (s 3.57).

Sections of this report pertaining to information provided by Pilbara Constructions that is considered commercially sensitive have been deemed confidential in accordance to the Local Government Act (1995):

"5.23 Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government"*

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012-2022 are considered relevant:

6.1	Community
6.1.1	Unified
	The Town of Port Hedland is an integrated community functionally, physically & culturally.
6.1	Community
6.1.2	Vibrant
	Provide access to recreational, cultural, entertainment facilities and opportunities. Commit to improving the quality of life and wellbeing of residents.

Budget Implications

The allocated budget for this project is \$250,000 (GL account 1109450) which is fully funded by BHP Billiton. BHP Billiton is supportive of the proposed change of scope and has approved the funding reallocation.

Existing expenditure and the value of the contract awarded to Pilbara Construction for the original scope of work exhausted the budget allocation (inclusive of contingency). The cost estimate of rectifying the additional compliance issues is approximately \$250,000, therefore the entire project budget required for the original scope is \$500,000. Funding is not available for the extra \$250,000.

It is considered that a reallocation of the available funding towards extensions to the new clubhouse would achieve better outcomes from a community facility and asset management perspective.

The following table provides a summary of expenditure and budget available for the proposed revised scope of works.

Description	Value (excluding GST)
2011/12 expenditure	\$ 1,250
2012/13 expenditure	\$ 4,056
Commitments	\$ 21,090
TOTAL	\$ 26,396
BALANCE REMAINING	\$ 223,604

An estimate of contract discharge costs is included in the table above. Further detail regarding this is provided under separate confidential attachment.

The proposed revised scope of works can be accommodated within the remaining project budget as described in the table below:

Description	Value (excluding GST)
Minor works to existing change room facility	\$ 25,000
Stakeholder consultation	\$ 2,000
Site survey	\$ 5,000
Master plan	\$ 15,000
Concept designs of proposed additions	\$ 50,000
Detailed designs (commencement)	\$ 115,000
Cost estimates prepared by Quantity Surveyor	\$ 5,000
TOTAL ESTIMATE	\$ 217,000

Officer's Comment

The realisation of additional compliance issues has led to the reconsideration of the merits of refurbishing the existing change room facility. The building is old and in a poor condition, although can still function reasonably in the short term with some minor works. Any substantial work to the building would trigger the requirement for all non-compliant issues to be addressed, resulting in up to \$500,000 being spent on an aged asset.

When the recently built clubhouse project was being developed, adjacent to the change rooms, it was proposed to include change room facilities and other public and club amenities. The existing change room building would then be demolished, making way for additional car parking for the precinct. This outcome was not achieved due to budget restrictions, however can now be reconsidered as an extension to the clubhouse building.

It's proposed that the scope of this project is altered to focus on the master plan and design of an extension of the clubhouse building to include change rooms, public ablutions, storage, kiosk and other amenities that would be identified during stakeholder consultation. Funding for the future construction of the extension would then be sourced. Minor works would be carried out on the existing change rooms to ensure its functionality until the new facility is constructed. Specifically, it's proposed that the new project scope includes:

- Minor works to existing change room facility, including painting, kitchen and other minor works;
- Consultation with funding parties, school and sporting groups;
- Site survey and consolidation of information to date;
- Master plan of Colin Matheson Oval site to consider integration of clubhouse, change rooms, public facilities, storage, access and parking arrangements;
- Concept designs of clubhouse extensions as per outcomes of master plan;
- Commencement of detailed designs, subject to availability of remaining funds; and
- Construction cost estimates prepared by Quantity Surveyor.

One of the benefits of this revised scope is that the new clubhouse building would eventually be activated by incorporating all of the sporting and community amenities into a single modern building. This would make better use of the existing commercial kitchen and upstairs function room that is currently underutilised.

The existing change room would be demolished once the new facilities are constructed, making way for additional car and bus parking which are currently inadequate.

The revised scope of works is completely different to the work currently awarded to Pilbara Constructions. In order for the revised scope to proceed, Council is required to approve the discharge of Contract 12/11 – Renovation and Structural Upgrades: Colin Matheson Oval (CMO) Change Rooms. Pilbara Constructions has provided a proposed settlement value for the discharge of Contract 12/11. This consists of costs for time spent by Pilbara Construction staff on the project to date plus costs associated with the preparation of the Development Application. The proposal has been reviewed by officers and considered fair and reasonable. Details of the proposed settlement are provided in a confidential attachment.

Attachments

1. Confidential: Settlement of Contract 12/11 – Renovation and Structural Upgrades: Colin Matheson Oval (CMO) Change Rooms.

201213/348 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Taylor

That Council:

1. **Acknowledges that additional expenditure on the existing change room building would not be in the best interest of the Town or community due to its age and condition;**
2. **Acknowledges the likelihood that the existing change room building will be demolished to accommodate car parking, subject to outcomes of the proposed master plan and future funding;**
3. **Approves the revised scope of works for the Colin Matheson Oval Change Room project to include:**
 - a) **Minor works to existing change room facility;**
 - b) **Stakeholder consultation;**
 - c) **Site survey;**
 - d) **Master plan;**
 - e) **Concept designs;**
 - f) **Commencement of detailed designs; and**
 - g) **Cost estimates prepared by Quantity Surveyor**

4. Approves the discharge and settlement of Contract 12/11 – Renovation and Structural Upgrades: Colin Matheson Oval (CMO) Change Rooms.

CARRIED 4/0

6:29pm Councillors Daccache, Dziombak and Hunt re-entered the room and resumed their chairs.

Mayor advised Councillors Daccache, Dziombak and Hunt of Council's decision.

11.2.1.2 Extension of Contract 10/08 Waste Services Technical Consultancy (File No.: 31/13/0001)

Officer	Jenella Voitkevich Manager Infrastructure Development
Date of Report	10 April 2013
Disclosure of Interest by Officer	Nil

Summary

Contract 10/08 Waste Services Technical Consultancy is a period contract that is due to expire on 30 June 2013. This report requests approval from Council to extend the term of the contract for a further three (3) year period in accordance with contract conditions.

Background

The Town relies on expert consultant advice for issues pertaining to the management, operations and compliance of various waste management services provided by the Town. This includes, but is not limited to:

- Liaising with government authorities regarding license and compliance requirements for the South Hedland Landfill Facility (SHLF);
- Advice and investigation of current, proposed and best practice waste management practices;
- Operational procedures at the SHLF to minimize waste;
- Review of SHLF Management Plan;
- Forecasting of lifespan and closure plan of SHLF;
- Member of Landfill Relocation Project Reference Group;
- Management and compliance of waste water re-use scheme;
- Design of waste water treatment plant at Port Hedland International Airport; and
- Investigating recycling options and opportunities

At the Ordinary Council Meeting on 28 April 2010 Council awarded a consultancy contract for these services as per the following decision:

“200910/367 Council Decision/Officer’s Recommendation:

That Council award Tender 10/08 Waste Services Technical Consultancy for the period 1st July 2010 to 30th June 2013 to Rowcon Pty Ltd as per submitted schedule of rates below, ancillary rates and conditions of contract:

Tenderer	Position	Tendered Hourly Rate
Rowcon Pty Ltd	Project Director and Environmental Engineer	\$100
	Principal Civil Engineer	\$100
	CAD drafting	\$75

Carried 8/0."

The contract is not specific to a project or particular scope of works. The consultant is available to meet any requirements the Town has in relation to waste and environmental management.

The original tender documentation stated:

"By mutual agreement this contract may be extended for a further thirty-six (36) month period."

Officers seek approval from Council to exercise the clause to extend the contract.

Consultation

External

- Rowcon Pty Ltd

Internal

- Engineering Directorate

Statutory Implications

Nil

Policy Implications

Although expenditure under this contract has averaged under \$100,000 per annum, it is possible that costs incurred could exceed \$100,000. This is particularly likely given the involvement of this consultant in two major projects, being the relocation of the SHLF and a potential waste water treatment plant at the Port Hedland International Airport.

In consideration of the likely expenditure for expert consultant advice, Procurement Policy 2/007 would require a tender process. Extension of the current contract would ensure compliance with the Towns procurement policy and procedures.

Strategic Planning Implications

The following items within the Strategic Community Plan (2012-2022) are relevant to the engagement of a specialist consultant for waste services, in that they relate directly to the South Hedland Landfill Facility, use of recycled water and sustainability of resources.

6.3	Environment
-----	-------------

6.3.1	Housing
-------	---------

A clearly defined plan is implemented to meet water needs.

6.3	Environment
-----	-------------

6.3.2	Community Facilities
-------	----------------------

Provide environmental protection and management and ensure that resources are used sustainably.

6.3	Environment
-----	-------------

6.3.4	Environment
-------	-------------

Increased facilities for sustainable use of power and water.

Increased level of recycling initiatives in the Town of Port Hedland.

6.4	Local Leadership
-----	------------------

6.4.1	Strategic
-------	-----------

Council resources and assets are properly maintained and managed.

Budget Implications

The contract entitles the consultant to increase the fees by CPI each year, however the consultancy fees have remained consistent. A CPI increase would have a minimal impact on the value of the hourly rates within the contract and would remain consistent with industry rates.

The budget allocations for engaging a consultant for waste services are within landfill operational budgets and individual project budgets. Extending the current contract will have no impact on budget allocations.

Officer's Comment

Rowcon Pty Ltd has provided a high quality level of service since the contract commenced in July 2010. Their staff has been consistently involved in operational and strategic issues at the South Hedland Landfill Facility, as well as playing a valuable active role in projects for the relocation of the landfill and investigating a waste water treatment plant at the Port Hedland International Airport. A good relationship has been developed with statutory departments to ensure that the Town meets compliance requirements at our landfill and reuse water facilities.

Rowcon Pty Ltd's director is the Chair of the North West sub-branch of the Western Australian branch of the Waste Management Association of Australia, therefore is able to continually provide a valuable resource to the Town.

In order to maintain a consistent approach to operations and projects it's recommended to extend Contract 10/08 Waste Services Technical Consultancy for a further three (3) year period.

Attachments

Nil

201213/349 Officer's Recommendation / Council Decision**Moved: Cr Jacob****Seconded: Cr Carter**

That Council authorises the extension of Contract 10/08 Waste Services Technical Consultancy for the period 1 July 2013 to 30 June 2016 in accordance with existing contract conditions.

CARRIED 7/0

11.2.2 Investment and Business Development**11.2.2.1 *Request to Enter into Co-share Arrangement by way of Licence with SAS Norsat Communications for the Communications Tower Located at Cajarina Street Wedgefield (File 05/05/0102)***

Officer **Jessica Melia**
Leasing Officer

Date of Report **10 April 2013**

Disclosure of Interest by Officer **Nil**

Summary

This report seeks Council approval to enter a licence agreement with SAS Norsat Communications (Norsat) to co-share the communication tower at the Town of Port Hedland's Works Depot.

Norsat have previously been engaged to upgrade the Town's two-way communication system, however are proposing to provide additional equipment in exchange for a co-share arrangement on the communication tower.

Background

The Town's two-way communication system provides fundamental communication links between rangers, depot, operational works crew and landfill staff for day to day operations. The equipment is also vital during emergency procedures and cyclone events.

Norsat have been engaged to upgrade the Town's two-way communication system. The current two-way radio amplifier is 10 years old, out of warranty and there are no spare parts available for its repair. In addition there is no battery backup for the two-way radio amplifier. Engineering staff and rangers are currently unable to communicate between vehicles without a functioning two-way radio amplifier.

An allocation of \$50,000 was included in the 2012/13 budget to upgrade to the current system and equipment. Norsat have been engaged to provide this upgrade.

The upgrade will provide a better communications service to the growing population and enable Town staff to provide a far superior coverage and range than the existing communication system.

The equipment upgrade will enable multiple base capacity, a higher grain base antenna on the tower, superior backup communications capability and 24/7 monitoring.

The existing system when operational covers a 40km radius from the Town's Works Depot. The upgraded equipment enables the system to cover up to a 50km radius.

In addition to the equipment upgrade, Norsat have approached the Town with an additional scope of works for consideration. Norsat propose to provide additional equipment (at a value of \$15,000 excluding GST) to increase the communication range to cover approximately 80 percent of the Town's district. This is in exchange for the ability to accommodate this equipment on the communications tower at the Works Depot.

Consultation

External

- Operations Manager Norsat Communications
- McLeod's Barristers and Solicitors

Internal

- Manager of Investment and Business Development
- Manager of Engineering Services
- Coordinator of IT
- Manager of Environmental Health
- Coordinator of Ranger Services
- Coordinator of Workshop & Fleet Operations

Statutory Implications

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) A disposition of property other than land is an exempt disposition if —*
 - (a) its market value is less than \$20 000; or*
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.*

Policy Implications

Nil

Strategic Planning Implications

6.4 Local Leadership

6.1.1 Strategic

Deliver responsible management of infrastructure, assets, resources and technology.

Information Technology systems support service delivery and meet contemporary standards.

Budget Implications

The original equipment upgrade has been allocated in the 2012/13 budget at \$50,000.

The proposed licence will generate an income of \$500 per annum exclusive of GST. This nominal fee will cover administration costs. The revenue will be attributed to GL 1303357.

Officer's Comment

Two-way communication upgrade supplier

Quotes were obtained to upgrade the Town's existing two-way communications system. In accordance with the Town's procurement process, three quotes were obtained from the following companies:

- JSA Communications
- JH Computer Services Pty Ltd
- SAS Norsat Communications

Following an assessment of the quotes received, SAS Norsat Communications were awarded the contract.

Norsat is a locally based supplier with a local team support unit providing 24/7 contact and customer service. Their proposal from the above quotation process included upgrading the current two-way radio amplifier to digital UHF. The digital UHF system provides a better communication range, improves voice quality, offers sophisticated call control and removes the risk of interference from other frequencies. The upgrade will greatly improve service.

Additional proposal from Norsat

In December 2012 Norsat Communications contacted the Town of Port Hedland (ToPH) with the request to co-share the communications tower located at the Town's Works Depot.

Norsat are proposing to install additional equipment at the value of \$15,000 excluding GST. The additional equipment will deliver broader coverage for all of Norsat's clients. By co-sharing the tower, Norsat will be able to monitor and manage the infrastructure and provide technical maintenance of the equipment on site.

The Town will greatly benefit from the additional equipment as it will have access to Norsat's portfolio of repeater sites which will vastly improve the Town's current coverage capabilities. The increased coverage would extend as far as Indee station, Pardoo Station and Auski Road House repeater sites.

The increased coverage would provide improved communication and increased safety and management of Town staff working in remote areas as well as improved communications during emergencies, most notably cyclone season.

Proposed licence agreement

In exchange for the additional equipment to be installed at no cost to the Town, Norsat are seeking a licence term of three years with an option to extend by a further three years.

Should the agreement extend to the total term of six years, the annual monetary benefit is equivalent to \$2,500 per annum.

Norsat propose to maintain the equipment for the duration of the term. The proposed licence agreement will contain conditions around access to the site in favour of the ToPH as landlord.

To determine the value for the co-location arrangement, officers considered other co-location valuation amounts for communications equipment in other areas. However it is noted that these arrangements, such as with Telstra and Optus, have different commercial communication uses and are therefore not relevant.

As per the statutory implications, it is the Town's discretion to apply licence fees where the total consideration falls below \$20,000. Furthermore, disposals other than property are exempt from Section 3.28 of the *Local Government Act 1995* on the same grounds.

In consideration of the benefits to the Town, it is proposed that an annual licence fee of \$500 exclusive of GST applies to this agreement. This fee will cover costs associated with the administration of this agreement. This fee will be reviewed annually by CPI.

Attachments

1. SAS Norsat Communications

201213/350 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council dispose of portion of the Communications Tower located at the Town of Port Hedland Works Depot located on the corner of Carjurina Street Wedgefield by way of licence to SAS Norsat Communications on the following terms:

- a) Annual licence fee of \$500 exclusive of GST;**
- b) Annual review of licence fee by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics ;**
- c) Licence term of 3 years;**
- d) Option to renew licence by 3 years at the discretion of Council.**

CARRIED 7/0



ATTACHMENT 1 TO ITEM 11.2.2.1

SAS Norsat Communications as a Division of
SAS Telecom Pty Ltd (ACN 123 409 905)
ATF The SAS Trust (ABN: 80 688 431 939)
PO Box 730 Port Hedland WA. 6721
Lot 1437 Stocker Street Port Hedland WA. 6021
P: (08) 9173 3026
F: (08) 9173 3028
E: admin@norsat.com.au

Sebastian Maciuba
IT Coordinator
Town of Port Hedland
PO Box 41 Port Hedland WA 6721

RE: Memorandum of Understanding - Co Locate on Wedgefield Tower

Seb,

SAS-Norsat Communications have proposed a solution for the Town of Port Hedland two way communications system.

The proposal included the upgrade to Digital UHF communications, and a path to have both the old and new systems working during the changeover period, which will be subject to Budget allocations for replacement vehicles and radios.

The system design is tied to a long term approach whereas planning is completed for additional capacity as the need arises, and superior coverage and performance.

SAS-Norsat propose to further improve the site capacity, coverage and facilities by becoming involved with the infrastructure & support of the site.

Our initial proposal included a ToPH "stand alone" system, with a single coax cable, antenna. Additional capacity would require further antennas and coax, and multicoupler equipment. (to allow more than one base on the antenna system)

SAS-Norsat proposed to co share the site and upgrade the equipment to provide multiple base capability, higher gain base antennas on the tower, superior backup power capability, and 24/7 monitoring. This will allow SAS-Norsat to provide a better service for the growing client base in the area, with no interference to ToPH systems, and a far superior coverage and range for the ToPH system. Coverage is expected to be 50-60km on flat ground in vehicle, and 20-30km for handhelds from this base.

Included in this proposal is the ability for the ToPH to have access to our other sites, to improve short term coverage (bush fires, emergencies etc). This includes Indee Station, Pardoo Station and Auski Roadhouse repeater sites.

We have already completed design with RF Industries, the suppliers of the antennae and multicoupler equipment. Frequency allocation is next once we have completed the PO process.



SAS Norsat Communications as a Division of
SAS Telecom Pty Ltd (ACN 123 409 905)
ATF The SAS Trust (ABN: 80 688 431 939)
PO Box 730 Port Hedland WA. 6721
Lot 1437 Stocker Street Port Hedland WA. 6021
P: (08) 9173 3026
F: (08) 9173 3028
E: admin@norsat.com.au

What we will provide above the quoted system:

- Separate TX & RX high gain antennas on tower. Improvement of 5dB and 15km range over standard antenna.
- 2 x low loss ANDREWS LDF 5-50 Coax cable (1 inch thick). Improvement of 1.5dB over standard coax.
- Receiver Multi-coupler and TX Multi-coupler access for 2 ToPH bases (1 equipped initially)
- Superior lightning and earth protection.
- Access to a talk group on our other bases for emergencies.
- Remote monitoring of all systems 24/7, with support as required for Urgent faults that effect both ToPH & Norsat systems.
- Superior Battery backup with access for plugin gen set (supplied by others)
- A antenna system including Multi-couplers that is capable of growing with the requirements of the ToPH and Norsat. Initially installed for 1 ToPH freqs, and 4 Norsat Freqs, with planning for up to 10. (4 ToPH channels for voice or data)

What we require from the ToPH:

- Access to our equipment located on the outside rear of the building. (gate access 24/7)
- Authority to operate our bases (licensed as required by ACMA) from your site.
- Authority to install the superior antennas and equipment at our cost.
- 1 x Common, 1 x Individual Circuit GPO outlet in our cabinet (we can install)
- 3 year period with option for same.
- Exclusivity for other VHF or UHF services on the tower. (control interferences etc)

Costings:

The upgrade of equipment and antennas to implement this system, on a eggs for eggs basis of 1 x ToPH base VS the capacity to upgrade additional ToPH bases, with the increased range and coverage, backup power, monitoring as described above, is costed at about \$15,000.00. This will be funded by SAS-Norsat in return for access/co location as described above. Additional multi-coupler cost to install the second repeater at a later date will be aprox \$2800 per frequency installed. Base radio equipment is additional.

