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Town of Port Hedland

MINUTES

OF THE

**ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL**

HELD ON

WEDNESDAY 12 DECEMBER 2012

AT 5.30 PM

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

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*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.

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ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 28 November 2012****3.1.1 *Mr Camilo Blanco***

Can I get the information relating to the vote made by Council that authorises the use of the funds from the marina reserve, by absolute majority, for a different purpose?

Director Corporate Services advised that the relevant section of the minutes for the 12 March 2012 Special Council Meeting will be provided to Mr Blanco, which outlines the change in the then current purpose of the Spoilbank Reserve from 'for development projects on the Port Hedland Spoilbank Reserve' to become 'fund the development of the Port Hedland Spoilbank Precinct'.

Can I get the relevant information about the advertising undertaken as per Local Government regulations with the change of use?

Director Corporate Services advised an advert was placed in the North West Telegraph in the Public Notice Section on 21 March 2012 in accordance with section 6.11(2) of the Local Government Act 1995. A copy of the advertisement will be provided to Mr Blanco, which outlines the change of purpose of the Spoilbank Reserve account and highlighted the redirection of funds from the Airport Redevelopment Reserve to the Spoilbank Reserve.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 28 November 2012**3.2.1 *Councillor Gillingham***

In relation to the answer given to the question under 3.1.2 regarding Irene Coffin's Marble Bar painting, it says the painting did not need repairs but I realise it was damaged and I would like to know who repaired the painting before it went back up on the wall?

Director Corporate Services advised that the painting has not been repaired as when it was put back up on the wall it was not deemed to be damaged by the mould.

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 5:41pm

4.1 Public Question Time**4.1.1 *Mr Chris Whalley***

I am losing my hearing and finding it difficult to follow what is happening during Council meetings. During the Christmas break could Council see if it is possible to install a proper sound system in the Chambers with a series of mobile microphones to be passed around the table to speakers?

Chief Executive Officer advised that the Town will take Mr Whalley's request on board although there may not have been a provision for this type of equipment in this current budget. However the Town will take a look at what it will cost and see if Council has other systems that can be utilised at Council meetings.

4.1.2 *Mr Camilo Blanco*

Are there any requirements to stand by members of the public at the start of Council meetings?

Mayor advised that this practice is not written or prescribed for in the current Town of Port Hedland Standing Orders but it is a sign of respect.

In today's local newspaper there is a piece where you say that Wedgefield is at risk due to the number of non compliant residential issues. As this is true for the whole of the Port Hedland area and not only Wedgefield, what are you doing to rectify this problem in the Port Hedland area?

Mayor advised that Council is working with the Town's compliance team with regard to this matter.

In this same piece in today's newspaper you also say that living in Wedgefield is unhealthy. Can you show the evidence that supports this statement? These comments are as quoted by the NW Telegraph.

Mayor advised that Wedgefield is indeed an industrial area which is subject to noise and dust issues. However she has not said what Mr Blanco has just stated.

In the newspaper you also state that Wedgefield is light industry, this is not correct. Can you clarify this matter in next week's local paper along with all other facts that have been left out?

Mayor advised that she is not sure what Mr Blanco is referring to, however she will do her best to look into it.

4.1.3 Ms Filipinas Warburton

I work for the Town of Port Hedland and have a few questions relating to housing for Council workers. I have a copy of the Town's housing policy [as listed on tonight's agenda] outlining officers entitled to housing subsidy as being Directors, Managers, Coordinators and Level 5 officers. As we are all aware that housing prices in Town are not affordable, is this current policy for housing subsidy practical? I am asking this question to the Mayor but also to Malcolm Osborne (as ex Chief Executive Officer at Shire of Esperance).

Chief Executive Officer advised Ms Warburton that the Shire of Esperance does not provide any staff with housing as it is in a different market from Port Hedland. The housing strategy that has been put in place for the Town of Port Hedland for consideration by Council tonight requires a huge additional number of houses to meet the current needs for the people in the classifications just mentioned and probably even at that level will be somewhat difficult to afford. It would be financially impractical to extend this further to the whole of the organisation. For officers at other levels it has always been considered easier to recruit people who already have housing in Hedland.

Can the Town therefore only afford to employ staff that already has housing in Hedland?

Mayor advised that this is a difficult circumstance, which the Town, along with many other businesses in town needs to work through.

If the Town cannot afford to pay for its staff housing, are there any cheaper alternatives for people to have safe housing whilst waiting for better ones [to be provided]?

Mayor advised that the Town will continue to lobby the State government to ensure there is land release and affordable land options. As a Local Government authority with a minimal amount of land apart from airport reserve, this is a difficult issue. However, the Town will continue working towards public and community housing with other government agencies. At the moment housing is the Town's number one priority.

At the last election, Council promised to release land [for housing]. If the airport land is the only reserve the Town owns, what land is going to be made available?

Mayor advised that land release is a State Government process. The Town's role is to ensure that once the land is released all relevant approvals, such as planning approvals, are in place.

I have a friend that cannot start a family as he is living in cramped and unsafe conditions. He has been to the Department of Housing for assistance and has been told that he will have to wait for nine years.

Mayor advised that this is a process that many people in the same circumstances have to go through. The Mayor had to rent a room for two years in town and the Deputy Mayor's children have just had to leave due to lack of housing opportunities. This issue has been prevalent in the Pilbara since the seventies and the Town will continue to grapple with it in the near future. The Mayor also advised that Councillors are indebted to all the work that the Town's outdoor crews undertake, and are trying to do all that is possible to assist with housing matters.

Mayor closed Public Question Time at 5:53pm.

4.2 Public Statement Time

4.2.1 *Mr Camilo Blanco*

Mr Blanco stated that the article he previously mentioned during Public Question Time was an advertorial from the Town of Port Hedland that quotes the Mayor's words. If this is not correct the Town should consider rectifying the information it has sent to print in next week's newspaper.

4.2.2 *Mr John Warburton*

Mr Warburton suggested that to alleviate its housing issues the Town could look at the option to approach the Department of Housing for a block of land to build apartments on. If the Town builds single use units itself it could save greatly on costs.

Mayor closed Public Statement Time at 5:56pm.

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

In view of the recent questions put forward by members of the public, can the Town continue to lobby the State Government to raise the housing threshold linked to government housing so that people can remain in town and work?

Mayor advised that the Town is indeed working with the State Government with regard to housing. The Mayor met with the Department of Housing's Regional Manager today and believes that a meeting with tenancy compliance officers has been arranged for next week.

The iron ore stock pile seems to be getting bigger and if it does it will create more dust in residential areas. Could the Town find out if it is going to increase?

Mayor advised that this question is taken on notice.

People I know that drove up from Karratha on Sunday experienced seven fires on the side of the road between Whim Creek and Port Hedland. What is the protocol in closing the roads at these particular times?

Mayor advised that the Town will talk to FESA in regard of their road closures and notification processes.

5.2 *Councillor Hooper*

Who needs to be contacted to install a reflective arrow sign at the sharp corner of Buttweid Road?

Chief Executive Officer advised that this sign will have to meet safety standards and that the question is taken on notice for the Director Engineering Services to look into.

5.3 Councillor Jacob

Councillor Jacob encouraged the members of the public that raised questions regarding housing issues to submit their concerns and requests to the Service Workers Accommodation Committee for consideration.

Mayor also advised that members of the public should contact the Council representative on this Committee, Deputy Mayor George Daccache.

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

Mayor K A Howlett	Cr Carter
Cr G J Daccache	Cr J M Gillingham
Cr D W Hooper	Cr J E Hunt
Cr G A Jacob	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 November 2012****201213/198 Officer's Recommendation/Council Decision**

Moved: Cr Carter

Seconded: Cr Hooper

That the Minutes of the Ordinary Meeting of Council held on Wednesday 28 November 2012 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the November/December period to date is as follows:

Monday, 19th November

- Weekly CEO & Mayor Catch-up Meeting
- Fortnightly Pilbara Shire Presidents & Mayor Catch-up

Tuesday, 20th November

- Welcome HRH Prince Phillippe (Belgium) to Town of Port Hedland

- Farewell HRH Prince Phillippe (Belgium) From Town of Port Hedland
- Attended BHPBIO Super Series Swimming Event, Gratwick Aquatic Centre

Wednesday, 21st November

- Attended White Ribbon Community Breakfast Event
- Roundtable CCC – Understanding Misconduct
- Meeting Developers Walkabout Hotel
- Attended White Ribbon Evening Event At Lotteries House

Thursday, 22nd November

- Attended Gina Rinehart Book Launch Event

Monday, 26th November

- Attended TOPH Aboriginal Consultation Forum – Art & Culture

Tuesday, 27th November

- Weekly Spirit Radio 1026am Mayor Chat
- Attended & Presented Mayor Book Award Cassia Education Support Presentation Night

Wednesday, 28th November

- Meeting with RFDS Paul Le Large
- Opened Overpass Above FMG's Railway Line, Great Northern Highway
- Weekly Elected Member & CEO Catch-up
- TOPH Confidential Planning Briefing
- TOPH Agenda Briefing Session
- Chair OCM
-

Thursday, 29th November

- Hosted Hedland Taxi Company Roundtable
- Judging TOPH Sports & Volunteer Awards
- Attended Earbus Visit & Briefing, South Hedland Primary School
- TOPH Audit & Finance Agenda Briefing
- TOPH Audit & Finance Committee Meeting
- MC TOPH Rates Incentive Program Evening

December 2012

- Saturday, 1st December
- Mayor Coffee Session – Port Hedland
- Mayor Coffee Session – South Hedland

Sunday, 2nd December

- Attended HCLA BBQ Lunch – Commencement National Disability Awareness Week
- Attended Soroptimist International – Port Hedland – Seniors Christmas Party Event Held At RSL, Port Hedland

- Attended South Hedland New Living Annual Christmas Outdoor Movie Night

Monday, 3rd December

- PRC Audit & Risk Committee Meeting
- PRC Council Meeting
- Attended Pilbara Underground Power Project Photo Shoot With Minister Grylls – Connection 150 Residence

Tuesday, 4th December

- Meeting Esplanade Hotel – Airport Cafe Plans
- Weekly Spirit Radio 1026am Mayor Chat
- Meeting Raw Hire (Dana Alosi) re Development Wedgefield
- Attended & Presented Mayor Book Award At Cassia Primary School End Of Year Concert

Wednesday, 5th December

- Weekly Elected Member & CEO Catch-up
- Presented At Hedland Well Women's Centre Morning Tea – Town Projects 12/13
- Attended KM JV Stage 1 Completion Murdoch Drive Residential Development
- Attended & Presented Mayor Book Award St Cecilia's End Of Year Concert
- Attended & Presented Mayor Book Award South Hedland Primary School End Of Year Concert & Year 7 Graduation Night

Mayor advised she attended the following events:

- White Ribbon march and associated evening event
- Christmas movie at Koombana park
- A number of School Concerts and End of Year presentations

Mayor reminded the public gallery that the Swearing in of the successful Councillor will be held this Sunday 16 December at 4pm in Council Chambers, followed by the Carols by Candlelight event coordinated by the C3 Church and held near the Port Hedland Skate Park.

Mayor also issued a reminder to the public gallery that if postal votes have not been submitted as yet they can still be delivered from 8am up to 6pm on Election Day, Saturday 15 December, at the Wanangkura Stadium, South Hedland.

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

Attended the School of the Air concert at the Civic Centre, where it was great to see three students graduating from year 7. Also attended the free day at the Gratwick pool on the week-end, hopefully the Town can offer more free entry events in the future.

9.2 *Councillor Hooper*

Attended the graduation ceremony at the Hedland Senior High School where his last child graduated; it was good to see the progress the school has achieved throughout the years. The show put on by the high school, Alice in Wonderland, was of very high quality. Councillor Hooper also attended the Cassia School graduation ceremony.

9.3 *Councillor Jacob*

Attended the opening of the FMG overpass, and got to drive the first train under the underpass. Councillor Jacob also attended the first meeting of the Pilbara Development Commission Board on Monday, as a Council representative.

9.4 *Councillor Hunt*

Attended the Christmas party at the Gratwick pool with about 900 children. Councillor Hunt has been impressed with residents' generosity over the past few weeks with all their donations to make Christmas merrier for those in need. Also attended the Port Hedland Retirement Village AGM; the village is looking forward to having its infill sewerage connected so that full use of its community hall can be achieved, and also its reticulation system repaired.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**10.1 *Chris Morrison, Director, Management Consulting, KMPG, ToPH Long Term Financial Plan.***

Chris Morrison gave an overview of the Integrated Planning and Reporting Framework deliverables and how all the various plans created over the past year will input into to the Long Term Financial Plan (LTFP). Chris Morrison advised that the LTFP will be put up for Council's consideration in January. This plan will highlight the fact that Council cannot afford the delivery of its current plans and that the asset gap is likely to be above \$160M over the next 10 years. In view of this Council will have to re-prioritise and make some hard decisions in order to give the community transparency on the delivery of all its plans.

10.2 Michael Pound, Greg Rowe & Associates, Deputation for Item 11.1.1.8



Deputation

SCRIBER	Michael Pound
DATE	11 December 2012
PROJECT	12 December 2012 OCM
OUR REF	7319

ITEM 11.1.1.8 – RECONSIDERATION OF CONDITIONS

Good evening Councillors, my name is Michael Pound from Greg Rowe and Associates and I would like to thank you for the opportunity to briefly talk in relation to Item 11.1.1.8 - Reconsideration of Conditions for the approved – Extension to a Non-Conforming Use 'Transport Depot' at Lot 1035 (8) Murrena Street Wedgefield.

Greg Rowe and Associates acts on behalf of Linfox Property Group. We would like to take this opportunity to provide Councilors with a background of the dealings had with the Town's Planning and Technical staff to date, and why we maintain that our request to remove and modify relevant conditions remains unchanged and substantially warranted.

An approval was granted at the Special Council Meeting held on the 10 October for an 'Extension to a Non-Conforming Use, being modifications and alterations to the 'Transport Depot'. This approval subsequently allowed the continued use of the subject site for a 'Transport Depot' purpose (as per the 6th February 2009 approval issued by the Town of Port Hedland).

Our request to remove Condition 8 was formulated on the basis of the following reasons:

The intent to proceed with the original application was rationalised through modifying components of the existing 'Transport Depot' land use to increase the efficiency and accessibility of the site and improve the functionality of site operations to conform to Linfox's operations.

Condition 2 states:

*"In terms of the Port Hedland Town Planning Scheme No 5, "Transport Depot" is defined as follows: land and buildings used or intended to be used for the **transfer of goods** or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered **by road transport**, and includes the maintenance, repair and garaging, parking or storage of such vehicles."*

TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

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Condition 8 states:

"8. Access to the property for road trains are restricted to Pinga Street only and shall not enter and/or exit to Murrena Street."

The definition and intent of the approved 'Transport Depot' use as prescribed in Condition 2, is directly contradicted by Condition 8. As the restriction on access prevents the site from operating to its full potential as it is limited in regards to how they shall **transfer goods by road transport** to and from the site.

The following are some examples, as contained in the original report, that highlight how the proposed modifications were designed and intended to improve the site's manoeuvrability and overall operational mechanisms:

- The additional Fuel Storage Tank will result in a reduction to the number of vehicular movements to/from the subject site as the Linfox vehicles will no longer have to leave the site for refuelling purposes.
- Replacement Truck Wash Area was designed and located in close proximity to the Fuel Storage Tank in the south-east portion of the subject site – an area easily accessible by vehicles entering the site via Pinga Street
- The existing workshops will be relocated within the subject site to allow better manoeuvrability within the site (i.e. to "free-up" useable space towards the centre of the lot therefore significantly reducing the need to access Murrena Street).

It is evident from the list above that it was Linfox's clear objective to modify the site's internal structures to promote the usage of the Pinga Street crossover as opposed to the Murrena Street crossover. However, it was never our client's intent to be totally restricted from utilising the Murrena Street crossover for road trains altogether, hence why the application included the proposal to increase the width of the Murrena Street crossover.

It is important to note that the approved plans allowed for the development of the crossover to be extended on Murrena Street, however condition 8 restricts the use of the crossover altogether.

The "2012/319" Agenda Item states the following from Technical Services –

"The Town's Manager Technical Services did not object to the additional (and wider) crossover as proposed."

Technical Services did not object to road trains utilising Murrena Street in the assessment of the application as there was no indication of this in the agenda item.

Furthermore, Greg Rowe and Associates has liaised with the Town's Technical Service Staff (refer attached) and received confirmation that Murrena Street (in its entirety) is on the 'road train network list' and:

"...therefore we do not have any objection to approve road train access to and from on to Murrena St."

It is quite evident from the above that the Town's Technical Service has no objection to approving the 'ingress and egress' of road trains on the Linfox site, nor any site along Murrena Street accordingly. This position is in

accordance with the original referral as provided in the 2012/319 report, yet condition 8 was formulated by Planning Services with the following justification included:

"The Pilbara Port City Growth Plan, as well as the LUMP indicated Wedgefield be rezoned to "Industry – Light", a zone that does not support road train usage."

The Pilbara Port City Growth Plan does **not** state, discuss or indicate the notion of Wedgefield being rezoned entirely to 'Industry – Light'. Furthermore, the statement from the officer informing that this is "*a zone that does not support road train usage*" is a misleading resolution as the 'Industry – Light' Zone (which is the assumed zone the officer is referring to) permits several land uses ('Warehouse', 'Industry – Service', 'Hire Service - Industrial', 'Distribution Centre') which can require and often allow for the access and manoeuvrability of road trains.

It is not our Client's intention to utilise Murrena Street on a regular basis. Their preferred and predominant means of access into the site for road trains is via Pinga Street, however there may be times when access to Murrena Street is necessary. The wording of Condition No. 8 limiting access to Pinga Street only is not acceptable to our client and we request that Condition No. 8 be removed entirely.

With respect to Conditions 22 – 27 (inclusive), we request that the reference to "within 90 days of planning approval" be removed and replaced with "Prior to the Occupation of the Development" for the following reasons:

As previously stated in our formal letter to Council, our Client is happy to fulfil (and will adhere to the specifics of) Conditions 22 – 27, however does not want to be hindered with specific (90 days from approval) deadlines to undertake various physical works at the subject site. Furthermore, such works (as required as part of Conditions 22 – 27) may conflict with the timing of other works to occur on site as part of the implementation of this Planning Approval. Given the scale of the development to be undertaken on the site, it is considered our application should have been considered and granted approval with wording of conditions in the same manner as per previous and recent Council resolutions.

The agenda report (2012/319) states that:

"The landowner is currently utilizing the site and therefore such wording would be considered inappropriate. It was considered reasonable to enforce a time period of 90 days for the requested works to be completed."

The officer is correct in identifying that the landowner currently operates on the site, however this circumstance is considered not to be appropriate in allowing the applicant to satisfy conditions 22 – 27: "Prior to the Occupation of the development." Subsequently, the decision to enforce a 90 day time period was considered reasonable in light of the site's situation.

Councillors, the above precedent of 90 days was set for our client to adhere to. Yet, an approval which was granted at the 24 October 2012 Ordinary Council Meeting for an 'Extension to a Non-Conforming Use' for a 'Veterinary Hospital', where by the landowner was also currently utilising the site, was considered an appropriate applicant to be granted such wording of: "Prior to the Occupation of the development."

The consistency of the wording in the conditions and the process of the decision making has provided seemingly alternative outcomes despite the same situation been carried out on each site. It is considered that the precedent which was set for our client was not a true reflection of the circumstance presented and it is therefore not

acceptable that our client be subject to a 90 day timeframe. Subsequently, we respectfully the reference to: "within 90 days of planning approval" be removed and replaced with: "Prior to the Occupation of the Development" for Conditions 22 – 27.

In light of the above, Council are requested to resolve to consider Option 2 of the Agenda Item.

I am happy to answer questions.

Thank you.

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.

Consultation

The application was circulated to the following units / organisations:

Internally:

- Councillors
- Chief Executive Officer
- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Engineering Services

Externally:

- 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

A number of the external referral authorities did not respond and those that did offered no objections. Noteworthy comments received are:

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. (DSD)
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22. (DSD)
3. 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. (DEC)

Notwithstanding that the Scheme does not require an “AA” use to be advertised, given the nature of the proposal and its locality the application was advertised in the North West Telegraph, a sign placed on site and to adjoining landowners for a period of 14 days.

One submission (*ATTACHMENT 4*) was received. The submission did not express specific concerns relating to the proposed development but more general concerns regarding long term affects of “these buildings”. It is not clear what “these buildings” are but it is presumed that they are referring to apartment buildings.

Planning Comment

Apartment buildings are considered to provide an important housing choice and diversity for current and future residents of the Town of Port Hedland.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following section of Council’s Strategic Community Plan 2012-2022 is considered relevant:

- 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.

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

- 5.7.1 Precinct 1 - West End Summary of Influences.
Noise and dust emissions particularly in proximity to existing developed urban areas.

Budget Implications

An application fee of \$6,226.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The site is located in the West End Residential zone with dust and building design being the matters of most relevance. The matters are expanded on below.

Dust

A primary objective of Scheme Amendment 22 was to address concerns relating to elevated dust levels and facilitate development that mitigates the impacts of elevated dust levels in the West End.

The amendment included the following Clause:

“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 tunnelling 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 6.3.8 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 Council'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 that the proposal will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no objections being received.

Building Design / Residential Design Codes of Western Australia (R Codes)

The proposal complies with the Acceptable Development Standards of the R Codes except for building size / plot ratio and side boundary setbacks. In these instances, the proposal is considered to meet with the performance criteria.

The performance criteria for building size / plot ratio states:

“Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.”

The building size is considered to be consistent with the future desired built form of the locality. The land was rezoned to West End Residential as part of Scheme Amendment 22 providing for a minimum R30 to a maximum of R80 density.

The building falls within the majority of requirements for R80 including height and only marginally exceeds the plot ratio standards by 4m² which is less than 1%. This additional 4m² does not facilitate an additional dwelling or substantially add to the bulk and scale of the development. It will appear similar in bulk and scale to other buildings that currently exist or future buildings in the West End that are designed to the maximum R80 density.

The performance criteria for side and rear boundary setbacks states:

“Buildings setback from boundaries or adjacent buildings so as to:

- Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;
- Moderate the visual impact of building bulk on a neighbouring property;
- Ensure access to daylight and direct sun for adjoining properties; and
- Assist the protection of privacy between adjoining properties.”

The building is proposed at 3.513m from the northern boundary (ocean frontage). The building has been designed to include differing materials and colours to break up the building bulk. Acceptable Development Standards have been complied with for privacy with screening being provided to prevent overlooking. It is considered that the proposal meets the performance criteria.

Options

Council has the following options when considering this application:

1. Approve the Application

Approval will ensure the site is developed in accordance with both statutory and strategic documentation.

2. Refuse the Application

Should Council refuse the application clear planning reasons will need to be provided.

Option 1 is recommended.

Attachments

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

201213/199 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council approves the application submitted by RPS on behalf of Allied Synergy Pty Ltd for Nine (9) Multiple Dwellings at Lot 3 (63C) Kingsmill Street Port Hedland subject to the following conditions:

- 1. This approval relates only to the proposed nine (9) Multiple Dwellings, as indicated on the approved plans (DRG2012/408/1 - DRG2012/408/3), 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 approval, the approval shall lapse and be of no further effect.**
- 3. A minimum of 12 car bays shall be provided as indicated on the approved site plan.**
- 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 shall be retained on-site, in accordance with Council's Technical Services Guidelines.**
- 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. 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.**
- 11. 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.

- 12. 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 and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years**
 - 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.**

13. 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.
14. The landowner shall ensure refuse storage / collection is in accordance with the submitted "Waste Management Statement"
15. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.
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; and
 - f) 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 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)
18. 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.

