



'Creating Green': Planting Selections



Local wildflowers



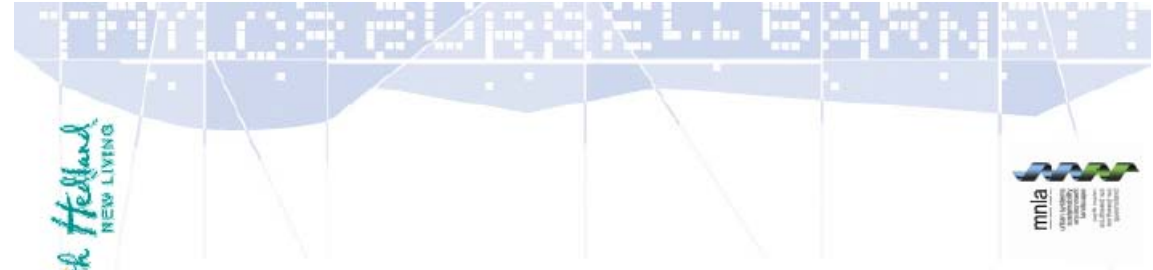
Local shrubs with open habitat



Protection and enhancement of Serrifex grassland



Conservation and enhancement of Pundulis



'A Pilbara Landscape Aesthetic'



Use of local stone with varying sizes, shapes and colour.



Elevation and interest through placement of boulders.



Innovative mass planting of indigenous species. Not just 'teak'.



No more lawn. Groundcovers, compacted gravel and stone as groundplane treatments.

Lineal Open Space Elements



education

Interpretation, orientation and way-finding.

culture

Public art, stories and sequences.

recreation

south hedland

Resting points events: fitness stations, distance markers and outdoor gym equipment.

1. South Hedland Loop 8.5km

Make it part of your day
Go with a friend
Set yourself goals

South Hedland Walk Map - provide connections in a north south direction



11.1.2.2 Proposed Hotel/Shop – Upgrade and Extension of the Esplanade Hotel - Lot 1 (2-4) Anderson Street Lot 942 Reserve 28860, Lot 942, and Part Reserve 30258, Lot 1619, Port Hedland (File No.: 120880G)

Officer Richard Bairs tow
Manager Planning

Date of Report 30 January 2009

Application No 2009/45

Disclosure of Interest by Officer Nil

Summary

An application has been submitted by Doug Gould for the upgrade and extension of the Esplanade Hotel. Council has previously considered the project and approved elements of it. This application will enable the development to be completed.

The application is referred to Council for determination due to its significance to Council. The applicant has also requested a relaxation of car parking requirements.

The application is recommended for approval subject to those conditions and footnotes as noted within the recommendation.

Background

The Esplanade Hotel development is well known to Council and, is likely to be one of the most iconic redevelopments to be undertaken in the Town's history.

The Esplanade Hotel is also recognised within the Town of Port Hedland Municipal - *Inventory of Heritage Places 2007* – as a Category 2 Building, and is recommended to be retained and conserved. The application has been assessed to comply with these requirements.

The elements of the proposal have been presented to Council during the course of the development. Following is a brief summary of those presentations and/or applications:

- March 2008 – Esplanade Concept presented and supported by Council
- March 2008 – Renovations and modifications of the existing Hotel approved by Council (Report 11.2.2.8 – Application 2008/53)

- August 2008 – Proposed restoration of verandas – held pending resolution of public land issues (Application 2008/294)
- August 2008 – Letter of in principle support from the CEO provided to the applicant.
- November 2008 – Comments required from the Administration in regard to the realignment of electrical cabling and upgrades associated with the Esplanade Hotel. (Application 2008/470).
- December 2008 – Proposed surrender of reserves for the purpose of facilitating the future development of the Esplanade Hotel supported by Council (Report 11.2.2.4 – Application 2008/486).
- January 2009 – Proposed upgrade and extension of the Esplanade Hotel, current application 2009/45

Concurrently, the applicant/owner has maintained contact with the Port Hedland Historical Society, with regular visits by its members and updates provided by the owner.

Sites

The application covers Lot 1 [3387m²], Reserve 28860, Lot 942 [209m²], and 684m² of Reserve 30258, Lot 1619 [current area totals 4245m²] is required. The area is all zoned Town Centre under Town Planning Scheme No. 5 (TPS5), and the reserves are vested in Council for Drainage and Car Parking respectively. Under the zoning a Hotel is an “AA” use and a Shop a “P” use.

Proposal

The application proposes two Uses under TPS5. These and their components follow:

Hotel

1. 110 rooms
2. 120 seat – Restaurant
3. 80 seat – Function Room

Shop

1. 90m² independent unit

Other features

2. 20 on-site car parking bays

The application has been assessed in accordance with the relevant TPS5 and other statutory requirements. This assessment is discussed within the officer’s comment section.

Consultation

The application has been referred internally for comment and, where appropriate the comments have been included as conditions and/or footnotes within the recommendation.

The development has been discussed externally with various government agencies (including Water Corp, Horizon Power and the Department of Planning and Infrastructure – State Land Services (DPI-SLS) and Port Hedland Historical Society.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Key Result Area – 4 - Economic Development

Goal 5 – Town Planning and Building

Strategy 1 – Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

An application fee of \$9850 was paid on lodgement and deposited into account 1006326 – Town Planning Fees.

Officer's Comment

The application is considered to be the best example of redevelopment and/or development that Port Hedland has experienced.

It is recognised that not only has the applicant redeveloped the existing building in sympathy with the original hotel but also continued the theme for the extension of the development. The development is considered to be an excellent balance between balancing the heritage architecture and the modernisation of the development.

Whilst recognising the appropriateness of the development the assessment of the proposal has also identified several major issues that Council will need to consider and determine whether it is appropriate to place conditions on these matters. These issues are:

- Heritage

- Ownership
- Drainage
- Carparking
- Verandas in road reserve
- Leasing council's carpark
- Lot amalgamation
- Setbacks

Heritage

This matter has been previously raised and suitably addressed. It is considered that the development addresses any heritage related matters contained within the TPS5 and/or Heritage Inventory.

Ownership

The DPI-SLS Pilbara Manager, Mr Murray Raven, has confirmed via e-mail, support for the lodging of the development application. Negotiations however are yet to be formalised and this could be a point of contention in the future.

A condition has been imposed to address the situation as well as possible.

Drainage

The issue surrounding the drainage outlet for the West End, in the event that the area becomes submerged remains outstanding, and no alternative has been provided. The applicant has commented that whatever needs to be done will be done, however this remains a potential fatal flaw for the proposed extension. It should be noted that this issue has been identified since the initial identification of the project.

The issue is of such a concern that it has been recommended that the development application not be approved until such time as this matter has been resolved and the applicant entering into a legally binding agreement to ensure the works are completed. This recommendation protects both the Council and the applicant/landowner should an unexpected cost or technical problem be identified.

Carparking

The Carparking requirements for the development are as follows:

Use	Calculation	#	Area	Requirement
Restaurant	1 bay per every 4 seats or 1 bay per 5m ² whichever is greater.	120 seats*		30
Shop	1 bay per 20m ² NLA	N/A	90m ² (total)	5
Function Centre	1 bay per 4 seats or 1 bay per 5m ² dining area whichever is greater	80 seats*	74m ²	20
Hotel / Motel	1 bay per unit / room	110 rooms	N/A	110
	1 bay per 5 units for visitors	110 rooms	N/A	22
	1 bay per staff member	15 staff*	N/A	15
Total				202
Provided on Site				20
Adjacent Bays				90
Shortfall				92

The applicant has submitted the following justification and request for the carparking shortfall:

- “ *Hotel guests rarely receive visitors, and it is considered that the need for visitor bays is redundant;*
- “ *Given the range of land uses at the hotel, some demand for parking will only be generated after standard business hours. Uses such as the function centre and restaurant are unlikely to generate significant demand during these hours, and it is assumed that the 88 adjacent bays” (Engineering has calculated that only 66 bays can be provided) “are able to be used for these uses after hours;*
- “ *Additionally, given that a significant number of guests arrive via alternate methods, such as coaches and transfers, the total number of bays required will be less than for a typical residential purpose. It is estimated that up to 25% of visitors will arrive this way; and*

A large number of users of facilities such as the function room and restaurant will be derived from reciprocal use by patrons of the hotel. Provisions of the bays for each use duplicate the requirement for bays by up to 50%, and a subsequent reduction in the need for bays is generated.”

The last two points have the following impact on the carparking calculation:

Use	#	Area	Requirement
Restaurant	120 seats*		15
Shop	N/A	90m ² (total)	5
Function Centre	80 seats*	74m ²	10
Hotel / Motel	110 rooms	N/A	83
	110 rooms	N/A	0
	15 staff*	N/A	15
Total			128
Provided on Site			20
Adjacent Bays			90
Shortfall			18

The applicant's justification is considered reasonable, however, it is recommended that Council requires the original amount of bays with advice to the application that subject to a 12 month review from the final completion date of the development the carparking requirements will be reassessed and the numbers finalised. This action is recommended to allow the development to operate and demonstrate that there is sufficient carparking. If the applicant's justification is correct then no additional bays will be required. It should be noted however, there is a significant short fall in the numbers provided and given that it is unlikely that these will be able to be provided in the road reserves abutting the property boundaries it is recommended that this matter be further negotiated between the applicant/owner and the Director Community and Regulatory Services at a later stage, when an assessment of the West End Carparking has been completed. Initial concept drawings indicate that there are approximately 90 bays within the public realm and in close proximity to the development (See Attachment 6). Conditions have been included to appropriately deal with this matter.

Verandahs within the road reserve

These reflect the original development and whilst not preferred it has been concluded that this matter can be dealt with by negotiation between the relevant parties. Again an appropriate condition has been included.

Leasing of Council's Car Park

Currently no arrangement exists for the use of Council's nearby car park. It is recommended that this arrangement be formalised into an appropriate lease or similar document to offset some of Council's costs associated with the maintenance and development of the land. A condition has been included to address this matter.

Lot amalgamation

This activity will need to be completed prior to the building licence for the proposed extension can be issued. A condition has been included to address this matter.

Setbacks

The setbacks of the extension reflect those of the existing building and supported as proposed on the attached plans.

It should be noted that there are a number of issues and potential fatal flaws for this project and the recommendation has been worded to protect both Council and the Applicant/Land Owner. Normally, these matters would be resolved prior to a report been presented to Council however the matter has been specifically requested to be presented to Council without delay.