Yours Faithfully.

A handwritten signature in black ink, appearing to read 'DM', is written over a horizontal line.

Dave McGowan
Operations Manager
SAS-Norsat Communications
17-12-12

11.2.2.2 *Request to dispose of Reserve 8402, 76 The Esplanade by way of Lease to Dome Coffees Australia Pty Ltd (Files: 32/04/0001 and 05/05/0101)*

Officer Sara Bryan
Manager Investment and Business Development

Date of Report 10 April 2013

Disclosure of Interest by Officer Nil

Summary

This item requests a decision of Council in relation to the disposal of Reserve 8402, 76 the Esplanade, commonly known as the 'District Medical Officer's Quarters' by way of lease to Dome Coffees Australia Pty Ltd for the development of a café for a term of 40 years.

Background

The District Medical Officer's Quarters is located on the corner of The Esplanade and McKay Street, Port Hedland, opposite the Port Hedland boat ramp facing north, with direct and uninterrupted views of the Port.

The building was built in 1907 and is a single storey Federation Bungalow style residence. It is heritage listed and requires substantial renovation and restoration.

Given its prominent waterfront location in the west end of town, it has been widely recognised that the location is ideally suited to a café or restaurant.

In 2011, the Minister for Lands ordered that the Town of Port Hedland have care control and management of Reserve 8402, being Lot 500 on Deposited Plan 64541, 76 The Esplanade, Port Hedland, otherwise known as the 'District Medical Officer's Quarters'.

The conditions attached to the Order were that:

- the property is to be used for a community purpose;
- the power to lease or sub-lease is limited to 21 years and approved by the Minister; and
- any proceeds from a commercial lease arrangement are to be deposited into a trust account and used for the maintenance and upkeep of the property.

Subsequent to receiving the management order for the reserve, in April 2011 the Town initiated an Expression of Interest (EOI) process for the development of the heritage listed building for the purpose of a bar, café or restaurant, complying with the use being for 'community purpose'.

Respondents to the EOI were required to have experience in operating a similar commercial development as well as experience in renovating or restoring heritage listed buildings.

It was also stipulated through this process that the successful respondent would be expected to undertake all required alterations and renovations to upgrade the facilities at their own expense with any development to be at a minimum cost to the Town.

The Town received two proposals in respect of this EOI, one from Dome Coffees Australia Pty Ltd (Dome) and the second from Mobiles at Work Pty Ltd. As per the requirements of section 3.57 of the *Local Government Act 1995*, – tenders for providing goods or services, these submissions were assessed and presented to Council for their consideration.

At its ordinary meeting, held 13 July 2011, Council resolved the following:

“That Council:

1. *Acknowledge the expression of interest evaluation for the District Medical Officers Quarters, Reserve 8402, being 76 on Deposited Plan 64541, 76 The Esplanade, Port Hedland;*
2. *Authorise the Chief Executive Officer to ‘Request a Proposal’ for Council’s consideration from Dome Coffees Australia Pty Ltd, in relation to the proposed development of the District Medical Officers Quarters, Reserve 8402, being 76 on Deposited Plan 64541, 76 The Esplanade, Port Hedland, utilising the following criteria:*

	Criteria	Weight %
1	An explanation and particularised cost of development to Council, in dollar terms, where assistance or contribution from the Town has been identified.	30
2	An explanation of type, number and essential terms of the contractual agreements that will need to be executed by the parties to formalise an agreement for the ‘whole of development’ life, including the lease.	20

3	A financial model clearly justifying the rental structure over the proposed life of the lease.	20
4	An explanation of the how the Port Interpretative Viewing Platform can be maximised with reference to the local tourism market and other tourist attractions in the Pilbara.	20
5	Alternative solutions to parking, in light of the Town's 'cash in lieu policy' and identified car parking shortfall in West End, Port Hedland, in the medium to long term future.	10

In August 2012, a request for further information by way of letter was forwarded to Dome, reflective of the criteria as set by Council for further consideration.

Consultation

External

- Chief Executive Officer/Managing Director – Dome Coffees Australia Pty Ltd
- Team Leader Pilbara – Department Regional Development and Lands
- McLeods Barristers and Solicitors
- Western Australian Local Government Association
- City of Greater Geraldton
- Australian Property Consultants

Internal

- Executive Group
- Managers Group

Statutory Implications

Local Government Act 1995

“Section 3.58. Disposing of property

(1) *In this section —*

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

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

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

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

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

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*
- [Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]”*

and

Land Administration Act 1997

Section 49 Management Plans

...

- (3) *A management body must, before submitting a plan to the Minister under subsection (1) or in response to a request under subsection (2):*

- (a) *consider any conservation, environmental or heritage issues relevant to the development, management or use of the Crown land in its managed reserve for the purpose of that managed reserve; and*
- (b) *incorporate in the plan a statement that it has considered those issues in drawing up the plan.*

Policy Implications

Nil

Strategic Planning Implications

6.1 Community

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally.

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

Should Council proceed with the officers recommendation of this item, Dome will be liable to pay an annual rental of \$2500 exclusive of GST to be increased annually by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics using the annual published percentage figure for the quarter immediately preceding the rent review date, for the initial 20 year term. The total consideration for the initial term will generate a minimum contribution of \$50,000.

This annual rental contribution will be deposited into a trust account and will be used only for the maintenance and upkeep of reserve 8402 as per the conditions of the management order.

It is prudent to note that in completing the redevelopment plans as proposed within the comprehensive EOI submission document presented by Dome, the anticipated costs of refurbishing the District Medical Officer's Quarters to a Category A heritage asset sit at approximately \$6,000,000.

As lessee, Dome would be responsible for payment of all outgoings in respect of the site, inclusive of rates and would be liable for any legal costs associated with the drafting, negotiating and finalising of the lease.

Officer's Comment

Proposed Development

Dome proposes to renovate and refurbish the District Medical Officer's Quarters as per the principles for adaptive reuse of heritage places in accordance with the Heritage Act. In addition to this, they intend to construct a bridge to the rear of the existing building linking to a new, modern section to enable accommodation of additional community uses than would be possible should the development remain contained to the footprint of the original building space.

The heritage building will remain in the dominant view from the waterfront. The new building is proposed to be constructed with modern materials to reflect the iron ore mining heritage of Port Hedland and to have industrial/functional theming.

They have sought in principal approval on the proposed renovation from the Heritage Council of Western Australia; this has been evidenced by a supporting letter contained in their expression of interest.

Should Council resolve to advertise the lease terms and Dome are successful in obtaining a lease for the site, final development plans will be submitted to the Town's planning department to seek the necessary approvals for the development.

Lease Term

Within the original submission document, Dome requested an initial lease term of twenty (20) years with two further ten (10) year extension options.

As noted in the background of this item, the permitted lease term in accordance with the management order for the reserve was limited to a maximum term of twenty one (21) years. This 21 year term includes any extensions to the initial term of lease.

Further to negotiations with Dome, and in recognition of the substantial capital investment proposed within the development plan, Officers contacted Department of Regional Development and Lands (DRDL) to request an extension to the permitted lease term from twenty one (21) to forty (40) years. DRDL have accepted the request and the management order will be amended increasing the power to lease provision for a maximum period of 40 years.

Option to purchase

In addition to this, Dome also requested a formalised option to purchase the reserve. In respect of this request, it is noted that the reserve is property of the Crown, vested to the Town and the Town does not have any control over the transfer of ownership.

On consultation with DRDL in relation to this matter, advice has been received that should Dome wish to make application for the purchase of the reserve on completion of the restoration works, a business plan would need to be prepared in respect of the proposal and forwarded to the state for consideration.

Officers have indicated that while the Town may support such an application in the future, it is prudent to note that the Town would not have any influence or authority in the decision making process.

Staff Accommodation

During discussions with Dome, requests were initially made for the Town to assist in potential issues surrounding accommodating staff for the operation of the completed development.

Officers advised Dome that the Town is unable to provide direct support in accommodating staff for individual businesses. Officers advised Dome to make application to the State Government Service Worker Housing Initiative and advised that such an application would be supported by the Town should a lease be formalised between the parties.

Approach to rental assessment

In August 2012, Australian Property Consultants (APC) prepared a market rental assessment report for the District Medical Officer's Quarters.

The report indicates that the northern portion of the reserve is improved with a single storey heritage listed building in 'poor condition requiring extensive renovations and restoration'. Furthermore, it states that for all intent and purposes, the building is nearing the end of its economic life.

The report presents a number of factors for consideration in producing the rationale for the recommended value of the property. Hypothetical scenarios are presented, ascertaining potential leasehold values for the following:

- A similar property without heritage classification;
- A similar property, with heritage listed improvements to be restored by the lessee;
- A similar property, with heritage listed improvements to be restored by the lessor; and
- Property "As Is".

The process followed thus far in seeking a proponent to occupy the reserve has dictated that all required alterations and renovations to upgrade the facilities would be at the expense of the successful proponent with any development to be at a minimum cost to the Town.

With this in mind, the valuation summary has been based on the final scenario, Property "As Is".

In this instance, there is significant risk to the Lessee given the buildings must be restored and reconfigured to heritage protection standards prior to being able to generate a commercial return.

The valuation report determines that a nominal or “peppercorn” land and building rent would apply for such a time as a rental incentive is deemed appropriate.

Keeping in mind the substantial development costs, it is proposed that an amount of \$2,500 per annum, exclusive of GST apply for the initial 20 year period with annual increases by CPI.

Should the parties agree to exercise the further terms of the lease, it is proposed that a fixed 15 percent increase would be applied to the amount payable in the preceding year. Annual CPI increases would apply for the duration of the 10 year term, with a fixed 15 percent increase to the rental paid in year 10 on exercise of the second option.

Should Council endorse the recommendation of this item, the details of the disposal as per point one of the officer’s recommendation will be locally advertised by way of public notice for a public submission period of 2 weeks. Should no submissions be received within this requisite period, a lease agreement will be executed between the parties.

Attachments

1. Draft plans for the proposed development

Officer’s Recommendation

That Council:

1. Dispose of Reserve 8402, 76 The Esplanade, commonly known as the District Medical Officer’s Quarters by way of lease to Dome Coffees Australia Pty Ltd in accordance with Section 3.58 (3) of the *Local Government Act 1995* on the following terms:
 - a. Annual base rental of \$2,500 exclusive of GST;
 - b. Term of 20 years with 2 further options of 10 years to a total of 40 years in accordance with the management order;
 - c. Annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics using the annual published percentage figure for the quarter immediately preceding the rent review date;
 - d. Fixed 15 percent increase to the preceding years rental figure on commencement date of first option of extension (21st anniversary date);
 - e. Fixed 15 percent increase to the preceding annual rental figure on commencement date of second option of extension (31st anniversary date); and

- f. Permitted purpose: Dome café and restaurant, including the sale of products and services normally sold or offered at a Dome café, including (if approved by Department of Racing, Gaming & Liquor) the sale of alcoholic beverages on the terms set out in the liquor licence.
2. Advise Dome Coffees Australia Pty Ltd that the Town would support any application made to the State Government Service Worker Housing Initiative

Subject to any submissions being received in the requisite advertising period.

201213/351 Council Decision

Moved: Cr Daccache

Seconded: Cr Jacob

That Council:

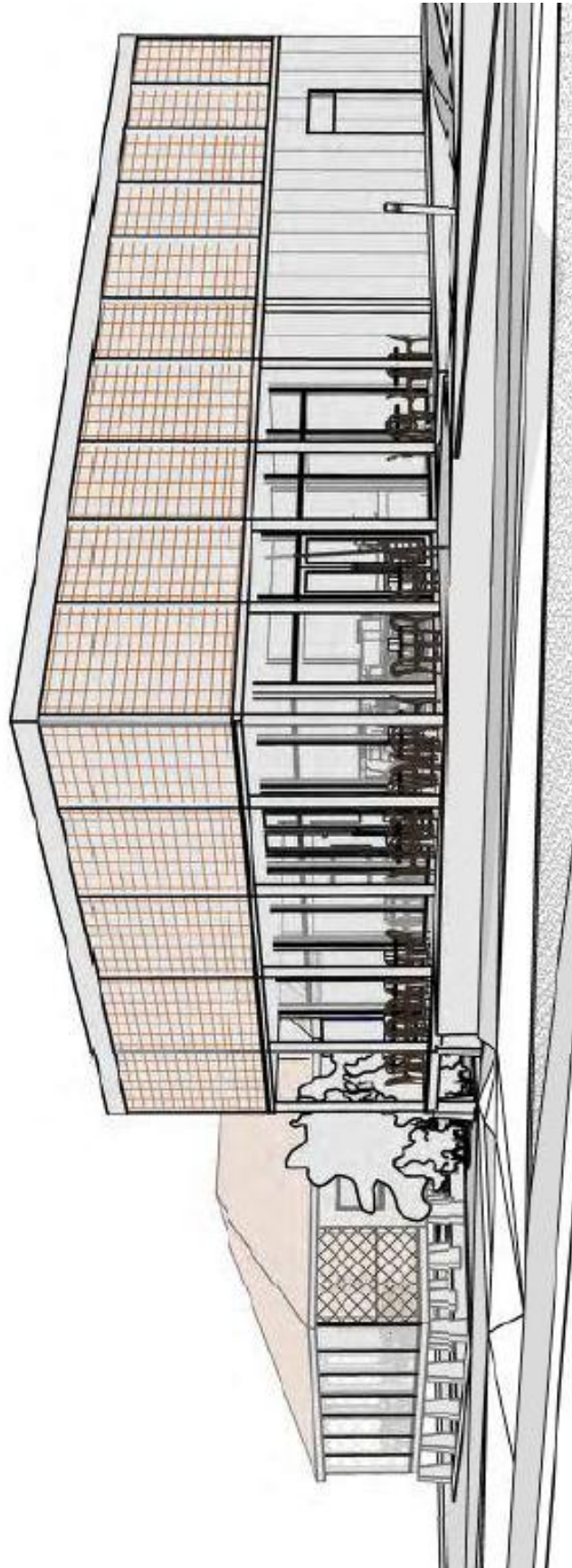
1. **Dispose of Reserve 8402, 76 The Esplanade, commonly known as the District Medical Officer's Quarters by way of lease to Dome Coffees Australia Pty Ltd in accordance with Section 3.58 (3) of the *Local Government Act 1995* on the following terms:**
 - a. **Annual base rental of \$2,500 exclusive of GST;**
 - b. **Term of 20 years with 2 further options of 10 years to a total of 40 years in accordance with the management order;**
 - c. **Annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics using the annual published percentage figure for the quarter immediately preceding the rent review date;**
 - d. **Fixed 15 percent increase to the preceding years rental figure on commencement date of first option of extension (21st anniversary date);**
 - e. **Fixed 15 percent increase to the preceding annual rental figure on commencement date of second option of extension (31st anniversary date); and**
 - f. **Permitted purpose: Dome café and restaurant, including the sale of products and services normally sold or offered at a Dome café, including (if approved by Department of Racing, Gaming & Liquor) the sale of alcoholic beverages on the terms set out in the liquor licence.**
2. **Advise Dome Coffees Australia Pty Ltd that the Town would support any application made to the State Government Service Worker Housing Initiative; and**

- 3. Request Dome Coffees Australia PTY Ltd further consider the roof design of the proposed development to complement to existing building through the development application process.**

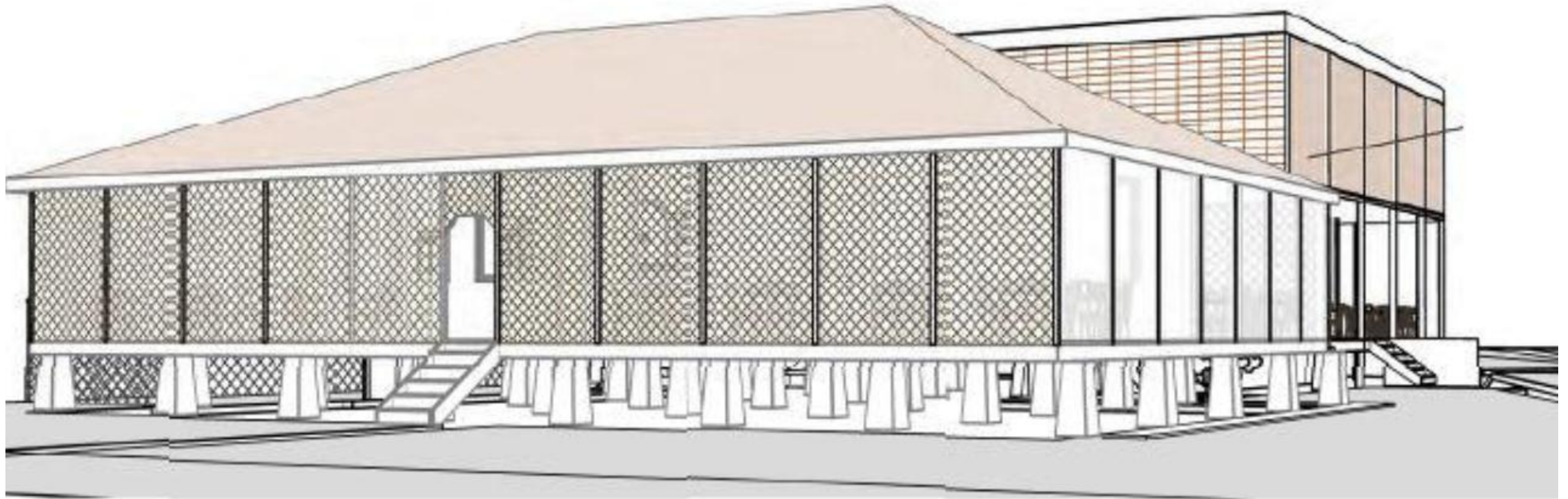
Subject to any submissions being received in the requisite advertising period.