19. Prior to the occupation of the development, 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.
20. 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:

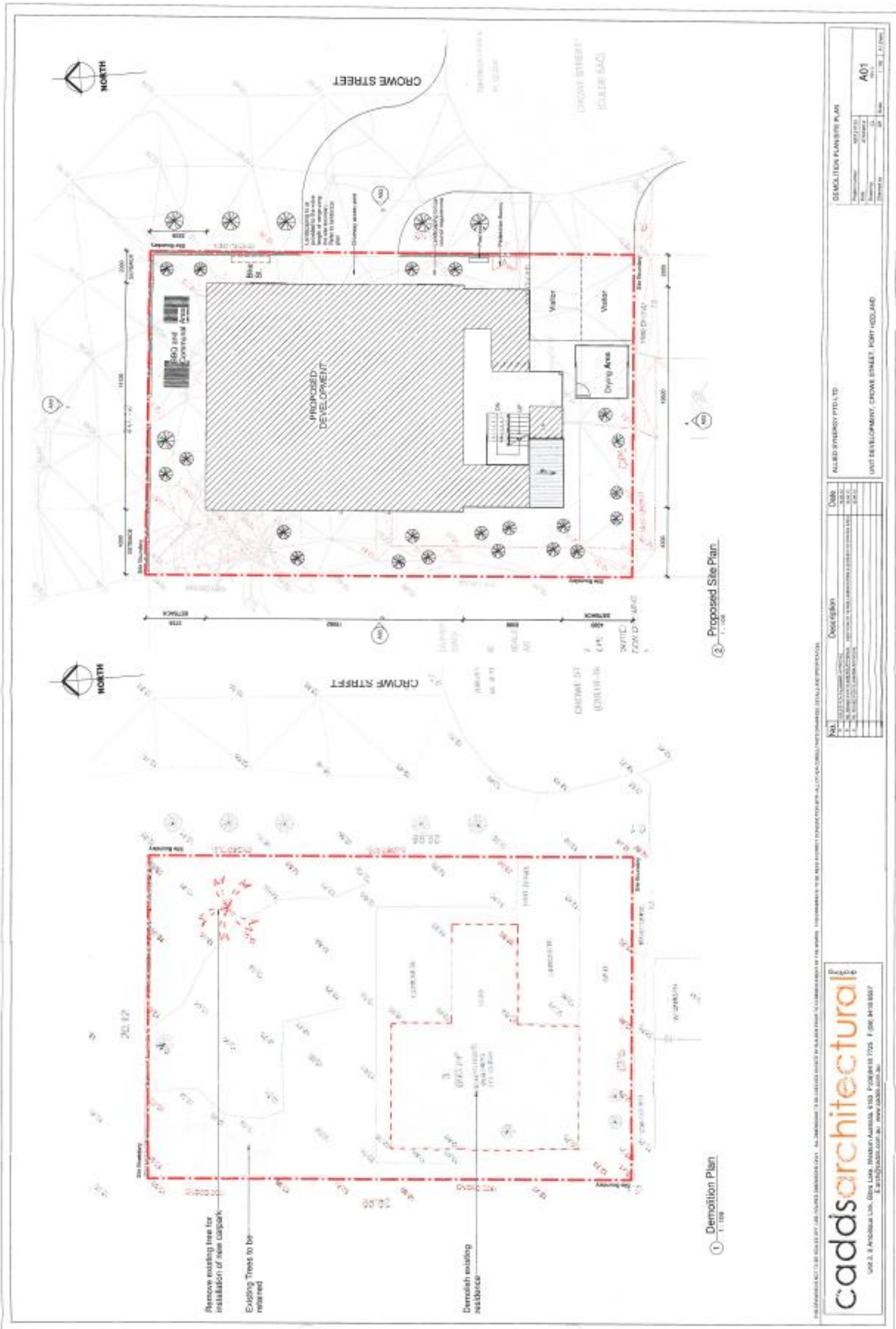
1. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:

"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. 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.
5. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.
6. 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.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.1





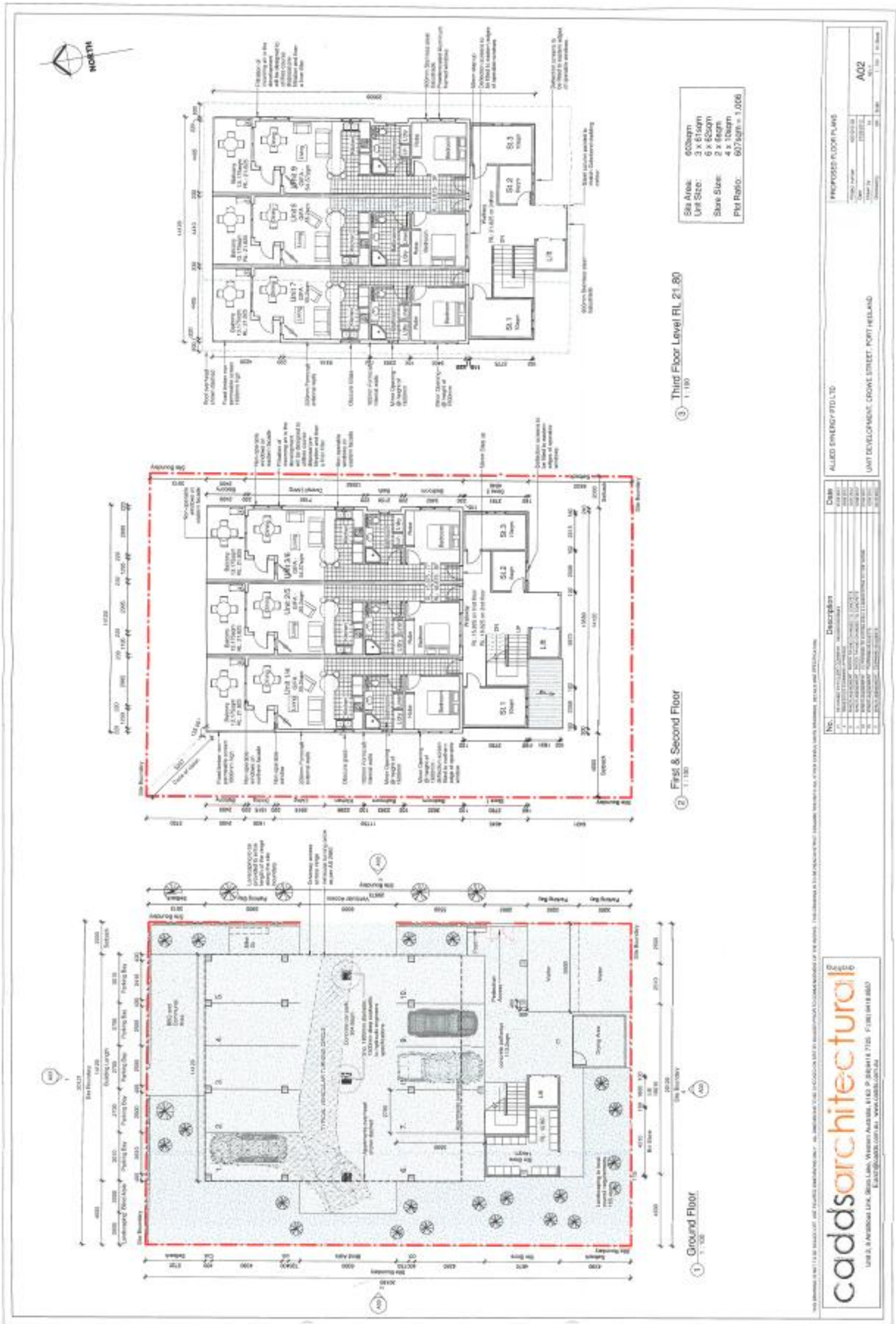
DEMOLITION PLANSITE PLAN

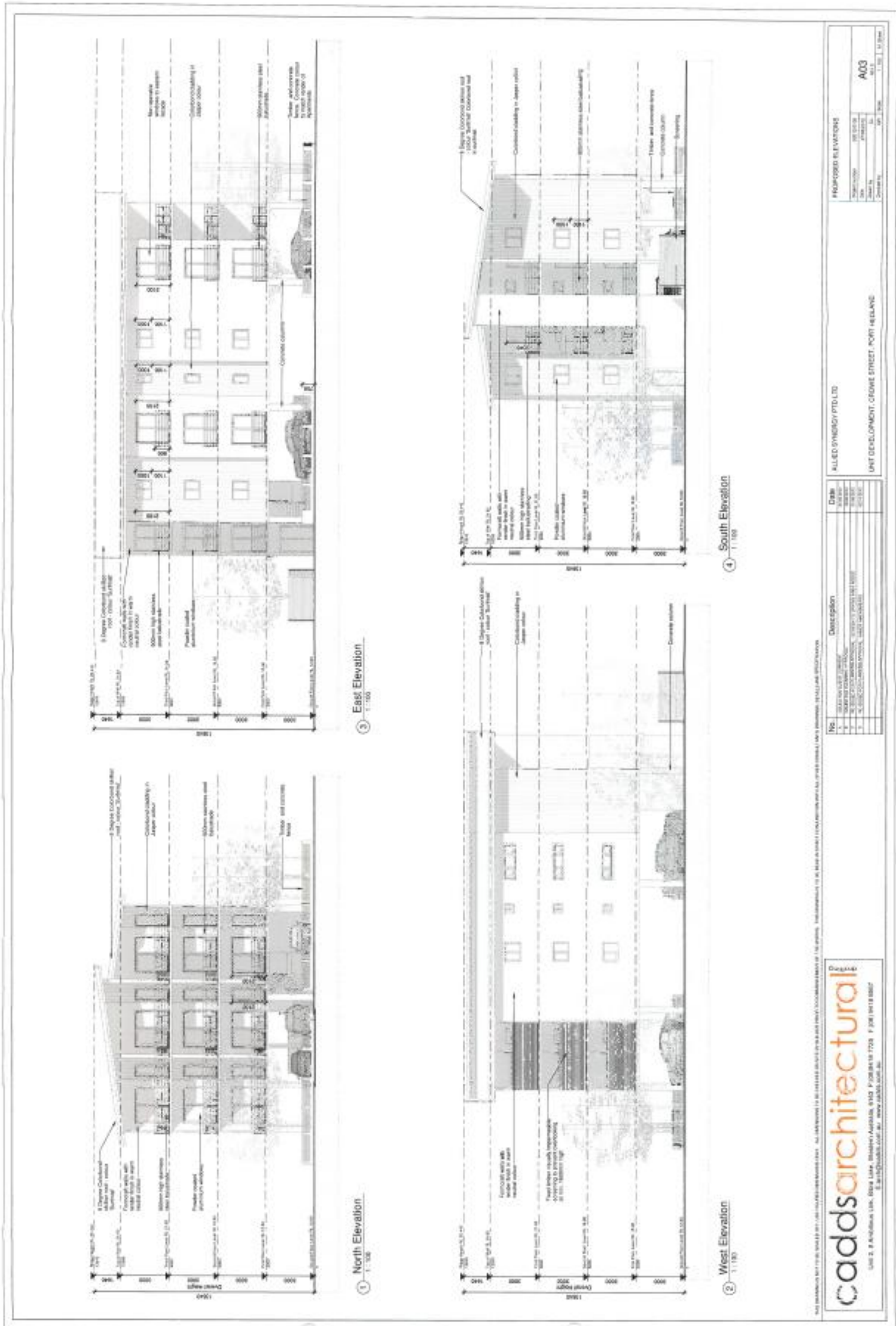
Project No.	A01
Client	UNIT DEVELOPMENT, CROWE STREET, FORT HEDLAND
Scale	1:100
Sheet No.	01

ALLEN SPINNEY PTDLTD
 UNIT DEVELOPMENT, CROWE STREET, FORT HEDLAND

NO	DATE	DESCRIPTION	BY	CHECKED
1	11/12/12	Issue for comment		
2	11/12/12	Issue for comment		
3	11/12/12	Issue for comment		
4	11/12/12	Issue for comment		
5	11/12/12	Issue for comment		
6	11/12/12	Issue for comment		
7	11/12/12	Issue for comment		
8	11/12/12	Issue for comment		
9	11/12/12	Issue for comment		
10	11/12/12	Issue for comment		

caddsaarchitectural
 Unit 2, 8 Ardrossan Link, Digos Lakes, Mandurah, Australia, 8150. Phone: 08 9418 8807
 Fax: 08 9418 8807. Email: info@caddsa.com.au. www.caddsa.com.au





ALL DIMENSIONS UNLESS OTHERWISE STATED. ALL DIMENSIONS TO BE TAKEN AS SHOWN UNLESS OTHERWISE STATED. UNLESS OTHERWISE STATED, DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED. UNLESS OTHERWISE STATED, DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.

cadds architectural
 Unit 2, Parkside Lane, 800A Lake, Sydney Australia, 1543 P 028818 1728 F 0281 9418 8807
 E: info@cadds.com.au www.cadds.com.au

No.	Description	Date
1	ISSUED FOR PERMIT	12/11/12
2	ISSUED FOR PERMIT	12/11/12
3	ISSUED FOR PERMIT	12/11/12
4	ISSUED FOR PERMIT	12/11/12
5	ISSUED FOR PERMIT	12/11/12
6	ISSUED FOR PERMIT	12/11/12
7	ISSUED FOR PERMIT	12/11/12
8	ISSUED FOR PERMIT	12/11/12
9	ISSUED FOR PERMIT	12/11/12
10	ISSUED FOR PERMIT	12/11/12

PROPOSED ELEVATIONS

Project Name	UNIT DEVELOPMENT, CECILE STREET, PORT HEDLAND
Client	ALLIED SYNERGY PTY LTD
Architect	CADD ARCHITECTURAL
Scale	1:100
Sheet No.	A003
Drawn By	[Name]
Checked By	[Name]
Project No.	[Number]

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ATTACHMENT 3 TO ITEM 11.1.1.1

Speakman Chloe

From: Marcus kaden [mkaden23@hotmail.com]
Sent: Sunday, 14 October 2012 9:43 PM
To: Records
Cc: Pound Michael
Subject: ICR32216 - Application 2012/408 For Nine (9) Multiple Dwellings on Lot 3 (63C) Kingsmill Street Port Hedland

SynergySoft: ICR32216

Hi Michael,

In regards to the abovementioned application, I would like to submit that while this seems to be a growing and expanding development progress, we are not happy with the long term affects that these buildings will have on the Port Hedland economy, community and businesses. We would like to be kept updated with this and other developments within the Port Hedland area.

Thankyou and best regards

Marcus & Anna Kaden

Sent from my iPad

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

File Number: 8034976
Int. Correspondent: Leonard & Steve →mp.

11.1.1.2 Proposed Fifteen (15) Multiple Dwellings on Lot 179 (35) Morgans Street Port Hedland (File No.: 121470G)

Officer Luke Cervi
Senior Planning Officer

Date of Report 26 November 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Doepel Marsh Architects on behalf of Fundo Pty Ltd being the owner of Lot 179 (35) Morgans Street Port Hedland (site), for Fifteen (15) "Multiple Dwellings".

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 officers of the Town of Port Hedland, and Council is requested to consider the application favourably.

Background

Location and description (ATTACHMENT 1)

The subject site has access to both Morgans Street (Attachment 1) and Kingsmill Street, is rectangular in shape and covers an area of approximately 1012m².

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential" and is currently developed with a single dwelling which fronts onto Morgans Street. The existing dwelling is proposed to be demolished. The permissibility of the proposed "Multiple Dwellings" is an "AA" use.

The Proposal (ATTACHMENT 2)

The applicant is seeking approval of fifteen (15) "Multiple Dwellings" consisting of twelve (12) one bedroom dwellings and three (3) two bedroom dwellings.

Consultation

The application was circulated to the following units / organisations:

Internally:

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

Externally:

- 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

A number of the external referral authorities did not respond and those that did offered no objections. Noteworthy comments received are:

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. (DSD)
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22. (DSD)
3. 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. (DEC)

Notwithstanding that the Scheme does not require an “AA” use to be advertised, given the nature of the proposal and its locality the application was advertised for a period of 14 days 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 Port Hedland Town Planning Scheme No. 5.

Policy Implications

Nil

Strategic Planning Implications

The following section of Council's Strategic Community Plan 2012-2022 is considered relevant:

- 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.

The following section of the Pilbara's Port City Growth Plan is considered relevant.

- 5.7.1 Precinct 1 – West End
Noise and dust emissions particularly in proximity to existing developed urban areas.

Budget Implications

An application fee of \$6,419.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The site is located in the West End Residential zone with dust and building design being the matters of most relevance. The matters are expanded on below.

Dust

A primary objective of Scheme Amendment 22 was to address concerns relating to elevated dust levels and facilitate development that mitigates the impacts of elevated dust levels in the West End. The amendment included the following Clause:

“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 tunnelling 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 6.3.8 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 Council’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 that the proposal will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no objections being received.

Building Design / Residential Design Codes of Western Australia (R Codes)

The proposal complies with the Acceptable Development Standards of the R Codes except for side boundary setbacks. In this regard, the proposal is considered to meet with the performance criteria which states:

“Buildings setback from boundaries or adjacent buildings so as to:

- Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;
- Moderate the visual impact of building bulk on a neighbouring property;
- Ensure access to daylight and direct sun for adjoining properties; and
- Assist the protection of privacy between adjoining properties.”

Whilst the building will be only 1.5m from side boundaries at the closest point, the building has been designed to include differing materials and colours to break up the building bulk. Acceptable Development Standards have been complied in regard to privacy with screening being provided to prevent overlooking. Although the building would impact on access to daylight and direct sun, given the Pilbara climate this is considered to be acceptable. The application was referred to neighbouring properties for comment with no comments/objections being received.

Options

Council has the following options when considering this application:

1. Approve the Application
2. Approval will ensure the site is developed in accordance with both statutory and strategic documents.
3. Refuse the Application

Should Council resolve to refuse the application, clear planning reasons will have to be provided.

Option 1 is recommended.

Attachments

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

201213/200 Officer's Recommendation/Council Decision**Moved: Cr Gillingham****Seconded: Cr Carter**

That Council approves the application submitted by Doepel Marsh on behalf of Fundo Pty Ltd for fifteen (15) Multiple Dwellings at Lot 179 (35) Morgans Street Port Hedland subject to the following conditions:

- 1. This approval relates only to the proposed fifteen (15) Multiple Dwellings, as indicated on the approved plans (DRG2012/349/1 - DRG2012/292/6), 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 20 car bays shall be provided as indicated on the approved site plan.**
- 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 shall be retained on-site, in accordance with Council's Technical Services Guidelines.**
- 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. 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.**

11. **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.

12. **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:**
13. **This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years .**
14. **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.**
13. **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.**
14. **The landowner shall ensure refuse storage / collection is in accordance with the submitted "Waste Management Plan"**
15. **Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.**

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; and
 - f) 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 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)
18. 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.
19. Prior to the occupation of the development, 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.
20. 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,

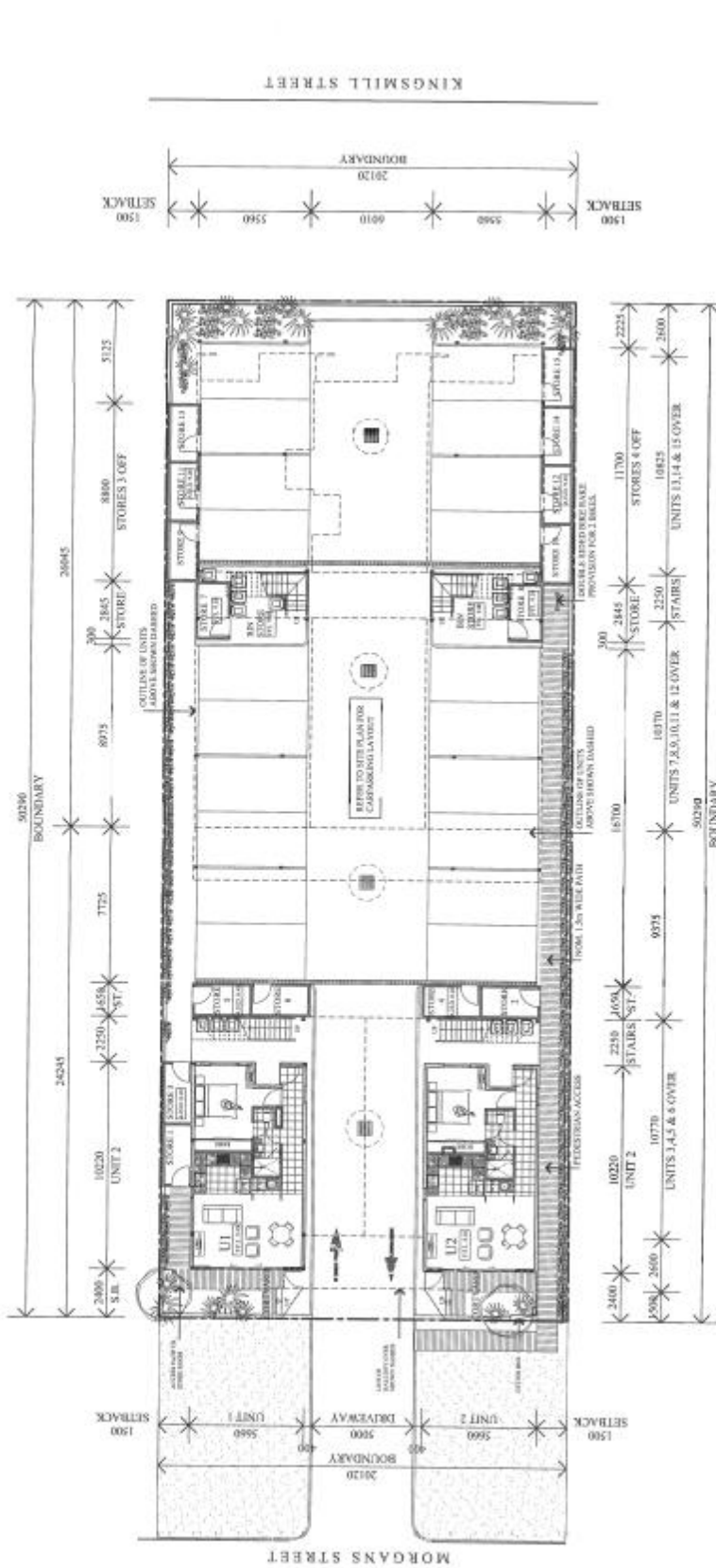
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."

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. 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.
5. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.
6. 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.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.2





DEVELOPMENT APPROVAL

**DOEPEL
MARSH**

architects

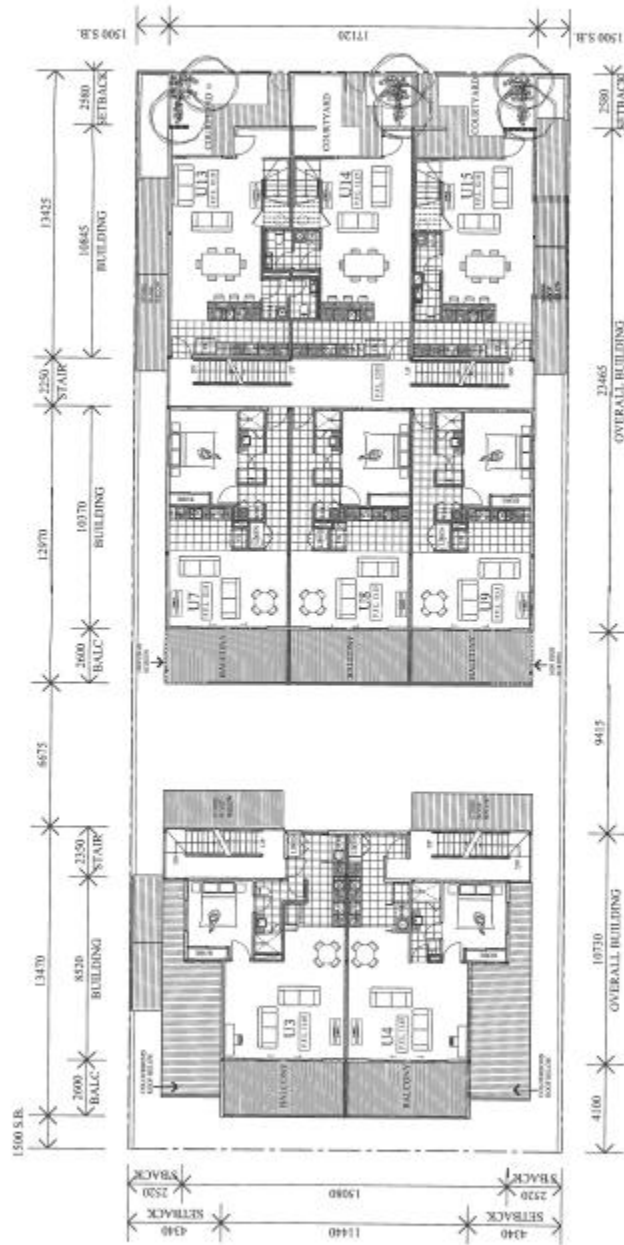
MITIE CONSTRUCTION PTY LTD
 UNIT 2, 424 ROBERTS ROAD
 SILEBAGO
 TEL/FAK: 9381 1114