Attachments

1. Location Plan
2. Heritage "Extract"
3. Site Plan
4. Floor Plans
5. Elevations
6. Potential carparking layout

200809/226 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J E Ford

That Council:

- i) Subject to the resolution of the following matters to the satisfaction of the Director Regulatory and Community Services:
 - a) **Confirmation from a suitably qualified Engineer confirming that suitable drainage alternatives are feasible; and**
 - b) **Completion of a legally binding agreement regarding the rectification of the drainage related matters all costs of the agreement and associated works being paid by the applicant/owner.**
- ii) Approves the application submitted by Doug Gould the applicant and part owner for the proposed upgrade and extension of the Esplanade Hotel on Lot 1, Reserve 28860, Lot 942, and Part Reserve 30258, Lot 1619 as indicated on the approved plans and subject to the following conditions and footnotes;
 - a) **This approval relates only to the proposed Hotel, Shop and other incidental development associated with these uses, as indicated on the approved plans. It does not relate to any other development on this lot.**
 - b) **The development must only be used for purposes, which are related to the operation of a "Hotel" business other than the area shown in red which shall be used as a "Shop". Under the Town of Port Hedland's Town Planning Scheme No. 5 a "Hotel" and "Shop" are defined as:
Hotel – *"any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor"* and
Shop – *"any building and associated land where goods are displayed or offered for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, take-away food outlet and garage sale"*.**
 - c) **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**

- d) The use and development of the site shall be for Hotel as opposed to Transient Workforce Accommodation. To achieve this, a minimum of 20% of the rooms shall be available for rent to the travelling public/tourists/business.**
- e) Prior to the submission of a Building Licence amended plans and or information being submitted to and approved by the Manger Planning:**
 - 1. The amalgamation of the subject lots and reserves as required to facilitate the development; and
 - 2. Satisfactory lease arrangements for occupation of land to be developed prior to purchase being made with the appropriate authority and conveyed to the Town.
- f) Prior to the commencement of works a suitable legal arrangement to the specifications of the Town's Solicitors and at the applicant/owners expense addressing the leasing and maintenance of the Council's carpark being submitted to and approved by the Manger Planning.**
- g) The Hotel development shall have a maximum of 110 rooms, 120 seat restaurant and 80 seat function room**
- h) A minimum of 202 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5 and to the satisfaction of the Council's Manager Planning.**
- i) Three (3) disabled carparking bays are to be provided in locations close to the restaurant/hotel entrances and with a minimum width of 3.8 metres, all to the satisfaction Manager Planning.**
- j) In regard to conditions h) and i), such areas are to be constructed, drained, kerbed, marked to the specifications of the Director Engineering services and thereafter maintained to the satisfaction of the Manager Planning prior to the development first being occupied.**
- k) A retail floor space allocation of 90m² for the shop use has been approved to this lot as part of this approval.**

- l) A detailed landscaping and reticulation plan (including common areas) to be submitted and approved the Manager Planning within 30 days of the dwellings being occupied. 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.**
- m) Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.**
- n) Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.**
- o) A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of the Manager Planning.**
- p) Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and/or screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the Manager Planning.**
- q) The driveways and crossover shall be designed and constructed to specifications of the Manager Technical Services and to the satisfaction of the Manager Planning, prior to the occupation of the Buildings.**
- r) The pedestrian pathways, landscaping areas, parking areas and/or associated accessways shall not be used storage (temporary or permanent) and/or display and/or be obstructed in any way at any time, without the prior approval of the Town.**
- s) All storage/service areas shall to be suitably screened and access doors/gates closed other than when in use to the satisfaction of the Manager Planning.**

- t) All storage/service areas shall be suitably screened and access doors/gates closed other than when in use to the satisfaction of Manager Planning.**
- u) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:**
 - 1. The delivery of materials and equipment to the site;
 - 2. The storage of materials and equipment on the site;
 - 3. The parking arrangements for the contractors and subcontractors;
 - 4. Impact on traffic movement;
 - 5. Operation times including delivery of materials;
 - 6. Other matters likely to impact on the surrounding residents;
 - 7. Building waste management control; and
 - 8. Point of contact personnel for control of enquiries and any complaints; andall to the satisfaction of the Manager Planning.

FOOTNOTES:

- a) You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- b) In regard to condition h), the Council may consider a cash in lieu of car parking contribution or other suitable arrangement for any shortfall. However, given the significant variation, that numbers will be finalised after a 12 month review from the final completion date of the development, including suitable negotiations with Council's Director Community and Regulatory in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5. The applicant is further advised that the initial carparking justification is considered reasonable and that the 12 month review will allow these assumptions to be verified.**
- c) Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325**

1. It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations;
2. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;
3. Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services;
4. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system;
5. The development must not interfere with property and effluent mains and/or effluent disposal systems.
6. The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
7. Approval must be obtained from Council's Environmental Health Services and the Department of Health prior to the installation of the swimming pool.
8. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999.
9. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
10. Pool must comply with the Health (Swimming Pools) Regulations 1964 to the satisfaction of Environmental Health Services.
11. Be advised that all lodging houses are required be registered under the Health Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Laws 1999.
12. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the Town of Port Hedland Health Local Laws 1999.

13. Be advised that it is a requirement under the Health (Swimming Pool) Regulations 1964 that all public swimming pools be approved by the Health Department of Western Australia and Town's Environmental Health Services prior to use.
- d) **The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**
- e) **Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.2



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.2

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

**PLACE NUMBER 3****PROPERTY IDENTIFICATION**

Name of place/s	Esplanade Hotel	Former names	McKenzie's Hotel
Address	Anderson Street, south corner of The Esplanade, Port Hedland Lot Nos 75, 168, 170, 222, 1 (579)		
Construction Date/s	1904, reconstructed 1939-1940, after a cyclone		
Designer/s	Bullder/s		
Heritage listings	Town of Port Hedland MI 1996 HCWA Database No 5946		

PHYSICAL DESCRIPTION

Architectural Style	Federation Filigree (originally)
Setting	Located on the primary intersection in the town of Port Hedland, opposite the main entry to the port and Hedland Emporium, it has a zero setback to both street frontages, and a small truncated corner.
Description	Predominantly two storey, there is a third storey extension on the corner. The two storey masonry (original stone with brick quoin openings) construction has ceramic tiles on the two street frontages. The former verandahs have been replaced with boxed suspended awnings to the ground floor, and similar fascias on the first and second floors. The first floor roofs are clad with corrugated iron. The third floor is a framed construction clad with Asbestos.

Condition	Fair	Integrity	High: continuous hotel and hospitality	Authenticity	Low degree
Changes to place	Significant: predominantly rebuilt in 1939/1940, and again in the early 1970s after cyclone damage. Ongoing development.				

HISTORICAL BACKGROUND

Constructed at a cost of £5000, the Esplanade Hotel was the most prestigious of Port Hedland's 3 hotels in the 1900s. The hotel was the focus of many social occasions, and since 1904 has offered hospitality to generations of travelers. Originally the top storey (first floor) provided open air sleeping accommodation to escape the sand flies at ground level.

STATEMENT OF SIGNIFICANCE

Esplanade Hotel is significant as the last, of the original three hotels in Port Hedland, and for its continuous hotel and hospitality trade since 1904. Esplanade Hotel anchors a corner of the primary intersection, and contributes to the streetscape and character of Port Hedland town.

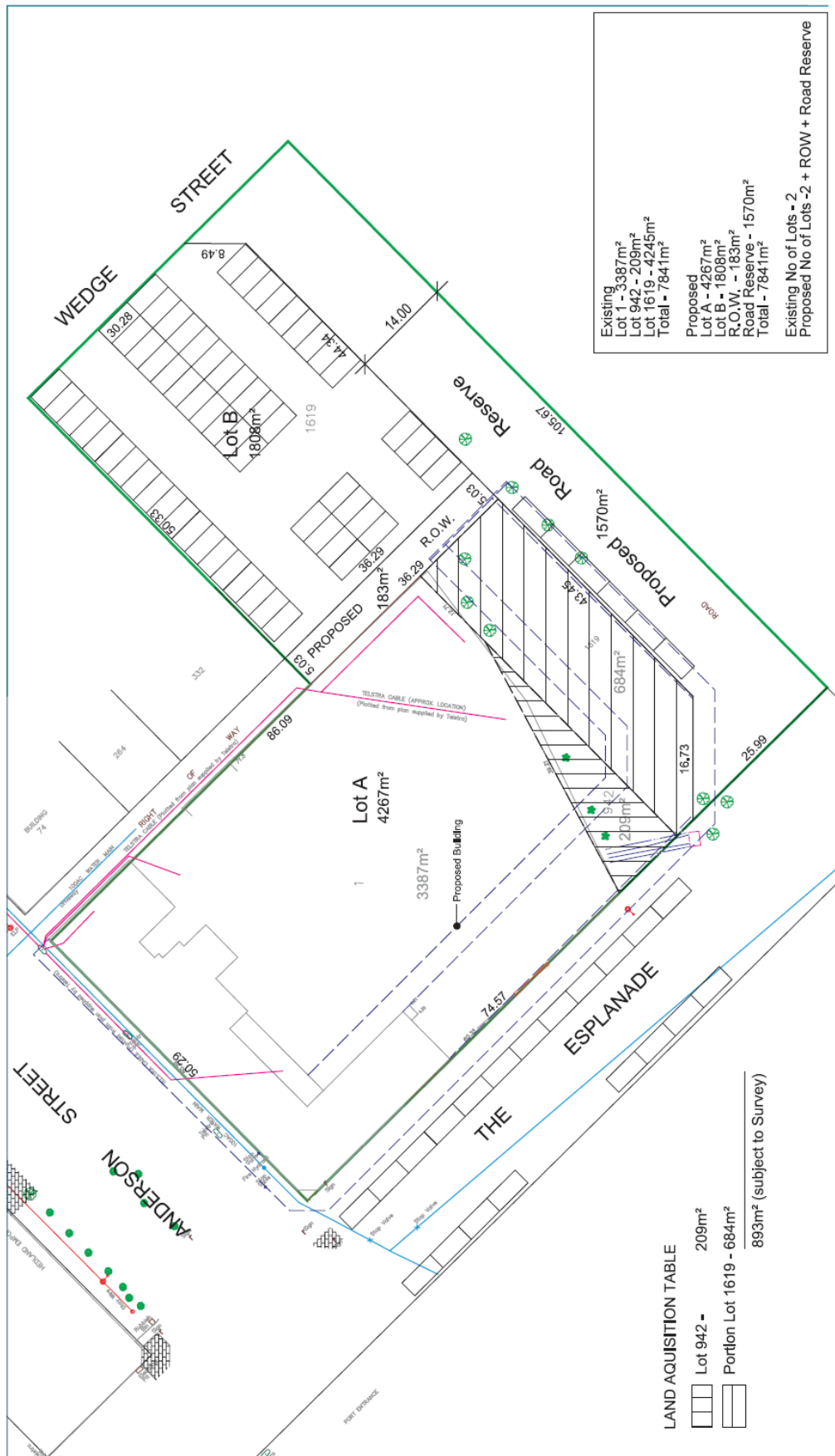
MANAGEMENT CATEGORY

Category 2 A place of considerable cultural heritage significance to Town of Port Hedland that is worthy of recognition and protection through provisions of the Town of Port Hedland's Town Planning Scheme. **Implications:** Planning application needs to be submitted to Town of Port Hedland for any proposed development. **Recommend:** Retain and conserve the place.