CARRIED 7/0

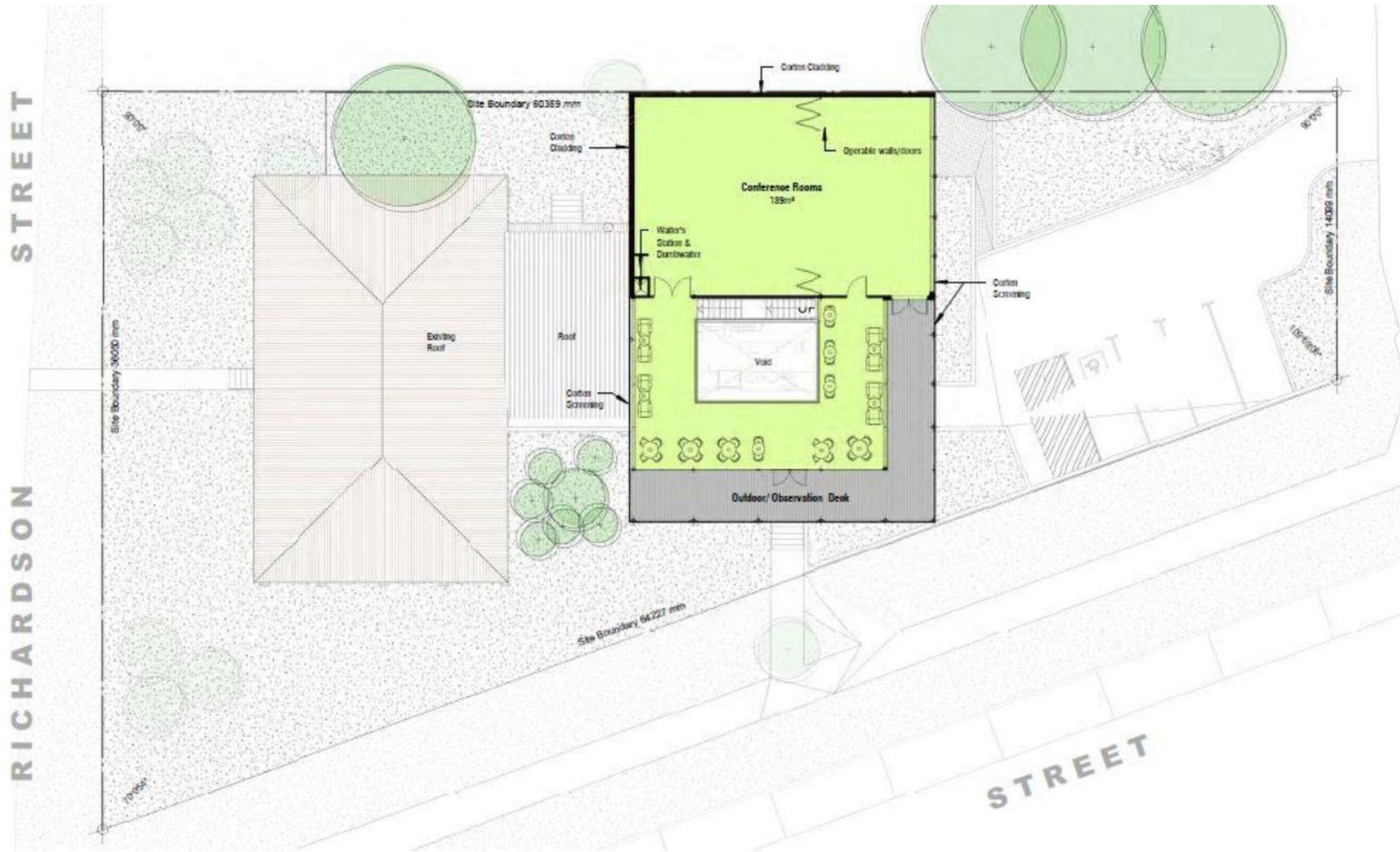
ATTACHMENT 1 TO ITEM 11.2.2.2



(This page intentionally left blank).







(This page intentionally left blank).

11.3 Community Development**11.3.1 Recreation Services & Facilities****11.3.1.1 *Review of Budgets-Town of Port Hedland Leisure Centre Management Contract 2012/2013 Financial Year (File No.:*)**

Officer **Graeme Hall
Manager Recreation
Services and Facilities**

Date of Report **5 April 2013**

Disclosure of Interest by Officer **Nil**

Summary

The Town of Port Hedland and YMCA of Perth (YMCA) share an operational responsibility for the three leisure facilities provided to the community. Two of the Town's leisure facilities have experienced operational interruptions during the course of the current year. The interruptions to the operation of these centres gives justification for YMCA and Council to amend the 2012/2013 operational budgets. This is not considered an opportunity for wholesale changes, rather a review of the budget areas impacted upon by changing circumstances.

Support of Council is sought for a \$145,563.03 reduction to the previously endorsed operational deficit of the South Hedland Aquatic Centre and the Wanangkura Stadium. The Gratwick Aquatic Centre is expected to operate in accordance with the budget originally proposed by YMCA as part of their tender submission.

Background

There are four facilities that form the contract arrangement between the Town of Port Hedland and YMCA these being:

- Wanangkura Stadium
- Gratwick Aquatic Centre
- South Hedland Aquatic Centre
- Marquee Park (water monitoring only)

Since the commencement of the contract there have been a number of occurrences that have impacted upon the operational and therefore financial position of the Town's leisure facilities. These include:

- Delayed opening of Wanangkura Stadium (30 July)
- Tropical cyclones (Peta and Rusty)
- Temporary closure of Wanangkura Stadium for fire safety reasons
- Changes to the opening of South Hedland Aquatic Centre
- A larger than expected gym membership at Wanangkura Stadium

- An imposition to the operations at JD Hardie Centre for the duration of the closure of Wanangkura Stadium

The combined impact of these events necessitates that the Town seek a revised financial position from YMCA for Council to consider.

In negotiating the revised budget with YMCA, the Town's representatives have sought to minimise any reduction to expenditure considered critical to the Town's assets, such as maintenance, utilities, cleaning and ground maintenance. Expenditure in these areas is seen as critical to ensure the long term sustainability of the Town's assets.

Maintenance and cleaning costs are budget line items that have traditionally been used by managing organisations to reduce the financial cost of providing facilities. The Town has requested YMCA to ensure they manage the budget fully in these key areas to safeguard the future of the facilities.

Officers from the Town have worked alongside the YMCA to determine an acceptable budget position.

The budget review process has identified areas in the operation of the facilities where the YMCA has exceeded their budget predictions. Areas such as staff training and travel, telephone and postage costs have been overspent. An imperative of this process was to ensure that accountability for these cost overruns were not seen as being the sole responsibility of the Town.

An amended budget has been prepared for three of the aforementioned facilities. The new budget details are outlined in full in Attachment 1.

Details

In March 2012, the Town of Port Hedland agreed to a contract with the YMCA for the management of the Town of Port Hedland leisure facilities. The contract arrangements were outlined to Council over a number of reports, with the final agreement endorsed at Council in March 2012. The agreed budget was as follows:

Table 1- YMCA Contract Budget

Facility	2012/2013	2013/2014	2014/2015	2015/2016
Multi-Purpose Recreation Centre-Operational Cost	\$747,846	\$583,423	\$537,152	\$562,294
Multi-Purpose Recreation Centre-Management Fee	\$95,260	\$149,936	\$176,083	\$182,303
Sub Total	\$843,106	\$733,359	\$713,235	\$744,597
Gratwick Aquatic Centre-Operational Cost	\$685,875	\$705,166	\$729,131	\$760,561
Gratwick Aquatic Centre-Management Fee	\$60,612	\$65,048	\$69,875	\$75,712
Sub Total	\$746,487	\$770,214	\$799,006	\$836,273
South Hedland Aquatic Centre-Operational Cost	\$554,121	\$572,659	\$593,875	\$620,207
South Hedland Aquatic Centre-Management Fee	\$60,905	\$65,122	\$68,524	\$72,637
Sub Total	\$615,026	\$637,781	\$662,399	\$692,844
Total	\$2,204,619	\$2,141,354	\$2,174,640	\$2,273,714

The contract commenced as of 1 July 2012. The operation of the leisure facilities has been interrupted by a number of unforeseen events, including:

- Opening of Wanangkura Stadium delayed (30 July 2012)
- Temporary closure of Wanangkura Stadium (August and September 2012 - 53 days)
- Marquee Park opening delayed
- South Hedland Aquatic Centre refurbishment programmed for December 2012
- Delays to opening of South Hedland Aquatic Centre (Water testing requirements and Cyclones Peta and Rusty).

The events listed above have impacted upon the budget position and financial performance of the Town's leisure facilities.

From a positive perspective, the health and fitness income at Wanangkura Stadium has exponentially exceeded expectations. The income from Gym Membership is expected to be \$1,043,206.00. This is a significant variation from the initially predicted \$612,496.46.

By not opening the South Hedland Aquatic Centre, YMCA are proposing a poorer than expected budget outcome. The budget position for the South Hedland Aquatic Centre is \$58,362.00 less than predicted.

Wanangkura Stadium

Wanangkura Stadium will exceed expectations for both income and expenditure. The projected operating variance proposed by YMCA is \$203,925.03; better than predicted for the year. The improved income position is directly attributable to the health and fitness programs being delivered at the Centre. The YMCA is exceeding Council endorsed performance indicators for all of its health and fitness programs. The increased income has meant that there are increases in corresponding costs. These cost increases are outlined below.

Membership

The enhanced performance of the health and fitness programs has enabled the Town and YMCA to amend the budget expectations. Table 2 below demonstrates the impact of the key health and fitness income stream on the overall financial performance of the facility.

Table 2 - Income Levels - Health and Fitness Programs

Line Item	Budgeted figure (\$)	Amended income (\$)
Casual Group Fitness Income	26,355.37	59,086.00
Health Club Membership Income	612,496.46	1,043,206.00
Casual Health Club Income	10,000.00	84,620.00
Total	648,851.83	1,186,912.00

The income generated from the health and fitness programs is an excellent outcome for Wanangkura Stadium. At \$538,060.17 greater than anticipated, the income from the health and fitness programs is a key factor to the better than expected financial position. Expenditure on salaries has needed to be significantly increased in order to generate this additional income.

Sporting Programs

Income from junior and senior sporting programs is below expectations. The performance in this area of programming can be directly attributed to the delay to the facility opening.

The limited number of sporting competitions is adversely affecting the overall financial performance of Wanangkura Stadium.

Table 3 - Income - Sporting Programs

Line Item	Budgeted figure (\$)	Amended budget (\$)
Adult sporting competitions	122,109.00	60,943.00
Junior sporting competitions	23,959.00	3,923.00
Total	146,068.00	64,866.00

Future development of this programming will be a key objective in the next financial year.

Expenditure

There are a number of line items related to the health and fitness programs that are significantly over expended. The over expenditure is linked to the strong performance of health and fitness programs. The areas of over expenditure are outlined in Table 4.

Table 4 - Increased Expenditure Items

Line Item	Budgeted figure (\$)	Amended budget (\$)
Customer service officers	98,325.00	195,298.50
Duty managers	133,958.00	169,702.19
Gym instructors	99,991.00	115,834.74
Group fitness instructors	91,136.00	127,651.55
Total	423,410.00	608,486.98

There has been a requirement for additional customer service staff to assist the large numbers of people attending programs at the facility and selling new memberships.

The impact of over expenditure is that it is costing \$185,076.98 in additional staff costs in order to generate \$538,060.17 in health and fitness income. The overall impact of the changes outlined above is that there is a reduction to the operational deficit the Town was anticipating for Wanangkura Stadium.

In developing the revised budgets for the current financial year, the YMCA have diversified their staffing structure with three specialist positions (Business Support Officer, Customer Service and Functions Manager and Swim School Coordinator) being created. These new roles will operate across all three facilities.

While not identified within the budgets endorsed by Council in March 2012, these new positions mean the staffing structure is a better reflection of the operational requirements of the Town's recreation facilities.

The staffing structure presented by the YMCA as part of this budget review creates specialist roles and relieves operational staff of administrative functions. With Wanangkura Stadium being busier than anticipated, these positions have a key role to play in the ongoing development of the business and to meet customer service expectations.

In 2012/2013 the cost for staffing has been considerably more than anticipated. Because the centres are busier than initially expected, increased staffing will be reflected in future budgets. The new positions created will see the number of Duty Management, Lifeguard and Customer Service Officer hours decrease at all three centres due to more specialist roles creating operational efficiencies.

Gratwick Aquatic Centre

The Gratwick Aquatic Centre has had an uninterrupted operational year. A ten day closure due to cyclone Rusty has been the only concern. With the opening of the South Hedland Aquatic Centre, the Gratwick Aquatic Centre will become the Town's seasonal pool.

The expectation is that there should be an improved budget position for the Gratwick Aquatic Facility in 2013/14. Changes to the budget need to be considered as a result of the facility shifting from a year round operation to a seasonal operation. This will mean significantly fewer operational hours during the winter months in 2013 (April – October); the facility will close completely during the same period in 2014.

From the Town's perspective, any additional expenditure at the Gratwick Aquatic Centre cannot be justified. The budget adopted by Council for the operation of Gratwick Aquatic Centre for the current financial year was part of a competitive tender process. There have been no unforeseen circumstances for this facility. The YMCA should therefore be required to operate within the parameters of the agreed budget. This is being projected in the budget.

Within the current Gratwick Aquatic Centre marketing budget, the YMCA have funds available to contribute to the development of a new brand image for the Aquatic Centres. The Town has funds currently available in its budget (Project Communications and Media GL1108268) to develop a new brand image for the South Hedland Aquatic Centre. It is anticipated that with access to the YMCA funds, it will be possible for the Town to develop new brand images for both Gratwick and South Hedland Aquatic Centres.

South Hedland Aquatic Centre

The South Hedland Aquatic Centre has not re-opened since its closure for refurbishment in January 2012. With the summer season coming to conclusion, it is obvious that there will be significant variations to both income and expenditure.

The expectations of the Town are that savings should be made as a result of:

- Centre Manager position not being filled for significant periods of the year
- Duty Manager hours being lessened due to the facility being closed
- Lifeguards not being required due to the pool being closed
- Utility costs being reduced due the site being the responsibility of a building contractor.

Table 5 - Major Savings - South Hedland Aquatic Centre

Line Item	Budgeted figure (\$)	Amended budget (\$)
Centre Manager	221,893.00	161,774.00
Lifeguards	188,259.00	106,673.00
Duty Managers	112,300.00	102,928.00
Total	522,452.00	371,375.00

A saving of \$151,077.00 in staff costs is not as significant as may have been expected. This can be attributed to:

- Significant staff hours being required to commission the pools
- Staff requiring training in the operation of the new plant
- The YMCA needing to be in readiness for opening since January 2013.

These costs are considered reasonable given the uncertainty that has surrounded the opening date. In addition to incurring costs, the operation of the South Hedland Aquatic Centre has suffered from the receipt of minimal income. If the facility were to open before the end of April, it is anticipated that the income for the remainder of the year will be \$161,097.00, as opposed to the budgeted amount of \$488,738.00, a variation of \$327,641.00.

As with the Gratwick Aquatic Centre, there are YMCA funds available in the South Hedland Aquatic Centre marketing budget. Rather than using these funds to reduce the operational deficit, there will be significant benefit from YMCA contributing to the development of new brand images for Gratwick and South Hedland Aquatic Centres.

The Town has needed to expend funds at the South Hedland Aquatic Centre for maintenance/improvement of the office, kiosk, first aid areas and lane ropes and goals for Water Polo.

From a health and safety perspective there was also a need to install new phone lines, IT wiring and a public address system. These areas were not part of the refurbishment project.

The cost of completing these works was \$49,533.57. The Town has contributed \$10,000 towards these essential maintenance items. The balance of \$39,533.57 has been taken from the YMCA's operational maintenance budget for the South Hedland Aquatic Centre. In this incidence the Town is investing in its asset to ensure that it is suitably maintained, safe and well presented.

With the installation of water heating to the South Hedland Aquatic Centre, Gratwick Aquatic Centre will close during the cooler months (May to October). This change in the seasonal operations of the Town's Aquatic Centres was not clear at the time of conducting the management tender for the Town of Port Hedland Leisure Facilities. All potential operators were advised to develop their tender proposals based on what had been a traditional operational model. There will be additional costs to the YMCA to operate the South Hedland Aquatic Centre during the winter months.

In order to change to a year round operation, there is a need to install lighting at the South Hedland Aquatic Centre. The lighting element of the redevelopment was not part of the original project scope. Following investigation into the existing lighting, it was determined that large components of infrastructure were structurally un-sound. The lighting project is underway and is expected to be finalised in the new financial year. Additional funds were required in order to complete the works.

The lack of lighting at the South Hedland Aquatic Centre will adversely affect some users, in particular those who use the facility early in the morning and after sunset. While works are underway, the Town has negotiated with the YMCA to operationally maintain the Gratwick Aquatic Centre and to vary the opening hours of both Aquatic Centres; Gratwick to open 5.30am to 8.00am, South Hedland Aquatic Centre to operate from 8.00am to 5.30pm, and Gratwick to operate from 5.30pm to 8.00pm. There are cost implications in operating two facilities in this manner. This will be resolved once the lighting project at SHAC is completed.

Consultation

- Town of Port Hedland
- YMCA

Statutory Implications

The Tender for the Management of the Town of Port Hedland Leisure Facilities 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

There are no specific policy implications to this report.

Strategic Planning Implications

6.1 Community

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally.

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities, and opportunities.

6.3 Environment

6.3.4 Environment

We maintain our natural and build resources to ensure their long term protection for the future.

Budget Implications

A full breakdown of the budgets for the three leisure facilities is provided in Attachment 1. The budget tables provided identify the following:

- 2012/2013 Budget
- 2012/2013 Projection
- Budget Variation

Table 6 – Budget Projections 2012/2013

Centre	2012/2013 Budget	2012/2013 Projection	Variation
Gratwick Aquatic Centre			
Income	321,846.00	362,794.00	40,948.00
Expense	1,004,970.00	1,050,387.00	(45,417.00)
Result	(\$683,124)	(\$687,593.00)	(\$4,469.00)
South Hedland Aquatic Centre			
Income	488,738.00	161,097.00	(327,641.00)
Expense	1,040,108.00	770,829.00	269,279.00
Result	(\$551,370.00)	(\$609,732.00)	(\$58,362.00)
Wanangkura Stadium			
Income	1,020,267.49	1,434,387.93	414,120.44
Expense	1,708,44.24	1,918,643.14	(210,195.41)
Result	(\$688,180.23)	(\$484,255.21)	\$203,925.03

Officer's Comment

During the 2012/2013 financial year, the following issues have impacted significantly upon the operation of the Town of Port Hedland leisure facilities:

- Significant increase in income expectations from gym memberships at Wanangkura Stadium
- Prolonged closure of the South Hedland Aquatic Centre
- Amendment to the seasonal use of the two aquatic centres.

During this period the operation of the JD Hardie Centre has also been affected due to the need to provide an alternative recreation venue. No costs or loss of income have been attributed to the need to use the JD Hardie Centre. The overall impact of the closure of Wanangkura Stadium on the operation of the JD Hardie Centre will be fully understood at the end of the financial year.

It is not an unreasonable expectation that there should be an amended budget position for the leisure facilities managed by YMCA. The review for the 2012/2013 financial year presented by YMCA represents an operational saving to the Town. This saving is outlined in the budget implication section.

A better than budget projection is proposed for the YMCA contract for the Management of the Town of Port Hedland Leisure Facilities. This final amount of \$145,563.03 is based upon a better than budget result for Wanangkura Stadium and the acceptance of the loss of income for the South Hedland Aquatic Centre. It is also based on the recommendation that Council will not accede to the request for additional budget funds for the operation of the Gratwick Aquatic Centre.

As part of the budget discussions with YMCA, they have re-defined the roles and responsibilities for a number of staff positions. These positions are a variation from the staffing structure included in the YMCA's tender proposal. The additional positions offer efficiencies and are considered meritorious. The staffing cost proposed can be accommodated within the Wanangkura Stadium budget due to the increase in income, attributable largely to an excellent gym membership base. The increased staff costs in the budget reduce the level of saving in the operational budget.

The three new positions are considered beneficial to the business and will drive program enhancements and have the added advantage of delivering potential savings in future budgets (2013/2014 onwards).

The anticipated savings will occur by focusing qualified staff towards more operational tasks, therefore negating some operational position hours.