GROUND FLOOR PLAN

SCALE 1:100

**15 MULTIPLE DWELLINGS
 #35 MORGANS STREET,
 PORT HEDLAND**

PRINT: 10/3
 DATE: 31 JULY 12
 DA: 3/4



DEVELOPMENT APPROVAL

JOB NO. 10/4
DATE: 11 FEB 12
DA 3.5

15 MULTIPLE DWELLINGS
#35 MORGANS STREET,
PORT HEDLAND

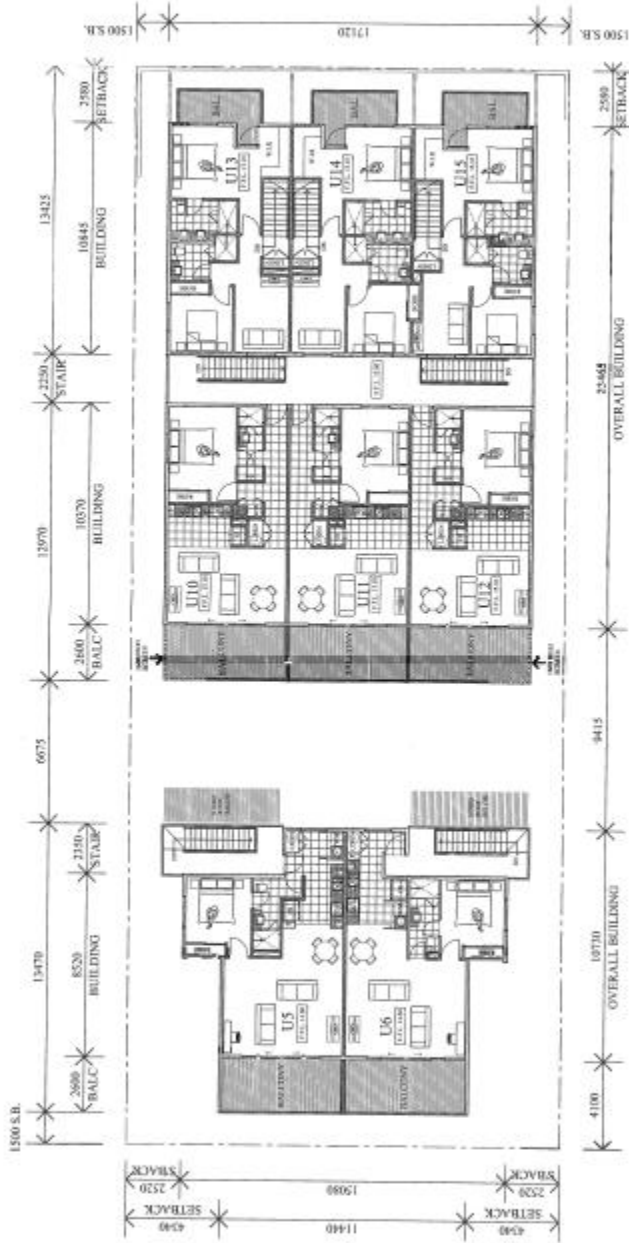
FIRST FLOOR PLAN

SCALE: 1:100

MITE CONSTRUCTION PTY LTD
UNIT 2, 421 ROBERTS ROAD
MORNINGTON VIC 3190
TEL/FAX: 9581 1114



DOEPEL
MARSH
architects



DEVELOPMENT APPROVAL

REF NO: 10/07
 DATE: 3 JULY 12
 DA 3.6

15 MULTIPLE DWELLINGS
 #35 MORGANS STREET,
 PORT HEDLAND



SECOND FLOOR PLAN

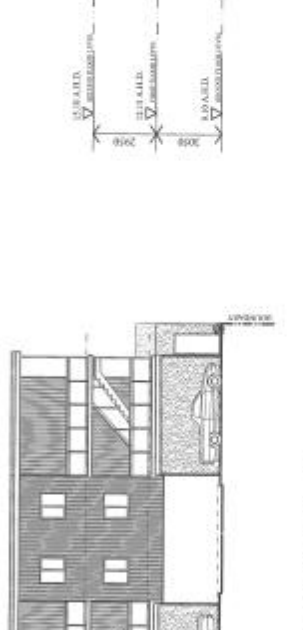
MITIE CONSTRUCTION PTY LTD
 UNIT 2, 404 ROBERTS ROAD
 SUBIACO
 TEL/FAX: 9381 1114



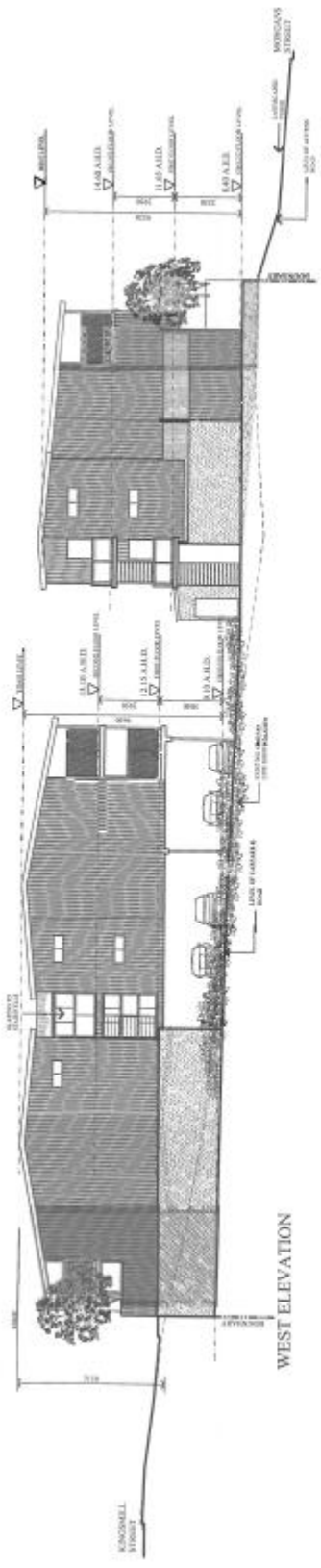
DOEPEL
 MARSH



NORTH ELEVATION (UNITS 1 - 6)



SOUTH ELEVATION (UNITS 7 - 12)



WEST ELEVATION

DEVELOPMENT APPROVAL

DOEPEL MARSH architects	MITIE CONSTRUCTION PTY LTD UNIT 2, 424 ROBERTS ROAD SUBIACO TEL/FAX: 9381 1114	ELEVATIONS SCALE 1:100	15 MULTIPLE DWELLINGS #35 MORGANS STREET, PORT HEDLAND	JOB NO. 1044 DATE 31 JULY 12 DA 3.8
	DEVELOPMENT APPROVAL			

11.1.1.3 Proposed Development Application for Storage of Complete, In-complete and Damaged Buildings and the Storage of Associated Materials and Equipment on Lot 3 Trig Street Wedgefield. (File No.: 121670G)

Officer	Leonard Long Manager Planning Services
Date of Report	30 November 2012
Disclosure of Interest by Officer	Nil

Summary

In December 2011 Council received an application from Ivan Yunovich the owner of Lot 3 Trig Street, Wedgefield (ATTACHMENT 1) to utilize the lot for storage of complete, in-complete and damaged buildings and the storage of associated equipment and materials.

The proposed use on the property is supported by Town of Port Hedland Officers and Council is requested to approve the application subject to conditions.

Background

In 1993 Council approved the "Storage of Buildings for approximately 12 months temporary" subject to the following conditions on Lot 3 Trig Street:

- *That a pre-cyclone inspection is called for and that all buildings are inspected.*
- *That each building is securely tied down immediately it is placed on site between November to 30 April. The building must be stored and secured to manufacturer's recommendation. That Structural Engineer's certificates being submitted for each type of building showing footing and tiedown sizes and positions. Engineers calculations must be submitted.*
- *That Council be notified for each individual building being placed on site during cyclone season within three days.*
- *That no building is used for any other purposes than storing on site.*
- *That only complete and undamaged buildings are stored in the open ground and all openings are to be protected.*

As a result of non compliance of these conditions the matter was referred to the Magistrate Court (Perth), where the following judgment was made:

“In my judgment the charge against Mr Yunovich has been proved beyond a reasonable doubt and the defenses raised have been negative.”

On submission of the current application in December 2011, a number of shortcomings were identified and despite numerous attempts to obtain the information the applicant either provided the incorrect information or none at all. As a result the application was refused via delegated authority.

Subsequently the applicant lodged an appeal with the State Administrative Tribunal to reconsider the refusal. After a number Direction Hearings Deputy President, Judge Parry on 9 November 2012, ordered *inter alia* that:

1. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 12 December 2012.

Consultation

Internally

The proposed application was circulated to the following internal units:

- Manager Building Services.
- Manager Technical Services.
- Manager Environmental Health Services.

Externally

Town of Port Hedland Officers also consulted with the Towns Solicitors on the matter.

Statutory Implications

Development is to take place in accordance with the relevant acts and the town planning scheme.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

Despite the inadequacies of the application, Town of Port Hedland Officers are familiar with the proposed use and the site, and have been able to assess the application.

The proposal being for the storage of complete, in-complete and damaged buildings and the storage of associated equipment and materials, is suited to an industrial area and therefore the use as such is supported. The concerns around the use are twofold, the aesthetical appearance and the safety of surrounding businesses and community.

Aesthetical Appearance

Since the proposal is for the storage of complete, **in-complete and damaged buildings** it is important to ensure the use does not negatively impact upon the existing or envisaged streetscape of the area.

Town of Port Hedland Officers together with Landcorp have been working towards improved streetscapes within Wedgefield. This has been achieved by imposing conditions relating to crossovers, fencing and landscaping on any new developments in Wedgefield. It is evident these conditions have and continue to achieve a much improved streetscape through the completed developments.

Should Council resolve to approve the application it is recommended conditions be imposed similar to what is imposed on other developments within Wedgefield to ensure an aesthetically acceptable outcome is achieved.

Safety

Being a cyclonic region it is of utmost importance to ensure the complete, in-complete and damaged buildings can be safely tied down. Town of Port Hedland Officers when researching the file found a complaint lodged with Council regarding a section of roof being flung off one of the buildings stored on the site, landing in the adjoining property during cyclone George.

Town of Port Hedland Officers have liaised with the Towns Solicitors to ensure, should Council resolve to approve the application the conditions imposed are suitable to ensure the safety of surrounding properties and community.

Attachments

1. Application submission

201213/201 Officer's Recommendation/Council Decision**Moved: Cr Carter****Seconded: Cr Hunt**

That Council approves the application from Ivan Yunovich the owner of Lot 3 Trig Street, Wedgefield (ATTACHMENT 1) to utilize the lot for storage of complete, in-complete and damaged buildings and the storage of associated equipment and materials, subject to the following conditions:

- 1. This approval only authorises the use of the land for the storage, demolition, repair and renovation of transportable buildings (including incomplete and damaged transportable buildings). No other use or development may be carried out on the land without the prior written approval of the Town pursuant to the Town of Port Hedland Town Planning Scheme No. 5.**
- 2. All transportable buildings stored on the land must be physically restrained so as to be cyclone safe, in a manner approved by the Town, in accordance with these conditions.**
- 3. Within 30 days following the date of this approval, the owner must provide to the Town plans and a report certified by practising and suitably qualified structural engineer which confirms whether or not each existing transportable building stored on the land as at the date of this approval is cyclone safe.**
- 4. Any existing transportable building stored on the land as at the date of this approval not certified as cyclone safe in accordance with the previous condition must immediately be removed from the land by the owner.**
- 5. Within 30 days following the date of this approval, the owner shall provide to the Town for approval a design certificate and plans from a suitably qualified and practising structural engineer which specify a system for physically restraining transportable buildings to be stored on the land, so as to make them cyclone safe.**

- 6. By no later than 30 September in each year during which transportable buildings are stored on the land, the owner shall provide to the Town a report certified by suitably qualified and practising structural engineer which confirms whether or not each transportable building on the land is cyclone safe.**
- 7. No person may use any transportable building on the land for the purposes of habitation.**
- 8. Fences shall be constructed on all boundaries of the land in accordance with plans approved by the Town no later than 60 days following the date of this approval. Fences within the street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.**
- 9. Stormwater shall be retained on-site, and in accordance with Council's Technical Services Guidelines.**
- 10. No visible dust or sand may leave the boundaries of the site. Dust suppression methods approved by the Manager Environmental Health Services must be used at all times.**
- 11. Within 30 days following the date of this approval or such further period as approved by the Manager Planning Services, the owner shall submit an "Erosion and Sediment Control Plan" to the Town for approval. The approved plan must thereafter be complied with at all times.**
- 12. Within 30 days following the date of this approval or such further period as approved by the Manager, Planning Services of the Town, the owner shall submit a detailed Landscaping and Reticulation Plan including any adjacent street verge, to the Town for approval. The plan is to include proposed location, species and planting details with reference to Council's list of Recommended Low Maintenance and Shrub Species for General Landscaping included in the Town's Policy 10/001.**
- 13. Within 30 days following the approval of the Landscaping and Reticulation Plan, or such further period as approved by the Manager, Planning Services, landscaping and reticulation shall be established with the use of mature trees (no less than 2m in height) and shrubs (no less than 0.5m in height) in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager, Planning Services.**

14. **Within 60 days of this approval or such further period as may be approved by the Manager, Planning Services, crossovers to the site shall be designed and constructed in accordance with the Town's Crossover Policy 9/005.**

ADVICE NOTES:

1. **This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years.**
2. **You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner/developer to comply with all relevant building, health and engineering requirements.**
3. **Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**
4. **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



Document #: IPA22133
Date: 14.12.2011
Officer: LEONARD LONG
File: 121670G

Dec App - AA-F-1

1/4

TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5 APPENDIX 3

APPLICATION FOR PLANNING APPROVAL

PRE-APPLICATION MEETING

Planning Officer Name(s)(Printed):

Signature(s): Date:

APPLICATION TYPE

Home Business / Office: Change of Use / Development Application:

OWNER DETAILS (A copy of the Certificate of Title and associated plans and incidental diagrams must be attached to this application.)

Name(s)(Printed): YUTKOVICH
(Application must be signed by the property owner)

Postal Address: 398 Oxford St Mt Hawthorn WA 6016 Postcode: WA 6016

Contact Phone: 0817172031 Email:

Signature(s): [Signature] Signature(s): [Signature]

Position: Date: [Date]

PLEASE NOTE THAT BY SIGNING THIS APPLICATION FORM YOU CONSENT TO AN OFFICER FROM THE PLANNING DEPARTMENT TO ENTER THE ABOVE PROPERTY TO CONDUCT AN INSPECTION.

APPLICANT DETAILS (This person will be the contact for this application)

Name/Company: WA JUNKER SERVICE

Address for Correspondence:

Postcode: Contact Phone:

Email:

Signature: [Signature] Position: Date:

PROPERTY DETAILS

Indicate where the proposed development is to take place.

Lot No: 3 Street No: TRIG Street / Road: WEDGEMAN WA

Suburb / Locality:

Property Zoned? L/A Property Size? 2.6 PLANS

Approximate cost of proposed development (exc. GST):
Please note the application cannot be accepted without the above proposed cost being included

ENTERTAINMENT, RECREATION & CULTURE

- Equestrian Centre
- Entertainment Venue
- Private Recreation
- Public Recreation

Development Assessment Panel Determination (DAP)

Development Assessment Application Required (DAP):..... Yes No
 (Any development to a value of \$7 million or more requires a DAP application form)

Do you wish to have the application considered by the
 Development Assessment Panel: Yes No
 (A developer could request that a development application estimate at a valued at a cost of \$3 million
 or more and less than \$7 million be considered by a Development Assessment Panel)

What Needs Planning Approval?

Planning Approval is required prior to commencing any type of development and / or use, with the only exception being a "Single Dwelling".
 (The applicant is encouraged to arrange a pre-submission meeting with the Planning Unit to discuss any proposed application, the Planning Unit can be contacted on 9158-9331.)

Fees Payable for Planning Applications

The following fees relate to Planning Applications lodged with the Town of Port Hedland. These fees are administered in accordance with Council's Annual Schedule of Fees and Charges, a copy of which is available on request. Note GST is not payable on planning fees. For any fees not listed, please contact Planning Services on 08 9158 9331.

Estimated cost of development (Exc. GST)	Fee
\$0 - \$50,000	\$139.00
\$50,001 - \$500,000	0.32% of the estimated cost.
\$500,001 - \$2.5 million	\$1600 + 0.257% for every \$1 over \$500,000
Over \$2.5 - \$5m	\$6740 + 0.206% for every \$1 in excess of \$2.5m
More than \$5m but not more than \$21.5m	\$11 890 + 0.123% for every \$1 in excess of \$5m
More than \$21.5m	\$32,185.00

Non-Development Applications	Fee
Change of Use	\$278.00
Extractive Industry	\$696.00
Home Occupation	\$209.00 (Initial Fee) \$69.00 (Annual Renewal Fee)
Scheme Amendments & Structure Plans	\$7,556.20
Provision of a Subdivision Clearance	\$60.00 per lot - not more than 5 lots \$60.00 per lot for the first 5 lots and then \$35.00 per lots \$6,959.00 - more than 195 lots
On-Site Advertising Fee	\$545.30

2. Non- Residential proposal are to include a justification report addressing but not limited to the following. ^{2/4}
- a. Boundary Setbacks
 - b. Site Coverage
 - c. Carparking, Access and Traffic Flow
 - d. Landscaping
 - e. Crime Prevention through Environmental Design

The following (but not limited to) supporting documents are required to accompany the application:

1. Copy of the Certificate of Title and Survey Plan
2. Form 1 application form (if applicable)
3. A site plan to a scale of no less than 1:500 showing the following:
 - a. Lot dimensions
 - b. Street Names
 - c. North Point
 - d. Existing & Proposed Buildings (including areas m²)
 - e. Existing & Proposed Ground & Floor Levels
 - f. Setbacks (both internal & external)
 - g. Driveways / Access Points (dimensioned)
 - h. Fencing Details (Type & Height)
 - i. Lay out of Existing & Proposed Parking (dimensioned)
 - j. Proposed Landscaping
4. Floor Plan(s) to a scale of no less than 1:100 or 1:200 showing the following:
 - a. Floor Plan for every storey (if applicable)
 - b. Room Layout including walls, windows and proposed use of room.
 - c. Dimensions and areas of each room.
5. Elevations Drawn in colour and to scale no less than 1:100 or 1:200
 - a. View of every face of the building(s)
 - b. Material & Colours

Notification of Decision

Once an application has been deemed complete, Council is obliged to provide a decision within sixty (60) days. The exact amount of time Council required to assess the application will depend on the type of application, whether it requires advertising and if it requires full Council approval.

NOTE:

AN APPLICATION IS ONLY DEEMED COMPLETE ON RECEIPT OF A COMPLETED APPLICATION FORM AND ALL REQUIRED DOCUMENTATION, AN INCOMPLETE APPLICATION CANNOT BE PROCESSED BY THE PLANNING UNIT.

Accepting Officer: _____ Date: _____

TOWN OF PORT HEDLAND

McGregor Street
 PO Box 41
 PORT HEDLAND WA 6721
 Email: council@porthedland.wa.gov.au

ABN 19 220 085 226 TAX INVOICE

Payer: Ivan Yujnovich

2011/15
ENTERED
 DATE 12/11/11 BY Mori's

Receipt Number: 204409

Receipt Date: 13.12.11

Receipt Type	Detail	Amount
Miscellaneous	Change of use application - 3 Trig St Account: 0010063260	\$278.00

* GST Exclusive Charge	\$278.00	Total	\$278.00
* GST	\$0.00	Tendered	\$278.00
		Change Given	\$0.00
Cash	Cheque	Other	Cashier:SD
\$0.00	\$278.00	\$0.00	
			Round Amount
			\$0.00

3/4

WA JINKER SERVICE

ABN 21 805 659 577

OFFICE: 398 OXFORD STREET, LEEDERVILLE LOT 2447 MORRABINE STREET, PT HEDLAND
POSTAL: BOX 26 LEEDERVILLE WA 6007. PO BOX 556 PT HEDLAND WA 6722
PHONE/FAX (08)94441837 MOBILE 0417172031 BUILDER NO.S552
EMAIL:

STATEWIDE SERVICE DEMOLITION & BUILDERS
Building Removals portable Homes - Houses bought and sold - Transportable Homes - Kit Homes - Builders
All types of Projects undertaken

Building Dept. 13-12-2011
I. YUSNOVICH

Please note 398 Oxford St.
Pt Hawthorn WA 6016
is mailing address -

Plans just received were posted to
S.H. P.O. Box J. SMART.

J. Smart is in the office -
Could not get Mail - Mailing
Refer your Rates Dept -

Many Thanks



Building Plans sent to
Wrong Address -

Building on Site as
Per Consent Order 47,
JI. YUJNOVICH

A JINKER SERVICE

ABN 21 805 659 577

T, LEEDERVILLE LOT 2447 MOORABINE STREET PT HEDLAND
LEEDERVILLE WA 6007. PO BOX 556 PORT HEDLAND WA 6722
41837 MOBILE 0417172031 BUILDER NO.5552
EMAIL: jinker.j@gmail.com

WIDE SERVICE DEMOLITION & BUILDERS
is bought and sold - Transportable Homes - KIT HOMES - BUILDERS
ALL TYPES OF PROJECTS UNDERTAKEN

George (3-6-2011)

13:12:2011

Planning Dept,

Application to demol. the Planning Lot 3
Wigg St. Wadswold H.O.A.

Next to Overtop.

Have just received Building Dept
Approvals for Shed Building Lot 3

Proposal is to place Building as per PLANS
Parking Details etc. 2 Areas on Front
section of lot 3. (Planning Approvals in Place)

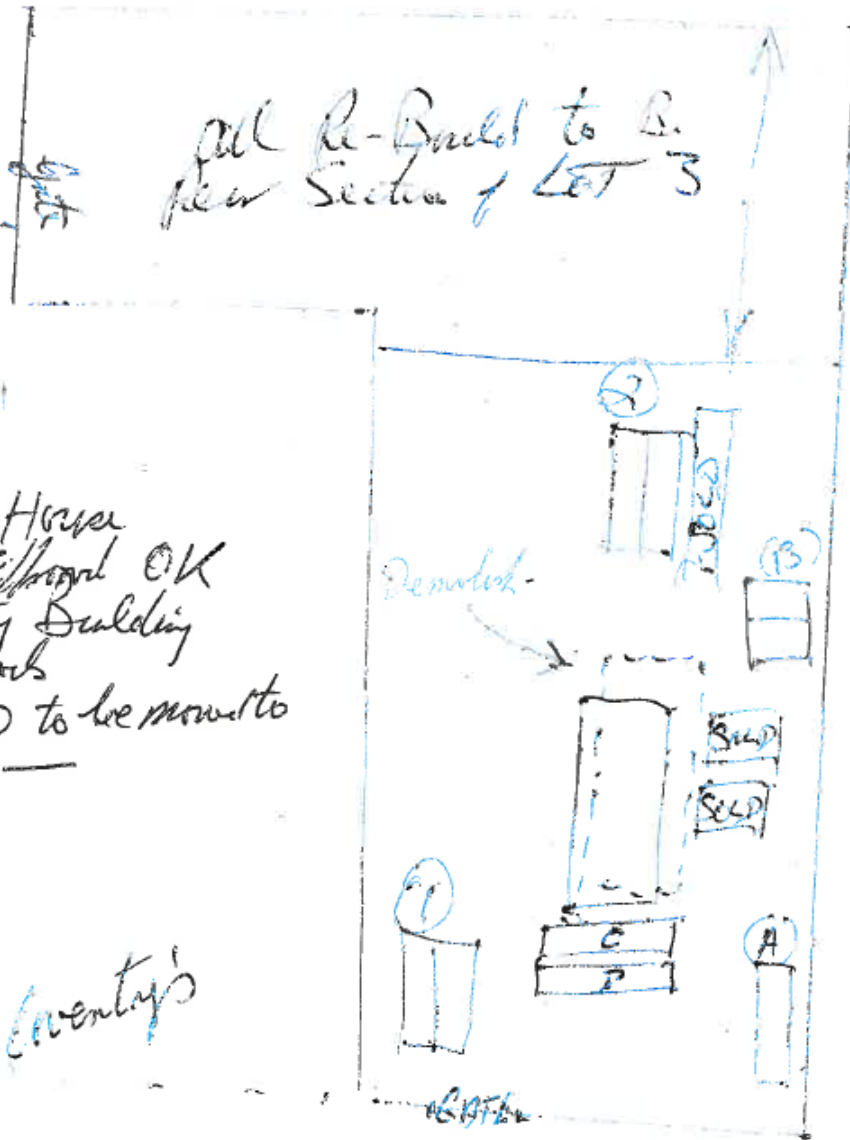
Waiting for Building Approvals -

Buildings on Front have been sold and
subject to re-location 2 Building to be
removed to Reg - Buildings at rear
are to be re-built on site

Planning Approvals Required on

Storage of Buildings, Complete - In-complete -
and Demolition. Paper - R. Build also storage.

LOT 3. TRIG ST ^{4/4}
WEDGEFIELD.



1x2. House
Plan Approval OK
Waiting Building
Approvals
A, C, D to be moved to
K on. —

Coventry's

3 TRIG ST

Planning
Notes



WA JINKER SERVICES
PO BOX 556
PORT HEDLAND WA 6721

OPA-21653
ENTERED
DATE 21/12/11 BY Marie



Our Ref: 2011/615 / 1216700

Your Ref:

Enquiries: LEONARD LONG

Direct Line: 08 9158 9342

Email: mgrpl@porthedland.wa.gov.au

Dear WA JINKER SERVICES

2011/615 CHANGE OF USE - PROPOSED SHED, LOT 3, 3 TRIG STREET WEDGEFIELD 6724

Thank you for the above application received by the Town on 14/12/2011. The application will now be forwarded to the Planning Units Technical Officer to ensure that all the required documentation has been received.

Should you require additional information please do not hesitate to contact the Planning Unit on 9158 9331.

Yours sincerely

**LEONARD LONG
MANAGER PLANNING**

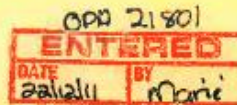
19 December 2011

Cc. IVAN YUJNOVICH
398 OXFORD STREET
MT HAWTHORN WA 6915

PORT
HEDLAND
PILBARA'S
PORT CITY



WA JINKER SERVICES
PO BOX 556
PORT HEDLAND WA 6721



Our Ref: 2011/615 / 121670G
Your Ref.
Enquiries: Ryan Djanegara
Direct Line: (08) 9158 9326
Email: po3@porthedland.wa.gov.au

Dear WA JINKER SERVICES

APPLICATION NO: 2011/615 FOR CHANGE OF USE - PROPOSED SHED ON LOT 3 (3) TRIG STREET WEDGEFIELD 6724

Further to your application received on 14/12/2011, the following information / documents as required on the application form have not been provided:

1. A Site Plan to a scale of no less than 1:500 showing the following:
 - a. Lot dimensions
 - b. Street Names
 - c. North Point
 - d. Existing & Proposed Buildings (including areas m²)
 - e. Existing & Proposed Ground & Floor Levels
 - f. Setbacks (both internal & external)
 - g. Driveways/Access Points (dimensioned)
 - h. Fencing Details (Type & Height)
 - i. Layout of existing & proposed parking (dimensioned)
 - j. Proposed Landscaping
2. Floor Plan(s) to a scale of no less than 1:100 or 1:200 showing the following:
 - a. Floor Plan for every storey (if applicable)
 - b. Room Layout including walls, windows and proposed use of room/
 - c. Dimension and areas of each room.
3. Elevations Drawn in colour and to scale no less than 1:100 or 1:200
 - a. View of every face of the building
 - b. Material & Colours

Kindly provide the above documents / amendments within 14 days from the date of this letter. Please note, until the above documents / amendments

PORT
HEDLAND
PILBARA'S
PORT CITY

City Centre P: (08) 9158 9307
BinGreg. @.Roxes P: (08) 9158 9399

have been received the application is considered to be incomplete and cannot be progressed further.