REFERENCES Town of Port Hedland MI 1996

REVIEW
2007

ATTACHMENT 3 TO AGENDA ITEM 11.1.2.2



Existing	
Lot 1 - 3387m ²	
Lot 942 - 209m ²	
Lot 1619 - 4245m ²	
Total - 7841m²	
Proposed	
Lot A - 4267m ²	
Lot B - 1808m ²	
R.O.W. - 183m ²	
Road Reserve - 1570m ²	
Total - 7841m²	
Existing No of Lots - 2	
Proposed No of Lots - 2 + ROW + Road Reserve	

LAND ACQUISITION TABLE

Lot 942 - 209m ²
Portion Lot 1619 - 684m ²
893m² (subject to Survey)

**PROPOSED SUBDIVISION LAYOUT OPTION 1
LOT 1619, 942 & Lot 1 ANDERSON STREET
PORT HEDLAND**

LEGEND

Water Mains	Proposed Building Extension
Sewer Mains	Proposed Road Reserve
Gas Mains	Proposed Road Reserve
110V	Proposed Boundary
220V	Proposed Boundary
330V	Proposed Boundary
440V	Proposed Boundary
550V	Proposed Boundary
660V	Proposed Boundary
770V	Proposed Boundary
880V	Proposed Boundary
990V	Proposed Boundary
1100V	Proposed Boundary
1210V	Proposed Boundary
1320V	Proposed Boundary
1430V	Proposed Boundary
1540V	Proposed Boundary
1650V	Proposed Boundary
1760V	Proposed Boundary
1870V	Proposed Boundary
1980V	Proposed Boundary
2090V	Proposed Boundary
2200V	Proposed Boundary
2310V	Proposed Boundary
2420V	Proposed Boundary
2530V	Proposed Boundary
2640V	Proposed Boundary
2750V	Proposed Boundary
2860V	Proposed Boundary
2970V	Proposed Boundary
3080V	Proposed Boundary
3190V	Proposed Boundary
3300V	Proposed Boundary
3410V	Proposed Boundary
3520V	Proposed Boundary
3630V	Proposed Boundary
3740V	Proposed Boundary
3850V	Proposed Boundary
3960V	Proposed Boundary
4070V	Proposed Boundary
4180V	Proposed Boundary
4290V	Proposed Boundary
4400V	Proposed Boundary
4510V	Proposed Boundary
4620V	Proposed Boundary
4730V	Proposed Boundary
4840V	Proposed Boundary
4950V	Proposed Boundary
5060V	Proposed Boundary
5170V	Proposed Boundary
5280V	Proposed Boundary
5390V	Proposed Boundary
5500V	Proposed Boundary
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19140V	Proposed Boundary
19250V	Proposed Boundary
19360V	Proposed Boundary
19470V	Proposed Boundary
19580V	Proposed Boundary
19690V	Proposed Boundary
19800V	Proposed Boundary
19910V	Proposed Boundary
20020V	Proposed Boundary
20130V	Proposed Boundary
20240V	Proposed Boundary
20350V	Proposed Boundary
20460V	Proposed Boundary
20570V	Proposed Boundary
20680V	Proposed Boundary
20790V	Proposed Boundary
20900V	Proposed Boundary

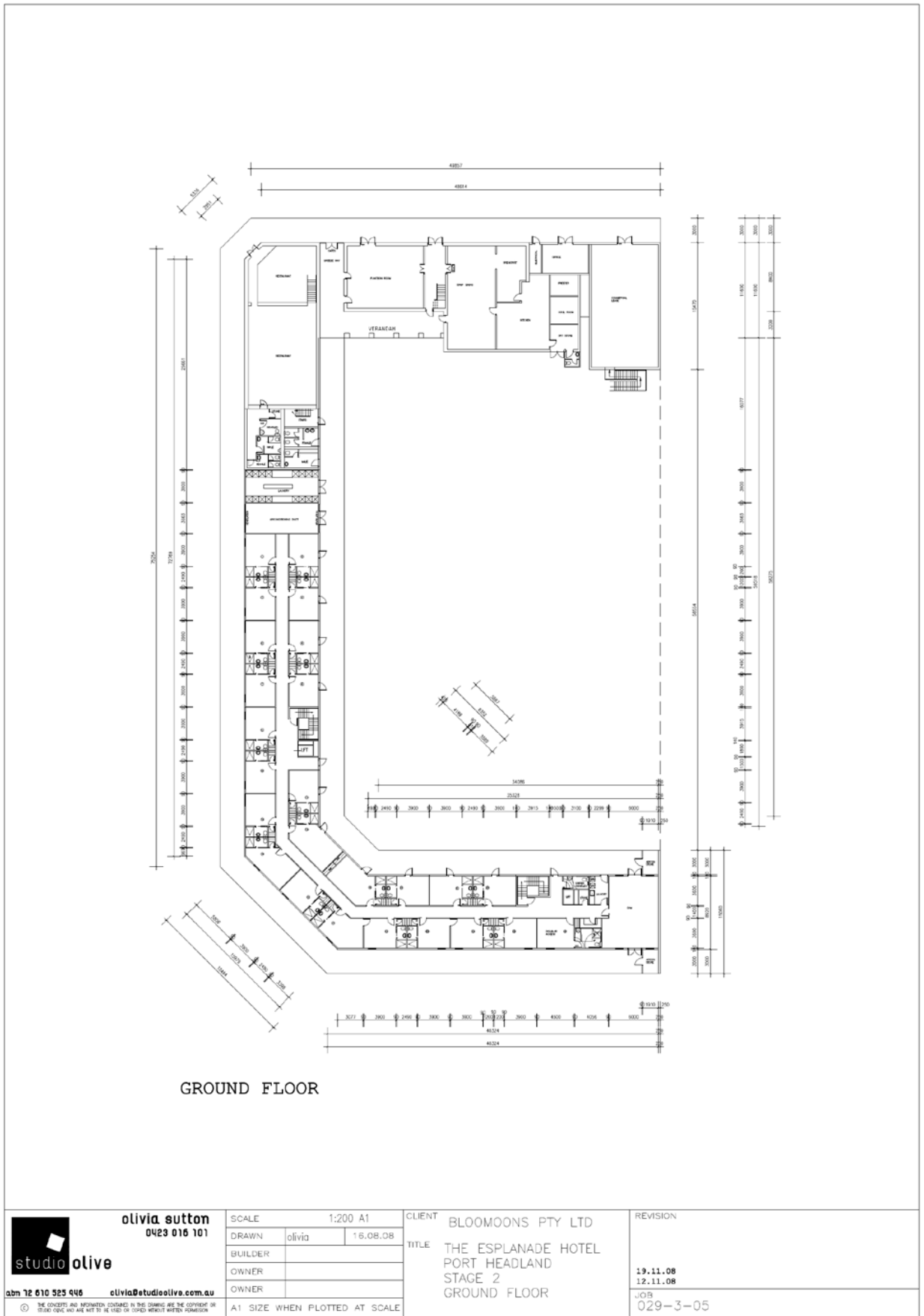
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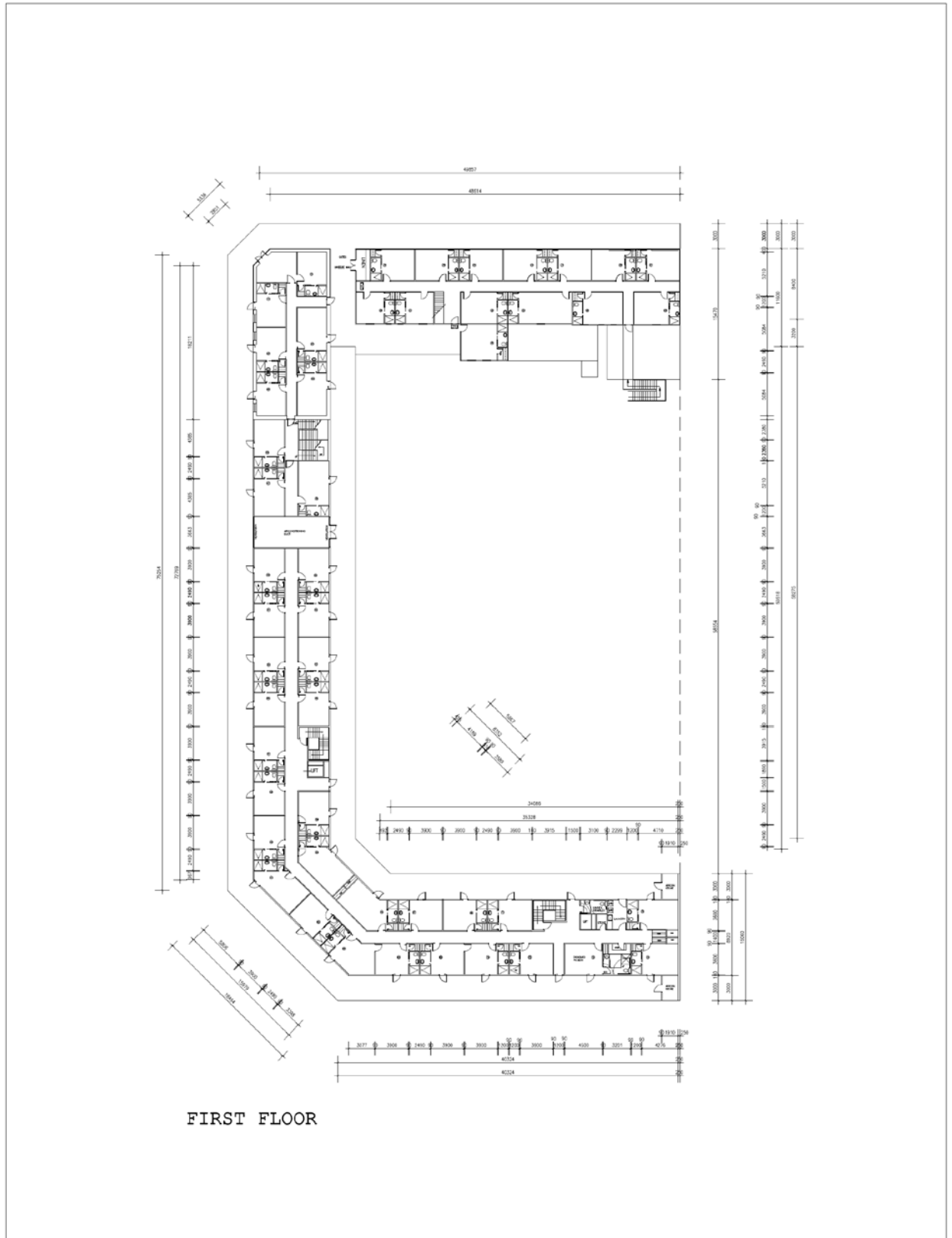
whelans
TOWN PLANNING

Job Number: 12880
 Sheet Number: 12880-001-Rev: 0.0
 Scale: 1:500 @ A3
 Date: 01 December 2008
 Drawn By: C.M.H.
 Checked By: J.P.C.
 Title: PROPOSED SUBDIVISION LAYOUT OPTION 1
 LOT 1619, 942 & Lot 1 ANDERSON STREET
 PORT HEDLAND


All boundaries shown are subject to survey and may be revised without the prior notice of WHELANS.