An important issue that needs to be noted by Council in its deliberations is that the YMCA has received a Horizon Power bill for \$117,994.84 for the period 1 August to 31 December 2012. This invoice has not been factored into the budget review process due to there being a clause within the contract that deals with matters beyond the contractor's reasonable control and the YMCA may seek to question the bill on that basis.

Further investigations are required to determine if the amount of this invoice is a one off occurrence. With the facility only being open for such a short period of time there is no comparative data available. Technical problems experienced with the entrance doors suggest that there has been significant usage of power at the centre due to the air-conditioning functioning at a greater level that would normally be expected. The high cost of running the air conditioning could be attributable due to the doors being open for prolonged periods of time in the heat of the day. This issue is being addressed as a matter of urgency.

The reduced operational shortfall outlined in this report may be required to help to meet this extraordinary expense. It is suggested that any savings identified be quarantined for this purpose.

The contract between the Town of Port Hedland and the YMCA does include the following clause:

"9.2 Variation for reasons beyond the Contractor's reasonable contract

(1) Subject to paragraph (2) below, the Town and the Contractor agree that the approved Operating Budgets may be varied by the Town in an amount or amounts determined by the Town, acting reasonably and in consultation with the Contractor, for a reason or reasons beyond the reasonable control of the Contractor, including but not limited to:

(h) an action or event which occurs which could not at the time of preparing the Operating Budgets for the year, could not have been reasonably been expected to occur and which has or could materially alter the capacity of the Contractor to operate within the parameters of the approved Operating Budgets.

Prior to varying the approved Operating Budgets in accordance with paragraph (1), the Contractor must provide to the Town reasonable evidence within a reasonable period of time, as to the need for the amendment to the approved Operating Budgets and the steps taken by the Contractor to minimise the impact upon the approved Operating Budgets.

Once a further investigation into this matter has been completed a report specifically addressing this issue will be provided for consideration by the Council. This matter is raised at this time so that the Council will be conscious that any savings presented in this report may well be absorbed if the YMCA seeks assistance from the Town with regard to this expense.”

There is further investigation required into this account in order to ascertain if the amount is fully attributable to the Wanangkura Stadium. A further report will be presented to the Council should YMCA seek to request that the Town of Port Hedland meet the costs associated with electricity usage at Wanangkura Stadium.

Attachments

Attachment 1 – Agreed budget for Gratwick Aquatic Centre, South Hedland Aquatic Centre and Wanangkura Stadium

Officer’s Recommendation

That Council:

1. Endorses the revised budgets as outlined in Attachment 1 for the Gratwick Aquatic Centre, South Hedland Aquatic Centre and Wanangkura Stadium;
2. Endorses the reduced operational deficit figure of \$145,563.03 for the operation of the Town of Port Hedland Leisure Facilities;
3. Endorses that the savings from the reduced operational deficit be quarantined in order to offset any increased costs of Horizon Power accounts;
4. Endorses the Chief Executive Officer to amend the monthly payments to the YMCA for monthly operational deficit of the Town of Port Hedland Leisure Centres;
5. Notes that a portion of the YMCA’s operational marketing budget will be utilised to develop new brand image for the Gratwick and South Hedland Aquatic Centres;
6. Notes that \$39,533.57 of the YMCA’s maintenance budget has been used to complete essential improvements to the office, administration and first aid room at the South Hedland Aquatic Centre;
7. Acknowledges that the closure of the Wanangkura Stadium has had an impact upon the operation of the JD Hardie Centre and the postponed opening of the South Hedland Aquatic Centre has impacted on the combine budget position of the Town’s recreation facilities; and

8. Request officer provide a further report on electricity usage and subsequent invoices at Wanangkura Stadium.

201213/352 Council Decision**Moved: Cr Taylor****Seconded: Cr Carter****That Council:**

1. **Endorses the revised budgets as outlined in Attachment 1 for the Gratwick Aquatic Centre, South Hedland Aquatic Centre and Wanangkura Stadium;**
2. **Endorses the reduced operational deficit figure of \$145,563.03 for the operation of the Town of Port Hedland Leisure Facilities;**
3. **Endorses that the savings from the reduced operational deficit be quarantined in order to offset any increased costs of Horizon Power accounts;**
4. **Endorses the Chief Executive Officer to amend the monthly payments to the YMCA for monthly operational deficit of the Town of Port Hedland Leisure Centres;**
5. **Notes that \$39,533.57 of the YMCA's maintenance budget has been used to complete essential improvements to the office, administration and first aid room at the South Hedland Aquatic Centre;**
6. **Acknowledges that the closure of the Wanangkura Stadium has had an impact upon the operation of the JD Hardie Centre and the postponed opening of the South Hedland Aquatic Centre has impacted on the combine budget position of the Town's recreation facilities; and**
7. **Request officer provide a further report on electricity usage and subsequent invoices at Wanangkura Stadium.**

CARRIED BY ABSOLUTE MAJORITY 7/0

ATTACHMENT 1 TO ITEM 11.3.1.1

Gratwick Aquatic Centre

2012/13 Operational FORECAST

Income	2012/2013 Budget	February 2013 YTD	2012/2013 Projection	Variance
Aqua Aerobics Income	\$14,119	\$5,259	\$7,276	-\$6,843
Recreation Swimming Income				\$0
General Admission - Adult	\$65,045	\$73,723	\$94,441	\$29,396
General Admission Casual Child	\$29,218	\$27,429	\$32,065	\$2,847
General Admission Casual Family	\$20,972	\$18,576	\$20,994	\$23
General Admission Spectator	\$1,915	\$1,939	\$2,114	\$199
General Admission Memberships	\$10,112	\$3,370	\$10,550	\$438
Aquatic Program Income				
Adult	\$1,964	\$102	\$736	-\$1,227
Child	\$1,309	\$0	\$1,659	\$350
Training	\$3,273	\$2,998	\$4,032	\$759
Schools Aquatic Program Income	\$5,227	\$2,849	\$3,394	-\$1,833
Birthday Party	\$7,636	\$1,335	\$1,821	-\$5,815
Aquatic Education Income	\$57,475	\$39,453	\$59,343	\$1,868
Facility Rental Income	\$7,145	\$2,569	\$39,303	\$32,158
Café Income	\$88,259	\$48,563	\$62,143	-\$26,116
Merchandise Income	\$8,058	\$17,679	\$22,779	\$14,721
Administration Income	\$120	\$93	\$143	\$23
Total Income	\$321,846	\$245,937	\$362,794	\$40,948
Expense				
Salaries				
Centre Manager	\$221,893	\$171,259	\$249,485	\$27,592
Duty Managers	\$149,607	\$90,159	\$128,137	-\$21,470
Aqua Aerobics Instructors	\$9,427	\$7,253	\$9,610	\$183
Aquatic Education Instructors	\$27,044	\$50,293	\$58,783	\$31,739
Lifeguards	\$181,417	\$164,401	\$194,012	\$12,595
Aquatic Program Staff	\$7,047	\$3,429	\$4,369	-\$2,679
Birthday Party Leaders	\$2,309	\$36	\$192	-\$2,117
Business Support Officer	\$0	\$0	\$2,935	\$2,935
Birthday Party Expense	\$1,296	\$0	\$108	-\$1,188
Café Expense	\$63,042	\$29,761	\$38,000	-\$25,042
Merchandise Expense	\$4,740	\$9,600	\$12,600	\$7,860
Marketing Expense	\$17,217	\$3,321	\$11,569	-\$5,648
Insurances	\$1,571	\$2,450	\$3,742	\$2,171
Bank Charges Expense	\$780	\$900	\$1,348	\$568
Cash Security Expense	\$6,744	\$4,688	\$6,494	-\$250
Telephone / Internet Expense	\$7,140	\$5,335	\$8,111	\$971
Postage & Courier Expense	\$240	\$1,404	\$1,504	\$1,264
Stationary and Printing Expense	\$4,440	\$6,927	\$7,979	\$3,539
Licenses & Subscriptions	\$6,300	\$2,571	\$3,975	-\$2,325
CERM	\$4,000	\$0	\$4,000	\$0
Training Expense	\$9,600	\$10,117	\$13,317	\$3,717

Gratwick Aquatic Centre

2012/13 Operational FORECAST

Recruitment Expense	\$1,000	\$567	\$811	-\$189
Travel Expense	\$3,820	\$4,909	\$6,409	\$2,589
Uniforms	\$3,520	\$3,016	\$3,016	-\$504
Consumables Expense	\$960	\$532	\$836	-\$124
Staff Amenities	\$360	\$366	\$574	\$214
Electricity	\$36,120	\$28,102	\$42,000	\$5,880
Water Expense	\$33,300	\$30,884	\$50,000	\$16,700
Maintenance Expense	\$89,170	\$50,442	\$89,110	-\$60
Security Expense	\$3,996	\$832	\$1,232	-\$2,764
Pool Chemicals Expense	\$21,600	\$12,874	\$20,074	-\$1,526
Equipment Replacement	\$5,600	\$1,579	\$2,479	-\$3,121
Cleaning	\$43,009	\$28,383	\$43,009	\$0
Gardening Expense	\$36,000	\$18,938	\$28,398	-\$7,602
First Aid and Safety	\$660	\$1,949	\$2,169	\$1,509
Total Expense	\$1,004,970	\$747,275	\$1,050,387	\$45,417
Net Operating Result	-\$683,124	-\$501,338	-\$687,592	-\$4,469

SOUTH HEDLAND AQUATIC CENTRE
2012/13 Operational FORECAST

Income	2012/2013 Budget	February 2013 YTD	2012/2013 Projection	Variance
Aqua Aerobics Income	\$8,572	\$0	\$2,836	-\$5,736
General Admission Income				\$0
Casual Adult	\$69,268	\$0	\$23,636	-\$45,632
Casual Child	\$55,415	\$0	\$18,909	-\$36,505
Casual Family	\$8,143	\$0	\$3,011	-\$5,132
Spectator	\$1,555	\$0	\$573	-\$982
Memberships	\$3,808	\$0	\$3,360	-\$448
Surf Machine Income	\$168,458	\$0	\$32,760	-\$135,698
Aquatic Program Income				
Adult	\$2,945	\$0	\$1,364	-\$1,582
Child	\$2,618	\$0	\$1,455	-\$1,164
Training	\$2,455	\$0	\$2,455	\$0
Birthday Party Income	\$7,636	\$0	\$1,909	-\$5,727
Schools Aquatic Program Income	\$5,511	\$0	\$1,364	-\$4,148
Aquatic Education Income	\$57,475	\$8,045	\$30,405	-\$27,070
Facility Rental Income	\$8,535	\$0	\$3,031	-\$5,504
Café Income	\$73,950	\$0	\$31,000	-\$42,950
Merchandise Income	\$12,325	\$0	\$3,000	-\$9,325
Administration Income	\$70	\$0	\$30	-\$40
Total	\$488,738	\$8,045	\$161,097	-\$327,642
Expense				
Salaries				
Centre Manager	\$221,893	\$110,303	\$161,774	-\$60,119
Duty Managers	\$112,300	\$39,723	\$102,928	-\$9,372
Aqua Aerobics Instructors	\$5,008	\$0	\$2,651	-\$2,357
Aquatic Education Instructors	\$26,644	\$18,534	\$38,515	\$11,871
Lifeguards	\$188,259	\$49,175	\$106,673	-\$81,586
Aquatic Program Staff	\$5,447	\$0	\$1,000	-\$4,447
Birthday Party Leaders	\$2,309	\$0	\$577	-\$1,732
Business Support Officer	\$0		\$2,935	\$2,935
Birthday Party Expense	\$1,296	\$0	\$324	-\$972
Café Expense	\$49,300	\$3,552	\$19,052	-\$30,248
Merchandise Expense	\$7,250	\$1,348	\$2,744	-\$4,506
Marketing Expense	\$17,457	\$744	\$17,457	\$0
Insurances	\$1,607	\$1,206	\$2,498	\$891
Bank Charges Expense	\$780	\$139	\$587	-\$193
Cash Security Expense	\$3,115	\$0	\$2,412	-\$703
Telephone / Internet Expense	\$6,200	\$3,444	\$6,220	\$20
Postage & Courier Expense	\$624	\$1,550	\$1,650	\$1,026
Stationary and Printing Expense	\$4,750	\$6,319	\$7,371	\$2,621
Licenses & Subscriptions	\$5,520	\$70	\$4,290	-\$1,230

SOUTH HEDLAND AQUATIC CENTRE
2012/13 Operational FORECAST

Income	2012/2013 Budget	February 2013 YTD	2012/2013 Projection	Variance
<u>CERM</u>	\$4,000	\$0	\$0	-\$4,000
<u>Training Expense</u>	\$9,600	\$7,087	\$9,600	\$0
<u>Recruitment Expense</u>	\$1,333	\$1,660	\$1,904	\$571
<u>Travel Expense</u>	\$3,820	\$3,973	\$7,973	\$4,153
<u>Uniforms</u>	\$2,500	\$1,583	\$2,583	\$83
<u>Consumables Expense</u>	\$960	\$0	\$960	\$0
<u>Staff Amenities</u>	\$360	\$459	\$859	\$499
<u>Electricity</u>	\$117,887	\$12,112	\$47,866	-\$70,021
<u>Water Expense</u>	\$64,320	\$9,440	\$32,293	-\$32,027
<u>Maintenance Expense</u>	\$92,420	\$9,522	\$92,420	\$0
<u>Security Expense</u>	\$3,996	\$0	\$3,996	\$0
<u>Pool Chemicals Expense</u>	\$19,900	\$21,567	\$41,467	\$21,567
<u>Equipment Replacement</u>	\$2,400	\$3,622	\$6,022	\$3,622
<u>Cleaning</u>	\$20,147	\$454	\$20,598	\$451
<u>Gardening Expense</u>	\$36,000	\$3,235	\$18,735	-\$17,265
<u>First Aid and Safety</u>	\$705	\$885	\$1,894	\$1,189
Total Expense	\$1,040,108	\$311,706	\$770,829	-\$269,278
Net Operating Result	-\$551,369.35	-\$303,660.98	-\$609,732.59	-\$58,363.24

Wanangkura Stadium
2012/13 Operational FORECAST

Income	2012/2013 Budget	February 2013 YTD	2012/2013 Projection	Variance
Crèche Income	\$18,750.00	9,239.14	\$20,148	\$1,398
Childrens Program Income	\$10,472.73	3,150.49	\$16,322	\$5,849
Holiday Program Income	\$39,272.73	1,038.41	\$6,856	-\$32,417
Birthday Party Income	\$8,020.76	-	\$2,917	-\$5,104
Casual Group Fitness Income	\$26,355.37	35,456.00	\$59,086	\$32,731
Health Club Membership Income	\$612,496.46	519,184.64	\$1,043,206	\$430,710
Casual Health Club Income	\$10,000.00	51,893.03	\$84,620	\$74,620
Personal Training Income	\$12,000.00	7,453.00	\$11,817	-\$183
Adult Programs Income	\$14,727.27	3,770.00	\$12,000	-\$2,727
Adult Sports Competition	\$122,109.22	30,880.00	\$60,943	-\$61,166
Junior Sports Competitions	\$23,959.09	-	\$3,923	-\$20,036
Facility Rental Income				
Function Room Rental	\$29,522.73	8,644.54	\$30,000	\$477
Meeting Room Rental	\$12,301.14	3,659.00	\$12,301	\$0
Sports Hall Rental	\$12,990.00	6,345.49	\$13,000	\$10
Squash Court Rental	\$10,825.00	14,492.86	\$20,791	\$9,966
Café Income	\$44,965.00	19,317.49	\$34,957	-\$10,008
Sponsorship Income	\$11,500.00	-	\$1,500	-\$10,000
Total	\$1,020,267.49	\$714,524.09	\$1,434,387.93	\$414,120.44
Expense				
Salaries				
Area Manager	\$229,510.36	203697	\$231,652.48	\$2,142.12
Centre Manager	\$108,054.25	73029	\$108,981.60	\$927.36
Team Sports Manager	\$93,329.26	58392	\$90,649.19	-\$2,680.07
Customer Service & Functions Manager	\$0.00		\$38,887.19	\$38,887.19
Business Support Officer	\$0.00		\$29,353.94	\$29,353.94
Health & Fitness Manager	\$100,342.51	54047	\$88,593.38	-\$11,749.13
Customer Service Officers	\$98,325.23	\$133,130.00	\$195,298.50	\$96,973.27
Duty Managers	\$133,958.00	126774	\$169,702.19	\$35,744.19
Holiday Program Staff	\$21,649.00	357	\$4,810.98	-\$16,838.03
Creche Team Leader	\$36,351.00	26856	\$35,961.37	-\$389.63
Creche Play Leader	\$48,661.00	26666	\$45,317.32	-\$3,343.68
Gym Instructors	\$99,991.30	78338	\$115,834.74	\$15,843.43
Personal Trainers	\$13,797.30	12743	\$17,762.20	\$3,964.90
Group Fitness Instructors	\$91,136.11	71543	\$121,941.31	\$30,805.19
Umpires	\$56,475.00	13502	\$27,613.50	-\$28,861.50
Adult Term Program Instructors	\$7,941.74	152	\$4,257.81	-\$3,683.93
Childrens Term Program Instructors	\$5,195.85	18313	\$20,517.94	\$15,322.09
Birthday Party Leaders	\$2,116.83	30	\$769.76	-\$1,347.07
Birthday Party Expense	\$1,183.16	5	\$430.24	-\$752.92
Holiday Program Expense	\$13,500.00	2268	\$2,268.00	-\$11,232.00
Cafe	\$26,450.00	5394	\$11,500.00	-\$14,950.00
Marketing	\$34,358.69	11194	\$34,356.00	-\$2.69
Insurances	\$3,858.94	4633	\$6,402.45	\$2,543.52
Bank Charges Expense	\$3,817.82	7118	\$10,678.00	\$6,860.18
Cash Security Expense	\$6,240.00	3440	\$5,032.00	-\$1,208.00
Telephone / Internet	\$19,968.00	16017	\$22,017.00	\$2,049.00
Postage & Courier Expense	\$8,698.56	797	\$8,037.00	-\$661.56

Wanangkura Stadium

2012/13 Operational FORECAST

Stationary and Printing Expense	\$16,224.00	24375	\$29,783.00	\$13,559.00
<u>Licenses and Subscriptions</u>	\$24,517.32	16169	\$24,341.36	-\$175.96
<u>CERM</u>	\$4,000.00	0	\$4,000.00	\$0.00
<u>Training</u>	\$24,960.00	9658	\$24,960.00	\$0.00
<u>Recruitment</u>	\$1,000.00	2438	\$2,438.00	\$1,438.00
<u>Travel</u>	\$7,640.00	3910	\$7,639.99	-\$0.01
<u>Uniforms</u>	\$10,000.00	4305	\$10,000.00	\$0.00
<u>Consumables</u>	\$1,248.00	1737	\$1,937.00	\$689.00
<u>Staff Amenities</u>	\$624.00	199	\$407.00	-\$217.00
<u>Utilities</u>	\$140,249.88	76115	\$140,249.00	-\$0.88
<u>Maintenance Expense</u>	\$43,154.80	8028	\$43,154.80	\$0.00
<u>Security Expense</u>	\$3,120.00	0	\$3,120.00	\$0.00
<u>Equipment Replacement</u>	\$7,488.00	10781	\$14,781.00	\$7,293.00
<u>Contract Cleaning</u>	\$129,063.92	75094	\$129,062.00	-\$1.92
<u>Gardening Expense</u>	\$13,999.92	7294	\$13,999.92	\$0.00
<u>First Aid and Safety</u>	\$1,248.00	860	\$1,276.00	\$28.00
<u>Vehicle Expense</u>	\$15,000.00	10604	\$15,000.00	\$0.00
<u>Waste Disposal</u>	\$0.00	2468	\$3,868.00	\$3,868.00
Total Expense	\$1,708,447.73	\$1,202,468.93	\$1,918,643.14	\$210,195.41
Net Operating Result	-\$688,180.23	-\$487,944.84	-\$484,255.21	\$203,925.03

11.4 Corporate Services**11.4.1 Organisational Development****11.4.1.1 *Periodic Review of Local Laws (File No.: ...-...)***

Officer Josephine Bianchi
Governance Coordinator

Date of Report 23 March 2013

Disclosure of Interest Nil

Summary

For Council to consider undertaking a statutory review of the Town of Port Hedland local laws in accordance with section 3.16 of the *Local Government Act 1995*.