Should you have any queries or require additional information please do not hesitate to contact the Planning Unit on 9158-9331 / 321

Yours sincerely



LEONARD LONG
MANAGER PLANNING SERVICES

22 December 2011

YUJNOVICH
398 OXFORD STREET
MT HAWTHORN WA 6915

PORT
HEDLAND
PILBARA'S
PORT CITY

11.1.1.4 *Abandonment of Scheme Amendment No. 16 to the Port Hedland Town Planning Scheme No. 5 (File No.: 18/09/0022)*

Officer	Ryan Djanegara Planning Officer
Date of Report	29 November 2012
Application No.	2007/253
Disclosure of Interest by Officer	Nil

Summary

At Council's Special Meeting on 16 October 2007, Council resolved to initiate Scheme Amendment No. 16 (SA16) to rezone various lots and reserves along Moore Street, Port Hedland from "Residential R12.5/30" to "Residential R12.5/50" and "Cemetery" to "Community".

The Scheme Amendment was referred to the Environmental Protection Authority (EPA). As part of their assessment, the EPA required an Environmental Review over the subject site addressing concerns with regard to elevated dust levels.

During this period, Scheme Amendment No. 22 (SA22) had been initiated by Council which was noted to overlap portions of SA16. SA16 was amended to remove the overlapping properties referenced in both scheme amendments.

SA22 which rezoned all residential zoned land west of Taplin Street was published in the Government Gazette in April 2012, resulting in the need for SA16 being nul and void. This was confirmed with both the Department of Planning and Landcorp who requested the initiation of SA16.

Background

At Council's Special Meeting on 16 October 2007, Council resolved to initiate Scheme Amendment No. 16 to rezone the following sites:

Lot Number	Then Zoning	Proposed Zoning
1628	Other Public Purposes – Cemetery	Other Public Purposes – Community
5862 and 3830	Other Public Purposes	Residential R12.5/50
1399 and 2469	Residential R12.5/30	Residential R12.5/50
Closed portion of Beart Street	Local Road	Residential R12.5/50
Beart Street	Parks and Recreation	Residential R12.5/50

Overlap with Scheme Amendment 22

Scheme Amendment No. 22 was initiated by Council during the EPA assessment process for Scheme Amendment No. 16. Scheme Amendment No. 22 sought to increase the size of the Port Hedland Town Centre and create a new West End Residential Zone. The new zone proposed to address the elevated dust concerns by incorporating development controls that would mitigate the perceived dust levels within the west end.

Lots 1399 and 2469 were initially proposed to be recoded R12.5/50 under Scheme Amendment No. 16. This conflicted with Scheme Amendment No. 22 which sought to rezone these lots to West End Residential. On 24th March 2010, Council amended Scheme Amendment No. 16 to remove those lots 1399 and 2469 from the proposed Amendment in favour of being rezoned under Scheme Amendment No. 22.

Consultation

- Department of Planning
- Landcorp
- Environmental Protection Agency

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

Given the gazettal of SA22, which effectively includes the portions of land included in SA16, there is no need to proceed with SA16.

Options

Council has the following options when considering the matter:

1. Abandon the Scheme Amendment

Should Council seek to abandon Scheme Amendment No. 16, the residential lots included in the scheme will remain as zoned by SA22.

2. Proceed with the Scheme Amendment

Should Council resolve to proceed with the Scheme Amendment, an Environmental Review will be required. Advice from the Environmental Protection Agency is the scheme amendment would have to reflect the same conditions imposed on SA22.

Option 1 is recommended.

Attachments

1. Locality Map
2. Scheme Amendment Documentation

201213/202 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

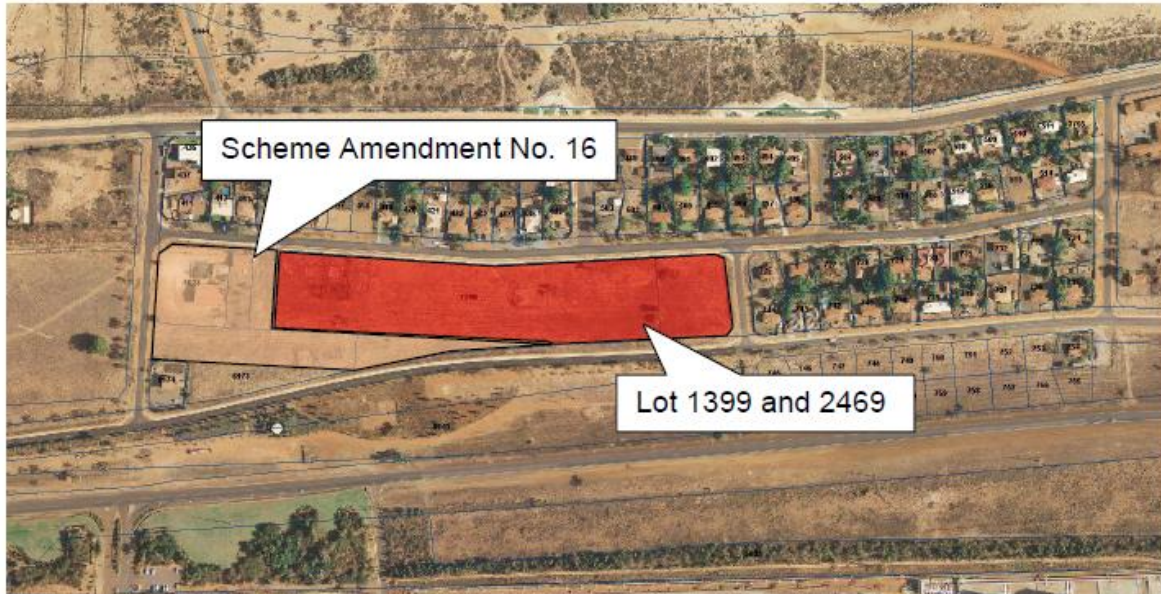
That Council:

- 1. abandons Scheme Amendment No. 16; and**
- 2. advises the applicant, landowner, Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC) of its decision.**

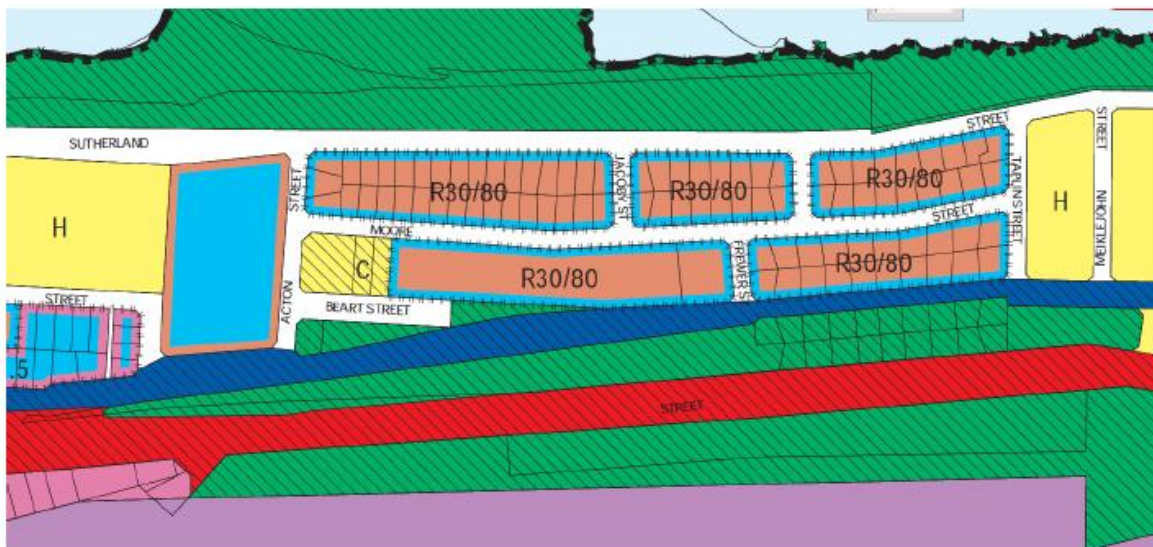
CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.4

Attachment 1 - Locality Plan



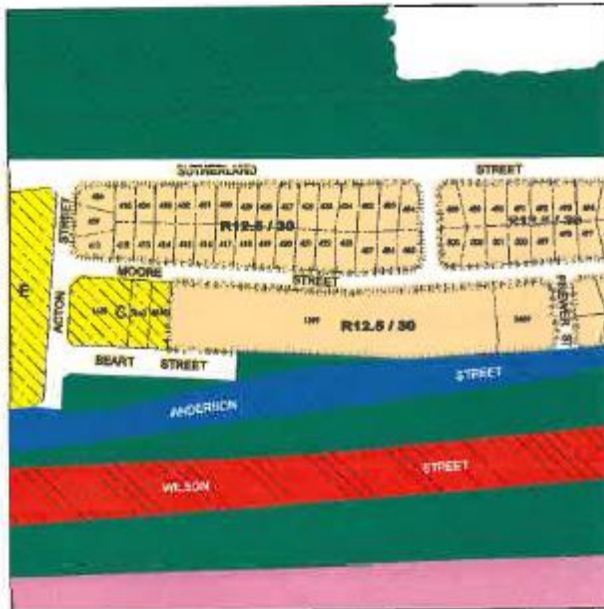
Current Town Planning Scheme No. 5 (after Scheme Amendment No. 22)



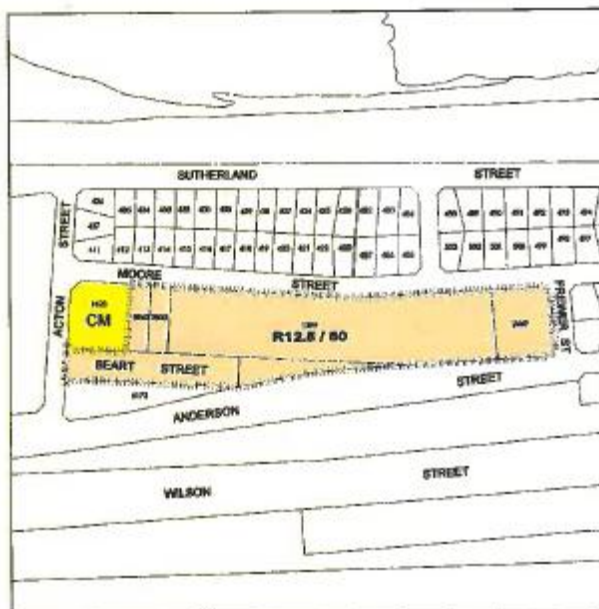
ATTACHMENT 2 TO ITEM 11.1.1.4

SCHEME AMENDMENT MAP

**TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME No: 5
AMENDMENT No: 16**








EXISTING ZONING



PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES

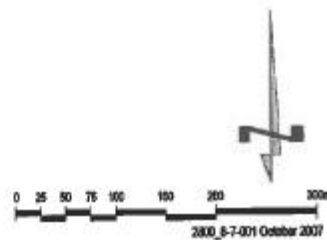
-  DISTRICT ROAD
-  LOCAL ROAD
-  OTHER PUBLIC PURPOSES
Denoted as:
C Cemetary
E Energy
-  PARKS AND RECREATION
-  STATE AND REGIONAL ROADS

ZONES

-  RESIDENTIAL
-  COMMUNITY
Denoted as:
CM Community
-  STRATEGIC INDUSTRY

OTHER

-  R-CODES



11.1.1.5 *Proposed Acquisition of a portion of Reserve 34970 being Lot 3746 Lawson Street, South Hedland (File No. 130404G)*

Officer Katherine Press
Acting Lands Officer

Date of Report 28 November 2012

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the Department of Training and Workforce Development (applicant) to permanently excise a portion of Reserve 34970 being a portion of Lot 3746 Lawson Street, South Hedland and to include the excised portion of land into the proposed adjoining Lot 550 on Reserve 31664 (attachment 1).

The excision of a portion of Reserve 34970 is required for access to proposed Lot 550, which has been development by the applicant for Pilbara Employment Accommodation related to the educational campus on the adjoining lot. The Town has been requested to surrender the vesting of a portion of Reserve 34970 to the VET (WA) Ministerial Corporation.

It is recommended the proposal be supported by Council.

Background

Pilbara Institutes Pundulmarra Campus is located on Reserve 31664. It is proposed to subdivide existing Lot 551 into two (2) thereby creating Lot 550. The subdivision of these lots is currently with the Department of Regional Development and Lands and is yet to be approved.

The applicant has proposed 547m² be excised from Reserve 34970 to enable formal access to the proposed Lot 550 from Roberts Street. The Reserve 34970 is currently vested to the Town of Port Hedland for "Drainage purposes". The excised portion of the reserve will eventually become Lot 552.

Proposed Lot 550 will facilitate the development of Pilbara Employment Related Accommodation, for Aboriginal apprentices and trainees.

Please refer to attachment 2 – locality plan.

Consultation

The proposal was circulated internally to the following Departments:

- Technical Services;
- Investment and Business Development.

Statutory Implications

Department of Regional Development and Lands Government Land Policy Manual.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

A Drainage Strategy has been provided to the Town, which proposed a box culvert be constructed on the proposed excised portion of reserve 34970. This will ensure there is no impact on the stormwater drainage system. Technical Services has reviewed the strategy and have raised no objections subject to the following conditions being imposed:

1. The proposed box culvert must have no impact to the flow capacity of the existing drainage reserve.
2. Detailed civil plans of the box culvert shall be submitted and approved by the Manager Technical Services. The civil plans should include the natural ground level and crash barriers on both sides of proposed Lot 552 and designed in accordance with the relevant Australian standards.

From a planning perspective the excision of portion of reserve 34970 is supported subject to the excised portion being amalgamated into proposed Lot 550.

Options

Council has the following options for responding to the request:

1. Support the applicant's request to excise a portion of Reserve 34970 and the excised portion be included in Lot 550 on Reserve 31664 once the subdivision has been approved and to surrender the vesting of the portion of Reserve 34970, as per attachment 1.

Approving the request will result in the Pilbara Employment Related Project commencing and accordingly, provide affordable housing to Aboriginal apprentices and trainees. It will also see the vesting of the portion of excised portion of Reserve 34970 being transferred to the VET (WA) Ministerial Corporation.

2. Refuse the applicant's request to excise a portion of Reserve 34970.

Refusal of the applicants request may jeopardise the proposed affordable housing project required to house Aboriginal apprentices and trainees.

Option 1 is recommended.

Attachments

1. Request from Department of Training and Workforce Development dated 2 July 2012.
2. Locailty Plan.

201213/203 Officer's Recommendation/Council Decision

Moved: Cr Hunt

Seconded: Cr Hooper

That Council:

1. **support the applicant's request to excise a portion of Reserve 34970 and the excised portion be included in Lot 550 on Reserve 31664, as per attachment 1, subject to the following conditions:**
 - a. **Prior to the excision of Reserve 34970, detailed civil plans of the box culvert being submitted and approved by the Manager Technical Services. The civil plans should include the natural ground level and crash barriers on both sides of proposed culvert and designed in accordance with the relevant Australian standards**
 - b. **The successful subdivision of Lot 551 to create Lot 550;**

2. delegates the Manager Planning Services to forward Council support for the excision of portion of Reserve 34970 and the amalgamation thereof with Lot 550 on Reserve 31664 to the Department of Regional Development and Lands (State Land Services).

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.5



Government of Western Australia
Department of Training
and Workforce Development

D12/0403620

Mr Ian Hill
A/Chief Executive Officer
Town of Port Hedland
PO BOX 41
PORT HEDLAND WA 6721

Document #: IPA28535
Date: 05.07.2012
Officer: LEONARD LONG
File: 130404G

Dear Mr Hill

**REQUEST FOR ACQUISITION FOR PORTION OF DRAINAGE RESERVE 34970
WITH MANAGEMENT ORDER TO THE SHIRE OF PORT HEDLAND –
EMPLOYMENT RELATED ACCOMMODATION PROJECT**

The Department of Training and Workforce Development is seeking your assistance to acquire 547 square meters of land from reserve 34970 managed by the Shire of Port Hedland.

It is intended that the land requested for acquisition be included into the adjoining lot 550 on Deposited Plan 73213 attached, being reserve 31664 managed by the Minister for Training and Workforce Development to enable formal access to lot 550 from Roberts Street.

Reserve 31664 contains the Pilbara Institute's Pundulmurra campus and Lot 550 has been created to accommodate the Pilbara Employment Related Accommodation (ERA) project in partnership with BHP Billiton Iron Ore and the State, represented by the Department of Housing and this Department.

The ERA facility will provide affordable housing with support services for Aboriginal apprentices and trainees in line with the National Partnership Agreement on Remote Indigenous Housing between the State and Commonwealth Governments.

Pilbara Institute through its Pundulmurra campus will also have opportunities to provide training for the tenants housed at the ERA facility.

The attached draft Deposited Plan identifies the 547 square meters as Lot 552 required to create formal access.

The VET (WA) Ministerial Corporation will provide a lease to the Housing Authority for a term of twenty years for Lot 550 including Lot 552, if favourable by the Town of Port Hedland, at peppercorn rental. This lease will provide security of tenure for the Housing Authority and assist to finalise funding agreements with BHP Billiton Iron Ore during the life of the project.

Locked bag 16 Osborne Park Delivery Centre WA 6916
Optima Centre – Building B, 16 Parkland Road, Osborne Park WA 6017

Should you require further information please contact Mr James Bartninkaitis, Senior Land and Leasing Project Officer by telephone on 6551 5624 or email at james.bartninkaitis@dtwd.wa.gov.au

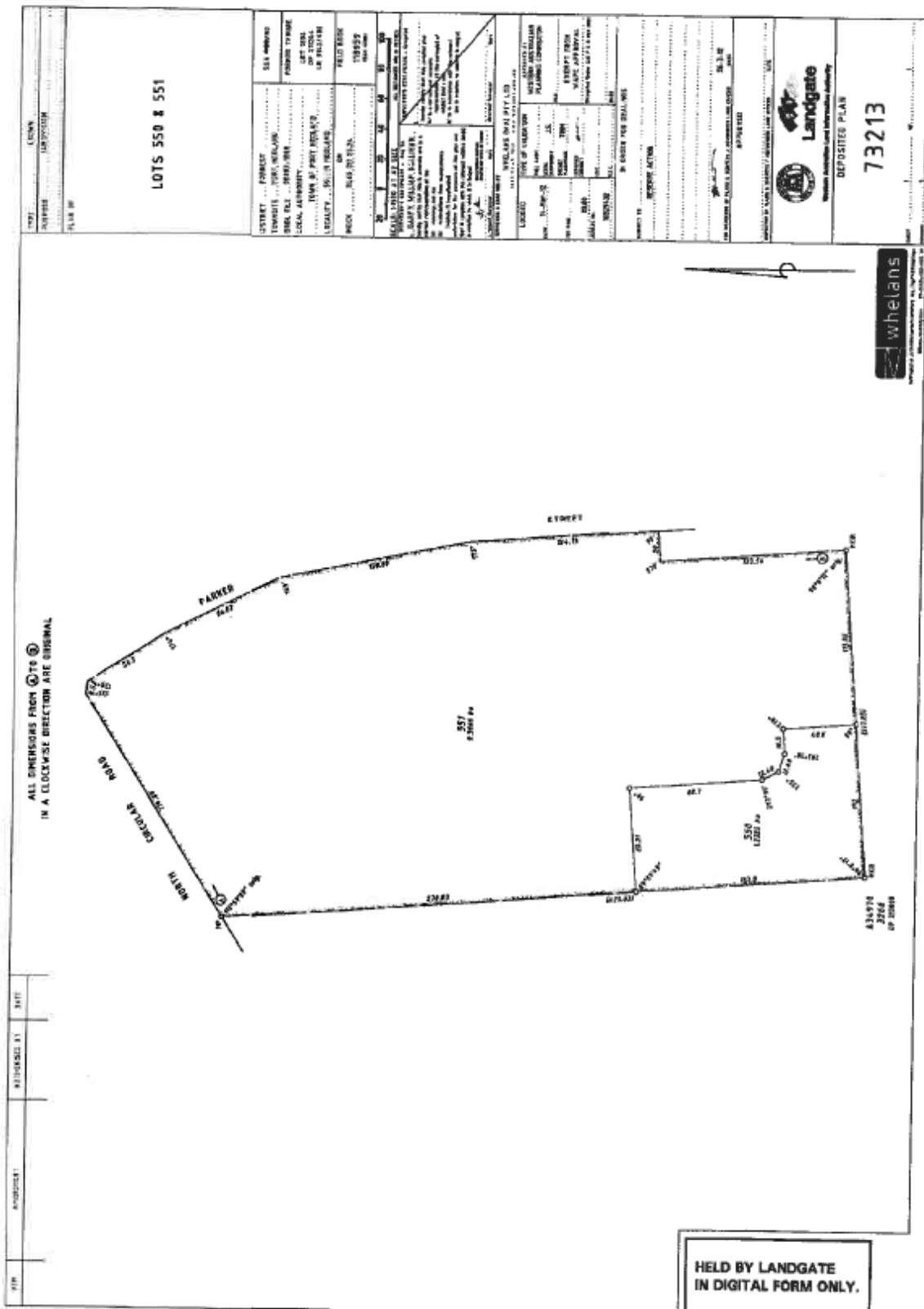
Yours sincerely



RUSSELL BROWN
A/EXECUTIVE DIRECTOR
SERVICE RESOURCE MANAGEMENT

2 JUL 2012

Att



LANDGATE COPY OF ORIGINAL NOT TO SCALE Wed Mar 28 08:42:25 2012 JOB 38831614

TIME: 09:00 PURPOSE: 15/12/2012 PLAN NO:	LOTS 552, 553 & 554	DISTRICT: PORT NEILAND TOWNSHIP: PORT NEILAND LOCAL AUTHORITY: PORT NEILAND LOCALITY: SOUTH NEILAND BLOCK FILE: 15/12/2012 FORMER TENURE: LIT 2006 C/T 2007/08 FIELD NO:	AREA: 10.0000 DISTRICT: PORT NEILAND TOWNSHIP: PORT NEILAND LOCALITY: SOUTH NEILAND BLOCK FILE: 15/12/2012 FORMER TENURE: LIT 2006 C/T 2007/08 FIELD NO:	TITLE: 15/12/2012 APPLICANT: MAREK MALIUTY LTD TYPE OF DEVELOPMENT: RESIDENTIAL DEVELOPMENT INTENTED USE: RESIDENTIAL DEVELOPMENT DATE OF APPLICATION: 15/12/2012 COUNTY: SOUTH AFRICA PROVINCE: WESTERN CAPE LOCAL AUTHORITY: PORT NEILAND DISTRICT: PORT NEILAND TOWNSHIP: PORT NEILAND LOCALITY: SOUTH NEILAND BLOCK FILE: 15/12/2012 FORMER TENURE: LIT 2006 C/T 2007/08 FIELD NO:
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ALL DIMENSIONS FROM (A) TO (B)
IN A CLOCKWISE DIRECTION ARE ORIGINAL

1:2000
DELIVERABLE 'T'
NOT TO SCALE

PRELIMINARY ONLY
 THIS PLAN IS SUBJECT TO LANDGATE AUTHORITY
 APPROVAL. ANY CHANGES TO THIS PLAN
 WITHOUT THE WRITTEN CONSENT OF LANDGATE
 AUTHORITY WILL BE AT THE APPLICANT'S RISK.
 THIS PLAN IS NOT TO BE USED FOR ANY OTHER
 PURPOSES.

APPROVED BY: _____ DATE: _____

DATE: _____

Landscape Institute
 Western Australian Land Information Authority
DEPOSITED PLAN

ATTACHMENT 2 TO ITEM 11.1.1.5



11.1.1.6 *Amendment to Proposed Road Names – Approved Subdivision of Various Lots Referred to as Lot 2 Limpet Crescent, South Hedland (File No.: 18/07/0016)*

Officer Katherine Press
Acting Lands Officer

Date of Report 29 November 2012

Disclosure of Interest by Officer Nil

Summary

At the Ordinary Council Meeting on 22 August 2012 Council resolved to approve proposed road names for the approved amalgamation and re-subdivision of various lots in South Hedland.

The Town has recently received correspondence from the Geographical Names Committee advising the proposed extension of Lovell Place through Kennedy Street is not appropriate due to existing street numbering.

This report is before Council to consider amending its previous resolution to comply with the requirements of the Geographical Names Committee.