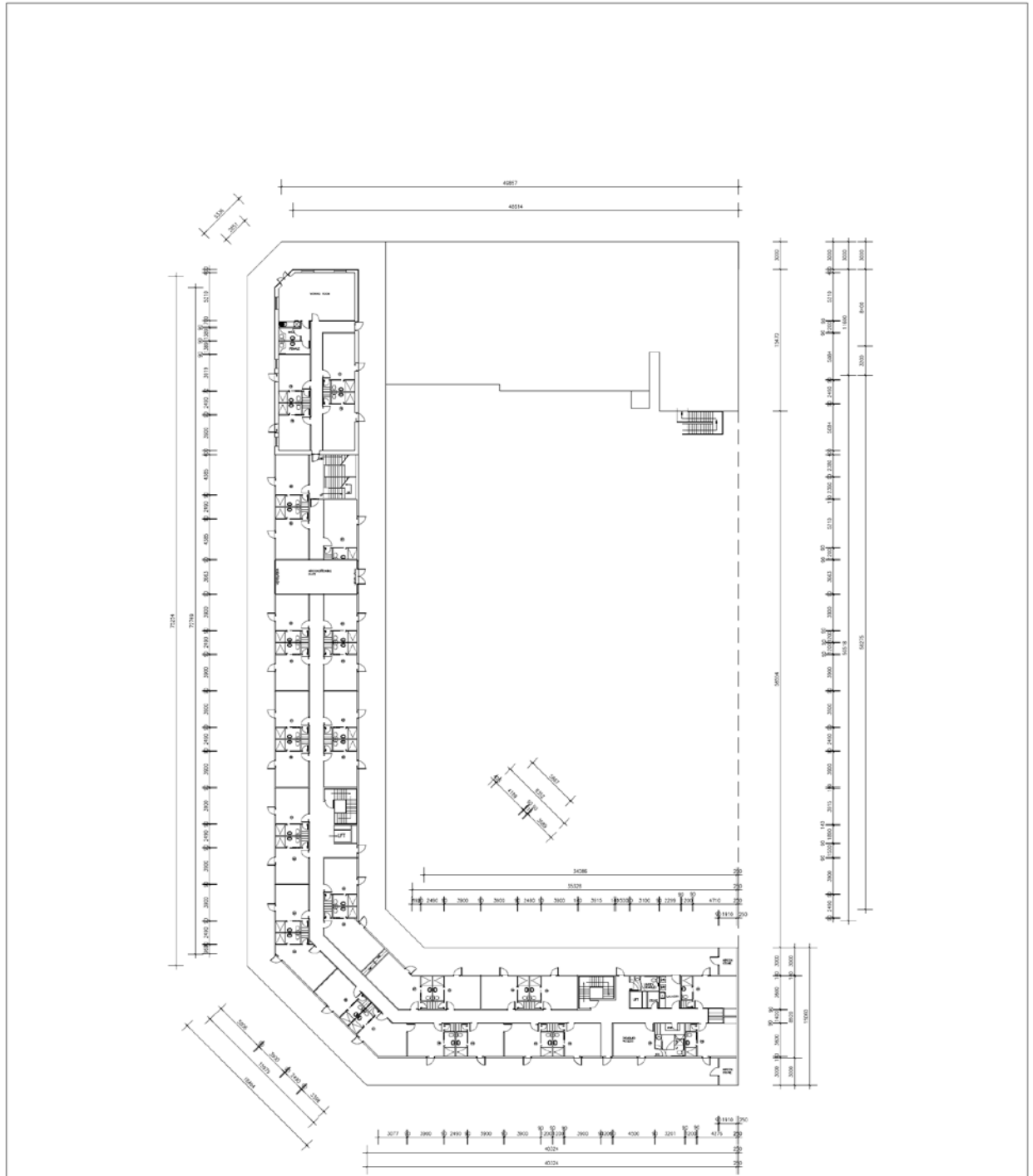
ATTACHMENT 4 TO AGENDA ITEM 11.1.2.2






FIRST FLOOR

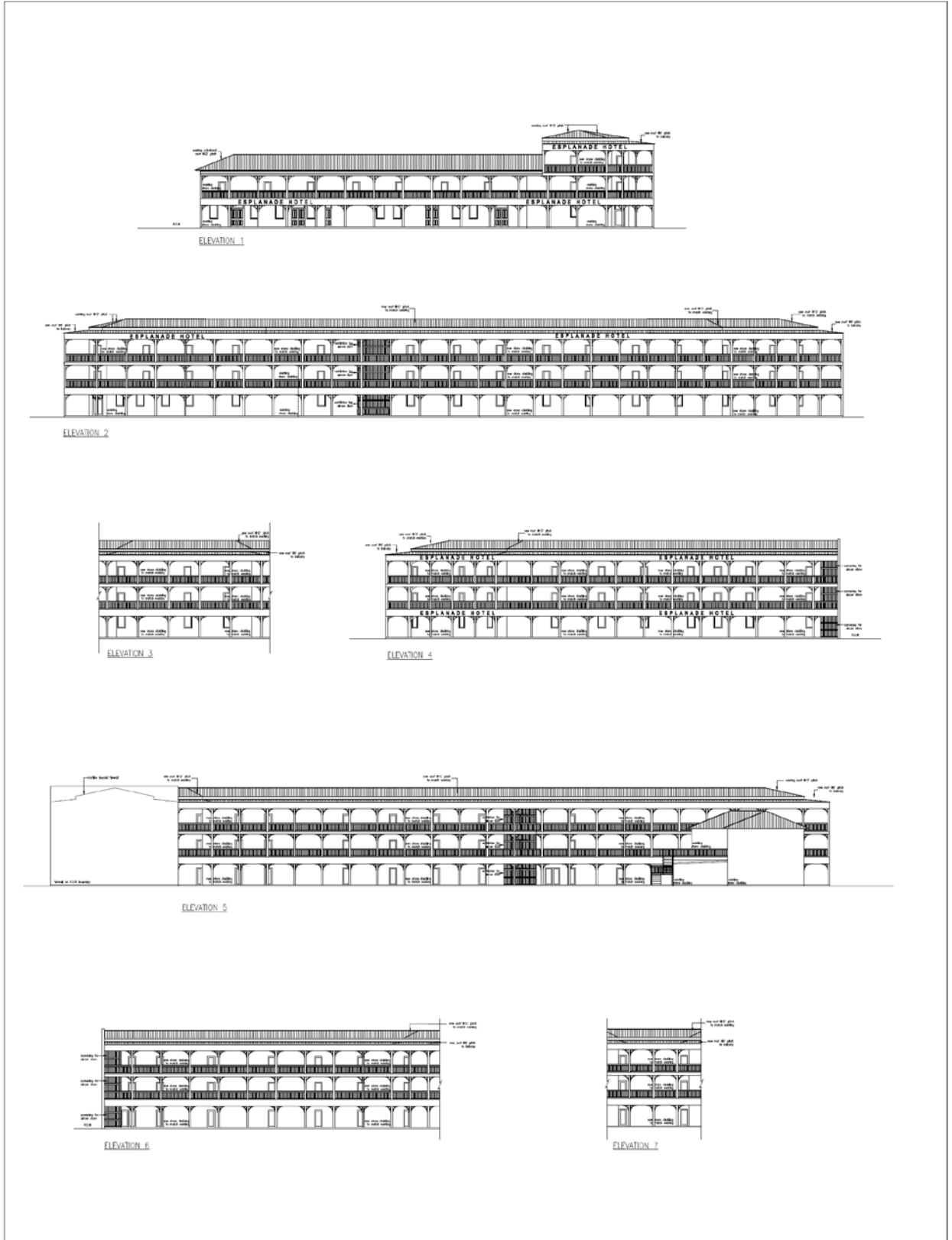
 <p>olivia sutton 0423 016 101</p> <p>abn 72 010 323 446 olivia@studioolive.com.au</p> <p><small>THE CONCEPTS AND INFORMATION CONTAINED IN THIS DRAWING ARE THE COPYRIGHT OF STUDIO OLIVE AND ARE NOT TO BE USED OR COPIED WITHOUT WRITTEN PERMISSION.</small></p>	<p>SCALE 1:200 A1</p>	<p>CLIENT BLOOMCOONS PTY LTD</p>	<p>REVISION</p>
	<p>DRAWN olivia 16.08.08</p> <p>BUILDER</p> <p>OWNER</p> <p>OWNER</p>	<p>TITLE THE ESPLANADE HOTEL PORT HEADLAND STAGE 2 FIRST FLOOR</p>	<p>19.11.08</p> <p>12.11.08</p> <p>JOB 029-3-06</p>
<p>A1 SIZE WHEN PLOTTED AT SCALE</p>			




SECOND FLOOR

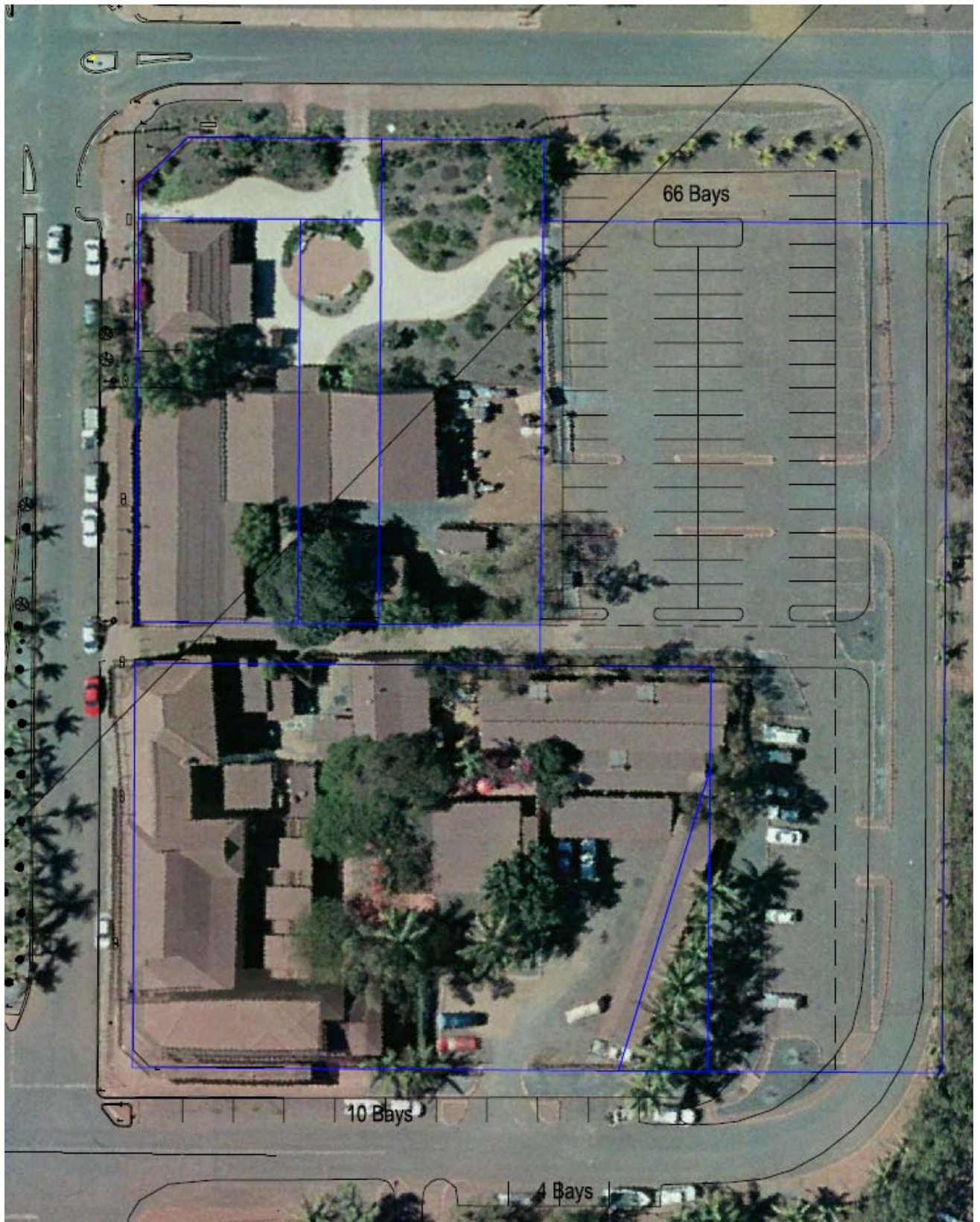
 <p>olivia sutton 0423 016 101</p> <p>abn 72 610 325 946 olivia@studioolive.com.au</p> <p><small>THE CONCEPTS AND INFORMATION CONTAINED IN THIS DRAWING ARE THE COPYRIGHT OF STUDIO OLIVE AND ARE NOT TO BE USED OR COPIED WITHOUT WRITTEN PERMISSION</small></p>	SCALE	1:200 A1	CLIENT	BLOOMOONS PTY LTD	REVISION	
	DRAWN	olivia	16.08.08	TITLE	THE ESPLANADE HOTEL PORT HEADLAND STAGE 2 SECOND FLOOR	19.11.08 12.11.08
	BUILDER					JOB
	OWNER					029-3-07
	OWNER					

ATTACHMENT 5 TO AGENDA ITEM 11.1.2.2



 <p>olivia sutton 0423 016 101</p> <p>abn 72 610 525 046 olivia@studioolive.com.au</p> <p><small>THE CONCEPTS AND INFORMATION CONTAINED IN THIS DRAWING ARE THE PROPERTY OF STUDIO OLIVE AND ARE NOT TO BE USED OR COPIED WITHOUT WRITTEN PERMISSION</small></p>	SCALE	1:200 A1	CLIENT	BLOOMMOONS PTY LTD	REVISION
	DRAWN	olivia 16.08.08	TITLE	THE ESPLANADE HOTEL PORT HEADLAND STAGE 2 ELEVATIONS	19.11.08 12.11.08
	BUILDER				JOB 029-3-08
	OWNER				
	OWNER				
	A1 SIZE WHEN PLOTTED AT SCALE				

ATTACHMENT 6 TO AGENDA ITEM 11.1.2.2



11.1.2.3 Proposed Public Access Ways, Pretty Pool (File No.: 2008/231)

Officer Luke Cervi
Planning Officer

Date of Report 10 February 2009

Disclosure of Interest by Officer Nil

Summary

The Department of Planning and Infrastructure (DPI) has sought Council's acceptance for the maintenance of three reserves. Two of the reserves are for the purpose of Public Access Ways (PAW's), the other is for the purpose of Recreation. This report provides options to Council in responding to the request.