Background

Section 3.16 of the Local Government Act 1995 requires that a periodic review of all local laws is undertaken within a period of 8 years from the date the local law commenced or was last reviewed.

The Town has engaged DL Consulting to assist Council with the local law review process.

The review process requires Council to advertise state-wide for a minimum period of six weeks inviting submissions from the public on the review of its local laws.

Upon closure of the review period, the local government is to consider submissions received and a report is to be prepared and submitted to Council for consideration.

In its consideration of the report submitted, the Council is to determine (by resolution) whether a local law should be repealed, amended, or remain unchanged.

Where the Council determines by resolution that a local law be repealed or amended, it must then follow the statutory law making procedure detailed in section 3.12 of the Local Government Act 1995. This making process will be undertaken as Stage 2.

Consultation*Internal*

- Mayor and Councillors at Concept Forum
- Executive, Managers and Coordinators at Briefing Session

External

- DL Consulting

Statutory Implications

Section 3.16 of the Local Government Act 1995 states:

3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
 - (a) *the local government proposes to review the local law;*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

Policy Implications

There are no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to local laws, amendments to specific Council policies may be required. Policy amendments, (if any), will be addressed in stage 2 of the review process.

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012 – 2022 are considered relevant to this proposal:

6.4	Local Leadership.
6.4.1	Strategic
	Deliver responsible management of infrastructure assets, resources and technology

Budget Implications

The placement of an advertisement in the West Australian Newspaper is required at an estimated cost of \$400-\$700, depending on structure and layout. These costs are included in the current budget.

Officer's Comment

DL Consulting has undertaken a desktop review of the Town's local laws, a copy of which is attached.

The following table provides a list of the Town's current local laws, their date of gazettal and the action proposed to be taken.

Local Law/Amendment	Gazettal/Amendment Date	Proposed Action
Control of Dogs	12 November 1954	Obsolete - Repeal
Prevention of Damage to Streets – Draft Model By-Law No. 1	15 May 1963	Obsolete - Repeal
Old Refrigerators and Cabinets – Draft Model By-Law No. 8	4 June 1970	Obsolete - Repeal
Safety, Decency, Convenience and Comfort in Respect of Bathing – Draft Model By-Law No.14	6 October 1970	Obsolete - Repeal
Clearing of Land and Removal of Refuse, Rubbish and Disused Material	12 February 1971	Obsolete - Repeal
Removal of Verandahs	12 February 1971	Obsolete - Repeal
Control and Management of the Port Hedland Civic Centre	23 January 1973	Obsolete - Repeal
Parking Facilities Amendment – Draft Model By-Law No. 19	24 October 1980	Obsolete - Repeal
Control and Management of the Port Hedland Civic Centre Amendment	16 July 1982	Obsolete - Repeal
Parking Facilities Amendment – Draft Model By-Law No. 19	15 April 1983	Obsolete - Repeal
Control and Management of the Port Hedland Civic Centre Amendment	31 October 1986	Obsolete - Repeal
Repeal Local Law	7 November 1986	Obsolete - Repeal
Caravan Parks and Camping Grounds – Draft Model By-Law No.2	7 November 1986	Obsolete - Repeal
Repeal Local Law	10 July 1987	Obsolete - Repeal
Dogs Amendment Local Law	4 March 1988	Obsolete - Repeal
Parks, Recreation Grounds and Public Reserves Amendment	2 September 1988	Obsolete - Repeal
Conduct of Proceedings and the Business of Council	17 November 1989	Obsolete - Repeal
Parks, Recreation Grounds and Public Reserves Amendment	9 July 1993	Obsolete - Repeal
Dogs Amendment Local Law	21 January 1994	Current - Review
Removal and Disposal of Obstructing Animals and Vehicles Amendment	9 December 1994	Current - Review
Standing Orders	25 March 1997	Current - Review

Local Law/Amendment	Gazettal/Amendment Date	Proposed Action
Parking	3 April 1998	Current - Review
Standing Orders Amendment	2 October 1998	Current - Review
Dogs Local Law	2 October 1998	Current - Review
Dogs Amendment Local Law	26 February 1999	Current - Review
Cat Control	14 May 1999	Current - Review
Reserves and Foreshores	8 June 1999	Current - Review
Aquatic & Recreation Centres	8 June 1999	Current - Review
Town of Port Hedland International Airport	17 September 1999	Current - Review
Town of Port Hedland International Airport Amendment	19 November 1999	Current - Review
Cemeteries	10 January 2000	Current - Review
Holiday Cabins and Chalets	28 January 2000	Current - Review
Health	22 March 2000	Current - Review
Signs, Hoardings and Bill Postings	3 August 2000	Current - Review
Trading in Public Places	1 September 2000	Current - Review
General Provisions	1 December 2000	Current - Review
Health Amendment	19 January 2001	Current - Review
Signs, Hoardings and Bill Postings Amendment	2 February 2001	Current - Review
Standing Orders Amendment	8 June 2001	Current - Review
Standing Orders Amendment	29 January 2002	Current - Review
Standing Orders Amendment	1 July 2005	Current - Review
Reserves and Foreshores Amendment	23 December 2008	Current - Review

Those local laws that are considered obsolete do not need to go through the review process and should be directly incorporated into a repeal local law. This was confirmed by the Department of Local Government via circular 34-2000 on 4 December 2000.

Consultation with internal officers has been initiated.

A report on the review process will be presented to Council after the closure of the submission period. Should the Council determine that a local law requires amendment a separate process under section 3.12 of the Act will take place, which covers the making and amending of local laws.

The required eight year review of the local laws is now overdue and Council is requested to resolve that the Local Laws review process be commenced and that the review be advertised in accordance with section 3.16 (2) of the Act.

Attachments

1. Desktop review of local laws report (under separate cover)

201213/353 Officer's Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That Council:

- 1. Resolves to undertake a review of its existing local laws; and**
- 2. In accordance with section 3.16 (2) of the *Local Government Act 1995*, give public notice of its intention to undertake a review of its local laws.**

CARRIED 7/0

11.4.2 Finance**11.4.2.1 *Financial Reports to Council for Period Ended 31 March 2013 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Laura Delaney
Finance Officer
Financial Management

Date of Report 31 March 2013

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 March 2013, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2011/12.

Background**1. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 March 2013, are the:

- Statement of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statement of Financial Activity for the period ending 31 March 2013;
- Review of Transaction Activity.

Note: Interest rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Bankwest, Western Australian Treasury Corporation, Commonwealth Bank, Australian and New Zealand Bank and Westpac Bank.

2. *Utility and Fuel Costs*

Presented in graph form (see attached), is the 2012/13 monthly water, power and fuel costs compared with 2011/12.

3. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 24 April 2013 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costs.

Voucher No's		Value	Pages		Fund No.	Fund Name	Description
From	To		From	To			
NMF010313	NMF010313	\$569.14	1	1	1	Municipal Fund	Photocopier Lease x 2 - South Hedland Library & JD Hardie
NMF010313	NMF010313	\$1,244.32	1	1	1	Municipal Fund	Photocopier Lease x 2 - Regulatory Services
NMF060313	NMF060313	\$284.57	112	112	1	Municipal Fund	Photocopier Lease x 1 - Community Development (Airport)
		\$2,098.03					
CHQ22138	CHQ22211		1	12	1	Municipal Fund	
CHQ22212	CHQ22214						Cancelled Cheques
CHQ22215	CHQ22216		12	14	1	Municipal Fund	
		\$218,718.67					
EFT44771	EFT45285		14	112	1	Municipal Fund	
		\$8,007,586.08					
PAY-WASTE	PAY_WASTE	\$2,166.60	1	1	1	Municipal Fund	
TERM 8640	TERM 8640	\$6,832.13	1	1	1	Municipal Fund	
PAY 8882	PAY 8882	\$2,899.07	1	1	1	Municipal Fund	
PAY 8885	PAY 8885	\$1,686.61	1	1	1	Municipal Fund	
PAY 8886	PAY 8886	\$1,321.90	1	1	1	Municipal Fund	
PAY 8887	PAY 8887	\$1,715.41	1	1	1	Municipal Fund	
PAY 8889	PAY 8889	\$1,660.09	1	1	1	Municipal Fund	
PAY050313	PAY050313	\$518,338.05	112	112	1	Municipal Fund	
PAY190313	PAY190313	\$510,849.40	112	112	1	Municipal Fund	
		\$1,047,469.26					
WOW150313	WOW150313	\$1,402.36	112	112	1	Municipal Fund	Woolworths Direct Debit
		\$1,402.36					
CAL140213	CAL140213	\$6,223.54	112	112	1	Municipal Fund	Caltex Direct Debit
CAL140313	CAL140313	\$1,704.14	112	112	1	Municipal Fund	
		\$7,927.68					

	Muni Total	\$9,285,202.08					
3002386	3002386		112	11 2	3	Trust Fund	
3002387	3002389						Cancelled Cheques
3002390	3002395		112	11 3	3	Trust Fund	
		\$353,631.17					
	Trust Total	\$353,631.17					
	Sub-Total	\$9,638,833.25					
LESS: one-off pays							
	Total	\$9,638,833.25					

Consultation

Nil

Statutory Implications

Financial Statements

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

“34. Financial activity statement report - s. 6.4

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing:*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*

- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown:*
 - (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS, to be used in statements of financial activity for reporting material variances.*

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

- “(1) Subject to subsection (2) and any other written law, a local government may –*
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money, which is owed to the local government.*

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”*

Policy Implications

2/003 Financial Statements – Copies for Councillors

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

Monthly

- Bank Reconciliation of the Municipal, Reserve and Trust Fund
- +90 day outstanding Sundry Debtors Report
- List of Accounts paid under Delegated Authority
- Register of Investments
- Rate Summary Trial Balance
- Reserve Account Balances.

Quarterly

- Quarterly Budget Review
- Report on all Budgeted Grants of \$50,000 or more

Irregular Financial reports will be presented to Council as deemed necessary by the Director, Corporate Services or Manager, Financial Services or requested by Council by resolution.

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Budget Implications

At the Special Meeting held on 30 August 2012, Council resolved to adopt item 6.1.1.1 '2012/2013 Budget Adoption' en block, which included Recommendation 16 as follows:

“Recommendation 16

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, that Council adopts the following percentage or dollar value for determining and reporting material variances in 2012/13 as follows:

*10% of the Function amended budget; or
\$100,000 of the Function amended budget*

whichever is the lesser, for the following categories of revenue and expenditure:

*Operating Revenue
Operating Expenditure
Non-Operating Revenue
Non-Operating Expenditure”*

Officer's Comment

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

Period Variation

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

Primary Reason

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

Budget Impact

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

Attachments

1. Monthly Statement of Business Activity – under separate cover
 - 1.1 Pages 2 to 4. Schedule 2 being a Statement of Financial Activity.
 - 1.2 Pages 5 to 18. Notes 3 to 11 which form part of the Statement of Financial Activity.
Also Note 10 – March 2013 Bank Reconciliations.
 - 1.3 Pages 19 to 65. Detailed Financial Activity by Program.
 - 1.4 Pages 66 to 68. Comparison Between 2012/13:2011/12 Utility & Fuel Costs.
2. March 2013 Accounts for Payment – under separate cover

201213/354 Officer's Recommendation / Council Decision**Moved: Cr Daccache****Seconded: Cr Carter****That Council note the:**

1. **Financial Statements as at March 2013 including:**
 - a) **Statement of Financial Activity (represented by Schedules 3 to 14);**
 - b) **Notes (3 to 11) to and forming part of the Statement of Financial Activity for the period ending 31 March 2013; and**
 - c) **Review of Transaction Activity;**

- 2. Graphic representation of the Town's energy, water and fuel use; and**
- 3. List of Accounts paid during March 2013 under Delegated Authority.**

CARRIED 7/0

11.4.2.2 *Rates Concessions and Exemptions for 2013/14 Annual Budget*

Officer Carmen Hanisch
Senior Rates Officer

Date of Report 17 April 2013

Disclosure of Interest by Officer Nil

Summary

For Council to consider possible rates concessions for inclusion in the 2013/14 and 2014/15 Annual Budget.

Background

Each year, as part of the Annual Budget, Council provides rates concessions and exemptions to a number of community, recreation and welfare organisations.

In June 2011 Council adopted a Rates Concession and a Rates Exemption Policy to assist Council in determining community rate concessions and exemptions and identify applicable exemptions.

As per these policies community groups are required to reapply for rates concessions or exemption every two years. A large number of Concessions and Applications were approved for the 2012/13 financial year and will still be current for the 2013/14 financial year.

The rates concessions that Council are requested to consider would be applied for the 2013/14 and 2014/15 financial years allowed within the policy.

Consultation

As per Council Policy 2/013 and 2/014 a new application for Rates Concession or Exemption must be made prior to 31 March for the rating year that precedes the financial year to which the application relates.

The due date for the applications was this year advertised to the community through local news and the Town's e-newsletters throughout February and March 2013.

Statutory Implications

Local Government Act 1995

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

*(I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*

*(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

(e) land used exclusively by a religious body as a school for the religious instruction of children;

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999;

(g) land used exclusively for charitable purposes;

(h) land vested in trustees for agricultural or horticultural show purposes;

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the Gazette.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]

Policy Implications

2/013 Rates Exemption Policy (Non Rateable Land)

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012 – 2022 are considered relevant to this proposal:

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

6.4.2 Community Focused

Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders. Council resources are managed to provide optimum benefit to the community.

Budget Implications

In order to accurately calculate the proposed rates needed to be raised for the 2013/14 Annual Budget, Council is requested to provide direction as to which properties may be provided a concession.

Rates are the Town's primary means of raising income to cover operational costs and approving these concessions will directly impact Council's budget and reduce the funds available for other programs and projects.

If all recommendations are approved, Council will be required to waive approximately \$1,363.24 in rates revenue. This amount is an estimate and is based on the existing 2012/13 rate in the dollar and is additional to the \$87,307.74 already approved during last financial year's process.

The total amount of potential waived rates revenue would amount to \$88,670.98. Based on 2012/13 total rates revenue, this amount equates to approximately an additional 0.4 per cent rate increase required to be raised.

Officer's Comment

For the 2013/14 financial year Council received applications from two organisations, representing five residential properties. A complete detailed summary of the applications received is included in Attachment 1 of this report.

As per Council's Rates Concession Policy, all applicants have submitted a copy of their constitution, copies of their audited financial statements and written statements outlining the purpose of the property their concession or exemption application is relating to.

Officers have reviewed all information supplied with the applications and have made recommendations for Council to either provide a 100%, 50% or no concession to each property applied.

Concessions:

Organisation	Assessment Number	Officer's recommendation	Proposed Concession
Drug Arm WA Inc	A120580	50%	\$ 1,363.24
Karlka Nyiyaparli Aboriginal Corporation	A116512	0%	\$ -
Karlka Nyiyaparli Aboriginal Corporation	A153371	0%	\$ -
Karlka Nyiyaparli Aboriginal Corporation	A153430	0%	\$ -

Karlka Nyiyaparli Aboriginal Corporation	A405010	0%	\$ -
--	---------	----	------

Summary of Applications

Drug Arm WA Inc.

Benefit to the Community

Drug Arm WA Inc conducts the Youth Bail Options Program at the property, which the Concession Application relates to. This program provides care in the form of accommodation and meals for young people (under 18) who have been granted bail and do not have suitable supervision or alternative accommodation available immediately.

Financial Information

The organisation receives funding through Grants and Service Agreements and Fundraising. Net profit for the financial year ending 2012 is \$284,234.

Rates (2012/13)

\$2,726.48

Concession applied for by Applicant

100%

Officer's Recommendation

50% - \$1,363.24

Drug Arm WA Inc's Youth Bail Options Program is an important and essential service to unfortunate and disadvantaged youth within the Town's community. This program allows young people, who have been granted bail, to participate in monitored activities and provides an environment that is conducive to their well being. The Officer considers this to be providing a broader community benefit, therefore the recommendation of a 50% concession is deemed appropriate.

Karlka Nyiyaparli Aboriginal Corporation

Benefit to the Community

Karlka Nyiyaparli Aboriginal Corporation represents the Nyiyaparli traditional owners in managing mining agreements to advance the interests and culture of the Nyiyaparli people through the financial benefits of these agreements. All properties, which the concession applications relate to, are used for the housing of employees and their families.

Financial Information

The organisation produces income through Heritage Work, Settlement Revenue and Rentals. Net profit for the financial year ending 2012 is \$12,325,581.

Rates (2012/13)

\$8,308.50

Concession applied for by Applicant

100%

Officer's Recommendation

0% - \$0

Above all the services provided by Karlka Nyiyaparli Aboriginal Corporation benefit the Nyiyaparli People. It is not an essential service for the wider community of the Town of Port Hedland. Income is received through mining agreements and profits are distributed to the Nyiyaparli Traditional Owners. The policy provisions do not deem this to be charitable and the organisation generates a large net profit of \$12,325,581 which is believed to be sufficient to pay the rates proposed.

The policy specifically states that "Rates Concessions for residential properties not used in the primary service delivery of the community group or association's activities will not be eligible for a concession". Officers believe that application of the policy to the properties applied for deems the applications to be ineligible, therefore no concession is recommended.

Conclusion

Council offering concessions to rates payable by community groups, non for profit organisations and youth organisations demonstrates its support and assistance to the community.

The above mentioned recommendations are suggested after carefully reviewing all applications received and are believed to be adequately representing the services offer to the community.

Attachments

1. Rate Concessions Applications Summary

Officer's Recommendation

That Council approves the following Rates Concessions for the 2013/14 and 2014/15 financial years and therefore waiving fees of approximately \$1,363.24 in addition to the estimated \$87,307.74 of the already approved concessions during last financial year's process:

Organisation	Assessment Number	Officer's recommendation	Rates waived
Drug Arm WA Inc	A120580	50%	\$ 1,363.24
Karlka Nyiyaparli Aboriginal Corporation	A116512	0%	\$ -

Karlka Nyiyaparli Aboriginal Corporation	A153371	0%	\$ -
Karlka Nyiyaparli Aboriginal Corporation	A153430	0%	\$ -
Karlka Nyiyaparli Aboriginal Corporation	A405010	0%	\$ -

201213/355 Council Decision

Moved: Cr Taylor

Seconded: Cr Daccache

That Council approves the following Rates Concessions for the 2013/14 and 2014/15 financial years and therefore waiving fees of approximately \$2,726.48 in addition to the estimated \$87,307.74 of the already approved concessions during last financial year's process:

Organisation	Assessment Number	Officer's recommendation	Rates waived
Drug Arm WA Inc	A120580	100%	\$ 2,726.48
Karlka Nyiyaparli Aboriginal Corporation	A116512	0%	\$ -
Karlka Nyiyaparli Aboriginal Corporation	A153371	0%	\$ -
Karlka Nyiyaparli Aboriginal Corporation	A153430	0%	\$ -
Karlka Nyiyaparli Aboriginal Corporation	A405010	0%	\$ -

CARRIED BY ABSOLUTE MAJORITY 7/0

Reason: Council decided to give 100% rate concession to Drug Arm WA Inc to recognize the commitment of this organization towards people at risk in the community.