Background

The Town received a request from McMullen Nolan Group (applicant) on behalf of Department of Regional Development and Lands, and the State Housing Commission to endorse proposed road names created as a result of the approved amalgamation and re-subdivision of various lots in South Hedland. Part of the request was for Lovell Place to be extended through a portion of Kennedy Street (off Cottier Drive).

This matter was presented to Council at the Ordinary Council Meeting held on 22 August 2012. At the meeting Council resolved as follows:

1. *Approves the use of Coolenar Road, Carraba Boulevard, Junction Crescent, Marloo Way, Meedanar Road, Pilinya Crescent, Pinpin Road, Pooça Lane, Redrock Lane, Salmon Lane, Stingray Road, Yann Lane, Yegin Place, Yule Lane, Welburn Crescent, Pretty Way and Mangrove Road for future Roads as indicated on Attachment 1.*
2. *Delegates the Manager Planning Services to forward the approved Road names to the Geographical Names Committee for final approval.*

3. *Advises the applicant any costs associated with the required Road signage will be at the cost of the applicant.*
4. *Advises the applicant the proposed Street signs are to be to the specifications of the Manager Technical Services and to the satisfaction of the Manager Planning Services.*

The Town forwarded the proposed road names request to Geographical Names Committee for final approval on the 3 October 2012.

Geographical Names Committee advised it is not appropriate for Lovell Place to be extended through Kennedy Street, as the street numbering commences at Lot 3118 Lovell Place (Attachment 1).

Geographical Names Committee provided the applicant and the Town with a suggestion to resolve the matter. It was suggested Lovell Place not be extended through Kennedy Street and the portions of Kennedy Street be renamed separately using road names taken from the Town of Port Hedland Reserve Road Names Register (Attachment 2), as approved by Council.

Consultation

Nil.

Statutory Implications

The naming or renaming of 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

Nil.

Budget Implications

Nil.

Officer's Comment

If Lovell Place is extended through Kennedy Street, the Town will not be able to provide sufficient street numbering to any future development on that portion of road.

The renaming of Kennedy Street will affect one property located within the cul-de-sac portion of Kennedy Street. This property consists of fourteen (14) units and is owned by the Department of Housing.

As per Geographical Names Committee's suggestion, it is recommended that Lovell Place not be extended and the portions of Kennedy Street be named separately using road names taken from the Town's Reserve Road Names Register. The proposed road names and their historical origins are as follows:

Port – The name follows a nautical theme. Port is the left-hand side of a ship.

Galley - The name follows a nautical theme. The Galley is a kitchen or an area with kitchen facilities in a ship / boat.

Suffixes are required to be assigned to the proposed road names, in accordance with the Australian and New Zealand Standard - Rural and Urban Addressing (AS _NZS – Rural and Urban Addressing).

As a result of the approved amalgamation and re-subdivision of various lots in South Hedland, Lovell Place and Brown Place have become through roads and their suffixes will be required to be amended, also in accordance with the AS _NZS – Rural and Urban Addressing.

Options

Council has the following options for responding to the request from RDL:

- a. Support the re-naming of Kennedy Street to Port Way and Galley Place, as per Attachment 2.

This will see the Kennedy Street being renamed as per Part 2, Division 3, Section 26A of the Land Administration Act 1997.

- b. Object to the re-naming of Kennedy Street to Port Way and Galley Place, as per Attachment 2.

This will see Lovell Place being extended through Kennedy Street and causing issues in the future for street numbering of any new development on that portion of road.

Option 1 is recommended.

Attachments

- a. Plan of Lovell Place street numbering.
- b. Plan of proposed road naming.

201213/204 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

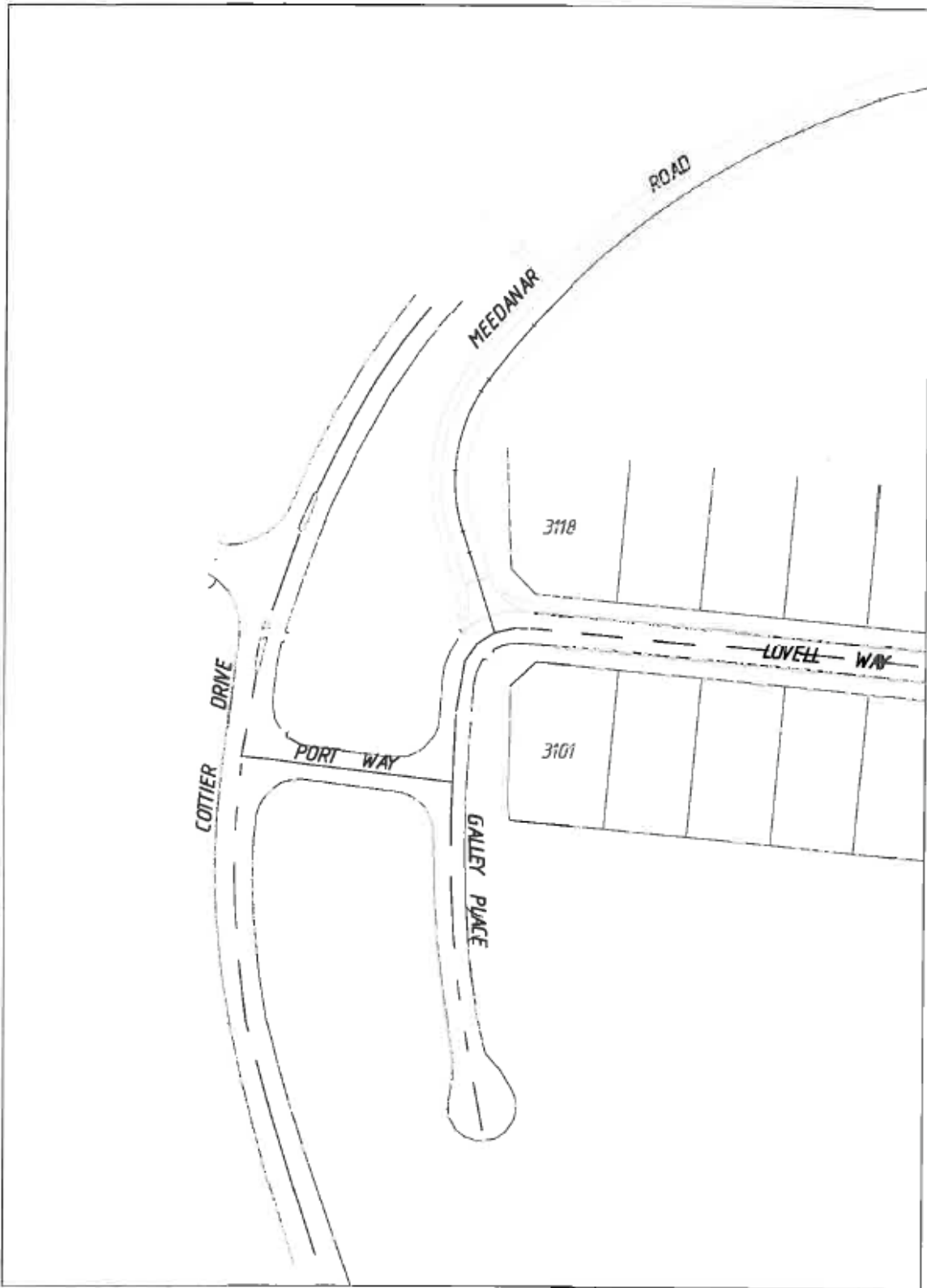
- 1. approves the renaming of Kennedy Street to Port Way and Galley Place, as per attachment 2.**
- 2. delegates the Manager Planning Services to submit the request for the re-naming of Kennedy Street to the Geographical Names Committee for final approval, subject to the following:**
 - a) The proposed renaming of Kennedy Street 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.**
- 4. advises the applicant that the proposed street signs are to be to the satisfaction of Council's Engineering Services and to the satisfaction of the Town of Port Hedland's Manager Planning.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.6



ATTACHMENT 2 TO ITEM 11.1.1.6



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11.1.1.7 *Retrospective Redevelopment of South Hedland Aquatic Centre on Lot 5815 (1-3) Leake Street South Hedland (File No.: 800520G)*

Officer	Leonard Long Manager Planning Services
Date of Report	30 November 2012
Disclosure of Interest by Officer	Nil

Summary

The Towns Infrastructure Development unit has submitted an application for retrospective approval for the “Redevelopment of the South Hedland Aquatic Centre (SHAC)” at Lot 9007 and proposed Lot 1505 (currently part lot 5815) (1-3) Leake Street South Hedland (site).

Discussions with Town of Port Hedland Officers have indicated the SHAC is likely to be opened prior to the completion of the 84 parking bays on site and the installation of external lighting.

Notwithstanding the application is recommended for approval by Town of Port Hedland Officers, Council is required to resolve if the SHAC will be opened prior to complying with certain of recommended conditions.

Background

Location and description

The subject site is located on the eastern side of Leake Street, with frontage to Murdoch Drive and Forrest Circle, and has an area of approximately 2.0279ha.

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned “Town Centre” and can be determined as “Private Recreation”.

The Proposal

The applicant is seeking retrospective approval for “Private Recreation” which involved the redevelopment of the South Hedland Aquatic Centre including the provision of a new wave machine and aqua tower as well as a variation to parking requirements specified in TPS5.

Consultation

The application was circulated to the following units / organisations:

Internally:

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health
- Manager Investment and Business Development
- Manager Recreation Services
- Manager Community Services

Externally:

- Nil

Notwithstanding that the Scheme does not require a "P" use to be advertised, given the nature of the proposal the application was advertised for a period of 14 days.

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 Port Hedland Town Planning Scheme No. 5.

Policy Implications

Nil

Strategic Planning Implications

The following section of Council's Strategic Community Plan 2012-2022 is considered relevant:

- | | |
|-------|--|
| 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. |
| 6.1.2 | Vibrant
Improving the quality of life for existing residents with a focus on families. |

- 6.3 Environment
6.3.2 Community Facilities
Facilitate the provision high quality health services and facilities for residents that are equal to or above the quality of those found in the metropolitan area.

Budget Implications

An application fee of \$41,848.20 has been received as per the prescribed fees approved by Council.

Officer's Comment

The redevelopment of the South Hedland Aquatic Centre is one of Council's major projects and represents stage 1 of a larger project that includes the redevelopment of the library and extensions to Lotteries House. The major issue requiring consideration is car parking.

Car Parking

Appendix 7 of TPS5 requires 1 car bay "for every 20m² pool, skating or other free-movement area". Given that the pool and grounds (excluding buildings) is approximately 9300m², 465 bays would be required. The applicant is seeking a reduction from 465 to 100 car parking bays. To support this reduction the applicant provided a parking strategy (the strategy) prepared by Porter Consulting Engineers for South Hedland Community Facilities.

The strategy reviewed parking facilities at 19 aquatic centres across the state and identified four with similar characteristics. Based on the parking availability and usage at these similar facilities, the strategy states:

"This suggests that a provision of 100 bays up to 200 bays will be sufficient for the South Hedland Aquatic Centre."

Having further regard to patronage of the SHAC, the strategy ultimately recommends 100 car bays be provided.

To achieve the recommended 100 car bays, 84 car bays are proposed on site with 25 car bays and a bus bay provided in the adjacent Leake Street road reserve. This would result in 109 bays being available for the SHAC.

Having regard to the parking recommendation by Porter Consulting Engineers, it is considered reasonable to include parking directly adjacent to the site into the overall calculation.

Options

Council has the following options when considering this application:

1. Approve the Application

The applications has been determined in the same manner as any other, Council has on a number of occasions approved similar scenarios where the adjacent street parking is included in the overall calculation.

2. Refuse the Application

Option 1 is recommended subject to conditions.

Attachments

1. Site composition Map
2. On-site car parking plan

201213/205 Officer's Recommendation/Council Decision

Moved: Cr Hooper

Seconded: Cr Gillingham

That Council:

- A. approves the application submitted by the Towns Infrastructure and Development Unit for retrospective approval of "Private Recreation" – Redevelopment of South Hedland Aquatic Centre at Lot 9007 and proposed Lot 1505 (currently part lot 5815) (1-3) Leake Street South Hedland subject to the following conditions:

1. This approval relates only to the proposed "Private Recreation" – Redevelopment of South Hedland Aquatic Centre, as indicated on the approved plans (DRG2012/534/1 - DRG2012/534/7), it does not relate to any other development on this lot.
2. A minimum of 100 car bays shall be provided for the development including a minimum of 84 on site bays as indicated on the approved site plan DRG/2012/534/2.
3. No parking bays shall be obstructed in any way or used for any other purpose than parking.
4. Walls and fences adjoining public streets / roads shall be no higher than 2.4m measured from natural ground level and be visually permeable above 1.2m.

5. **Stormwater shall be retained on-site, in accordance with Council's Technical Services Guidelines.**
6. **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.**
7. **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.**
8. **Within a period of 12 months or such further period as approved by the Manager Planning Services, Proposed Lot 1505 is to be amalgamated with Lot 9007.**

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

9. **Prior to the occupation of the development 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; and

10. **Prior to the occupation of the development, 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.**
11. **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)**

12. 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.
13. Prior to the occupation of the development, 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.
14. 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, "Private Recreation" is defined as follows:

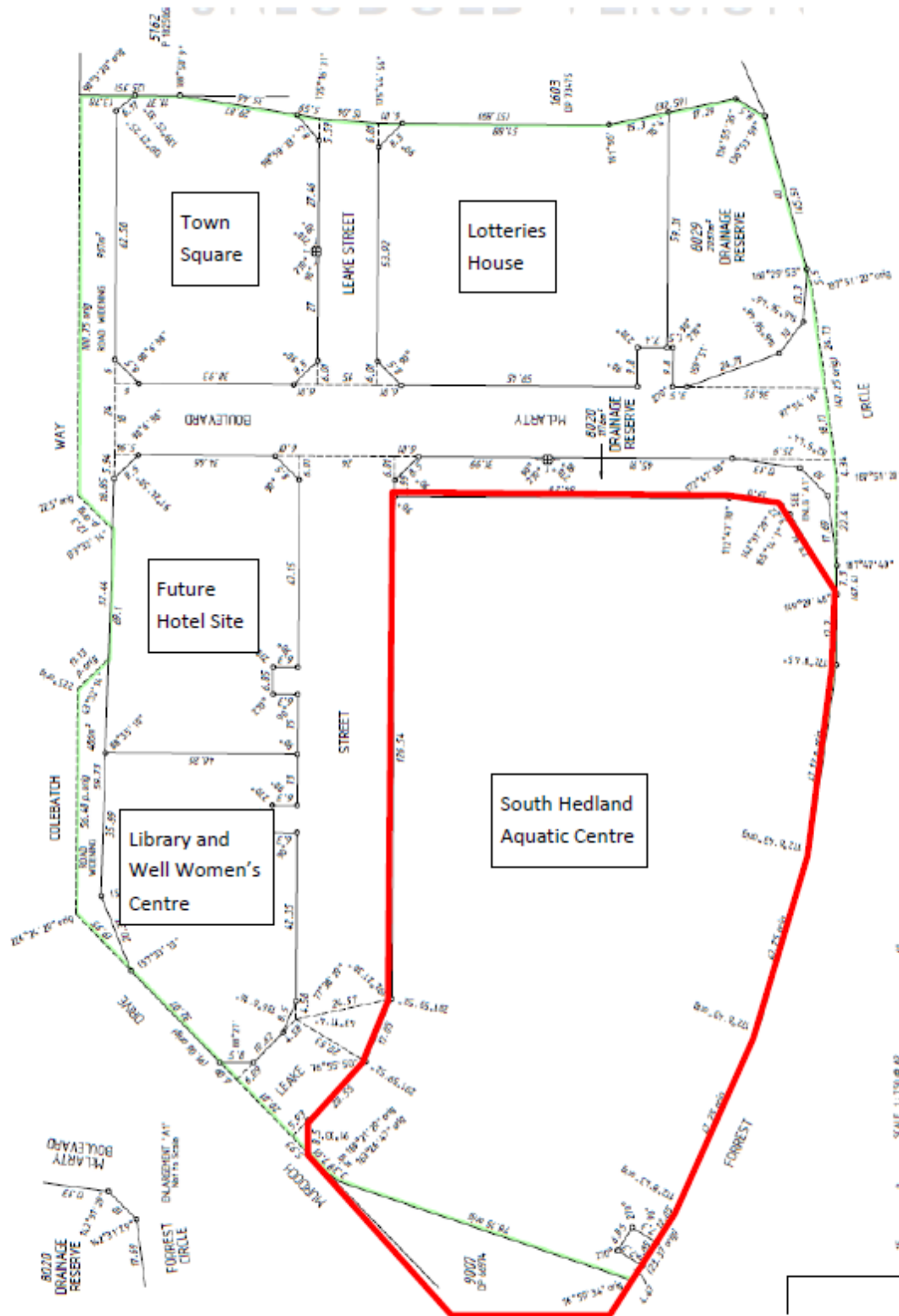
"land or buildings used for public parks, gardens, playgrounds or other grounds which are not usually open to the public without charge and includes health clubs squash courts and other indoor sports facilities."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility 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.
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.

- B. Delegates the Manager Planning Services to request the Department of Regional Development and Lands to vest Lot 9007 Murdoch Drive to the Town for “Recreational Purposes”.**

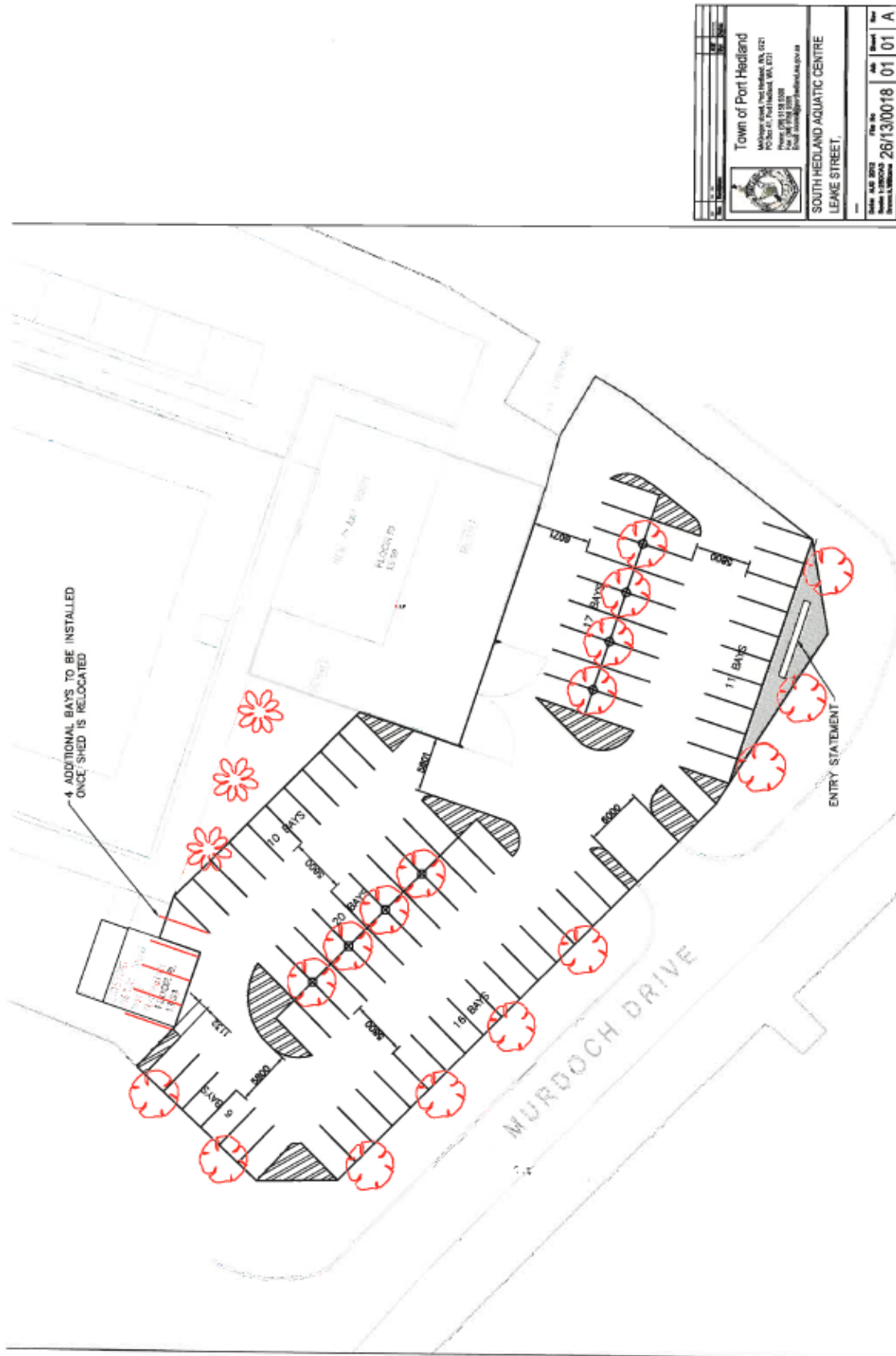
- C. Acknowledges the opening of the SHAC will be prior to the compliance with condition 2 regarding the provision of onsite parking and condition 12 regarding lighting of the required onsite car park as required in A. above.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.6



ATTACHMENT 2 TO ITEM 11.1.1.6



	
Town of Port Hedland Municipal Office, Port Hedland, WA 6212 PO Box 41, Port Hedland, WA 6211 Phone: 08 91 01 8200 Email: info@porthedland.wa.gov.au	
SOUTH HEDLAND AQUATIC CENTRE LEAKE STREET.	
DATE: 26/13/0018	JOB: 01 01
BY: [Signature]	REV: A

11.1.1.8 *Reconsideration of Conditions for the approved – Extension to a Non-Conforming Use “Transport Depot” At Lot 1035 (8) Murrena Street Wedgefield 6724 (File No.: 804488G)*

Officer	Ryan Djanegara Planning Officer
Date of Report	30 October 2012
Application No.	2012/319
Disclosure of Interest by Officer	Nil

Summary

Council has received a request to reconsider the conditions imposed on an application submitted by Greg Rowe & Associates on behalf of Linfox Property Group for the approved Extension to a Non-conforming Use "Transport Depot". The application was approved by Council at its Special Council Meeting held on the 10 October 2012.

The requested amendments are merely to clarify the conditions; Council Officers recommend the requested changes be supported.

Background

Council at its Special Meeting held 10 October 2012, resolved to approve the application subject to conditions. The applicant has request Council to reconsider the following conditions imposed through the approval:

- “5. No human habitation shall be permitted on the lot.*
- 8. Access to the property for road trains are restricted to Pinga Street only and shall not enter and/or exit to Murrena Street.*
- 22. Within 90 days of this approval, 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 2)*
- 23. Within 90 days of this approval, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services.*

24. *Within 90 days of this approval, 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.*
25. *Within 90 days of this approval, a suitably screened bulk bin area shall be provided to the satisfaction of the Manager Planning Services.*
26. *Within 90 days of this approval, an approved effluent disposal system shall be installed to the satisfaction of the Manager Planning Services.*
27. *Within 90 days of this approval, an overall signage strategy shall be submitted and approved by the Manager Planning Services."*

The applicant has requested Conditions 5 and 8 be deleted from the permit and Conditions 22 – 27 be reworded to remove the requirement to satisfy these conditions within 90 days of the approval.

Consultation

During the assessment process the application was forwarded to the Town's Building Services, Engineering and Environmental Health sections with no objections being raised.

Statutory Implications

Planning and Development Act 2005

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).

Section 4.7.2 of the TPS5 states:

"Upon written application being made by an owner of land the Council may vary any condition imposed on a planning approval or may extend the time for compliance of any condition so imposed."

In light of the Scheme Provision, the Council is able to consider the applicant's request.

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:

- 5.7.6 Precinct 6 – Wedgefield Industry & Logistics
Precinct Summary
Dedicated Transport & Logistics Area reflecting planned release of some 100 new lots ranging in size from 4500sqm to 5.0ha.
Retention of existing Wedgefield with gradual relocation of heavier uses to other Growth Precincts more appropriately designated.

Budget Implications

An application fee of \$10,860 has been received as per the prescribed fees approved by Council.

Officer's Comment

At its Special Council Meeting held on the 10 October 2012, Council resolved to approve the application subject to conditions. The applicant has requested that Council reconsiders the conditions imposed on the proposed development, in particular Conditions 5, 8, 22 - 27.

Amendment to Condition 5

The applicant has requested condition 5 be deleted as it appears to contradict Planning Permit (2012/94) which permits a Caretaker's Dwelling on the site.

Whilst this was not the intention it is agreed the condition written in this manner may be confusing to both the present and future landowner. It is recommended condition be reworded to:

- 5. No human habitation shall be permitted on the lot with the exception of the approved Caretakers Dwelling.

Deletion of Condition 8

The applicant has requested Condition 8 is deleted from the Planning Permit providing the following justification:

“Condition 8 precludes road trains from entering and exiting the site via Murrena Street, which may hinder the operations of our Client.

The vast majority of road train movements will be via Pinga Street only but at times it may be necessary to utilise the existing crossover to Murrena Street (for road train movements) particularly in times where weather events may require a modification to normal traffic movements.”

As part of the original submission the applicant stated the following:

“There will be no traffic conflicts as large Linfox vehicles (i.e. Road Trains/trucks) will only utilise Pinga Street and not Murrena Street (or any other secondary street that may be accessed from the Murrena Street frontage).”