Background

Council received a request from DPI on 29 October 2007, to accept the vesting of three reserves to the Council for the purposes of PAW's (Reserves 40421 including Lot 8002 and 40422 including Lot 8001) and Recreation (Lot 8003). DPI is currently the responsible authority for the two reserves and lot 8003 is Unallocated Crown Land. The proposed vesting will involve the granting of Management Orders over the whole of the newly created reserves to the Council.

Consultation

The proposal has not been referred for comment.

Statutory Implications

Under Section 46(1) of the *Land Administration Act 1997*,

"...the Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under [section 41](#) and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies".

It should be noted that at this point in time the Minister is seeking the Council's acceptance of the proposal before making an order under Section 46(1) of the *Land Administration Act 1997*. An order is made, by way of a Management Order which specifies the level of care, control and management required for the reserve.

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 1 – Infrastructure

Goal Number 1 – Roads, Footpaths and Drainage

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

- Footpath development program
- Resealing Program
- Kerb development/replacement program
- Drainage upgrade program
- Playground upgrade program

Key Result Area 3 – Community Development

Goal Number 4 – Community Safety & Crime Prevention

Strategy 2 – In conjunction with the Police and other stakeholders, develop initiatives that discourage street drinking, littering, graffiti and other anti-social behavior in public places and implement appropriate actions.

Budget Implications

If Council accepts the management responsibilities of the reserves, funds will need to be allocated annually for the maintenance of those reserves. This amount has yet to be quantified.

Officer's Comment

Reserves for Public Access Ways

PAW's can provide important pedestrian linkages but can also be a place of antisocial behavior. To limit potential for antisocial behavior PAW's should only be provided in areas of high pedestrian movements.

The benefits of the proposed PAW's are questionable. The proposed PAW's do not provide any real purpose as they do not link any high usage facilities or destinations such as the local parks or pretty pool swimming area. It is considered that the PAW's would be used only sparingly and would not generally be of benefit to the community as a whole. The road verges and pathways provide alternative routes that would only add a couple of hundred metres to any journey and as mentioned there is no identifiable high usage facility or destination the PAW's access.

In addition, it has been identified that a number of existing PAW's are located within Pretty Pool that provide limited benefits.

Reserve for Recreation

The reserve for recreation is 4813m² and has been developed with BBQ facilities, seating, pathways and also been substantially landscaped. Another reserve for recreation with an area of 2338m² is proposed as part of Stage 2a of the Pretty Pool expansion which will join with this reserve to create a 7151m² reserve.

The reserve for recreation will provide ample space for the recreational needs of residents of the Pretty Pool expansion and is within easy walking distance and easily accessible to all lots within the expanded area.

Options

Council has a number of options for responding to the request from DPI, they are as follows:

- Accept the vesting of all three reserves (two PAW's and one recreation).
- Object to the vesting of all three reserves
- Accept one or more of the reserves and object to one or more of the reserves.

It is recommended that Council object to the vesting of the PAW's to the Town of Port Hedland and accept the vesting of the reserve for recreation. It should be noted however that there has not been opportunity for community feedback on this proposal and it may be appropriate to seek comment from neighbours and potential users of the PAW before moving to have them closed

Attachments

Site Plan

200809/227 Council Decision/Officer's Recommendation

Moved: Cr J E Ford

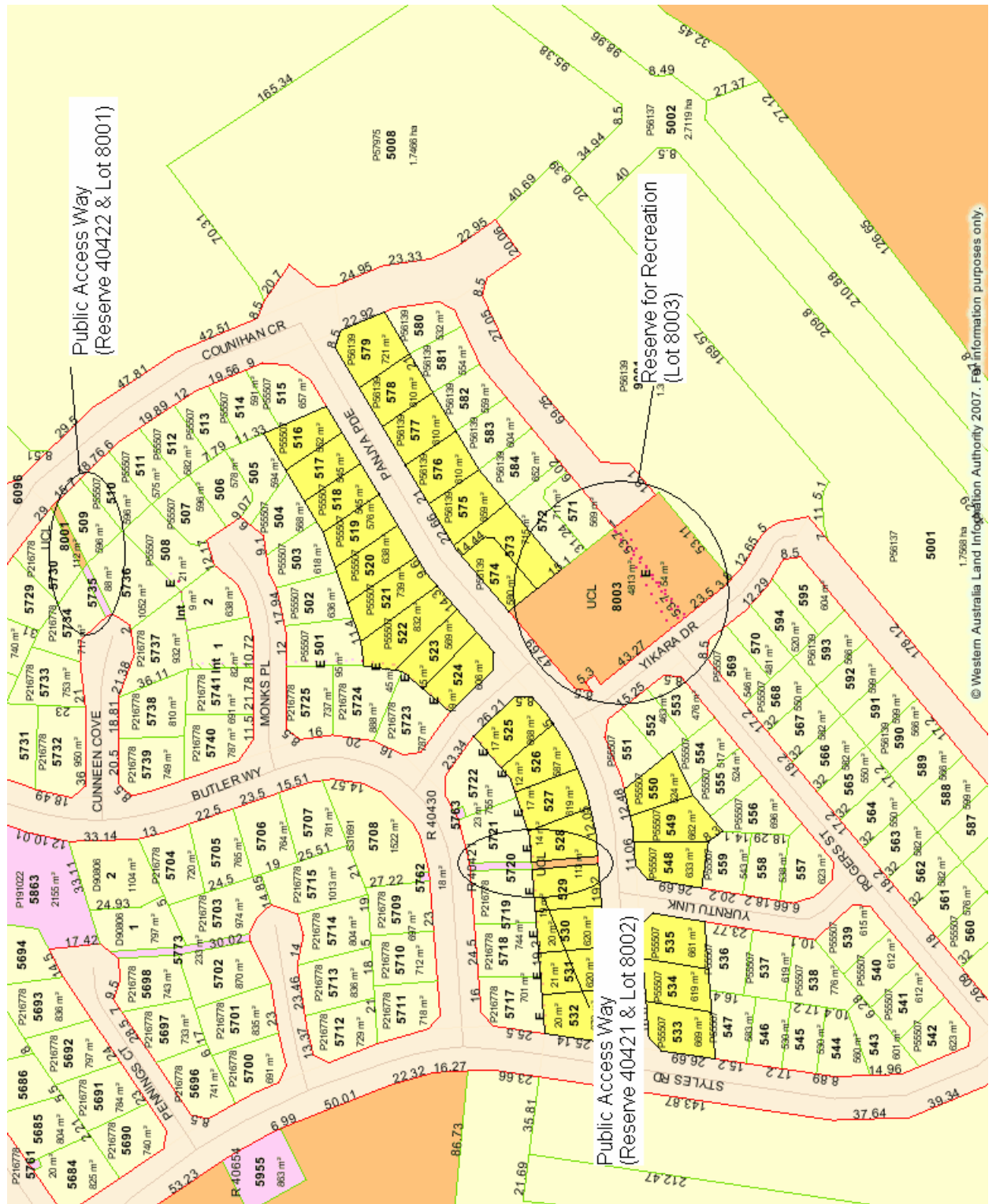
Seconded: Cr A A Carter

That Council:

- i) Advise the Department for Planning and Infrastructure that Council does not object to the vesting of a Reserve for Recreation (Lot 8003 on Deposited Plan 55507) to the Town of Port Hedland.
- ii) Request the Department for Planning and Infrastructure defer the proposed inclusion of lots 8001 & 8002 into adjoining reserves to allow Council to gather feedback from residents.
- iii) Investigate the impacts of closing the existing PAW's in Pretty Pool including advertising the proposed closure to potentially affected residents.
- iv) Subject to no reasonable objection being received:
 - a) **Advise the Department for Planning and Infrastructure that Council object to the proposed inclusion of Lots 8001 & 8002 into adjoining Reserves for the purpose of Public Access Ways for the following reasons:**
 - 1) The PAW's are not located on high pedestrian movement routes,
 - 2) The PAW's do not link high usage community facilities or destinations,
 - 3) The existing footpath network offers alternative routes.
 - b) **request the closure of the existing Reserves for Public Access Ways in Pretty Pool for the following reasons:**
 - 1) The PAW's are not located on high pedestrian movement routes,
 - 2) The PAW's do not link high usage community facilities or destinations,
 - 3) The existing footpath network offers alternative routes.

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.1.2.3



6:14 pm Councillor Jan M Gillingham declared an impartiality interest in Agenda Item 11.1.2.4 'Proposed Restaurant and Hotel – Brunos – Lot 1 (7-8) Richardson Street, Port Hedland' as she disclosed she has an association with the applicant. Councillor Gillingham advised that as a consequence, there may be a perception that her impartiality on the matter may be affected, and declared that she will consider this matter on its merits and vote accordingly.

Councillor Gillingham did not leave the room.

6:14 pm Councillor Arthur A Gear declared an impartiality interest in Agenda Item 11.1.2.4 'Proposed Restaurant and Hotel – Brunos – Lot 1 (7-8) Richardson Street, Port Hedland' as he disclosed he has an association with the applicant. Councillor Gear advised that as a consequence, there may be a perception that his impartiality on the matter may be affected, and declared that he will consider this matter on its merits and vote accordingly.

Councillor Gear did not leave the room.

*11.1.2.4 Proposed Restaurant and Hotel – Brunos – Lot 1 (7-8)
Richardson Street, Port Hedland (File No.: 804123G)*

Officer Richard Birstow
Manager Planning

Date of Report 30 January 2009

Application No 2008/388

Disclosure of Interest by Officer Nil

Summary

An application has been submitted by GDD (WA) Pty Ltd on behalf of the owners, Sulmona Holdings, for the proposed redevelopment of the Bruno's site into a Restaurant and Hotel. This application will enable the development to be completed.

The application is referred to Council for determination as it is considered to be of particular significance and the applicant has requested dispensation on car parking and other matters.

The application is recommended for approval subject to those conditions and footnotes as noted within the recommendation.

Background

The Bruno's site is well known to Council, and is a significant redevelopment project in the upgrade of the Westend.

Site

The application covers Lot 1 (2204m²). Currently, the site is occupied by a single storey 14 room Motel, and previously contained a 50 seat Restaurant. The lot is zoned Town Centre under TPS5, and a Restaurant is an "AA" and a Hotel "AA" use.