ATTACHMENT 1 TO ITEM 11.4.2.2

Organisation	Add 1	Add 2	Land Owner	Assessment Number	Address	Use and Occupancy of Property	Type of Service Provided	Frequency of service provision	Payment received for service	Floor plan provided	Copies of Financial Statement provided	Audited	Last year	Application	Officer's recommendation	Comments	Rates (12/13)	Proposed Concession	Council Approval %	Council approval \$	Concession or Exemption	Reason, (for not being Exemption)	Amt Exempt
Drug Arm WA Inc	PO Box 165	Armadale WA 6992	Drug Arm WA Inc	A120580	14 Nyanda Place, South Hedland	Youth Bail Options Program	Housing and Meals for young people (under 18) who have been granted bail	24 hours, 7 days per week	Yes, contracted under the Department of Corrective Services	N/A	Yes	Yes	Yes	100% Concession	50%	Applying for 100% Concessions, Officers recommend 50%. Drug Arm WA Inc is providing an important service to unfortunate and disadvantaged youth of the community.	\$ 2,726.48	\$ 1,363.24			Concession	Residential Dwelling	
Karlka Nyiyaparli Aboriginal Corporation	PO Box 2161	South Hedland WA 6722	Karlka Nyiyaparli Aboriginal Corporation	A116512	4 Martin Court, South Hedland	Employee (and their family) Housing	Management of Mining Tenement Agreements on Aboriginal land	Normal business hours	Yes, through lease holders and distributed to traditional owners	N/A	Yes	Yes	Yes	100% Concession	0%	Applying for 100% Concessions, Officers recommend 0%. The service provided by the applicant serves the Karlka Nyiyaparli People above all and is not an essential service for the wider Town of Port Hedland community. The financial information shows a large amount of surplus cash.	\$ 2,355.42	\$ -					
Karlka Nyiyaparli Aboriginal Corporation	PO Box 2161	South Hedland WA 6722	Karlka Nyiyaparli Aboriginal Corporation	A153371	26 Brolga Way, South Hedland	Employee (and their family) Housing	Management of Mining Tenement Agreements on Aboriginal land	Normal business hours	Yes, through lease holders and distributed to traditional owners	N/A	Yes	Yes	Yes	100% Concession	0%	Applying for 100% Concessions, Officers recommend 0%. The service provided by the applicant serves the Karlka Nyiyaparli People above all and is not an essential service for the wider Town of Port Hedland community. The financial information shows a large amount of surplus cash.	\$ 1,984.36	\$ -					
Karlka Nyiyaparli Aboriginal Corporation	PO Box 2161	South Hedland WA 6722	Karlka Nyiyaparli Aboriginal Corporation	A153430	30 Spoonbill Crescent, South Hedland	Employee (and their family) Housing	Management of Mining Tenement Agreements on Aboriginal land	Normal business hours	Yes, through lease holders and distributed to traditional owners	N/A	Yes	Yes	Yes	100% Concession	0%	Applying for 100% Concessions, Officers recommend 0%. The service provided by the applicant serves the Karlka Nyiyaparli People above all and is not an essential service for the wider Town of Port Hedland community. The financial information shows a large amount of surplus cash.	\$ 2,177.96	\$ -					
Karlka Nyiyaparli Aboriginal Corporation	PO Box 2161	South Hedland WA 6722	Karlka Nyiyaparli Aboriginal Corporation	A405010	9 Orchid Close, South Hedland	Employee (and their family) Housing	Management of Mining Tenement Agreements on Aboriginal land	Normal business hours	Yes, through lease holders and distributed to traditional owners	N/A	Yes	Yes	Yes	100% Concession	0%	Applying for 100% Concessions, Officers recommend 0%. The service provided by the applicant serves the Karlka Nyiyaparli People above all and is not an essential service for the wider Town of Port Hedland community. The financial information shows a large amount of surplus cash.	\$ 1,790.76	\$ -					

(This page intentionally left blank).

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 Proposed Rates in the Dollar & Minimum Rates for 2013/14

Officer Natalie Octoman
Director Corporate Services

Date of Report 18 April 2013

Disclosure of Interest by Officer Nil

Summary

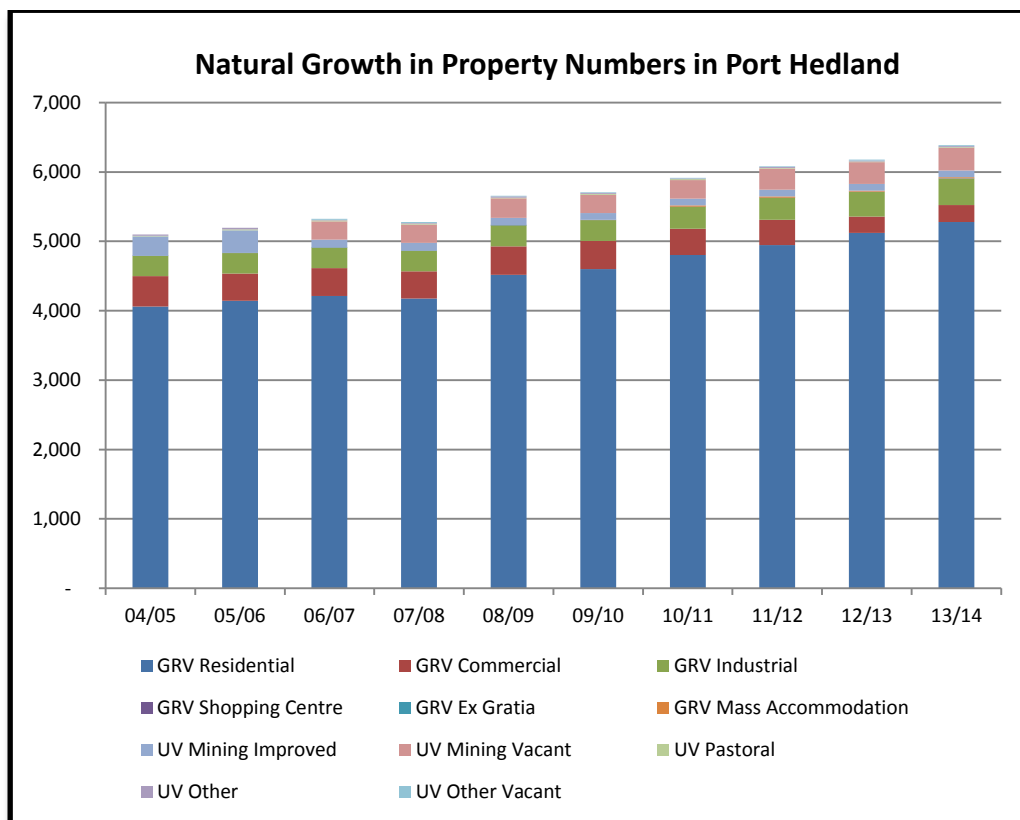
For Council to adopt various rates in the dollars and minimum rates so the required advertising can commence prior to budget adoption in accordance with section 6.36 of the *Local Government Act 1995*.

Background

As part of the annual budget process Council must determine the rates in the dollar (RID) and the minimum rates (min) to be used in the following year. Due to the requirements of section 6.36 of the *Local Government Act 1995*, the rates in the dollar and minimum rates must be resolved prior to the budget being finalised.

Budget Forums have been held with Elected Members, with the most recent being on the 17th of April where rates were discussed with Elected Members. Consideration was made in relation to the natural growth that has occurred throughout the Town, the Local Government Cost Index (LGCI), the base cost impacts and reductions in revenue that would impact on the Town's finances for 2013/14.

Natural growth of approximately 3.35% has occurred across the Town when comparing 6,176 rateable properties in 2012-13 to 6,383 rateable properties in 2013-14. This natural growth has been reasonably consistent since 2004-05 as demonstrated in the graph below.



Growth clearly impacts on the provision of services and the maintenance of facilities and infrastructure across the town and it was recommended that the rate in the dollar for 2013-14 should take this into consideration.

Base Cost Impacts

At the Budget Forum, Elected Members were advised of the recommended Local Government Cost Index (LGCI) to use for 2013-14 (Attachment 1). The LGCI is used by Local Governments across Western Australia to communicate movements in the cost to deliver services over time. It measures inflation that applies to Local Government expenditure, in the same way that the Consumer Price Index (CPI) measures movements in the cost of goods and services purchased by households.

This document outlines price increases across several key areas which impact on Local Governments when delivering services to the community and is much more reflective of price increases that the Town experiences over and above the Perth CPI purely given it's a Local Government. The Perth CPI for the September and December quarters was 2.0% and 2.1% respectively, which is no way reflective of the costs the Town incurs either currently or in the new financial year. It is also acknowledged that the cost of doing business in the Pilbara far outweighs those for other regional or metropolitan areas, to the effect that general goods and services are generally 60-70% more expensive, therefore a Pilbara loading factor needs to be considered whenever the Town undertakes business.

The LCGI forecast for 2013-14 is as follows:

	Forecast Increase in Year Ending June (%)
	2013
Wages and Salaries	4.2
Road and Bridge Construction	2.4
Non-residential Building	3.8
Consumer Prices	3.0
Machinery and Equipment	0.7
Electricity and Street Lighting	4.6
Local Government Costs	3.2

Applying a loading factor of 65% to the LCGI would equate to an additional 2.08% ($3.2\% * 65\%$) in addition to the 3.2% therefore reflecting a general increase of 5.28%. This doesn't take into account the other increases associated with insurance which is estimated at 7.5%; superannuation guarantee increases requiring all employees' superannuation to be calculated at 9.25% next financial year rather than the current 9%; and an increase in the loan principal and interest repayments given the new loans that were taken out this financial year.

It is anticipated that these increases would account to at least \$2.3 million in cost increases that will need to be borne by the ratepayers as this is a real cost of the Town undertaking its business.

On top of the base cost impacts, there are also reductions in revenue anticipated, particularly associated with funding received from the Grants Commission, and reduction in child entry fees to swimming areas. The Grants Commission provides funding as an untied grant for local roads which is expected to reduce by up to 10.5% on the basis that the Commission has seen that the Town has a greater capacity to generate revenue than many other Local Governments. This may potentially see a reduction of up to about \$0.253 million, while the reduction in child entry fees has an anticipated cost of \$0.065 million. These two items alone amount to almost \$0.320 million that again, will need to be borne by ratepayers.

To partially offset these negative impacts, additional revenue is anticipated from a leasing arrangement that is about to be entered into, along with the overall increase in fees and charges that was endorsed by Council over the past couple of weeks.

Mass Accommodation Rate in the Dollar

During the Budget Forum, Elected Members requested that the mass accommodation rate in the dollar be reviewed given the overall impact that transient workers have on the town. It is recognised that many transient workers work for the resource industry and that the properties in the mass accommodation rating category support the resource industry to a significantly higher extent than they do the tourism industry.

Last financial year, a model was implemented to determine the overall rates that those in the mass accommodation rating category should contribute to the overall rate base.

Statistics from the 2011 ABS census indicate that 22% of the Town's population resides in Hotels, Motels, Bed & Breakfast accommodation and staff quarter's accommodation. The proposal put to Council for last year was that the 22% population should be reflected in the rates revenue.

In order to achieve this representation, officers went through several steps to ensure a reasonable approach could be suggested. Firstly, the total rates required were established and it was suggested that 78% should be attributed to the local residents and businesses, while 22% would be attributed to the mass accommodation rating category.

Mass accommodation properties are predominately utilised by visitors to the town for work related purposes for the resource industry. It has therefore been assumed that 10% of rooms within this category are utilised by those visiting the town for holiday purposes, which is also substantiated by some properties having a development condition stipulating that 10% of rooms must be allocated for tourism. As those who stay in the mass accommodation properties are considered not to have a 100% impact on the services, facilities and infrastructure provided by the Town it is recognised that they contribute to the overall impact to some degree, therefore a 70% impact rate was utilized.

This methodology applicable to the 2013-14 financial year is outlined in the table below:

	%	\$	\$
Total Rates Required:-			\$21,563,800
Local Residents, Businesses	78%	\$16,727,122	
Visitors (Mass Accommodation)	22%	\$4,836,678	
<i>Assumptions:-</i>			
Less: Visitor Allowance	10%	\$483,668	
		\$4,353,010	
Impact on Services, Facilities & Infrastructure	70%	\$3,047,107	
ESTIMATE OF RATES TO BE SOURCED FROM MASS ACCOMMODATION RATING CATEGORY			\$3,047,107

The methodology applied would result in an overall increase in the rate in the dollar of 33.08%. While this appears high, officers believe that this a more equitable way of distributing the overall impact of rates on the ratepayers of the town. It should be noted that this methodology results in a rate in the dollar that is more than double the lowest differential rate. Given the requirements of section 6.33 (3) of the *Local Government Act 1995*, the differential rate in the dollar will require Ministerial approval. Approval was sought and subsequently provided by the Minister in 2012-13, and there are no indications that the Minister would not support the same methodology for 2013-14.

Asset Management

Asset management was again discussed with Elected Members where it was indicated that the Town currently has an asset management gap (shortfall in the funds that should be allocated to asset management programs) of approximately \$10.9 million for the 2012-13 financial year alone. This amount is distributed as follows:

Asset Management Gap	
Footpaths	776,707.00
Roads	1,111,364.00
Drainage	515,022.00
Lighting	163,526.00
Reseals	1,755,797.00
Kerbing	269,085.00
Buildings	5,495,714.00
Playground Equipment	55,000.00
ICT	737,276.00
TOTAL	\$10,879,491.00

There will be a significant amount of work undertaken over the coming years around assets, which will include reviewing levels of service, determining whether the Town should hold all the assets currently on its register or whether some are more appropriate for other organisations to manage. Irrespective, there will still be a significant shortfall if it is not addressed on a continual basis. It was recommended that rates should allow for a certain amount of expenditure on asset management programs each year to commence addressing the issue.

This is particularly relevant now that the *Local Government (Financial Management) Regulations 1996* have been amended to incorporate three new financial ratios that are required to be incorporated into the annual financial statements, which include an asset consumption ratio; an asset renewal funding ratio; and an asset sustainability ratio. Given the increased focus on assets over the past few years, officers believe that the Town needs to continue its journey in addressing the asset management gap, and are therefore recommending that \$0.500 million be quarantined in the Asset Management Reserve for 2013-14.

MINUTES: ORDINARY COUNCIL MEETING

Rate Comparisons

Elected Members were presented with the Western Australian Local Government Rates Comparison 2012-13 developed by UHY Haines Norton. The report provides a comparison of rates and services charged by Local Governments across Western Australia.

While the rating categories vary, to assist in comparing the Town with another local government who is in the Pilbara and under enormous pressure to develop, the table below outlines the rate in the dollar imposed by the Shire of Roebourne for the 2012-13 financial year. Clearly the rate in the dollar is dependent upon the valuation of properties and the number of properties within each category, therefore this information has also been incorporated.

Shire of Roebourne

	Rate in the Dollar	Number of Properties	Rateable Value	Budgeted Rates Income 2012-13
GRV Residential	2.6278	5,672	432,067,180	11,353,862
GRV Commercial/Tourism/Town Centre	5.2556	239	39,013,136	2,050,375
GRV Industry/Mixed Business	5.2556	442	61,183,055	3,214,486
GRV Transient Workers Accommodation	9.197	13	47,455,200	4,364,597
GRV Workforce Accommodation	9.197	10	6,624,380	609,264
GRV Strategic Industry	9.197	2	10,218,000	939,780
GRV Airport	5.2556	12	1,395,623	73,348
UV General Unimproved)	1.2016	211	20,779,065	2,496,791
UV Pastoral	6.006	11	4,092,100	245,849
Sub-Total		6,612	622,827,739	25,348,352
GRV Residential	1,203	1,583	35,207,582	1,904,349
GRV Commercial/Tourism/Town Centre	1,203	151	2,482,185	181,653
GRV Industry/Mixed Business	1,203	143	1,537,751	172,029
GRV Airport	1,203	3	35,360	3,609
UV General Unimproved)	420	146	175,514	61,320
UV Prospecting	420	55	86,591	23,100
Sub-Total		2,081	39,524,983	2,346,060
TOTAL		8,693	662,352,722	27,694,412

MINUTES: ORDINARY COUNCIL MEETING

After discussions regarding each of the above issues, Elected Members discussed imposing the following rates in the dollar for each category:

Rate Category	2012/13		2013/14		% increase/(decrease)	
	RID	Min	RID	Min	RID	Min
GRV Residential	3.1025	1,040	3.4748	1,165	12%	12%
GRV Commercial	3.1340	1,040	3.5101	1,165	12%	12%
GRV Industrial	3.1025	1,040	3.4748	1,165	12%	12%
GRV Shopping Centre	6.2050	1,040	6.9496	1,165	12%	12%
GRV Mass Accommodation	7.4551	1,040	9.9212	1,165	33.08%	12%
GRV Ex Gratia	3.1025	1,040	3.4748	1,165	12%	12%
UV Mining Improved	35.3748	1,040	39.6198	1,165	12%	12%
UV Mining Vacant	35.3747	1,040	39.6197	1,165	12%	12%
UV Pastoral	5.7685	1,040	6.4607	1,165	12%	12%
UV Other	11.7216	1,040	13.1282	1,165	12%	12%
UV Other Vacant	13.3060	1,040	14.9027	1,165	12%	12%

To demonstrate what these increases would mean to the community, the following table outlines the average rates payable across each of the rating categories based on the average valuations for each category.

Average Rates Payable (Estimate Only)				
	no change	increase	change	% increase
Residential	\$2,232.79	\$2,524.95	\$292.17	13.1%
Commercial	\$3,839.27	\$4,479.32	\$640.05	16.7%
Industrial	\$4,056.30	\$4,341.81	\$285.51	7.0%
Shopping	\$269,354.40	\$301,676.92	\$32,322.53	12.0%
Ex Gratia	\$0.00	\$0.00	\$0.00	0.0%
Mass Accommodation	\$137,138.99	\$179,240.83	\$42,101.85	30.7%
Mining Improved	\$6,206.78	\$7,014.79	\$808.01	13.0%
Mining Vacant	\$2,120.06	\$2,405.06	\$285.00	13.4%
Pastoral	\$9,501.99	\$10,847.79	\$1,345.80	14.2%
Other	\$13,190.42	\$14,773.28	\$1,582.86	12.0%
Other Vacant	\$3,597.20	\$4,028.86	\$431.66	12.0%

As with the 2012-13 rates, the Town will need to apply to the Minister of Local Government and Regional Development (DLGRD) to impose the minimum rate for the UV Mining Vacant and UV Other Vacant categories, as more than 50% of the properties will be on minimums should these rates be adopted (s.6.35). It is believed that the DLGRD will support this request based on it being approved each year since 2007-08.

Consultation

The proposed rates in the dollars and minimum rates have been discussed by Executive and generally with Elected Members in several Budget Forums, but more specifically at the Budget Forum, held on the 17 April 2013.