The approved site plan (DWG2012/319/1) indicated vehicular movement is possible to and from Pinga Street. The Pilbara Port City Growth Plan, as well as the LUMP indicated Wedgefield be rezoned to “Industry – Light”, a zone that does not support road train usage.

After further discussions the applicant has advised the access for road trains onto Murrena Street would be for emergency situations only i.e. in the event of a cyclone and the need to park all there road trains on site safely.

From a planning perspective this request is considered reasonable and the following amended wording is proposed:

8. Ingress to and egress from the property for road trains shall be restricted to Pinga Street only, ingress to and egress from Murrena Street for road trains shall only be permitted during cyclonic weather events.

Rewording Conditions 22 - 27

With regards to Conditions 22 – 27, the applicant has requested the specified time period of “within 90 days of the planning approval” be deleted. The applicant has indicated the specified time frames and physical works required to satisfy these conditions may conflict with the construction and timing of other works scheduled to occur on the site.

Section 4.6.5 of the TPS5 states:

Where Council imposes a condition of approval, it may specify a period or periods in which all or part of the requirements of a condition shall be completed.

Previously Council has requested these conditions be satisfied prior to the occupation of the development. This is to ensure the required works (such as installation of landscaping and crossovers) are completed in a timely manner. The landowner is currently utilizing the site and therefore such wording would be considered inappropriate.

It was considered reasonable to enforce a time period of 90 days for the requested works to be completed. The request from the applicant is not supported by Council Officers.

Options

Council has the following options when considering the application.

1. Approves amendments to Conditions 5 and 8, but refuses the request to delete conditions 22, 23, 24, 25, 26 27 of Permit.

This is believed to be a more desirable outcome as it considers the applicant's request whilst reviewing the intention of the conditions imposed on the permit. The deletion of Condition 8, would conflict with Council's strategic vision for Wedgefield.

2. Approves the deletion of Conditions 5 and 8, and rewording of Conditions 22 - 27 of the Permit to remove the 90 day time period.

This is considered undesirable as it does not reflect the intention of the conditions imposed or Council's strategic vision for Wedgefield.

3. Refuses the applicant's request.

Refusal of the applicants request would result in potential confusing for both the current and any future land owners.

Option one (1) is recommended.

Attachments

1. Locality Plan
2. Previously approved Plans
3. Applicant's request and justification letter

Officer's Recommendation

That Council:

- A. Approves in part the request by Greg Rowe & Associates on behalf of Linfox Property Group to delete conditions 5 and 8, and to amend conditions 22 – 27 (incl) as follows:
1. Approving the amendment of condition 5 and 8 to read as follows, and
 - “5. No human habitation with the exception of the caretaker's dwelling shall be permitted on the lot.”
 - “8. Ingress to and egress from the property for road trains shall be restricted to Pinga Street only, ingress to and egress from Murrena Street for road trains shall only be permitted during cyclonic weather events”
 2. Refuses the request to amend conditions 22 – 27 of planning permit 2012/319
- B. All other conditions as stated in Planning Approval 2012/319 remain unchanged.

201213/206 Council Decision

Moved: Cr Jacob

Seconded: Cr Daccache

That Council:

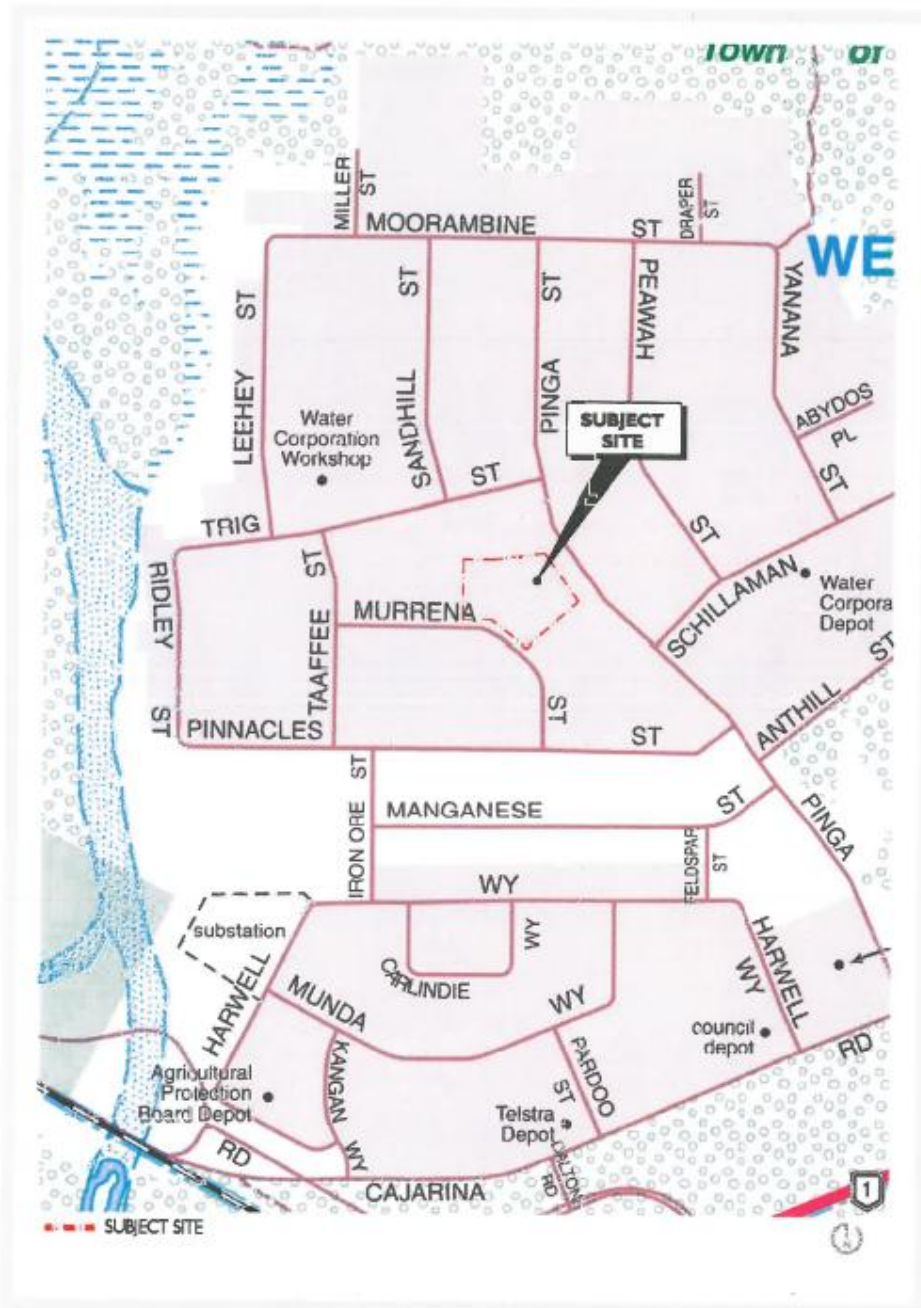
- A. approves in part the request by Greg Rowe & Associates on behalf of Linfox Property Group to delete conditions 5 and 8, and to amend conditions 22 – 27 (incl) as follows:
1. Approving the amendment of condition 5 and 8 to read as follows
 - “5. No human habitation with the exception of the caretaker's dwelling shall be permitted on the lot.”
 - “8. Ingress to and egress from the property for road trains shall be restricted to Pinga Street only, ingress to and egress from Murrena Street for road trains shall only be permitted during cyclonic weather events”, and

2. amends condition 22-27 to include provisions enabling the proponent to prepare a works plan for approval of Manager Planning Services.
- B. all other conditions as stated in Planning Approval 2012/319 remain unchanged.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.8

GREG ROWE & Associates
FOUNDED ON ACHIEVEMENT



DEVELOPMENT APPLICATION WEDGEFIELD 8 AUG 2012 GRA REF 7319 7519 1210101R1JAM

FIGURE 2 LOCAL LOCATION

ATTACHMENT 2 TO ITEM 11.1.1.8



Greg Rowe And Associates
PO Box 32
PORT HEDLAND WA 6721

Our Ref: 2012/319 / 804
Your Ref:
Enquiries: MICHAEL POUND
Direct Line:
Email: snrpo@porthedland.wa.gov.au



APPLICANT'S CO

Dear Julie,

**DECISION ON PLANNING APPLICATION No: 2012/319 FOR AN
EXTENSION TO A NON – CONFORMING USE “TRANSPORT DEPOT”
AT LOT 1035 (8) MURRENA STREET WEDGEFIELD 6724**

In regard to your above application submitted on behalf of the landowner, LPG Perth Airport Pty Ltd, I wish to advise that Council at its Ordinary Meeting held on 10 October 2012 resolved to approve your above application, subject to the conditions as contained on the attached Permit.

Please note the decision is part of unconfirmed Council Meeting minutes and are provided "Without Prejudice". Minutes are provided on the strict understanding that all terms whether deemed, expressed or implied do not purport to record the proceedings of Council until confirmed by resolution of the Council, normally at the following Ordinary Meeting.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

MICHAEL POUND
SENIOR PLANNING OFFICER
12 October 2012

Cc. LPG Perth Airport Pty Ltd
LEVEL 2 493 ST KILDA ROAD
MELBOURNE WA 3004

Civic Centre
McGregor Street
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APPLICANT'S COPY



Greg Rowe And Associates
PO Box 32
PORT HEDLAND WA 6721

Our Ref: 2012/319 / 804488G
Your Ref:
Enquiries: MICHAEL POUND
Direct Line:
Email: snrpo@porthedland.wa.gov.au

Dear Sir / Ms

**DECISION ON PLANNING APPLICATION No: 2012/319 FOR AN
EXTENSION TO A NON – CONFORMING USE "TRANSPORT DEPOT"
AT LOT 1035 (8) MURRENA STREET WEDGEFIELD 6724**

Planning consent is granted for the above application received on 08 August 2012 and indicated on the attached plans, subject to the following conditions:

1. This approval relates only to the proposed "Transport Depot", as indicated on the approved plans (DWG2012/319/1 – DWG2012/319/3). It does not relate to any other development on this lot.
2. In terms of the Port Hedland Town Planning Scheme No 5, "Transport Depot" is defined as follows:

"land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair and garaging, parking or storage of such vehicles."

3. 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.
4. The office shall be incidental to the predominant use, being "Transport Depot", and shall not be used for office activities unrelated thereto.
5. No human habitation shall be permitted on the lot.
6. A minimum of 60 car bays shall be provided as indicated on the approved site plan.
7. No parking bays shall be obstructed in any way or used for any other purpose than parking.

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8. Access to the property for road trains are restricted to Pinga Street only and shall not enter and/or exit to Murrena Street.
9. 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.
10. 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.
11. Stormwater shall be retained on-site, in accordance with Council's Technical Services Guidelines.
12. 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.
13. 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.
14. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the developers cost, to the specification and satisfaction of the Manager Technical Services.
15. The construction and operation of a washdown bay is to be in accordance with Department of Environment and Conservation requirements (Refer to advice note 3)

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

16. 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 and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years.
17. Prior to the commencement of any works an application is to be made and approved by the Manager Planning Services for the construction and installation of an effluent treatment system for the washdown bay.

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18. 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.
19. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.
20. Prior to the commencement of any works, the applicant is to demonstrate compliance to the Draft Country Sewerage Policy.
21. 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;

Condition to be cleared by Planning Services within 90 days of this approval,

22. Within 90 days of this approval, 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 2)
23. Within 90 days of this approval,, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services.
24. Within 90 days of this approval, 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.
25. Within 90 days of this approval, a suitably screened bulk bin area shall be provided to the satisfaction of the Manager Planning Services.

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26. Within 90 days of this approval, an approved effluent disposal system shall be installed to the satisfaction of the Manager Planning Services.
27. Within 90 days of this approval, an overall signage strategy shall be submitted and approved by the Manager Planning Services

ADVICE NOTES:

1. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements.
2. 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.
3. Manager Environmental Health Services have provided the following advice and/or comments:
 - a. Application is to be made for the Construction and installation of effluent treatment system for the washdown bay,
 - b. The construction and operation of a washdown bay is to be in accordance with Department of Environment and Conservation requirements.
 - c. The developer is advised that a plate separator or triple interceptor waste trap is required to be installed to the specification of Town's Environmental Health Services.
 - d. The proposed development must not interfere with existing effluent disposal system(s).
 - e. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
 - f. The development shall comply with the Environmental Protection (Noise) Regulations 1997 at all times.
4. DEC have provided the following advice and/or comments:
 - a. The proponent should ensure that the construction and operation of the hydrocarbon storage area is compliant with Australian Standard 1940:2004. The storage and handling of flammable and combustible liquids. Potentially contaminated stormwater from this area should also be contained and treated for hydrocarbons prior to discharge; and

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- b. The proponent should ensure that stormwater from the truck wash down bay is contained and treated for hydrocarbons prior to discharge.*
5. The Water Corporation have provided the following advice and/or comments:
 - a. Development shall comply with Pilbara Cities Vision;
 - b. Substantial increases in servicing capabilities from DeGray/Yule schemes expected by 2012;
 - c. Water is available to the Lot (application does not specifically indicate that additional water services are required)
 - d. Water Management plan includes appliance labeling standards, incentives for water conservation, garden/irrigation design, leak detection and opportunities for recycling.
 6. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
 7. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

Yours sincerely

MICHAEL POUND
SENIOR PLANNING OFFICER

12 October 2012

Cc. LPG Perth Airport Pty Ltd
LEVEL 2
493 ST KILDA ROAD
MELBOURNE WA 3004
AUSTRALIA

Civic Centre
McGregor Street

PO Box 41
Port Hedland, WA, 6721

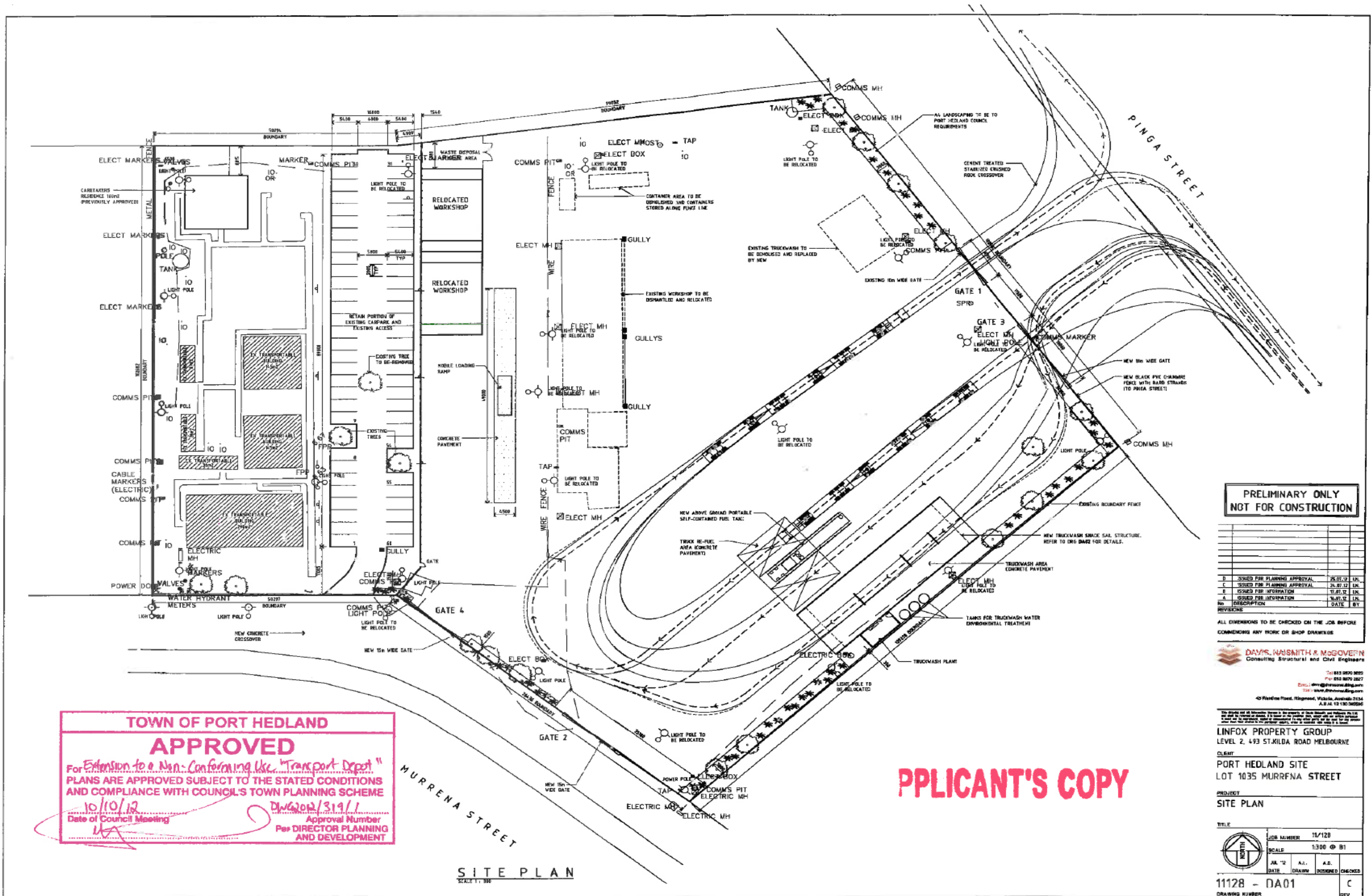
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**PRELIMINARY ONLY
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NO	DESCRIPTION	DATE	BY
D	ISSUED FOR PLANNING APPROVAL	26.07.12	LN
C	ISSUED FOR PLANNING APPROVAL	24.07.12	LN
E	ISSUED FOR INFORMATION	17.07.12	LN
A	ISSUED FOR INFORMATION	14.07.12	LN

ALL DIMENSIONS TO BE CHECKED ON THE JOB BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS

DAVIS, WATSMITH & McGOVERN
Consulting Structural and Civil Engineers
Tel: 843 8870 8899
Fax: 843 8870 2827
Email: davis@dwmcg.com.au
www.dwmcg.com.au
40 Warden Road, Ringwood, Victoria, Australia 3134
A.B.N. 12 190 560996

Lincoln Property Group
LEVEL 2, 493 ST. KILDA ROAD MELBOURNE

CLIENT
PORT HEDLAND SITE
LOT 1035 MURFNA STREET

PROJECT
SITE PLAN

TITLE

JOB NUMBER	11/128
SCALE	1:300 @ B1
DATE	12/12/12
DRAWN	LN
DESIGNED	LN
CHECKED	LN

11128 - DA01
DRAWING NUMBER

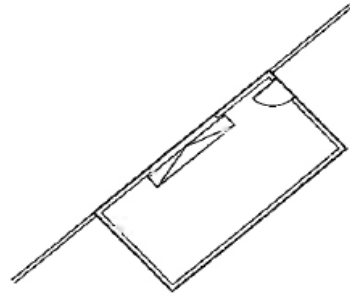
**TOWN OF PORT HEDLAND
APPROVED**
For Extension to a Non-Conforming Use "Transport Depot"
PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS
AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

10/10/12
Date of Council Meeting

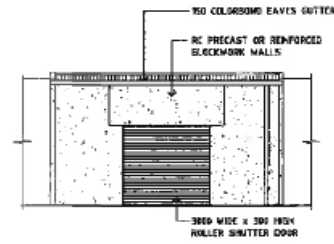
DWG2012/319/1
Approval Number
Per DIRECTOR PLANNING
AND DEVELOPMENT

APPLICANT'S COPY

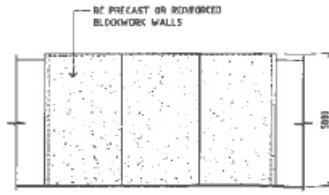
SITE PLAN
SCALE 1:300



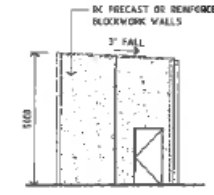
TRUCKWASH PLANT LAYOUT PLAN



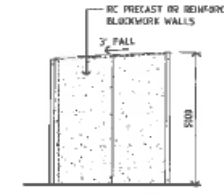
NORTH-WEST ELEVATION
SCALE 1:100



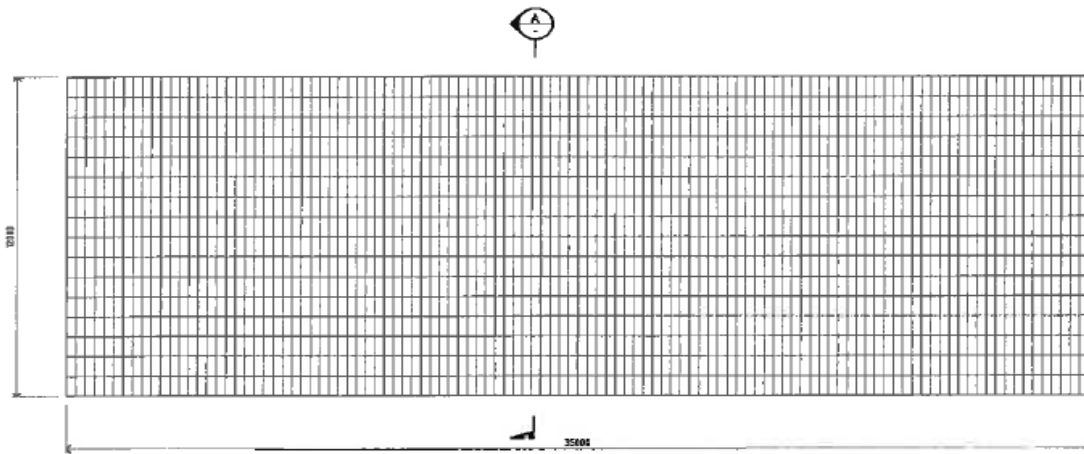
SOUTH-EAST ELEVATION
SCALE 1:100



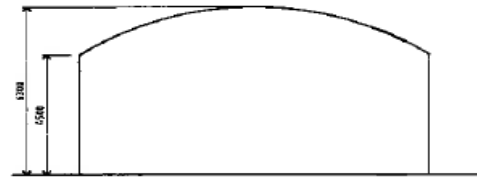
NORTH-EAST ELEVATION
SCALE 1:100



SOUTH-WEST ELEVATION
SCALE 1:100



TRUCKWASH OVERSPRAY PREVENTION SHELTER PLAN



SECTION A



RELOCATED WORKSHOP

TOWN OF PORT HEDLAND
APPROVED
For Extension to a Non-conforming use "Transport Depot"
PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS
AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME
10/10/12 Date of Council Meeting
DWG 2012/319/2 Approval Number
Per DIRECTOR PLANNING AND DEVELOPMENT

APPLICANT'S COPY

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NO	DESCRIPTION	DATE	BY
C	ISSUED FOR PLANNING APPROVAL	28.07.12	L/L
B	ISSUED FOR PLANNING APPROVAL	26.07.12	L/L
A	ISSUED FOR INFORMATION	16.07.12	L/L

DAVIS, HAINSWORTH & MCGOVERN
Consulting Structural and Civil Engineers
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Email: davis@dhmconsulting.com
Web: www.dhmconsulting.com
45 Wandana Road, Kingswell, Adelaide 5124
A.S.A. 12 100 30000C