Proposal

The application proposes a:

Restaurant

- 275m² Licenced Restaurant
- 409m² Alfresco Dining Area

Hotel

- 29 rooms

Other features

- 23 on-site car parking bays

The application has been assessed in accordance with the relevant TPS5 and other statutory requirements. This assessment is discussed within the officer's comment section.

Consultation

The application has been referred internally for comment and, where appropriate, the comments have been included as conditions and/or footnotes within the recommendation.

The development has been discussed externally with BHPB and Port Hedland Port Authority (PHPA). A summary of comments follows:

PHPA:

1. *The nearest mangrove is some 20m from the top of the rock sea wall so mangrove loss is not an issue unless we develop out this far."*
2. *The development seems to extend about 9-10m past the existing rock sea wall which puts it about 5m past the high tide level and into Port Lands."*
3. *If the balcony is only 10, plus allow another 3m for our boardwalk then the ground is all sand and rock*
4. *To allow the development on the Port lands will require either a licence or a lease (lawyers to confirm which is more appropriate)*
5. *There is a reasonable amount of rubbish on the foreshore now so a procedure/litter netting needs to be part of the operational management plan*
6. *A Construction Environmental Management Plan (CEMP) will be needed to protect the beach and the mangroves from damage by construction equipment. The CEMP also should cover general issues of waste management, noise, light spill, dust, etc during construction*
7. *As the development is right at the water's edge will need to consider the lighting design to ensure that navigation of the ships is not placed at risk and the turtles of course*
8. *Not sure if this is an issue, will they need to do anything in particular to keep the seagulls from spoiling the effect/experience.*

BHPB:

1. *We would be amenable to exploring an arrangement for Brunos to access the car park within the park but would not like to see this parking area expanded – as stated it would be desirable to see more grass rather than less. (Note – as you pointed out, it would seem that some adequate planning for parking in the West End is becoming increasingly important)*
2. *We do not wish to sell off any of the parkland but we would be amenable to further exploration around*

allowing Brunos to access some of the area in the bottom corner pending satisfactory resolution/consideration of

- a) Toilet access*
- b) Public Liability*
- c) Ability to relatively easily remove any fixture on park land should this be required in the future*

3. *We also wondered whether there had been stringent application of design guidelines to minimise dust impacts since this would potentially be in high impact area when the prevailing winds blow in that direction across both Nelson Point and Finucane Island.*

Further consultation is not deemed warranted given Council's knowledge of the site.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Key Result Area – 4 - Economic Development

Goal 5 – Town Planning and Building

Strategy 1 – Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Key Result Area – 4 - Economic Development

Goal 4 – Land Development Projects

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

Key Result Area – 4 - Economic Development

Goal 3 – Business Development

Strategy 2 – *Develop Council Policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.*

Budget Implications

An application fee of \$7282.54 was paid on lodgement and deposited into account 1006326 – Town Planning Fees.

Officer's Comment

The application is considered iconic due to both its location and probable impact on the future redevelopment of the West End Town site. The location is important because of its relationship to the harbour, Marrapikurinya Park and Wedge Street.

The redevelopment is one of two currently proposed in the West End, with the other being the Esplanade Hotel. Both developments will have significant impact on the future development of the area.

While recognising the appropriateness of the development, the assessment of the proposal has also identified several major issues that Council will need to consider and determine whether it's appropriate to condition these matters. These matters are:

- Carparking
- Marrapikurinya Park frontage
- Alfresco Deck within the harbour reserve
- Overlooking

Carparking

The Carparking requirements for the development are as follows:

Use	Calculation	#	Area	Requirement
Restaurant	1 bay per every 4 seats or 1 bay per 5m ² whichever is greater.	N/A	684m ²	137
Hotel / Motel	1 bay per unit / room	29 rooms	N/A	29
	1 bay per 5 units for visitors	29 rooms	N/A	6
	1 bay per staff member	1 staff	N/A	1
Total				173
Provided on Site				14
Shortfall				159

Note: The applicant's base numbers were incorrect as the alfresco area (409m²) was not included in the carparking calculation. This exclusion added an extra 82 car bays to the calculation.

The applicant has provided the following justification and request for a carparking reduction:

- The current accommodation on site is leased to mainly workers based on “fly in, fly out”, which do not require permanent parking. 80% of the accommodation is leased to this type of occupier and therefore the same presumption should be made for the new hotel. Therefore only 6 bays are required;
- Based on the information above, minimal visitors would attend to the occupiers of the hotel. Therefore only 1 bay is required;
- The 1 bay for the staff is justifiable; and
- Due to occupants staying at the hotel are workers based on “fly in, fly out”, 95% of them would dine at the restaurant, and therefore only 33 bays would be required.
- Therefore the total of bays justified to be required is 41 bays not 91. We have provided 14 bays, so this will reduce the shortfall to 27bays.

The applicant's assumptions are consistent with Council's previous decisions regarding public access to rooms and a condition has been included to enforce that.

In addition, the Administration supports the following dispensations:

- Reciprocal use between the Hotel and Restaurant – Hotel reduce to 0;
- Calculate Restaurant on maximum number of seats/people, as opposed to floor area. A condition has been imposed to restrict the maximum number of patrons to 400, which is consistent with the number of toilet facilities provided; and
- Access to public carparking (inclusion of adjacent bays).

The following table summarises the potential dispensations:

Use	Calculation	#	Area	Adjusted Requirement
Restaurant	1 bay per every 4 seats or 1 bay per 5m ² whichever is greater.	N/A	400 people or seats	100
Hotel / Motel	1 bay per unit / room	29 rooms	N/A	6
	1 bay per 5 units for visitors	29 rooms	N/A	0
	1 bay per staff member	1 staff	N/A	1
Total				104
Provided on Site				14
Adjacent Bays				67 (approx)
Shortfall				23

The availability of carparking, both in the short and long term, is considered to be the most critical component of this development. The importance of this development as an iconic site, anchor development, and catalyst for the renewal of the West End, is acknowledged, however the issue of carparking is considered to be a potential fatal flaw.

Given the importance of the development and comments already provided by Councillors, however, it is recommended that Council requires the original amount of bays with advice to the applicant, that subject to a 12 month review from the final completion date of the development, the carparking requirements will be reassessed, and the numbers finalised. This action is recommended to allow the development to operate and demonstrate that there is sufficient carparking. If the applicant's justification is correct then no additional bays will be required. It should be noted, however, there is a significant shortfall in the numbers provided and, given that it is unlikely that these will be able to be provided in the road reserves abutting the property boundaries, it is recommended that this matter be further negotiated between the applicant/owner and the Director Community and Regulatory Services at a later stage, when an assessment of the Westend Carparking has been completed. Initial concept drawings indicate that there are approximately 67 bays (35 Marrapikurinya carpark) within the public realm, and in close proximity to the development (See Attachment 5). Attachment 5 also indentifies the potential for additional bays to both the East and West of the development. Conditions have been included to appropriately deal with this matter.

Marrapikurinya Park Frontage

The applicant has been encouraged to address and utilise the Marrapikurinya Park frontage. The design has improved from the initial submission, with windows now addressing the park, however the applicant has included carparking along this frontage which relies on access via the park (See Attachment No.2). This intended usage of the park is not supported by either the administration or the comments provided by BHPB. BHPB has advised they would not support an expansion of the existing car park. A condition has been included to require the design to be amended to remove the carparking access from the park. This also results in a reduction of the onsite carparking by 9 bays.

Alfresco Deck within the harbour reserve

The applicant has gone to considerable lengths to address this point, and the PHPA has supported the proposal subject to conditions. No formal arrangement has been made and this will need to be completed. The recommendation includes conditions to address these matters.

Overlooking

The development has the potential for overlooking issues to the eastern side of the development, with the hotel units facing existing residential properties. This issue has been addressed by a suitable condition.

Options – Access to additional Carparking.

In an attempt to address the significant shortfall in carparking associated with this development, and to not compromise the opportunity for other development in the area, the following options are proposed in addition to the development of carparking within the Richardson Street road reserve:

- Strengthen pedestrian links with Boat Ramp Car Park
 1. Stage 1 – Existing path upgraded;
 2. Stage 2 - Elevated board walk along harbour side
- Purchase additional vacant land for the purpose of carparking provisions;
- Carparking Strategy for the West End;

If Council wished to pursue 1 or more of these options then the recommendation would need to be modified accordingly.

It should be noted that there are a number of issues and potential fatal flaws for this project, and the recommendation has been worded as well as possible to protect both Council and the Applicant/Land Owner. Normally, these matters would be resolved prior to a report being presented to Council, however the owner has requested the matter be presented to Council without any further delay.

Attachments

1. Location Plan
2. Site Plan
3. Floor Plans
4. Elevations
5. Potential Carparking Layout

200809/228 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S J Coates

That Council approves the application submitted by GDD (WA) Pty Ltd on behalf of the owners, Sulmona Holdings, for the proposed redevelopment of Lot 1 (7-8) Richardson Street, Port Hedland into a Restaurant and Hotel, as indicated on the approved plans, and subject to the following conditions and footnotes:

- i) This approval relates only to the proposed Restaurant, Hotel, and other incidental development associated with these uses, as indicated on the approved plans. It does not relate to any other development on this lot.
- ii) The development must only be used for purposes which are related to the operation of a "Restaurant and Hotel" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 a "Restaurant" and "Hotel" are defined as:
 - Restaurant – "a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and may be licensed to sell liquor."
 - Hotel – "any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor" and
- iii) This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
- iv) The use and development of the site shall be for Hotel as opposed to Transient Workforce Accommodation. To achieve this, a minimum of 20% of the rooms shall be available for rent to the travelling public/tourists/business.
- v) Prior to the submission of a Building Licence, amended plans and/or information, being submitted, to and approved, by the Manger Planning; namely:
 - a) **Satisfactory lease arrangements being made with the appropriate authority and conveyed to the Town for the use of the Port Authority land and the adjoining carpark within Marrapikurinya Park;**
 - b) **The design being amended to remove the carparking adjacent to Marrapikurinya Park and the proposed access leg within the Park area; and**

- c) **The design being amended to remove the overlooking opportunities to the east, or windows being designed and installed to remove any potential overlooking issues.**
- vi) Prior to the commencement of works, amended plans and/or information being submitted to, and approved by, the Manager Planning:-
- a) **Satisfactory carparking arrangements being made with the Town's Director Community and Regulatory Services; and**
- b) **An overall plan of the site and adjoining lots and reserves indicating the carparking location, design and numbers to the specifications of the Manager Infrastructure Services.**
- vii) The Hotel shall have a maximum of 29 rooms and the Restaurant a maximum of 684m² floor area.
- viii) A maximum of 400 patrons are permitted in the restaurant (Dining and Alfresco Area) at any one time.
- ix) A minimum of 173 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5, and to the satisfaction of the Council's Manager Planning.
- x) Three (3) disabled carparking bays are to be provided in locations close to the restaurant/hotel entrances, and with a minimum width of 3.8 metres, all to the satisfaction Manager Planning.
- xi) In regard to conditions h and i, such areas are to be constructed, drained, kerbed, and marked to the specifications of the Director Engineering Services, and thereafter maintained to the satisfaction of the Manager Planning prior to the development first being occupied.
- xii) A detailed landscaping and reticulation plan (including common areas) to be submitted and approved by the Manager Planning within 30 days of the dwellings being occupied. 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.
- xiii) Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied, and thereafter maintained, to the satisfaction Manager Planning.