Statutory Implications

Local Government Act 1995

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;*
 - (b) the predominant purpose for which the land is held or used as determined by the local government;*
 - (c) whether or not the land is vacant land; or*
 - (d) any other characteristic or combination of characteristics prescribed.**
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.**
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) If during the financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made but that paragraph had been made before the purported imposition of that rate.*

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*

- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
 - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency*
 - (b) *is to contain*
 - (i) *details of each rate or minimum payment the local government intends to impose;*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
 - (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government —*
 - (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*
it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) *50% of the total number of separately rated properties in the district; or*

- (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) the number of separately rated properties in the district; or*
 - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
 - (a) to land rated on gross rental value;*
 - (b) to land rated on unimproved value; and*
 - (c) to each differential rating category where a differential general rate is imposed.*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Based on current valuations the proposed rates in the dollar and minimum rates will generate approximately \$21,563,800 in rate revenue for 2013-14 compared to \$18,104,638 in 2012-13. This amount will change as more development occurs prior to 30 June and new valuation schedules are received.

Officer's Comment

Rating is Council's primary way of raising income to pay for the services it provides to the community and maintain its infrastructure. It is therefore extremely important that the rates imposed are reflective of where Council plan to allocate its resources in the coming year.

The Town of Port Hedland is a developing authority, in that much of the Town's resources are spent in developing infrastructure. Currently the district is experiencing high levels of growth due to the mining boom and port expansion, which is placing extreme pressures on Council delivering services and maintaining facilities and other infrastructure to the standard expected by the community.

It was recommended to Elected Members at the Budget Forum that while the GRV increase would result in an increase in rates generated, that the Town should be consistent in increasing the Rate in the Dollar each year to be reflective of the cost incurred in providing its services to the community.

The Town is currently developing an Integrated Strategic Planning and Reporting Framework in accordance with the Department of Local Government requirements, which incorporates an Asset Management Framework creating strategies and asset management plans to ensure that assets are acquired, operated, maintained and disposed of in the most effective manner. This has resulted in Council endorsing an Asset Management Strategy, Asset Management Policy and a Summary Asset Management Plan. This paves the way for the Town and sets the Policy direction in relation to asset management as a whole.

As outlined above, the asset management gap, that is, the amount of additional funds required to maintain the Town's assets to an appropriate standard, is \$10.9 million for 2012-13 alone based on the modelling that has been undertaken to date. This is a significant amount, and it does not cover the gaps identified in future years. Much work will occur in the coming year to gain condition reports, convert all the assets from a book value to fair value as required under the new legislation, and to clearly determine the level of service and the assets that the Town should realistically maintain.

Information obtained through the Asset Management Framework will integrate with 10 Year Long Term Financial Plan, thus informing the Town of its financial sustainability as the town grows, new assets are acquired and current assets require maintenance and / or renewal.

For background purposes, it was outlined last year that there was a review conducted by the Royalties for Regions Country Local Government Fund which identified that in 2006 metropolitan and regional local governments had a \$1.75 billion backlog of maintenance to infrastructure exposing a lack of financial and resource capacity to address the situation. The review indicated that this figure was conservative. The Asset Management Framework being implemented will ensure that any backlog would be identified and strategies would be established to ensure that the Town can address the backlog of issues the Town can be addressed.

Part of the strategy is for some level of the 2013-14 rates revenue generated to again, be placed into the Asset Management Reserve that was created last financial year. This will allow for additional expenditure, over and above that already planned, to utilise these funds to address the asset management gap.

Attachments

1. WALGA Economic Briefing – March 2013
2. West Australian Local Government Rates Comparison Report 2012/13 (under separate cover)

Officer's Recommendation

That Council:

- 1) Adopt for advertising the following 2013-14 Rates in the Dollar and Minimum Rates:

Rate Category	2013-14	
	RID	Min
GRV Residential	3.4748	1,165
GRV Commercial	3.5101	1,165
GRV Industrial	3.4748	1,165
GRV Shopping Centre	6.9496	1,165
GRV Ex Gratia	3.4748	1,165
GRV Mass Accommodation	9.9212	1,165
UV Mining Improved	39.6198	1,165
UV Mining Vacant	39.6197	1,165
UV Pastoral	6.4607	1,165
UV Other	13.1282	1,165
UV Other Vacant	14.9027	1,165

- 2) Notes that advertising cannot commence until 1 May in accordance with the requirements of section 6.36 (3)(a) of the *Local Government Act 1995*;
- 3) Apply to the Minister for Local Government to approve Council imposing a Minimum Rate for UV Mining Vacant and UV Other Vacant which will result in more than 50% of the properties in these categories being subject to minimum rates;
- 4) Apply to the Minister for Local Government to approve Council imposing a Rate in the Dollar for GRV Mass Accommodation, UV Mining Improved, UV Mining Vacant, UV Other, and UV Other Vacant which will result in being more than twice the lowest differential general rate imposed; and
- 5) Adopts an allocation of \$500,000 from rates revenue to be placed into the Asset Management Reserve for the 2013-14 financial year, to demonstrate the Town's commitment to addressing the asset management gap.

201213/356 Council Decision**Moved: Mayor Howlett****Seconded: Cr Taylor****That Council:**

- 1) Adopt for advertising the following 2013-14 Rates in the Dollar and Minimum Rates:**

Rate Category	2013-14		% increase/(decrease)	
	RID	Min	RID	Min
GRV Residential	3.4748	1,165	12%	12%
GRV Commercial	3.5101	1,165	12%	12%
GRV Industrial	3.4748	1,165	12%	12%
GRV Shopping Centre	6.9496	1,165	12%	12%
GRV Ex Gratia	3.4748	1,165	12%	12%
GRV Mass Accommodation	9.9212	1,165	33.08%	12%
UV Mining Improved	39.6198	1,165	12%	12%
UV Mining Vacant	39.6197	1,165	12%	12%
UV Pastoral	6.4607	1,165	12%	12%
UV Other	13.1282	1,165	12%	12%
UV Other Vacant	14.9027	1,165	12%	12%

- 2) Notes that advertising cannot commence until 1 May in accordance with the requirements of section 6.36 (3)(a) of the *Local Government Act 1995*;**
- 3) Apply to the Minister for Local Government to approve Council imposing a Minimum Rate for UV Mining Vacant and UV Other Vacant which will result in more than 50% of the properties in these categories being subject to minimum rates;**
- 4) Apply to the Minister for Local Government to approve Council imposing a Rate in the Dollar for GRV Mass Accommodation, UV Mining Improved, UV Mining Vacant, UV Other, and UV Other Vacant which will result in being more than twice the lowest differential general rate imposed; and**
- 5) Adopts an allocation of \$500,000 from rates revenue to be placed into the Asset Management Reserve for the 2013-14 financial year, to demonstrate the Town's commitment to addressing the asset management gap.**

CARRIED 7/0



ECONOMIC BRIEFING

local government

WA STATE BUDGET MID YEAR REVIEW

MARCH 2013

WA's very high population growth in recent times has been highlighted as a key challenge for the State Government. In the State Budget's mid-year review, released in December 2012, the population forecast for 2012-13 was revised upwards from 2.3% to 2.8%.

The following table compares some of the forecasts from the mid-year review in December to the forecasts from the State Budget in May:

Table 1 Comparison of May Budget and mid-year review forecasts

Economic indicator	May Budget forecast	December mid-year review forecast
Gross State Product		
2012/13	4.75%	6.0%
2013/14	4.75%	5.0%
Unemployment rate		
2012/13	4.25%	4.25%
2013/14	4.25%	4.5%
Perth CPI		
2012/13	3.5%	3.25%
2013/14	3.25%	3.0%
WA Wage Price Index		
2012/13	4.5%	4.5%
2013/14	4.5%	4.25%
Population		
2012/13	2.3%	2.8%
2013/14	2.3%	2.4%

This upward revision in the population forecasts for future years were probably influenced by the result for 2011-12. In the May Budget the State Government forecast population growth of 2.3% for that year. Instead, the WA population actually grew by 3.0% in 2011-12.

The following graph shows that most of the population increase in 2011-12 was the result of overseas migration. Also noteworthy is the substantial increase in net interstate migration:

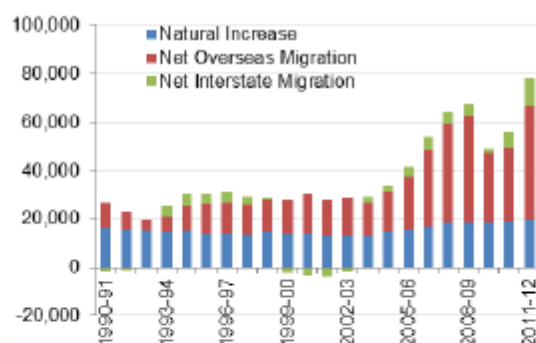


Figure 1 Components of population growth in WA
Source: ABS Cat No 3101.0 Australian Demographic Statistics, Jun 2012.

The higher than expected population growth has put some pressure on the State Budget. In particular, the Education Department's budget was increased by \$55 million to accommodate an unexpected extra 8,000 students in public schools and the Health Department's budget was increased by \$85 million to meet 'higher than anticipated demand for hospital services'.

The growing population also brings increased demands for Local Government services and infrastructure. The mid-year review has provided some assistance in this area by providing an additional \$67 million for Local Government roads over the period from 2012-13 to 2015-16.

LOCAL GOVERNMENT COST INDEX

The Local Government Cost Index (LGCI) increased by 0.3% in the December quarter 2012.

Table 2 Key LGCI figures for the December quarter 2012

Index	Sep qtr 2012 to Dec qtr 2012 (%)	Dec qtr 2011 to Dec qtr 2012 (%)
Wages	0.7	4.3
Road and Bridge Construction	0.0	2.9
Non-residential Building	-0.3	-0.4
Other costs	0.3	2.1
Machinery and Equipment	0.6	3.7
Electricity and street lighting	-0.7	4.3
Local Government Cost Index	0.3	2.9

The LGCI annual rate of increase was 2.9% and has been trending downwards since the June quarter 2012. The decrease in the annual movement was partly due to lower average wage increases in recent quarters. Additionally, Road and Bridge Construction costs also increased at a slower rate in the December quarter 2012:

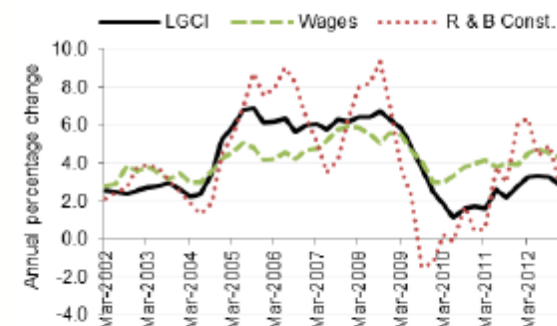


Figure 2 Local Government Cost Index, Wages, and Road and Bridge Construction comparison

Source: WALGA calculations; ABS Cat No 6345.0 Wage Price Index, December 2012; ABS Cat No 6427.0 Producer Price Indexes, December 2012.

The following table provides the forecast increase in the LGCI for the 2012-13 and 2013-14 financial years. The table

also includes forecasts of the component indexes that contribute to the LGCI.

Table 3 LGCI forecasts for 2012-13 and 2013-14

LGCI Component	Forecast Increase for the financial year	
	2012-13	2013-14
Wages and Salaries ¹	4.5	4.2
Road and Bridge Construction ²	3.0	2.4
Non-residential Building ²	3.4	3.8
Consumer Prices ¹	3.2	3.0
Machinery and Equipment ³	2.2	0.7
Electricity and Street Lighting ⁴	5.2	4.6
Local Government Costs	3.6	3.2

Source: 1. Based on WA State Treasury forecasts
 2. Based on Australian Construction Industry Forum forecasts
 3. WALGA estimated forecast
 4. Based on the State Government's projected tariff increases from the 2012/13 Budget

Please note: The forecasts listed above should be used with caution as they are speculative and rely on a number of assumptions about future economic events. A change to any of the underlying assumptions could significantly change the forecast estimates.

WA LABOUR MARKET OUTLOOK

"Difficult to see. Always in motion is the future."
 Yoda – The Empire Strikes Back (1980)

The above quote seems appropriate when considering the future of the WA economy. The years since the GFC have been characterised by moderate levels of growth, uncertainty about the world economy's prospects and volatility in consumer and business sentiment.

WA labour market indicators provide further evidence of the uncertain recovery that has taken place since the GFC. The following graph shows that while WA's unemployment rate was a healthy 4.0% in January 2013, it is well above the low of 2.3% in October 2008.

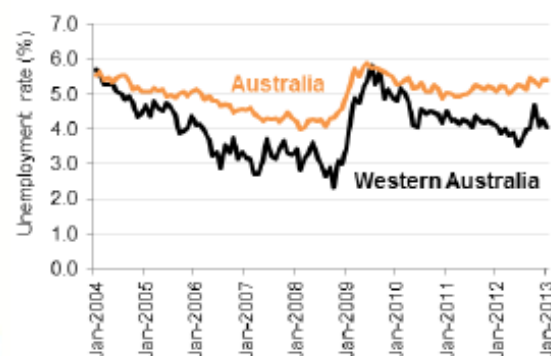


Figure 3 WA and Australian Unemployment Rates (seasonally adjusted)
 Source: ABS Cat No 6202.0 Labour Force, Jan 2013.

WA's unemployment rate has also been particularly volatile in the last 12 months: it varied from a low of 3.5% in July 2012 to a high of 4.7% in October 2012. Nonetheless, WA's unemployment rate still remained lower than the rate for Australia during this period.

Job vacancies data provides another perspective on the labour market by acting as a leading indicator, since increases in job vacancies are typically followed by improvements in wages and employment prospects. Figure 4 compares the ABS job vacancy series for WA with the Wage Price Index for the state:

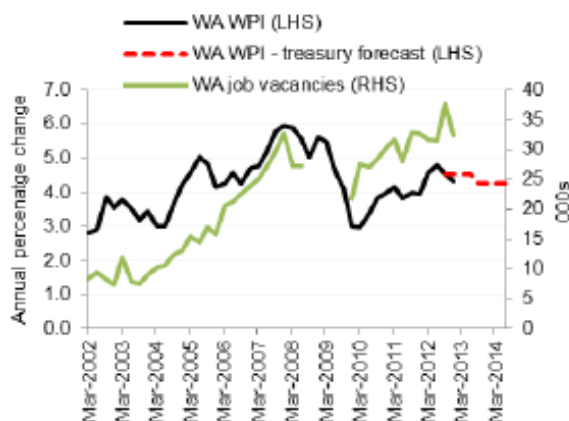


Figure 4 WA Wage Price Index and Job vacancies
 Source: ABS Cat No 6345.0 and 6354.0.

The above graph suggests wages growth will remain strong since job vacancies in WA have grown over the past year. Indeed, the WA Treasury are forecasting wages growth of 4.5% in 2012-13 and 4.25% in 2013-14. On the other hand the job vacancy data has been particularly volatile in recent quarters, which adds a degree of uncertainty to any labour market forecasts.

However, one thing that is certain is the disparity between wage costs in WA and the rest of Australia. In November 2012, Average full-time adult ordinary time earnings in WA were \$1590.60 compared to \$1396 for Australia. This is likely to be a contributing factor to the large increase in net interstate migration discussed earlier in the Briefing.

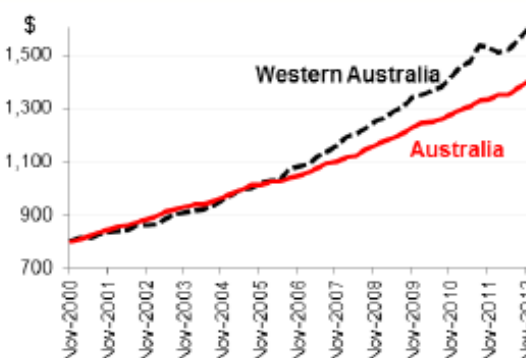


Figure 5 Average Weekly Ordinary Time Earnings
 Source: ABS Cat No. 6302.0 Average Weekly Earnings, November 2012

For further information or to comment please contact Paul Schollum on 9213 2096 or email pschollum@walga.asn.au.

Current and previous editions of *Economic Briefing* are available at www.walga.asn.au/NewsPublications/Publications/EconomicBriefing.aspx

- Updating the policy to reflect current structures within Council (Committees and Working Groups)
- Expansion and clarification of eligibility criteria
- Greater emphasis on capacity building and autonomous sustainability of community organisations
- Modifying criteria to be able to equitably support a greater number of community applications
- Incorporating and consolidating funding applications that currently operate outside of the Policy
- Incorporating accurate costing and accounting of fee waivers, in-kind contributions and updated acquittal processes.

The OCM on 6 March 2013 endorsed the recommendations of the Audit and Finance Committee to:

“a. Advertise the proposed (draft) Policy 6/003 Community Funding and Donations for community consultation, feedback and input; and

b. Noted that the outcomes of community advertising and consultation will be reported to Council in April 2013.”

Consultation

Internal

- Manager Recreation Services and Facilities
- Manager Community Development
- Coordinator Recreation Services and Facilities
- Coordinator Community Development
- Senior Community Development Officer
- Club Development Officer
- Audit and Finance Committee (27 February 2013)
- Confidential Concept Forum (13 February 2013)

External

Community advertising and consultation on the (draft) Policy included:

- Town of Port Hedland website
- Local newspaper advertising
- Media releases and community announcements
- Direct correspondence with previous donation's applicants.

Throughout the community consultation, only 1 comment / query was received from the South Hedland Bowling and Tennis Club in relation to their current Boodarie Bowls competition funding. The Club was advised that current funding within 2012/13 remains unchanged and understand the potential implication to their funding should Council adopt the revised policy.

Statutory Implications

Nil

Policy Implications

Policy 6/003 Community Funding and Donations identifies a series of community, recreation, sporting and cultural celebrations and events of significance and regularity. The purpose of the Policy is to establish a framework that facilitates collaboration with the community to support the delivery of events, celebrations and community activities which reflect the unique identity of Port Hedland.

Strategic Planning Implications

6.1 Community

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally.

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities, and opportunities.

Budget Implications

Within the 2012/13 budget, GL Account 813274 includes a total budget of \$113,517. This account contains annual funding allocated within the budget process, community support resolved through previous decisions of Council, and discretionary funds of \$45,000 to be allocated through the Donation's Policy and process.

The discretionary funds allocated within the 2012/13 budget have been expended within the first 5 months of the financial year. The earlier than anticipated expenditure of the available budget within 2012/13 has resulted from a number of factors including:

- Improved promotion of the available funding
- Increased application levels
- Community groups receiving multiple grants per year
- In kind and fee waiver support being costed and allocated for the first time against the budget.

Overall these factors have contributed to the full expenditure of available funds. The proposed new policy criteria and guidelines have been amended to address the factors above and realign funding to longer term priorities, capacity building and sustainability.

Officer's Comment

The proposed Community Funding and Donations Policy has the following key points and structure:

Updated objectives – includes strengthening the capacity of community organisations and assisting in independent sustainability.

Community Support Donations

- Combined funding of up to \$5,000 (cash funding, in-kind support, talent development and/or waiver of fees) – reduced from \$6,000
- Maximum of 1 application per year
- New projects or events – maximum cash funding of \$2,000
- Recurrent funding (for existing programs, activities or events) - maximum cash funding of \$1,000
- In kind / fee waivers included in maximum support level
- Development of talented local people criteria expanded.