LINFOX PROPERTY GROUP
LEVEL 2, 493 ST.KILDA ROAD MELBOURNE

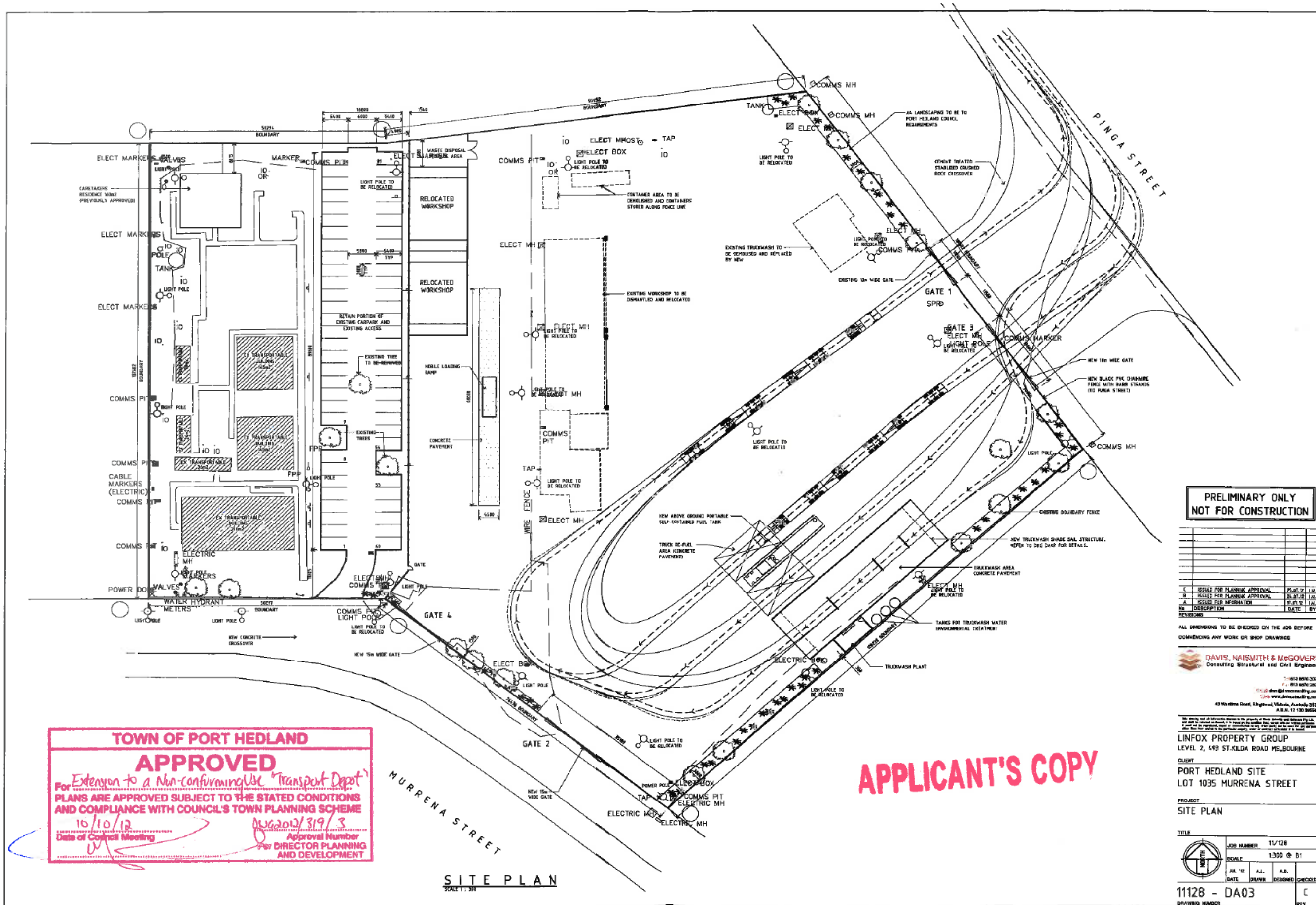
CLIENT:
PORT HEDLAND SITE

PROJECT:
TRUWASH PLANT LAYOUT PLAN & ELEVATIONS

TITLE:
JOB NUMBER: 11/128
SCALE: 1:300 @ B1

AK '12	A.L.	A.S.
DATE	DRAWN	DESIGNED
		CHECKED

11128 - DA02
DRAWING NUMBER REV



**PRELIMINARY ONLY
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NO	DESCRIPTION	DATE	BY
C	ISSUED FOR PLANNING APPROVAL	25.07.12	J.M.
B	ISSUED FOR PLANNING APPROVAL	25.07.12	J.M.
A	ISSUED FOR INFORMATION	15.07.12	J.M.
NO	DESCRIPTION	DATE	BY

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DAVIS, NAISMITH & McGOVERN
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LINFOX PROPERTY GROUP
LEVEL 2, 493 ST-KILDA ROAD MELBOURNE
CLIENT
PORT HEDLAND SITE
LOT 1035 MURRENA STREET

PROJECT
SITE PLAN

TITLE	JOB NUMBER	11/128
SCALE	1:300 @ B1	
DATE	DRAWN	A.S.
	DESIGNED	CHECKED

11128 - DA03
DRAWING NUMBER

TOWN OF PORT HEDLAND
APPROVED
For Extension to a Non-conforming Use 'Transport Depot'
PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS
AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME
10/10/12
Date of Council Meeting
Approval Number
0862012/319/3
DIRECTOR PLANNING
AND DEVELOPMENT

APPLICANT'S COPY

SITE PLAN
SCALE 1:300

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ATTACHMENT 3 TO ITEM 11.1.1.8

GREG ROWE & associates
FOCUSSED ON ACHIEVEMENT

Our Ref: 7319
Your Ref: 2012/319 804488G

22 October 2012

Town of Port Hedland
P O Box 41
PORT HEDLAND WA 6721



Document #: IPA32607
Date: 25.10.2012
Officer: LEONARD LONG
File: 804488G

Attention: Mr Michael Pound

Dear Sir

Decision on Planning Application No: 2012/319 for an Extension to a Non-Conforming Use "Transport Depot" at Lot 1035 (No. 8) Murrena Street, Wedgefield

We refer to the above Planning Approval which was approved by the Council of the Town of Port Hedland on 10 October 2012. In accordance with Clause 4.7.2 of the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5), our Client ('LPG Perth Airport Pty Ltd') has requested that we write to the Town seeking the removal and modification of a number of Conditions pertaining to the Planning Approval. Clause 4.7.2 of TPS 5 states:

"Upon written application being made by an owner of land the Council may vary any condition imposed on a planning approval or may extend the time for compliance of any condition so imposed."

The two Conditions we request be deleted entirely from the Planning Approval are Condition 5 and Condition 8.

Condition 5 states:

"5. No human habitation shall be permitted on the lot."

Condition 5 contravenes the Planning Approval that was issued earlier this year for a 'Caretaker's Dwelling' (at Lot 1035 (No. 8) Murrena Street, Wedgefield). The Town's reference for this Planning Approval is: 2012/94 issued 7 March 2012. In light of the previous approval, we respectfully request Condition 5 be deleted.

Condition 8 states:

"8. Access to the property for road trains are restricted to Pinga Street only and shall not enter and/or exit to Murrena Street."

TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

7319_12oct01L_pc

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www.greg-rowe.com
Greg Rowe Pty Ltd ABN 41 093 308 715

Condition 8 precludes road trains from entering and exiting the site via Murrena Street, which may hinder the operations of our Client. The vast majority of road train movements will be via Pinga Street only but at times it may be necessary to utilise the existing crossover to Murrena Street (for road train movements) particularly in times where weather events may require a modification to normal traffic movements. On this basis, we believe Condition 8 should be removed from the Planning Approval to allow for the occasional movement of road trains to/from Murrena Street.

With respect to Conditions 22 – 27 (inclusive), we request that the reference to "within 90 days of planning approval" be removed entirely. Our Client is happy to fulfil (and will adhere to the specifics of) Conditions 22 – 27, however does not want to be hindered with specific (90 days from approval) deadlines to undertake various physical works at the subject site. Furthermore, such works (as required as part of Conditions 22 – 27) may conflict with the timing of other works to occur on site as part of the implementation of this Planning Approval.

We look forward to your response. As you can appreciate and understand, our Client would like to retain their right to lodge an Application for Review with the SAT and we therefore respectfully request an expeditious reply.

Should you require any further information or clarification in relation to this matter, please contact Paul Cunningham on 9221 1991.

Yours faithfully

GREG ROWE AND ASSOCIATES



PAUL CUNNINGHAM
Perth/Port Hedland Office

CC: Mr Stan Sackson – Linfox Property Group Pty Ltd

11.1.1.9 Proposal to Renew Lease for Noxious Operations at Lot 5857 Schillaman Street, Wedgefield (File No.: 130632G)

Officer Katherine Press
Acting Lands Officer

Date of Report 29 November 2012

Disclosure of Interest by Officer Nil

Summary

Town of Port Hedland Officer's received a request from the Department of Regional Development and Lands on 15 February 2012 to comment on the proposal to renew Lease 1816520 on Lot 5857 Schillaman Street, Wedgefield.

This matter was presented to Council on 28 March 2012 and Council resolved to object to the renewal of the Lease.

Recently, the Town received a request from Toxfree, the lessee of the land, to reconsider renewing the Lease temporarily until the facility is relocated.

This report is before Council to again consider the request to support the request to extend the lease.

Background

On 7 February 2008, the Department of Environment and Conservation approved an application for a licence to operate an Oil and Liquid Recycling Facility. The operations approved were "Incineration" and "Liquid Waste Facility".

The licence to operate was renewed and approved on 6 February 2009, with an expiry date of 8 February 2012, listing the same operational uses.

This lease extension request was presented to Council at the Ordinary Council Meeting on 28 March 2012, Council resolved to:

- "1. Resolves that it objects to the renewal of Lease 1816520 at Lot 5857 Schillaman Street, Wedgefield;*
- 2. Advises the Department of Regional Development and Lands that it objects to the renewal of Lease 1816520 at Lot 5857 Schillaman Street, Wedgefield on the basis that an alternative location in Boodarie should be secured for such purposes."*

The Town recently received correspondence from Toxfree requesting Council to reconsider its objection to renewing the lease (Attachment 1).

Please see attached Locality Plan – Attachment 1.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil

Strategic Planning Implications

- Growth Plan.
- Pilbara's Port City Growth Plan.

Budget Implications

Nil.

Officer's Comment

Since the request for the renewal of the lease was rejected by Council at the Ordinary Council Meeting held on 28 March 2012, Town Officers have been in consultation with the Department of State Development and Landcorp to ascertain the timeframes for Boodarie Strategic Industry will come on line. The outcome of these talks have indicated land may be made available in the short term but will not be serviced. Serviced land will not be available in the short to medium term.

Toxfree are cognisant and supportive of Councils vision to locate all noxious industries to Boodarie Strategic Industrial area. However, current land constraints in Boodarie make it impossible for Toxfree to relocate.

Toxfree have investigated the following options for the relocation of their current facility:

- Option 1 New Site in Boodarie,
- Option 2 expansion of the Pilbara Regional Resource Recovery Centre (Roebourne)

Toxfree have indicated through their relocation strategy they may be in a position to relocate the Wedgefield facility within approximately 40 to 48 months.

Town Officers have through discussions with Toxfree indicated the possibility of recommending support for the extension of the current lease for a period of two (2) years with the option of a further two (2), Toxfree have indicated they would they would accept such a proposal.

Toxfree provides an essential Waste processing service not just to Port Hedland but the entire Pilbara region, and brings with it economic diversification and employment opportunities for the community of Port Hedland.

Notwithstanding the importance of service provided by Toxfree, it is equally important to ensure the safety of the existing community within Wedgefield. Toxfree has acknowledged this and entered into a formal twelve (12) month Environmental Improvement Plan with the Department of Environment and Conservation (DEC), and continually invests time and resources to improve and reduce the environmental impacts of the facility.

Whilst from a planning perspective it is not good planning practice to have a noxious industry located within close proximity to sensitive land uses, it must be acknowledged in the short term there is no other land available.

Should the lease not be supported and the facility is required to close, it may lead to illegal dumping of noxious materials negatively impacting both the environment and community.

It must be reiterated whilst this is not considered best practice planning, it is considered reasonable to support the request to extend the lease for a two (2) year period with the option of allowing on application a further two (2) years.

Options

Council has the following options for responding to the request:

1. Support the proposal to renew Lease I816520 for Noxious Use on Lot 5857 Schillaman Street, Wedgefield, for a period of two (2) years.

Supporting the renewal of the lease will enable Toxfree to continue operating for an additional two (2) years while the Boodarie Strategic Industrial area is brought onto the market.

2. Object the renewal of Lease I8165200 for Noxious Use at Lot 5857 Schillaman Street, Wedgefield.

This may result in the Waste Water Management facility shutting down potentially impacting both the environment and community.

Option 1 is recommended.

Attachments

1. Locality Plan.

Officer's Recommendation

That Council:

1. Supports the proposal to renew Lease I816520 for Noxious Use on Lot 5857 Schillaman Street, Wedgefield, for a period of two (2) years, with the ability to, on request to Council extend for a further two (2) years, subject to the following conditions:
 - An operational plan endorsed by the DEC and EPA clearly outlining the impact the use may (if any) have on the existing surrounding uses, and
 - A mitigation plan endorsed by the DEC and EPA clearly indicating how (if any) impacts identified in (a) above will be alleviated.
2. Delegates the Manager Planning Services to advise the Department of Regional Development and Lands of 1(a) and (b) above.

201213/207 Council Decision

Moved: Cr Gillingham

Seconded: Cr Jacob

That Council:

1. **supports the proposal to renew Lease I816520 for Noxious Use on Lot 5857 Schillaman Street, Wedgefield, for a period of two (2) years, with the ability to, on request to Council extend for a further two (2) years, subject to the following conditions:**
 - **An operational plan endorsed by the Department Environment and Conservation and EPA clearly outlining the impact the use may (if any) have on the existing surrounding uses, and**

- A mitigation plan endorsed by the DEC and EPA clearly indicating how (if any) impacts identified in (a) above will be alleviated.
- 2. delegates the Manager Planning Services to advise the Department of Regional Development and Lands of 1(a) and (b) above.
- 3. instructs Chief Executive Officer to undertake discussions with the Department of State Development and Landcorp.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.9



11.1.1.10 Scheme Amendment 51 to the Town of Port Hedland Town Planning Scheme No. 5, Recoding all land within the Town currently zoned "Residential" R20 to "Residential" R30 (File No.: 18/09/0065)

Officer Leonard Long
Manager Planning
Services

Date of Report 28 November 2012

Disclosure of Interest by Officer Nil

Summary

Council at its Ordinary Council Meeting of 14 December 2011, resolved to initiate Scheme Amendment 51 to the *Town of Port Hedland Town Planning Scheme No. 5*.

Scheme Amendment 51 proposes to recode all land within the Town of Port Hedland currently zoned "Residential R20" to "Residential R30".

This report recommends Council place the proposed amendment on hold to allow further investigations to be completed around inter alia any impacts on the infrastructure capabilities.

Background

Council at its Ordinary Council Meeting held on the 14 December 2011, resolved to initiate Scheme Amendment 51 (the Amendment) to the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)*.

The Amendment was initiated in an attempt to address the current housing shortage. Currently a high proportion of residential lots in South Hedland have an area between 700m² and 1000m². In accordance with the R Codes Clause 6.1.3 (A3)(iv), "in the case of grouped dwellings in areas coded R20 as at 4 October 2002, the average site area will be 450m²". This limits the lots that can be developed with a second house to lots that are 900m² in area or greater. The recoding would permit lots with a minimum size of 600m² to be developed as grouped housing.

Consultation

Internally

The Amendment was circulated to the following internal units with comments included within this report:

- Manager Building Services.
- Manager Community Recreation Services.
- Manager Community Services.
- Manager Environmental Health Services.
- Manager Infrastructure Development.

Externally

The Amendment was advertised in the North West Telegraph on the 7 March 2012 and the 11 April 2012 providing 42 days for comment(s).

Written notifications were sent to the affected landowners and external service agencies. The submissions received are outlined within the attached Schedule of Submissions.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

- | | |
|-------------|---|
| Section 3.1 | Population – Key Challenges and Opportunities:

Attracting and sustaining a resident population growth rate of over 4% per annum. |
| Section 3.2 | Economy – Key Challenges and Opportunities:

Housing undersupply is the most critical impediment to future economic growth, placing significant pressure on the property market and preventing the inward migration of new residents and businesses outside of the mining sector. |

Section 3.3 Housing and Land Supply – Key Challenges and Opportunities:

Development feasibility issues, relating to environment, infrastructure and development cost constraints.

Section 3.4 Local Communities, Culture Heritage and Landscape Character – Key Challenges and Opportunities:

Meeting the requirements of a large transient indigenous population, particularly with regard to affordable housing, accommodation, education and access to employment opportunities.

Managing the visual impact of new development along key highway corridors and entry points into town site areas with particular regard to tourism.

Section 3.6 Infrastructure:

Traffic growth on local and strategic road networks and resulting congestion/safety issues.

Water supplies currently at capacity, with little additional capacity being made available in the short term.

Section 5.2.2 Affordability and Accessibility:

Increased residential density in appropriate locations, with greater variety in housing types to achieve greater markets segmentation.

Section 5.4.2 Housing Diversity:

Striking a balance so that higher amenity locations can accommodate increased density, while land and housing supply continues to provide for families and those seeking traditional larger housing sites.

Budget Implications

Advertising cost and plan preparation cost will be at the Town’s cost, estimated at approximately \$5,000.00

Officer's Comment

The Amendment was initiated by resolution of Council on the 14 December 2011 in order to allow further densification of the town and begin to address the housing shortfall. The Amendment proposes to upcode all "Residential" R20 Lots within the Town of Port Hedland to R30.

The upcoding will result in two fundamental changes to the built form of Port Hedland as identified below:

Reduced Site Area – Grouped Dwellings

The density upcoding will reduce the minimum and average site areas from 440m² and 500m² respectfully, to 270m² and 300m². This will reduce the Lot size required for subdivision. An R30 coding provides for Lots from 600m² being capable of subdivision.

Plot Ratio – Multiple Dwellings

The density upcoding activates the provision of "Multiple Dwellings" through plot ratio. A R30 density provides "Multiple Dwelling" (multi-story) development up to a plot ratio of 0.5.

The initiation report referred to criteria that should be met before supporting increased density, and preparation of a Local Planning Policy to ensure appropriate design outcomes are achieved.

Since the initiation of the Amendment the Town has allocated funding for a Town Planning Scheme review and the preparation of Town Guidelines. Both of these documents provide the opportunity to investigate current zoning, infrastructure and demand prior to considering any large scale rezoning.

It is further recommended a Local Housing Strategy be prepared prior to any large scale rezoning. A Local Housing Strategy would provide among other aspects, the following:

- Certainty to land supply.
- Understanding of unique social, demographic and climate conditions.
- Understanding of current housing stock and occupancy rates.
- Integrated approach to providing housing.
- Stakeholder input from private industry, local population and government organizations.
- Balance long term and short term housing needs.
- Understanding of design and built form outcomes to ensure appropriate mix of housing types.
- Coherent framework for applying residential density codes.

In light of the above, it is recommended the Amendment be put on hold until the development of Town Guidelines and a new Local Housing Strategy.

Options

Council has the following options when considering the proposal:

1. Place the Scheme Amendment on hold.

Placing the amendment on hold would allow the preparation of additional documents to further inform the need for the scheme amendment.

2. Adopt the Scheme Amendment with or without modifications. Without the consideration of the additional information to inform the scheme amendment, there may be a negative impact on the overall infrastructure of the Town.

3. Abandon the Scheme Amendment.

Attachments

Nil.

Officer's Recommendation

That Council place the Amendment on hold until such time further supporting documentation is undertaken and endorsed.

201213/208 Council Decision

Moved: Cr Jacob

Seconded: Cr Hooper

That Council:

1. **place the amendment on hold for a period of three months to allow the preparation of additional documents to further inform the need for the scheme amendment; and**
2. **instruct the Chief Executive Officer to report back to the March 2013 Council meeting.**

CARRIED 7/0

11.1.2 Building Services**11.1.2.1 Amended Town of Port Hedland Building Services Fee and Charge Structure for Non-Regulated Building Services**

Officer	Mark Riordan Manager Building
Date of Report	30 November 2012
Disclosure of Interest by Officer	Nil

Summary

This report recommends that Council adopt amended fees and charges associated with discretionary services allowable under the Building Act 2011. These fees and charges will provide improvements to the Towns current level of service provision for the local building sector.

Background

In accordance with the Building Act 2011 and associated regulations, the Town of Port Hedland has a statutory obligation to provide a minimum level of service with fees and charges prescribed that by regulation.

In addition, Local Government has the opportunity to provide discretionary services associated with this legislation. In this respect Council has previously determined what these discretionary services will be and adopted a fee schedule accordingly.

These decisions were made at the 28 March 2012 Ordinary Council meeting (OCM) and further at the special Council Meeting 30 August 2012.

These decisions were to ensure preparedness for the incoming building Act and provide adjustments as necessary during the uptake period.

Consultation*Internal*

Building Section

External

Shire of East Pilbara
Shire of Roebourne

Statutory Implications

This proposal will assist in further aligning the Town with the newly introduced Building Legislation *and the Local Government Act 1995 Section 6.19-Notice of Fees and Charges*:

If a local Government wishes to impose fees or charges under this section after the annual budget has been adopted it must, before introducing the fees or charges, give local notice of –

Its intention to do so; and,

The date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil

Strategy Planning Implications

LOCAL LEADERSHIP

We are leaders in the community, with a structured commitment to transforming Port Hedland.

The Town of Port Hedland provides committed strategic planning and leadership, focused on strengthening Port Hedland's community, providing growth opportunities, and diversifying the local economy.

Bringing transformation to the Pilbara and enhancing the quality of life for Port Hedland's residents, the organisation is governed in an ethically responsible manner that meets all of its legislative and community obligations.

Budget Implications

These changes are not expected to significantly alter this financial year's budget.

Officer's Comments

This report recommends that Council adopt amended fees and charges associated with discretionary services, previously determined by Council, these being pursuant to the non-regulated fees allowable under the Building Act 2011.

The proposed fee structure is premised upon ToPH officers determining by use of quality transparent procedures and professional judgment that applications are legislatively compliant and made on *deemed to satisfy* application basis.

Performance based applications shall be priced upon application in accordance with Table 8 below professional diligence.

These proposed amendments to Councils existing fees and services charges are aimed at providing additional support for the building sector and ensuring better cost recovery to Council.

Table 1 following provides the current fees and charges as they relate to the non-regulated functions; with tables 2 through to 10 providing proposed amended fees and fees to be deleted; with table 11 showing fees and charges that remain unchanged.

Town of Port Hedland Building Services operates on fee for service basis received and receipted prior to services being provided. Additional service delivery requirements operate on same premise.

Table 1

Explanatory Note: This table is provided to assist with clarity as may be required.

Existing approved non-regulated fees and charges (GST Inclusive)
Professional Advice / Inspection fees (hourly rate-minimum charge of 1 hour) \$302.50
Certificate of Classification Inspection \$171.60
Copy of Home Indemnity Insurance Certificate 57.20
Change of Builder after a Building Permit has been issued \$230.00
Property enquiry incl. Building Approvals List (Orders and Requisitions) \$230.00
Priority Property Enquiry \$375.00
Search Fee for Building Plans on all Property Files \$230.00
Professional Advice \$302.50 per hour (Minimum 1 Hour Charge)
Inspection of Smoke Detectors \$170.00
Sale of Plans \$22.90

Swimming Pool Inspection Fee - 4 yearly inspections. \$12.50 per year (Fee charged through yearly rates)
Certificate of Design Compliance 0.35% of the construction
Certificate of Construction Compliance \$2,200.00
Certificate of Building Compliance Includes (1) inspection \$2,200.00 (Includes as-constructed approvals, formalising existing buildings for bank and insurance purposes and strata title applications)
Amendments to an Existing Approval (Un-certified) (Charge is 50% of original Building Licence Application Fee with a minimum charge of \$90.00)
Amendments to an Existing Approval (Certified) (Charge is 50% of original Building Licence Application Fee with a minimum of \$90.00)
Inspection service for Class 1 & 10 Buildings or Structures \$550.00
Inspection service for Class 2 to 9 Buildings or Structures \$1100.00
Professional Services min of 1 hour charge \$302.50

Table 2

Explanatory Note: A scaled fee schedule based on the estimated cost of the work is most appropriate to the assessment time spent on minor to major building work projects.

Certificate of Design Compliance (GST Inclusive)	
Estimated Value of Construction (EVC)	Fee Payable
\$ 0 to \$1,000,000	.385% of EVC (minimum charge \$1,155.00)
\$1,000,001 to \$2,500,000	\$3,850.00 plus .198% of (EVC less \$1,000,000)
\$ 2,500,001 and over	\$6,820.00 plus .099% of (EVC less \$2,500,000)
Maximum fee payable \$110,000.00	

Table 3

Explanatory Note: When ToPH building services have certified the building work via the C-D-C, officers are effectively familiar with the project. Construction Compliance Certificates are at the end of the process.

When ToPH officers have not certified the work via the C-D-C, Construction Compliance assessment covers new ground, involves some risk coming in at the end of the project and requires more assessment time.

Certificate of Construction Compliance (GST Inclusive)
\$584.00 when a Certificate of Design Compliance has been issued by the Town of Port Hedland for same specific building work.
\$2,200.00 when a Certificate of Design Compliance for the works has been issued by a Private Certifier.
Note: In cases where site inspections are determined to be necessary by Manager Building Services, additional site inspection fees will also be payable as part of this service offer in accordance with table 5a & b as required.

Table 4(a)

*Explanatory Note:
Certificate of Building Compliance forms part of a variety of Building Approvals and the assessment time in each circumstance can vary greatly.*

Authorised work- a scaled fee schedule based on the estimated cost of work is most appropriate to the assessment time spent on minor to major building works.

Certificate of Building Compliance (GST Inclusive) Unauthorised building works purpose	
Estimated Value of Construction (EVC)	Fee Payable
\$ 0 to \$1,000,000	.55% of EVC (minimum charge \$1,650.00)
\$1,000,001 to \$2,500,000	\$5,500.00 plus .278% of (EVC less \$1,000,000)
\$ 2,500,001 and over	\$9,670.00 plus .138% of (EVC less \$2,500,000)
Maximum fee payable \$150,000.00	

Table 4(b)

Explanatory Note: A set fee is most appropriate to the assessment time spent on formalising existing approved buildings and structures.

Certificate of Building Compliance (GST inclusive) Formalise existing building works purpose	
Application Fee	
\$584.00	(Class 1a, 10a,b and c)
\$2200.00	(Class 1b, 2 to 9 inclusive)
Note: In cases where site inspections are determined to be necessary by Manager Building Services, additional site inspection fees will also be payable as part of this service offer in accordance with table 5a & b as required.	

Table 4(c)

Explanatory Note: When ToPH building services have certified the building work via the C-D-C, officers are effectively familiar with the project. Strata applications are at the end of the process.

When ToPH officers have not certified the work, strata assessment covers new ground, involves some risk coming in at the end of the project and requires more assessment time.

Certificate of Building Compliance (GST inclusive) Strata purposes	
Application Fee	
\$288.00	
Plus	
\$75.00 for each strata unit covered by the application, but not less than \$150.00.	
Note: In cases where site inspections are determined to be necessary by Manager Building Services, additional site inspection fees will also be payable as part of this service offer in accordance with table 5a & b as required.	