- xiv) Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
- xv) A Rubbish Collection Strategy/Management Plan shall be submitted to, and approved by, the Town, prior to the commencement of works. The strategy/plan shall consider service vehicle maneuvering on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of the Manager Planning.
- xvi) Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located, and/or screened, so as not to be visible from beyond the boundaries of the development site to the satisfaction of the Manager Planning.
- xvii) The driveways and crossover shall be designed and constructed to specifications of the Manager Technical Services, and to the satisfaction of the Manager Planning, prior to the occupation of the Buildings.
- xviii) The pedestrian pathways, landscaping areas, parking areas and/or associated accessways shall not be used for storage (temporary or permanent) and/or display and/or be obstructed in any way at any time, without the prior approval of the Town.
- xix) All storage/service areas shall be suitably screened, and access doors/gates closed, other than when in use, to the satisfaction of the Manager Planning.
- xx) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
 - a) **The delivery of materials and equipment to the site;**
 - b) **The storage of materials and equipment on the site;**
 - c) **The parking arrangements for the contractors and subcontractors;**
 - d) **Impact on traffic movement;**
 - e) **Operation times, including delivery of materials;**
 - f) **Other matters likely to impact on the surrounding residents;**
 - g) **Building waste management control; and**
 - h) **Point of contact personnel for control of enquiries and any complaints; and**

all to the satisfaction of the Manager Planning.

FOOTNOTES:

- i) You are reminded that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- ii) In regard to condition i, the Council may consider cash in lieu of car parking contribution or other suitable arrangement for any shortfall. However, given the significant variation, that numbers will be finalised after a 12 month review from the final completion date of the development, including suitable negotiations with Council's Director Community and Regulatory Services in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5. The applicant is further advised that the initial carparking justification is considered reasonable and that the 12 month review will allow these assumptions to be verified.
- iii) Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325
 - a) **It is a requirement, under the Town of Port Hedland Eating House Local Laws, that all food premises be licensed prior to beginning operations;**
 - b) **The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;**
 - c) **Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes, and fittings, must be provided, and approved, to the specifications of the Town's Environmental Health Services;**
 - d) **Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system;**
 - e) **The development must not interfere with property and effluent mains and/or effluent disposal systems.**
 - f) **The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.**
 - g) **Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999.**
 - h) **Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.**

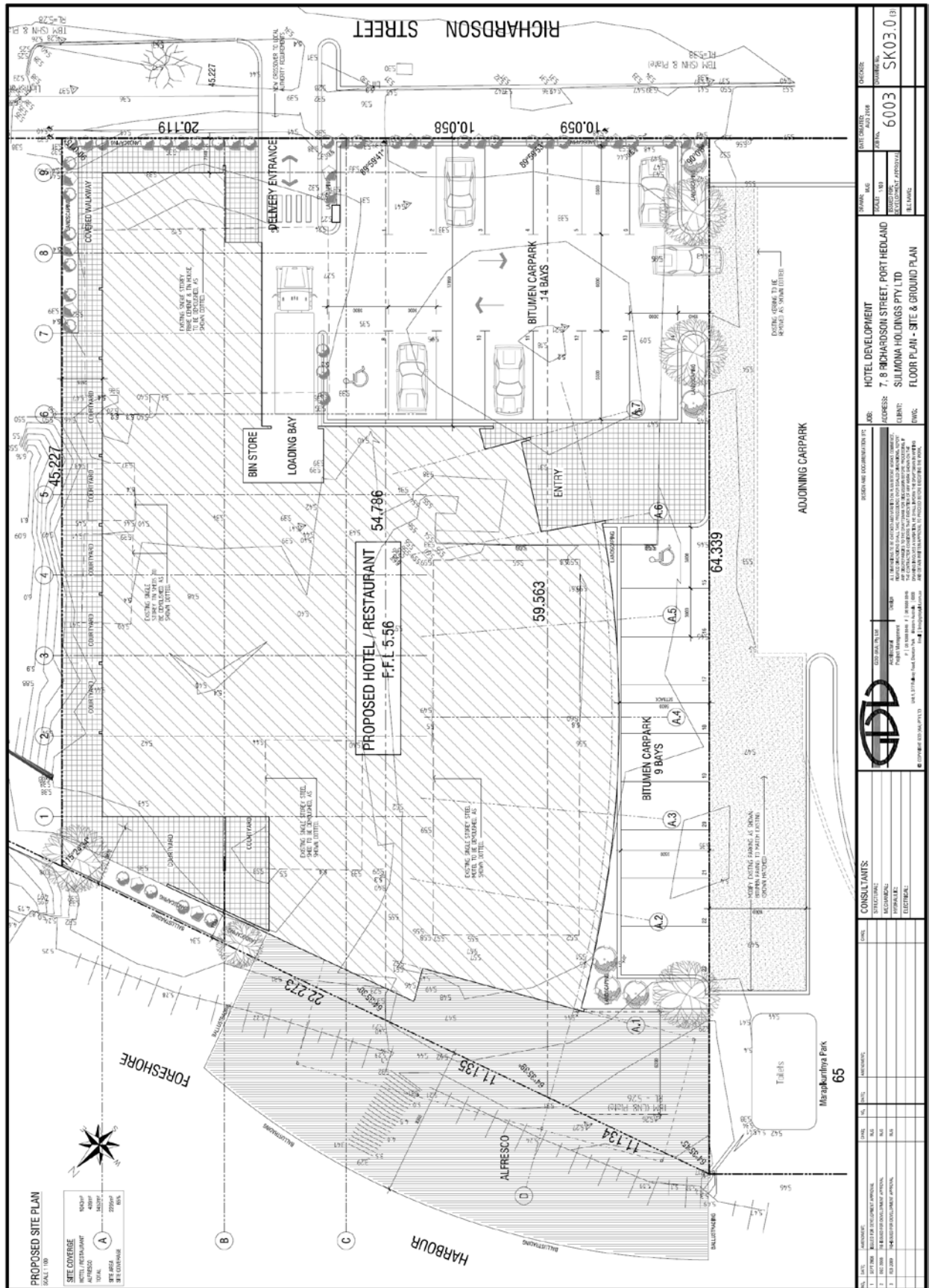
- i) Be advised that all lodging houses are required be registered under the Health Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Laws 1999.**
 - j) Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the Town of Port Hedland Health Local Laws 1999.**
- iv) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- v) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 7/0