Community Partnership Grants

- Incorporates annual community support applications (currently part of budget process)
- Maximum annual contributions - \$10,000
- Maximum financial support / grant length – 3 years
- Separation of financial support and potential ongoing in kind / fee waiver support (administration, marketing)
- Applications for support outside of policy to be considered by the Audit and Finance Committee, and then Council.

Potential Improved Policy Management

Further to the proposed improvements to the revised policy, Council, through the functions of the Audit and Finance Committee, may consider the following management practices:

- Capping of Quarterly Allocations – the level of community applications for donations is not constant (i.e. 25% per quarter) throughout the year. A large proportion of applications are received early in the new year (February to April) as clubs and groups prepare / commence the year seeking funding.

Council may consider the quarterly capping of the discretionary funding component to align with anticipated application levels. Potentially, quarterly capping may be:

- July to September (October budget review) 15%
- October to December (Jan / Feb review) 25%
- January to March (April review) 40%
- April to June (July review) 20%

- Ultimately Council may consider an annual process for donations, where all applications are considered at the same time, compared and evaluated collectively, and allocated according to best fit with funding priorities. This change may be something considered in the future should the proposed quarterly capping fail to fully alleviate the difficulties experienced with comparing applications and allocating funding.
- Increase the discretionary funding component – currently \$45,000 is allocated annually as discretionary funding, distributed through the application and Council consideration process.
- Separation of In-kind / fee waiver from discretionary component – separation would allow notional values indicated in the Policy table to be budgeted and quarantined, effectively increasing the discretionary component available for Council allocation.

Attachments

Attachment 1 – Proposed (final) Policy 6/003 Community Funding and Donations

Officer's Recommendation

That Council:

1. Adopts the Town of Port Hedland's Policy 6/003 Community Funding and Donations;
2. Provides separate budget allocations for in-kind support / fee waivers from discretionary funding in subsequent years; and
3. Notes that community advertising and previous applicants will be advised of the revised Policy.

201213/357 Council Decision

Moved: Cr Daccache

Seconded: Cr Carter

That Council lay item 12.2 'Policy 6/003 Community Funding and Donations – adoption of (Revised) Policy (File No.: 02/05/0003)' on the table for consideration at a future Council meeting.

CARRIED 7/0

6/003 COMMUNITY ASSISTANCE POLICY

The Town of Port Hedland will work in collaboration with the community to support the delivery of events, celebrations and community activities which reflect the unique identity, add to the social fabric of the Town of Port Hedland and the wellbeing of residents.

Previous Council resolutions have identified a series of community, recreation, sporting and cultural celebrations and events of significance and regularity, and accordingly determined levels of support to be provided by the Town. This information forms the later part of this Policy (section 8). The Town will encourage excellence and innovation, and inclusive community participation.

1. Objectives

- a. To support community initiatives that strengthen the capacity of local organisations and that deliver valuable outcomes to the Town's residents
- b. To assist in the initiation and establishment of new, independently sustainable events and programs that build capacity within the community
- c. To enable the Town to implement a consistent response to support requests received from community organisations, individuals and not for profit organisations
- d. To provide budget certainty to applicants
- e. To provide both local residents and community organisations with guidance in respect to the Town's expectations of such requests.

2. Scope of Funding

The Town of Port Hedland will provide assistance to the community based on the below structure:

Community Support Donations

- a. This support is limited to the consideration of requests up to a maximum of \$2,000 cash component in value
- b. This maximum value of all or any Community Support Donation within this section, whether comprised of cash funding, in-kind support, talent development or waiver of fees, is to a maximum of \$5,000 in total annually. In order to assess the value of a request, a dollar (\$) value will be estimated for the in-kind component
- c. All funding applications will be considered as part of this policy; applications outside this policy will be referred to and considered separately by Council
- d. A maximum of one (1) application per financial year per organisation or individual will be considered.

Types of Community Support include:

- Establishment funding (Cash - \$2,000 maximum) – Available to applicants running a new, one-off project, program, activity or event
- Periodical funding (Cash - \$1,000 maximum) – Available to applicants to support a community project, program, activity or event on a recurring basis or that has been funded previously. Organisations are required to fund 50% of the project's cash contribution from their own or other funding sources. Funding may be used for the purchase of equipment, uniforms etc.
- In-kind contributions – This support includes the provision of facilities, equipment and purchases
- These will usually not require a significant contribution of staff time. In-kind contributions will be considered subject to their availability, the need to protect the security and value of the assets, and their use for required Town of Port Hedland purposes
- Waiver of Fees – This support is for the waiver of fees for the hire of community facilities. Waiver costs will be in accordance with the Town of Port Hedland adopted Schedule of Fees and Charges
- Development of Talented Local People – Financial contributions may be made towards the costs associated with the initiatives by local people of all ages that develop talented individuals. A maximum contribution of \$500 in one financial year may be considered to each person who is eligible for this support. These initiatives may include:
 - Travel and attendance at competitions, educational tours or recognised State level (or above) training usually located elsewhere in Western Australia or beyond. The person concerned must have been invited to attend on the basis of exceptional sporting, artistic or other talent
 - Hosting of a talent development initiatives (incl. coaching courses).

Community Partnership Grant

- a. This Partnership support is limited a maximum period of 3 years
- b. The maximum value of all or any Community Partnership support within this section whether comprised of cash funding, in-kind support or waiver of fees is to a maximum of \$10,000 in total annually. In order to assess the value of a request, a dollar (\$) value will be estimated for the in-kind component and / or fee waiver

MINUTES: ORDINARY COUNCIL MEETING

- c. All funding applications will be considered as part of this policy; applications outside this policy will be referred to and considered separately by Council
- d. A maximum of one (1) application per financial year per organisation or individual will be considered.

The Partnership Fund has three main aims:

1. To increase community access to essential programs and services through the development of partnerships between the Town and not for profit community organisations
2. To provide assistance to not for profit community organisations with the capacity to assess community need to develop essential community services or programs which are consistent with the Town of Port Hedland's strategic objectives and programs, but not directly operated by the Town
3. To provide initial support for significant community, sport, recreation and cultural events and to ensure these activities build independent capacity and reduced reliance on Town funding over a set period of time

The table below identifies in-kind assistance and fee waiver support that will be provided on an ongoing basis:

Event	Key Partner	Council Support	Notional Value
Sports Group Forums	Department Sport and Recreation WA	<ul style="list-style-type: none">- Use of Town Venues- Advertising, photocopying and postage- Contribute to hosting event	\$500
Port Hedland Cup Day	Port Hedland Turf Club	<ul style="list-style-type: none">- Provision for 20 extra bins- Waiver of all stall fees and street trading ground hire for one day- Ground hire- Use of Town Flag to fly at event	\$5,000
Premier Regional Lawn Bowls	Port and South Hedland Bowling Clubs	<ul style="list-style-type: none">- Staff member on Committee- Advertising/photocopying, fax and postage	\$500
Nindji Nindji Festival	Bloodwood Tree Association	<ul style="list-style-type: none">- Use of Town Venue- Provision for up to 20 extra bins	\$500

MINUTES: ORDINARY COUNCIL MEETING

Event	Key Partner	Council Support	Notional Value
Pilbara Music Festival	Pilbara Music Festival	<ul style="list-style-type: none"> - Patron at Festival - Use of Town Venue - Provide administrative and photocopying assistance 	\$1,000
Australia Day Breakfast	Soroptimist International	<ul style="list-style-type: none"> - Administration/organisation of Premier's Australia Day Active Citizen Awards - Use of Town equipment and facilities - Advertising and photocopying of events proceedings - Free Pool Open Day at Gratwick 	\$3,000
NAIDOC Week	Pundulmurra Campus EPCT	<ul style="list-style-type: none"> - Town of Port Hedland display 	\$250
Chamber of Commerce Business of the Year Awards	Chamber of Commerce	<ul style="list-style-type: none"> - Additional trophies for Community of the Year Award Categories 	\$1,000
Carols by Candlelight	Ministers Fraternal	<ul style="list-style-type: none"> - Use of Town venue 	\$500
ANZAC Day Ceremony	RSL	<ul style="list-style-type: none"> - Use of Town venue and Council Chamber - Wreath - Advertisement 	\$1,500

The table below identifies financial support that will be provided (maximum of \$10,000 annually for a period of up to 3 years):

Event	Key Partner	Council Support	Notional Value
Premier Regional Lawn Bowls	Port and South Hedland Bowling Clubs	<ul style="list-style-type: none"> - Provide sponsorship towards event of a maximum of \$5,000 annually for a period of up to 3 years 	\$15,000
Australia Day Breakfast	Soroptimist International	<ul style="list-style-type: none"> - Provide sponsorship towards event of \$1,000 annually for a period of up to 3 years. 	\$3,000
Nindji Nindji Festival	Bloodwood Tree Association	<ul style="list-style-type: none"> - Provide sponsorship towards event of \$1,000 annually for a period of up to 3 years. 	\$3,000

What will not be funded?

- Commercial activities
- Retrospective costs (ie for activities, programs and events that occur prior to consideration by Council of the funding application)
- Associations with outstanding debts to the Town of Port Hedland
- Non-incorporated organisations, unless prior written approval by Council resolution
- Core organisational operating costs i.e. a permanent position for ongoing work

3. Application Process

- a. Requests for assistance will be made in writing through completion of an application form. Form A is to be completed by Individuals and Community Organisations. Form B is to be completed by Not For Profit Organisations
- b. Applications to be made in response to Town of Port Hedland advertising and within specified deadlines
- c. Application forms are available on the website or from the Customer Service Counter. Applications must provide all required information
- d. The Audit and Finance Committee will make recommendations to the next Ordinary Meeting of Council in regard to the approval or otherwise of applications received.
- e. Four (4) funding rounds will be held annually, timed to allow for consideration at the quarterly Audit and Finance Committee.

4. Selection Criteria

In considering the relative merits of applications, the Town will apply the following criteria:

- a. The positive contribution the event or project will make to the Hedland community
- b. The information requested meets the requirements of this policy
- c. The applicant certifies within the application that they are authorised to apply for Town of Port Hedland support and to represent the applicant organisation
- d. The applicant certifies that the information contained within the application is true and accurate, with commensurate evidence / documentation able to be provided on request from the Town
- e. Sufficient financial information has been provided to clearly identify the items on which monies will be spent, their discrete costs and their importance to the success of the event or project
- f. The level of resource contribution to be made by the applicant, relative to their capacity to do so, as well as the accessibility of funds from other sources.

5. Acquittals

Successful applications will be required to provide a brief report / acquittal containing information including:

- Measuring qualitative aspects, such as the success of the activity
- Financial information, such as receipts accounting for the expenditure of monies.

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of this Committee meeting are enclosed under separate cover.

13.1.1 *Airport Committee Minutes – 3 April 2013*

201213/358 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council receives the Unconfirmed Minutes of the Ordinary Meeting of the Airport Committee held on 3 April 2013 at 12:30pm.

CARRIED 7/0

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

201213/359 Council Decision

Moved: Cr Daccache

Seconded: Cr Jacob

That the meeting be closed to members of the public as prescribed in Section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following Items:

- **15.1 Catamore Court: Financial Method of Megara Constructions Pty Ltd Revised (File no.: 800240G); and**
- **15.2 Proposed New Loan for 2012/2013.**

CARRIED 7/0

6:57pm Mayor advised that the meeting is now closed to the members of the public.

15.1 Catamore Court: Financial Method of Megara Constructions Pty Ltd Revised (File no.: 800240G)

201213/360 Council Decision

Moved: Cr Carter

Seconded: Cr Taylor

That Council suspend Standing Orders.

CARRIED 7/0

7:03pm Mayor advised that Standing Orders are now suspended.

201213/361 Council Decision

Moved: Cr Dziombak

Seconded: Cr Hunt

That Council resume Standing Orders.

CARRIED 7/0

7:07pm Mayor advised that Standing Orders are now resumed.

201213/362 Council Decision

Moved: Cr Jacob

Seconded: Cr Dziombak

That Council reaffirms Council's previous decision to select Megara Constructions Pty Ltd as the preferred proponent with the following changes to the business case:

- a) **Begins construction of the Town of Port Hedland's proposed 8 units on Lot 23 once the funds from the sale of the proposed Lots 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as per conditional subdivision Application No. 142732, held in a joint trust account have reached an agreed limit (to cover the construction costs; cost to be confirmed);**
- b) **Requests that Megara Constructions Pty Ltd can only draw down payments from the trust account as construction milestones on the Town's development are reached (confirmed by an independent Quantity Surveyor);**
- c) **Megara Constructions Pty Ltd will only be entitled to all land sales funds held in a trust on completion of the Town of Port Hedland's proposed development on Lot 23; and**
- d) **Clear indication of the construction milestones and timeframes of this project be included in the business plan.**

CARRIED 7/0

MINUTES: ORDINARY COUNCIL MEETING

7:09pm Councillor Daccache declared a financial interest in agenda item 15.2 'Proposed New Loan for 2012/2013' as he is an employee of Auzcorp Pty Ltd.

Councillor Daccache left the room.

201213/363 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the meeting be open to the public and that agenda item 15.2 'Proposed New Loan for 2012/2013' be made public and considered accordingly.

CARRIED 6/0

7:12pm Mayor advised that the meeting is now open to the public.

15.2 Proposed New Loan for 2012/13

Officer Natalie Octoman
Director Corporate Services

Date of Report 19 April 2013

Disclosure of Interest by Officer Nil

Summary

For the Council to consider taking out an additional loan that was not incorporated into the 2012/13 Annual Budget in order to recover the shortfall in funding for the construction of Wanangkura Stadium.

Background

On 28 July 2010, Council provided the CEO delegated authority to enter into a contract with Doric Constructions Pty Ltd for the construction of the Wanangkura Stadium (formerly known as the Multi Purpose Recreation Centre). Within the Council report, an outline of the funding was provided as outlined below:

Notes	Contributors	\$ (GST Excl)
1	Auzcorp (Area B)	2,500,000
2	Auzcorp (Mia Mia)	1,750,000
3	Compass Group (Port Haven)	8,700,000
4	BHPBIO Sustainability Partnership	11,000,000
	Royalties for Regions	11,100,000

MINUTES: ORDINARY COUNCIL MEETING

	<i>Council Contribution</i>	<i>250,000</i>
	TOTAL PROJECT INCOME	35,300,000

Notes for the table were also made within the Council report as follows:

- “1. The Area B contribution was/is a commitment made in the tender for the land.*
- 2. As a component of Council’s tender for the operation of the ‘Airport Camp’, Auzcorp committed a contribution of \$350,000pa for five years over and above what was prescribed.*
- 3. Compass Group rental for land at the Airport is ‘quarantined’ in a Council Reserve Account that is to be used for community facility development. Council has previously indicated that these funds would be redirected to the Recreation Centre project.*
- 4. \$11.1M has been committed (and received) from Royalties for Regions for this project.*
- 5. The BHPBIO Sustainability Partnership has committed a total of \$11M towards this project.”*

EXPLANATORY NOTE:

Following the release of this agenda item it has come to the Town’s attention that Council’s previous resolution refers to a tender process being conducted, when in fact this was an Expression of Interest (EOI) process conducted by the Department of Regional Development and Lands.

In relation to the funding, the construction of the Wanangkura Stadium is essentially complete, and the budget has been expended. Given the funding arrangements with Auzcorp (Mia Mia) and Compass Group (Port Haven) were based over the terms of their leases, loans were required to be taken out by the Town initially, with the funds received from Auzcorp and Compass Group each year being used to contribute towards the principal and interest repayments.

The funding contribution referred to as Auzcorp (Area B) in the table above was indicated to have been a commitment in a tender between Auzcorp and the Department of Regional Development and Lands (RDL). While there may have been a commitment, there was no formal arrangement between the Town and Auzcorp that secured the \$2.5 million if the arrangement between Auzcorp and RDL did not proceed.

Discussions with Auzcorp and RDL this week indicated that the arrangement between Auzcorp and RDL is not likely to proceed in a timely manner, and the Town effectively holds a \$2.5 million shortfall in funding for the construction of the Stadium. As the funds have already been expended, the \$2.5 million shortfall is now impacting on the Municipal funds available to pay for projects committed in the 2012/13 financial year.

It should be noted that if a future arrangement is entered into between RDL with either the same or a new proponent, this will provide the Town with an opportunity to seek a community contribution at that stage.

Consultation

- Executive Team
- Auzcorp
- Department of Regional Development and Lands

Statutory Implications

Local Government Act 1995

Part 6, Division 5, Section 6.20: "Power to borrow"

Policy Implications

2/011 Tender Policy

Strategic Planning Implications

Strategic Community Plan 2012 – 2022

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Deliver responsible management of infrastructure, assets, resources and technology.

Budget Implications

While the funding outlined in the prior Council report indicates that the construction of the Stadium was fully funded, clearly it was not, given the commitments were reliant upon a secondary arrangement that was not formalised. This has resulted in a \$2.5 million shortfall for the Town. If Council endorse the officer's recommendation to take out a subsequent loan, it will cost the Town approximately \$3.984 million including interest (estimated at 5%) over a 20 year period.

Officer's Comment

The Town effectively entered into a construction contract without having all the funding secured. While Auzcorp and the Town may have had the best of intentions at the time, this was a significant risk which is now going to cost the Town almost \$4 million.

The Town cannot afford to reduce programs this late in the financial year to recoup the \$2.5 million.

The Officer is therefore recommending that a loan be taken out to supplement the Municipal fund in order to finalise the 2012/13 programs that are currently funded.

The Officer is also recommending that the current Tender Policy 2/011 is modified in order to incorporate a clause requiring written confirmation of funding prior to the awarding of tenders. This would reduce the risk of the Town having to supplement projects when commitments fall through for reasons that are beyond the Town's control.

Attachments

Nil

Officer's Recommendation

That Council:

1. Approves the advertising for one month, via local public notice the intention to take out a \$2.5 million loan to replenish the Municipal fund in relation to the construction of the Wanangkura Stadium; and
2. Approves the inclusion within 2/011 Tender Policy a clause stipulating that projects which are externally funded (wholly or in part) must be supported by written confirmation of the funding arrangements prior to the awarding of a tender, to come into effect immediately.

201213/364 Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. **Approves the advertising for one month, via local public notice the intention to take out a \$2.5 million loan to replenish the Municipal fund in relation to the construction of the Wanangkura Stadium;**
2. **Requests that public advertising includes a full explanation as to reasons the funding is required; and**
3. **Approves the inclusion within 2/011 Tender Policy a clause stipulating that projects which are externally funded (wholly or in part) must be supported by written confirmation of the funding arrangements prior to the awarding of a tender, to come into effect immediately.**

CARRIED BY ABSOLUTE MAJORITY 6/0

MINUTES: ORDINARY COUNCIL MEETING

7:18pm Councillor Daccache re-entered the room and resumed his chair. Mayor advised Councillor Daccache of Council's decision.

Mayor also advised members of the public of the Council resolution determined whilst behind closed doors in regard to agenda item 15.1 'Catamore Court: Financial Method of Megara Constructions Pty Ltd Revised'.

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

201213/365 Council Decision

Moved: Cr Daccache

Seconded: Cr Carter

That the following application for leave of absence:

- Councillor Jacob from 12 May 2013 to 20 May 2013.

be approved.

CARRIED 7/0

ITEM 17 CLOSURE

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 22 May 2013, commencing at 5.30 pm.

NOTE: Mayor congratulated Councillor Carter on his 50th Wedding Anniversary.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:23 pm.