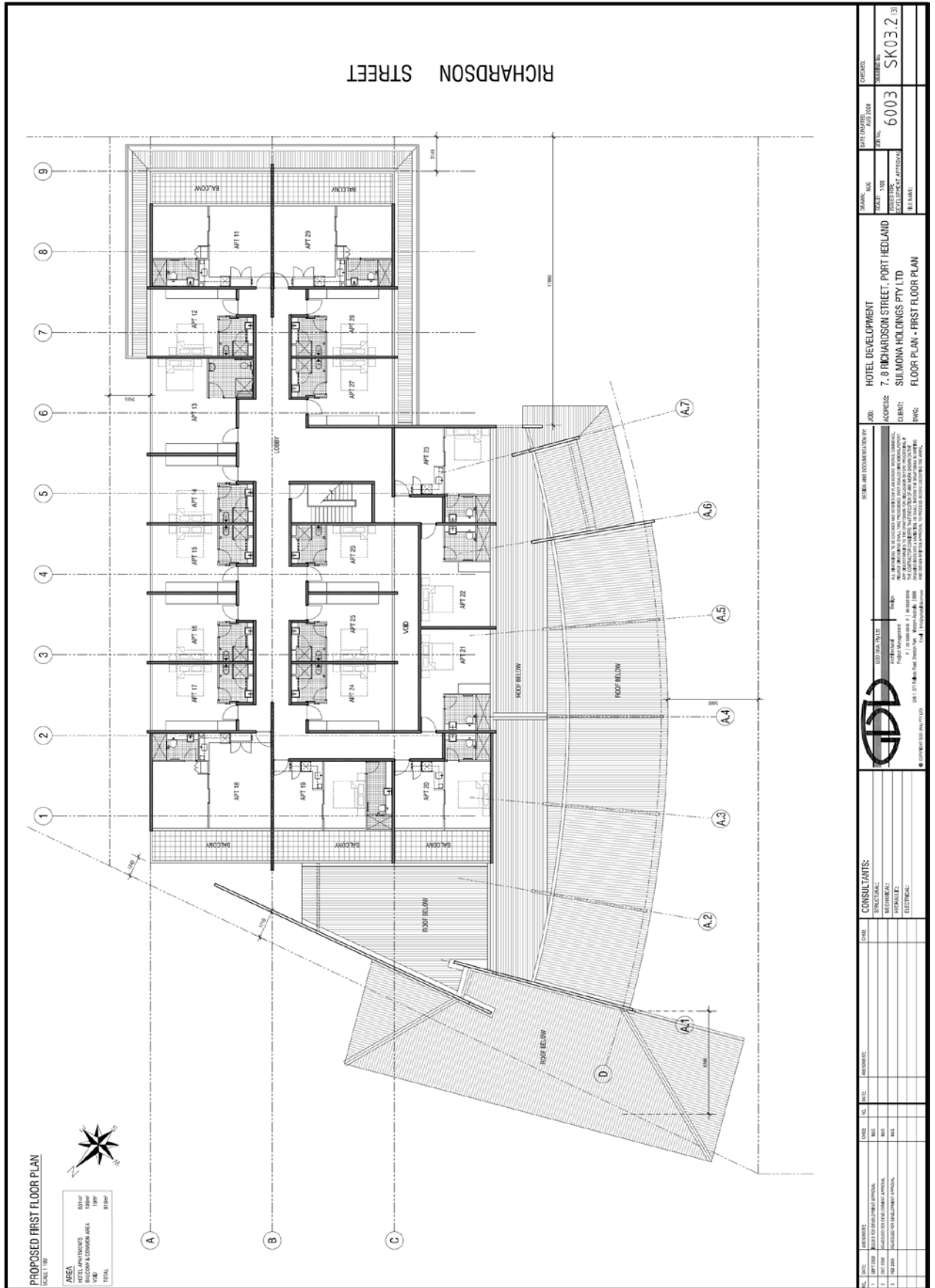
ATTACHMENT 1 TO AGENDA ITEM 11.1.2.4



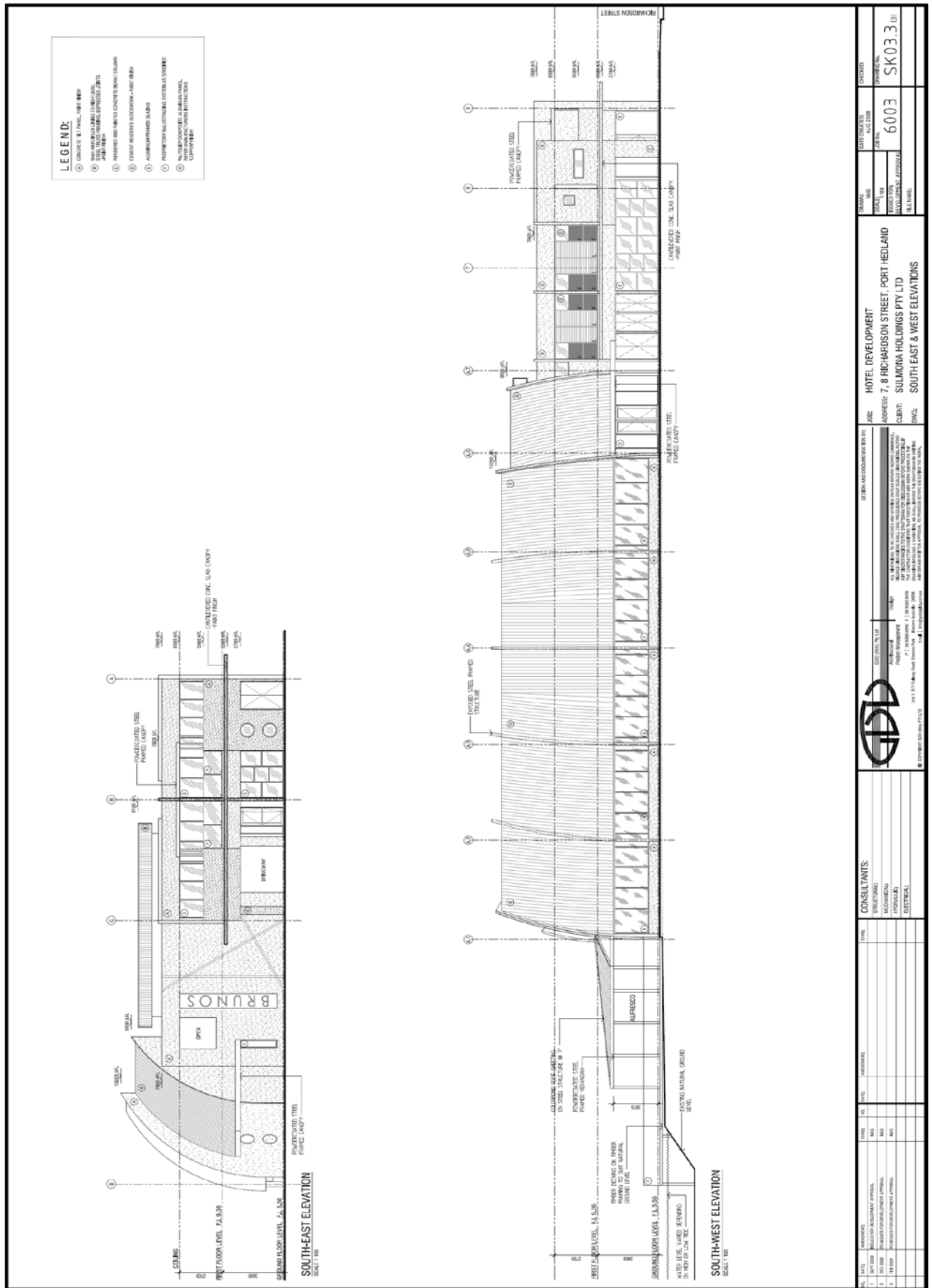
ATTACHMENT 2 TO AGENDA ITEM 11.1.2.4



PROPOSED SITE PLAN SCALE: 1:100		CONSULTANTS NAME: GDD ADDRESS: 100/102 BAYVIEW DRIVE, PORT HEDLAND, WA 6715 PHONE: (08) 9422 2211 FAX: (08) 9422 2212 EMAIL: gdd@port-hedland.wa.gov.au	
1. SITE PLAN 2. SITE PLAN 3. SITE PLAN	4. SITE PLAN 5. SITE PLAN 6. SITE PLAN	7. SITE PLAN 8. SITE PLAN 9. SITE PLAN	10. SITE PLAN 11. SITE PLAN 12. SITE PLAN
CLIENT INFORMATION PROJECT NAME: HOTEL DEVELOPMENT ADDRESS: 7, 8 RICHARDSON STREET, PORT HEDLAND CLIENT: SULLIMONA HOLDINGS PTY LTD DATE: 10/02/09		DATE DATE: 10/02/09 DRAWING NO: SK03.0	
SCALE SCALE: 1:100		DATE DATE: 10/02/09	



ATTACHMENT 4 TO AGENDA ITEM 11.1.2.4



ATTACHMENT 5 TO AGENDA ITEM 11.1.2.4



11.2.3 Ranger Services

6:18 pm Councillor Jan M Gillingham declared an impartiality interest in Agenda Item 11.2.3.1 'Authorisation of Ranger' as she disclosed she has an association with the applicant. Councillor Gillingham advised that as a consequence, there may be a perception that her impartiality on the matter may be affected, and declared that she will consider this matter on its merits and vote accordingly.

Councillor Gillingham did not leave the room.

11.2.3.1 Authorisation of Ranger (File No.: 19/01/0001)

Officer Peter Wilden
Co-ordinator Ranger
Services

Date of Report 27 January 2009

Disclosure of Interest by Officer Nil

Summary

To consider gazettal of officers as Authorised Officers / Rangers to enable them to undertake various ranger functions.

Background

Francheska Gobel has recently been recruited as Training Ranger for the Town of Port Hedland commencing on 27 January 2009.

Additionally Clare Fletcher has been appointed as Administration Officer – Rangers. Clare is a qualified Ranger and should an emergency arise it is desirable that she be in a position to undertake ranger functions if required.

Consultation Nil

Statutory Implications

The Town of Port Hedland Rangers have authority to enforce and prosecute in relation to the legislation commented on below in the day-to-day duties of the Officers. Delegation of that responsibility is required to allow them to undertake this function.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

It is a requirement that Council authorise Rangers in various capabilities. Authorisation allows Rangers to carry out their duties and affords Council and the officer protection of the various Acts and Regulations, as many of these duties may only be undertaken by a duly authorized person.

The following authorizations are required by Town of Port Hedland to carry out their functions:

- Caravan Parks and Camping Act 1995 - appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act and Regulations.
- Dog Act 1976 and Regulations (as amended) - appointed as Authorised Persons for the purpose of the Act and authorised to effect the registration of dogs.
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations - appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Litter Act 1979 and Regulations - appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Bush Fires Act and Regulations - appointed as Bush Fire Control Officer and Authorised officer to prosecute on behalf of Council for the purpose of the Act.
- Local Government Act (Miscellaneous Provisions) 1960 Part XX – appointed as Poundkeeper and Ranger.
- Local Government Act 1995 Part 3 relating to Executive Functions and Part 9 Miscellaneous Provisions.

Attachments

Nil

200809/229 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J E Ford

That Council authorise or appoint as appropriate both Francheska Gobel and Clare Fletcher, pursuant to the following provisions:

- a) the Dog Act 1976 (as amended) and Regulations - as an Authorised Person and prosecute on behalf of Council for the purpose of the Act;
- b) the Dog Act 1976 (as amended) - as a Registration Officer to effect the registration of dogs;
- c) the Caravan Parks and Camping Act 1995 section 17 (1), 23(11), - as an Authorised Person and to prosecute on behalf of Council for the purpose of the Act and Regulations;
- d) Local Government Act 1995 Part 3 relating to Executive Functions and Part 9 Miscellaneous Provisions

- e) the Control of Vehicles (Off Road Areas) Act 1978 and Regulations - as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act;
- f) the Local Government Act (Miscellaneous Provisions) 1960 Part XX - as a Poundkeeper and Ranger;
- g) the Litter Act 1979 and Regulations - as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act; and
- h) the Bush Fires Act 1954 (as amended) and Regulations as a Fire Control Officer for the purposes of Fire Prevention.

CARRIED 7/0

11.2.3.2 Authorisation of Dog Registration Officers – Dog Act 1976 (File No. :19/07/0001)

Officer Peter Wilden
Coordinator Ranger
Services

Date of Report 2 February 2009

Disclosure of Interest by Officer Nil

Summary

Council is to consider the appointment of Dog Registration Officers for the Town of Port Hedland.

Background

Council undertakes the registration of dogs at both the Town of Port Hedland's Civic Centre as well as the South Hedland Library. The Dog Act 1976 requires that all persons that register dogs be authorised under the Act to carry out this function.

Consultation Nil

Statutory Implications

Dog Act 1976 (as amended)

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Authorisation of officers will need to be advertised in the Government Gazette, which will incur a cost to Council of approx \$300.00.

Officer's Comment

It is a legal requirement that any officer that affects the registration of dogs be authorised. Authorisation of officers also gives the Council and staff legal protection while carrying out this function while acting in good faith.

The following library staff members act in a capacity that requires them to be authorised as Dog Registration Officers:

- Sherylin Mathewson
- Elizabeth Thomas

As the following staff member has left the employ of the Town of Port Hedland their authorisation is to be cancelled:

- Paula Jordon

Attachments

Nil

200809/230 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J E Ford

That Council:-

- i) authorise the following staff members as Dog Registration Officers for the Town of Port Hedland pursuant to the Dog Act 1976:-
 - Sherylin Mathewson, and
 - Elizabeth Thomas
- ii) advertise the above authorisation in the Government Gazette; and
- iii) cancel the authorisation of Paula Jordon as a Dog Registration Officer.

CARRIED 7/0

11.2.4 Community & Economic Development Services**11.2.4.1 *Transfer of Home & Community Care (HACC) Services (File No.: 03/01/0007)***

Officer Julie Broad
Manager Community &
Economic Development

Date of Report 12 February 2009

Disclosure of Interest by Officer Nil

Summary

The transfer of Home and Community Care (HACC) Services, provided to aged and disabled residents, to a new provider has been put to tender by the Dept of Health and a decision by Council is required to transfer assets to the successful tenderer, Southern Cross Care Inc.

Background

The transfer of HACC services from the Town of Port Hedland to a new provider has progressed to the awarding of the tender for services to Southern Cross Care Inc, a nation-wide not-for-profit aged care provider with programs in metropolitan Perth and in the Kimberley of Western Australia.

The transfer of services requires the transfer of assets, including the HACC building, vehicles, furnishings and equipment to enable the new provider to continue to deliver the required services to our clients. Where these assets have been fully funded by the HACC grants it is proposed they be transferred at no cost to the new service provider. Where Council has contributed to the purchase of an asset it is proposed that the asset be transferred (or in the case of HACC House, leased) on a cost recovery basis that does not disadvantage the Town or provide undue financial impediment to service delivery by the new provider.

Consultation

- Chief Executive Officer
- Directors and staff of Town of Port Hedland
- Senior Finance Manager Department of Health
- Manager and staff Pilbara Community Aged Care Services

Information briefings provided to the following organizations interested in tendering:

- General Manager Southern Cross Care Inc

- General Manager Community Care Silver Chain Inc
- General Manager Strategy Silver Chain Inc
- Regional Manager Frontier Services
- General Manager Communities First Inc

Statutory Implications

The Local Government Act 1995, Section 3.58 – Disposing of Property in accordance with the Local Government Act 1995 (as amended) specifically in reference to giving State Wide public notice of the proposed disposition for a period of fourteen (14) days.

“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.

[Section 3.58 amended by No. 49 of 2004 s. 27.] “

Policy Implications

Nil

Strategic Planning Implications

Council's current Plan for the Future 2008-2013 does not specifically address the transfer of HACC services.

Budget Implications

Council's HACC program is almost totally funded by the Commonwealth Department of Health and Ageing. The current Quarter 2 position for the program is a small deficit of \$1,628. When the loan principle repayment of \$13,300 is factored into this outturn, which is securing an asset retained by Council, the program is effectively run at no cost to the ratepayers.

Once the program is transferred to Southern Cross Care, it is anticipated that all outgoings remaining will be recouped from the lease arrangements.

Officer's Comment

Scope of Assets Involved in Transfer

Buildings

The site, which is comprised of Lots 5768 and 1699 Logue Court, South Hedland includes the residence at 18 Logue Court. These lots were not amalgamated and properly subdivided at the time of construction but this will be undertaken separately from this process. It is planned to retain the residence as housing for council staff.

The Home and Community Care House, built in 2004, began as an upgrade of an existing playgroup building. However as the structure did not comply with building requirements for cyclone areas the original structure was demolished.

It is proposed that the land be leased to the new service provider on a notional basis, ensuring the service is not disadvantaged but protecting Council's interests by providing for all current and potential building related costs. These include but are not limited to; interest payments, depreciation of building and grounds, structural maintenance and/or utility upgrades.



Figure 1: Lots 5768 and 1699 Logue Court, South Hedland.