Table 5(a)

Explanatory Note: The present fee charges for inspections are determined from experience including some 9 months operation of the new Building Act 2011 to require refinement / table 5b has been added to further assist in this regard.

The fee is not competitive enough in comparison to the private sector and surrounding Councils resulting in some market loss.

Inspection Fees (GST Inclusive) Minimum 1 Hour Charge
Class 1a, 10a, 10b and 10c. (building / unit / structure etc) \$ 192.00 per inspection
Class 1b and 2 to 9 Inclusive (building / unit / structure etc) \$ 292.00 per inspection

Table 5(b)

Re-inspection Fees (GST Inclusive) Minimum 1 Hour Charge
Class 1a, 10a, 10b and 10c. (building / unit / structure etc) \$ 192.00 per inspection
Class 1b and 2 to 9 (Inclusive) (building / unit / structure etc) \$ 292.00 per inspection

Table 6

Explanatory Note:

The present fee charge of \$170.00 technically remains unchanged however this table is included to ensure correct referencing in relation to the new Building Act 2011 and is effectively a refinement and amendment of the terminology.

Local Government Approval of Battery Powered Smoke Alarms (GST Inclusive)
\$170.00

Table 7

Explanatory Note:

The present fee charge of \$302.50 for consultancy is determined from experience including 9 months of operation of the new Building Act 2011 to require refinement / amendment.

The newly proposed and refined pricing per hour is designed to encourage industry and public alike to access Councils services and facilitate help and assistance.

Professional Consultancy (GST Inclusive) (Minimum 30 minutes charge)	
Manager Building Services	\$302.50 per hour
Coordinator/Senior Building Surveyor	\$242.50 per hour
Building Surveyor	\$192.00 per hour
Administration Officer	\$96.00 per hour

Table 8

Explanatory Note:

This fee is necessary as performance based assessment involve a high degree of professional judgment and experience and require much more assessment time than normal deemed to satisfy applications.

The newly proposed price on application is designed to encourage industry and public alike to access Councils services and facilitate help and assistance when a performance based assessment may be required as these types of application cannot be simplified to standard type pricing tables.

Performance Based Assessments (GST Inclusive)
Performance based assessments shall be priced upon application (POA) and will be provided as a written estimate. The pricing is determined as a best estimate of officer's hours required to undertake the work and is based on the Professional Consultancy Rates of table 7. <i>Note: In cases where site inspections are determined to be necessary by Manager Building Services, additional site inspection fees will also be payable as part of this service offer in accordance with table 5a & b as required.</i>

Table 9

Explanatory Note: In the previous fees and charges forwarded to Council for consideration the concept of a specific administration fee was not considered, however experience with the new Building Act is showing a need of such a fee.

The newly proposed administration fee is designed to encourage industry and public alike to access Councils services and facilitate help and assistance when required.

Administration Fee (GST Inclusive)
\$96.00

Table 10

Explanatory Note: This table is provided to assist with clarity as may be required.

Existing Fees and Charges to be Deleted due to Legislative Change (GST Inclusive)
Certificate of Classification Inspection \$171.60
Inspection of Smoke Detectors \$170.00
Amendments to an Existing Approval (Un-certified) (Charge is 50% of original Building Licence Application Fee with a minimum charge of \$90.00)
Amendments to an Existing Approval (Certified) (Charge is 50% of original Building Licence Application Fee with a minimum of \$90.00)
Inspection service for Class 1 & 10 Buildings or Structures \$550.00
Inspection service for Class 2 to 9 Buildings or Structures \$1100.00
Professional Services min of 1 hour charge \$302.50

Table 11

Explanatory Note: This table is provided to assist with clarity as may be required.

Existing fees and charges to remain unchanged (GST Inclusive)
Copy of Home Indemnity Insurance Certificate \$57.20
Change of Builder after a Building Permit has been issued \$230.00
Property enquiry incl. Building Approvals List (Orders and Requisitions) \$230.00
Priority Property Enquiry \$375.00
Search Fee for Building Plans on all Property Files \$230.00
Sale of Plans \$22.90
Swimming Pool Inspection Fee - 4 yearly inspections. \$12.50 per year (Fee charged through yearly rates.)
Building Licence Bonds
Kerbing (entire lot frontages) (\$42.60 per m) Footpaths (including dual use paths entire lot frontage) (\$160.00 per m2)

Attachments

Nil

201213/209 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That Council:

- 1. Adopts the proposed fees and charges associated with discretionary services permissible under the Building Act 2011 being Commercial Certification Services in accordance with tables 2 to 10 inclusive;**
- 2. Endorse the advertising of the new fees and charges as per Local Government Act requirements, with the date of commencement January 2013.**
- 3. Endorses exemption for Town of Port Hedland internal departmental requirements' in relation to the fees payable in tables 5(a)(b) and 7 of this report.**

CARRIED BY ABSOLUTE MAJORITY VOTE 7/0

11.1.3 Environmental Health Services**11.1.3.1 *Delegation of Statutory Appointments to Chief Executive Officer (File No.13/02/0001)***

Officer Darryal Eastwell
Manager Environmental Health

Date of Report 28 Nov 2012

Disclosure of Interest by Officer Nil

Summary

For regulatory officers to undertake statutory functions they need to be authorised under various Acts of Parliament and Local Laws. This item will recommend that Council delegate in accordance with Section 5.42 of the Local Government Act, the authorisation process to the Chief Executive Officer (CEO) to approve authorisations under the:-

- Dog Act 1976
- Cat Act 2011 (New and still not in force)
- Control of Vehicles (Off Road Areas) Act 1978
- Litter Act 1979
- Bush Fires Act
- Local Government Act (Miscellaneous Provisions) 1960
- Caravan Parks & Camping Grounds Act 1995
- Various Town of Port Hedland Local Laws.

Background

Rangers, Environmental Health Officers, Dog Registration Officers, Compliance Officers and other officers need to be authorised under certain Acts before they can legally undertake duties that specific Act requires.

In the past authorisations have been referred to Council for determination as some legislation has required a Council resolution. It will be recommended that Council delegate this authorisation process to the CEO.

In effect, this will reduce the amount of reports being sent to Council for what is largely an administrative process.

Consultation

Discussion was undertaken with CEO and the Director Planning and Development. WALGA has also been consulted.

Statutory Implications

The Local Government Act 1995 Section 5.42 Delegation of some powers and duties to CEO states that:

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

Various Acts, set various methods for officers to become authorised and the delegated authority will outline the appropriate approval process for each piece of legislation.

1. Dog Act 1976 requires:-

29 (1) A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.

2. Cat Act 2011 requires:-

48. Authorised persons

(1) A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.

3. Control of Vehicles (Off Road Areas) Act 1978 requires:-

38. Authorised officers

(3) A local government may by resolution appoint —

- (a) *any employee of the local government;*

4. Litter Act 1979 requires:-

26. (1) For the purposes of this Act an authorised officer is —

- (c) *within the district of a local government, any person who is —*
 - (i) *a member of the council of the local government; or*
 - (ii) *an employee of the local government; or*
 - (iii) *an honorary inspector appointed by the local government under section 27AA.*

5. Bush Fires Act requires:-

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A

(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

6. Local Government Act (Miscellaneous Provisions) 1960

449. Pounds, establishing; pound keepers and rangers, appointing

A local government may establish and maintain one or more public pounds, and may appoint fit and proper persons to be keepers of those pounds and may appoint a ranger or rangers.

7. Caravan Parks & camping Ground Act 1995

17. Appointment of authorised person

(1) The chief executive officer of the Department or a local government —

(a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and

(b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.

8. Town of Port Hedland Local Laws

An authorised person appointed by the Chief Executive Officer to administer the Towns Cat, Dog, Firebreaks, General Provisions, Holiday Cabins & Chalet ,Parking ,Reserves and Foreshores, Signs Hoardings & Bill Posting and Trading in Public Places Local Laws.

Policy Implications

Nil

Strategic Planning Implications**6.3 Environment****6.3.2 Community Facilities**

Provide safe and accessible community facilities, libraries, services and public open spaces that connect people and neighbours

Budget Implications

Internal costs associated with the activities the subject of this report are incorporated in the Town of Port Hedland 2012-2013 Annual Budget

Officer's Comment

Under normal circumstances authorised appointments are only questioned in a court of law and if appointments are not undertaken in the correct manner this may jeopardise the success of a case. Copies of the authorisation need to be kept by officers receiving the authorisation in order for it to be produced when required.

In the past all authorisations were advertised in the Government Gazette for public information. It will be recommended to Council that all authorisations made under delegated authority be advertised in a newspaper circulating in the local district for public information even though, it may not be a statutory obligation.

Attachments

Nil

201213/210 Officer's Recommendation/Council Decision

Moved: Cr Hunt

Seconded: Cr Jacob

That Council:

- 1. in accordance with Section 5.42 of the Local Government Act 1995 delegate to the Chief Executive Officer the power to authorise and remove officers for the administration of the:**
 - a. Dog Act 1976**
 - b. Cat Act 2011**
 - c. Control of Vehicles (Off Road Areas) Act 1978**
 - d. Litter Act 1979**
 - e. Bush Fires Act**
 - f. Local Government Act (Miscellaneous Provisions) 1960**
 - g. Caravan Parks & Camping Grounds Act 1995**
 - h. Town of Port Hedland Cat, Dog, Firebreaks, General Provisions, Holiday Cabins & Chalet ,Parking ,Reserves and Foreshores, Signs Hoardings & Bill Posting and Trading in Public Places Local Laws.**

- 2. authorise changes to the delegation register to reflect this resolution.**
- 3. authorise all appointments to be advertised in a locally distributed newspaper for public information.**

CARRIED BY ABSOLUTE MAJORITY VOTE 7/0

11.2 Engineering Services**11.2.1 Asset Management Framework Policy (File No.: 04/12/0003)**

Officer **Russell Dyer**
Director Engineering Services

Date of Report **28 November 2012**

Disclosure of Interest by Officer **Nil**

Summary

The Town of Port Hedland is currently developing an Integrated Planning and Reporting Framework that will guide future Council activities and priorities for the next 10 years.

A key pillar of the Framework is the preparation of an Asset Management Framework which includes an Asset Management Policy, Asset Management Strategy and Asset Management Plan.

This report seeks Council to adopt the attached Asset Management Policy, Asset Management Strategy and Asset Management Plan.

Background

In October 2010, the Department of Local Government released the Integrated Planning and Reporting Framework, which the State Government enacted into Legislation in August 2011.

The Integrated Planning and Reporting Framework requires all local governments to adopt a long-term future planning and reporting regime that includes giving consideration to how services will continue to be delivered to the community in a financially and sustainable manner and is required to be in place by June 2013.

The Ordinary Meeting of Council on 14 December 2011 Council considered the following report from officers.

11.4.2.1 Integrated Planning and Reporting Framework – Stage Two Lead Consultant Appointment, Request for Proposal 11/3 (File No.:23/08/0062)

201112/274 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

1. *Award the development of the 10 Year Community Strategic Plan, the development of the 4 Year Workforce Plan including the Office Accommodation and Housing Strategy, the development of the 10 Year Financial Plan, the development of a 10 Asset Management Framework and the overall project management to ensure integration to KPMG over two financial years;*
2. *Delegate authority to the Chief Executive Officer to further clarify with the preferred consultant the final prices for the works to be achieved, software to be purchased and to secure final agreement of specifications and deliverables that also ensures integration with the ICT Strategy within a budget allocation of \$810,513 for 2011/12 and \$652,665 for 2012/13;*
3. *Request the Chief Executive Officer to source the additional \$155,513 required for 2011/12 to develop the various plans and strategies supported by the required software through the December 2011 budget review process;*
4. *Requests the Chief Executive Officer to allocate \$652,665 in the 2012/13 Budget to ensure the completion of the required plans, software purchases and therefore integration of the Strategic Planning and Reporting Framework in accordance with the requirements of the Department of Local Government;*
5. *Rejects all proposals for the development of the 5 Year ICT Strategy noting that this will form part of the expanded scope of works in relation to the network upgrade currently being undertaken by Dell, who is a WALGA preferred supplier;*
6. *Delegate authority to the Chief Executive Officer, upon the successful completion of negotiations within the revised project budget of \$1,463,178 over 2011/12 and 2012/13, to award the contract for the development of the 10 Year Community Strategic Plan, the development of the 4 Year Workforce Plan and Housing Strategy, the development of the 10 Year Financial Plan and the development of the for the 10 Year Asset Management Framework and the overall project management that will ensure integration with the ICT strategy to KPMG.*

CARRIED 7/0

Consultation

The Town of Port Hedland engaged KPMG to prepare the Asset Management Framework which includes an Asset Management Policy, Asset Management Strategy and Asset Management Plan. The Town formed an internal Asset Management Working Group that collaboratively worked with KPMG to develop the framework

The following parties have been consulted in the process:

Externally

- KPMG
- Department of Local Government
- Dell, consultant for IT upgrade

Internally

- Executive group, Town of Port Hedland
- Manager Financial Services
- Manager Technical Services
- Manager Infrastructure Development
- Manager Airport Operations
- Manager Engineering Services
- Manager Recreation Services and Facilities
- Manager Investment and Business Development
- Manager Information Services
- Manager ICT Operations

Statutory Implications

16. Accounting for land under local government's control

The annual financial report of a local government —

- (a) is not to include as an asset —
- (i) Crown land that is a public thoroughfare, the responsibility for managing which is vested in the local government; or
 - (ii) land that is not owned by the local government but which is under the control or management of the local government (whether that land is Crown land or is owned by another person, or not),

unless it is operated by the local government as a golf course, showground, racecourse or any other sporting or recreational facility of State or regional significance; and

- (b) is to include as an asset —
- (i) a structure or any other improvement placed by the local government on land referred to in paragraph (a); and
 - (ii) an easement granted in favour of the local government over any land.

[Regulation 16 inserted in Gazette 20 Apr 2012 p. 1699.]

17A. Assets — fair value measurement required

- (1) In this regulation —
fair value, in relation to an asset, means the fair value of the asset measured in accordance with the AAS.
- (2) Subject to subregulation the value of an asset shown in a local government's financial reports must be the fair value of the asset.
- (3) A local government must show in each financial report —
- (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and
 - (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government —
 - (i) that are plant and equipment; and
 - (ii) that are —
 - (I) land and buildings; or
 - (II) infrastructure;
 and
 - (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.
- (4) A local government must revalue all assets of the local government of the classes specified in column 1 of the Table to this subregulation on the day specified in column 2 of the Table and at the end of each subsequent period of 3 years.

Table

Class of asset	Day
Plant and equipment	30 June 2016
Land, buildings and infrastructure for which the fair value was shown in the local government's annual financial report for the financial year ending on 30 June 2014	30 June 2017
All other classes of asset	30 June 2018

Policy Implications

Nil

Strategic Planning Implications

The following section of Council's Strategic Community Plan 2012-2022 is considered relevant:

- 6.4 Local leadership
- 6.4.1 Strategic
Deliver responsible management of infrastructure, assets, resources and technology

Budget Implications

The development of the Integrated Planning and Reporting Framework which includes a Strategic Community Plan, 4 year Corporate Business Plan, Workforce Plan and Asset Management Framework have been included in the 2011/2012 and 2012/2013 annual budget and any financial implications will be reflected in the Long Term Financial Plan. In recognition of the importance of Asset Management Council resolved to create a Asset Management reserve as part of the 2012/2013 budget process. The reserve currently holds \$365,805.00 funds available.

Officer's Comment

The purpose of the Asset Management Policy is to guide the strategic management of all of Town's assets in conjunction with other Integrated Planning & Reporting Framework strategies, relevant Legislation & Regulations, Australian Standards, Australian Accounting Standards, recognised best practice principles and other Town of Port Hedland policies.

The key objective of the Asset Management Policy is to ensure that there is organisational-wide commitment to asset management and the objectives of Councils Asset Management Strategy are achieved. This will ensure financial data on asset renewals, maintenance of existing assets and new assets are identified and form part of the Towns Long Term Financial Planning.

Against this background, the Asset Management Strategy sets management objectives and outcomes that are consistent with the Town's Asset Management Policy, meet the requirements of the Integrated Planning & Reporting Framework, and define a *roadmap* for the development of the Town's asset management capacity and capability necessary to meet the challenges of the future.

The Strategy also identifies how these objectives and outcomes will be achieved, which form the basis of the Town's first Asset Management Plan.

The Asset Management Plan provides the basis for the implementation of the Asset Management Strategy. The Town has developed the following strategic objectives for the Asset Management Strategy, with these strategic objectives also included in the Asset Management Plan.

Direction, Accountability and Integration

To develop a whole-of-Town asset management system and process that provide direction across the organisation, promote clear accountability at all levels of management, and integrate asset management into the corporate planning process.

Lifecycle Management

To manage the Town's assets on the principles of lifecycle management to ensure their most effective and efficient performance.

Data and Information Management

To ensure the quality and accuracy of asset data and information that enables analysis of asset performance and effective decision-making.

Standards and Levels of Service

To develop asset management standards and levels of service that reflects community aspirations and satisfies the internal requirements of the Town's business units.

Continuing Improvement

To develop an organisation-wide asset management function with a culture of continuing improvement in skills, processes, knowledge and practices.

There is no existing Policy, Strategy or formal Plans within the Town of Port Hedland for the on-going management of infrastructure assets. Accordingly, the proposed Policy, Strategy and Plan will assist with the future management of all asset categories for the Town both now and in the future.

The Department of Local Government acknowledges that the preparation of a Strategy and Plan is an iterative process, which may take several years to refine into mature documents that meet a core level of maturity. The Town's objective is to attain 'Advanced' standard over a period of three years. The Asset Management Plan sets out a program of work to achieve this objective.

Attachments

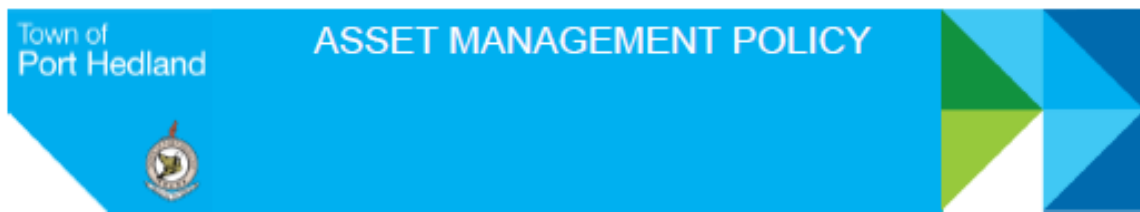
1. Asset Management Policy
2. Asset Management Strategy (under separate cover)
3. Asset Management Plan (under separate cover)

201213/211 Officer's Recommendation/Council Decision**Moved: Cr Jacob****Seconded: Cr Hooper****That Council:**

1. **adopts the Asset Management Policy as part of the Town of Port Hedland's Integrated Planning & Reporting Framework.**
2. **endorses the Asset Management Strategy and Asset Management Plan as part of the Town of Port Hedland's Integrated Planning & Reporting Framework.**
3. **recognises that Asset Management is an organisation-wide function and activity, which means that changes and improvement may be necessary to the Policy, Strategy and Plan over time.**
4. **notes that the Policy will come into effect from 1 July 2013.**
5. **notes that only changes to the Policy be presented to Council for formal adoption in the future.**
6. **notes that the financial implications associated with the Asset Management Framework will be incorporated into the Long Term Financial Plan.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.2.1



Policy Title and Number

Asset Management Policy

Policy No:

Policy Purpose

The purpose of this policy is to guide the strategic management of all of Town's assets in conjunction with other Integrated Planning & Reporting Framework (IPRF) strategies, relevant Legislation & Regulations, Australian Standards, Australian Accounting Standards, recognised best practice principles (International Infrastructure Management Manual) and other Town of Port Hedland policies.

It will be achieved by:

- a) Developing an Asset Management Strategy (AMS)
- b) Preparing individual Asset Management Plans for each specific asset class
- c) Ensuring that the AMS and associated systems are kept up to date.

Introduction to Asset Management

The IPRF requires all local governments to plan for the future including consideration of how the Town of Port Hedland (Town) will continue to deliver services to the community on a long-term basis in a financially sustainable and efficient manner. A strong focus on long-term strategic asset and financial planning is important because there is:

- increasing demand for services as the population grows and changes;
- increasing community expectation in relation to service provision, accountability and value for money;
- a limited ability to grow revenue/finite resources; and
- the need to maintain, renew or replace infrastructure which is unable to meet future demand.

This Asset Management Policy has been prepared to provide a foundation for Town's Asset Management Strategy and related Asset Management Plans for individual assets or asset classes. The following figure demonstrates the Asset Management Policy within the IPRF.

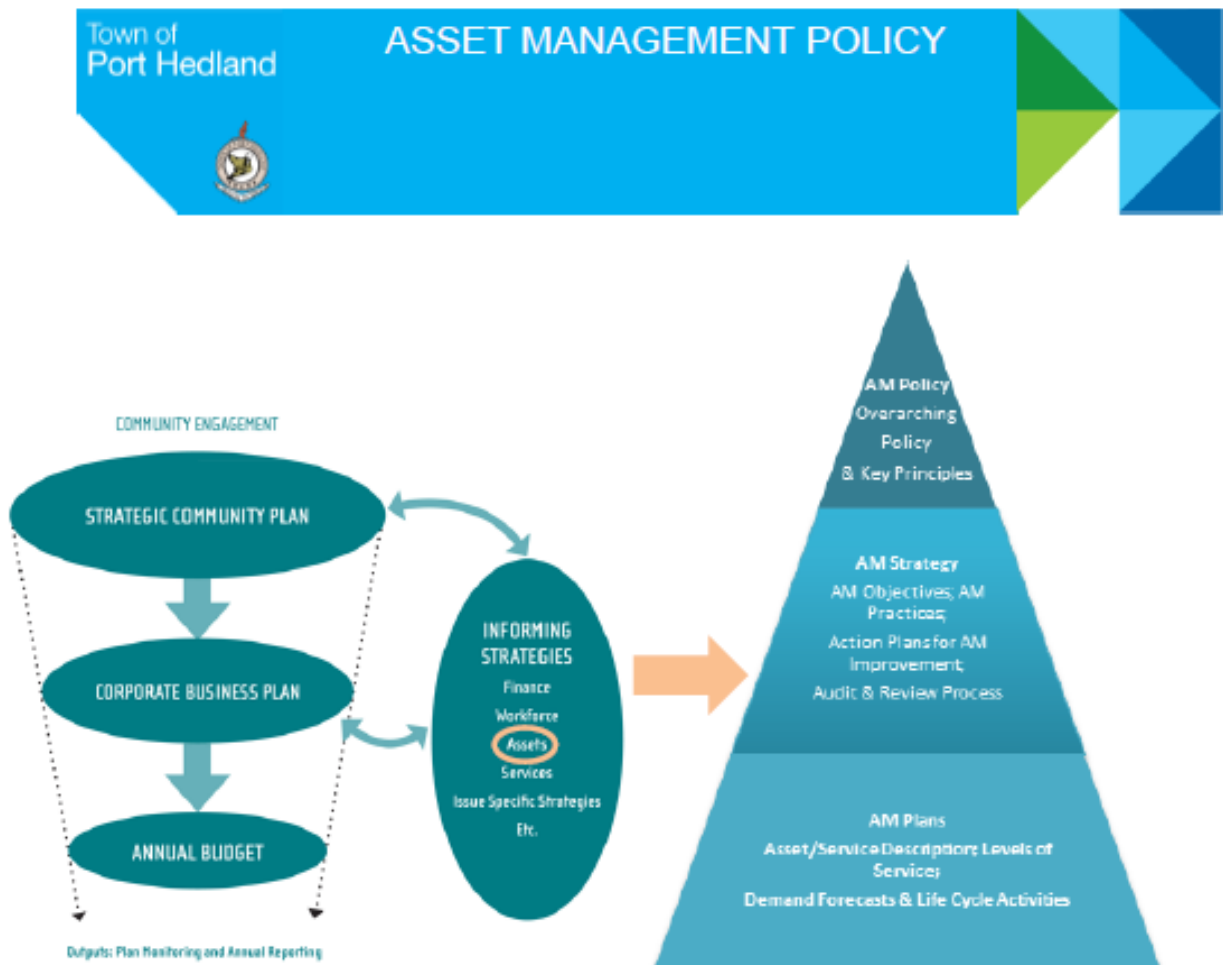


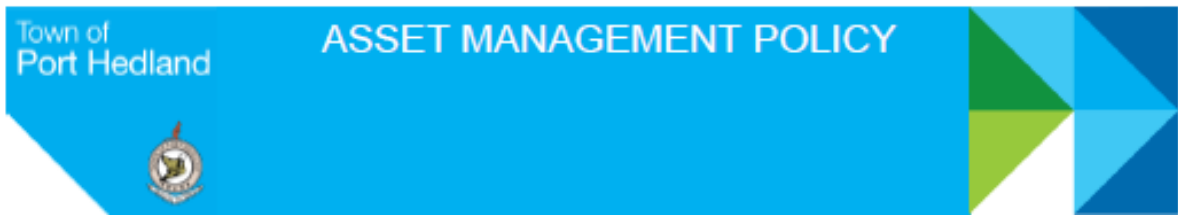
Figure 1: Integrated Planning and Reporting Framework - Assets

Objectives

The key objective of this policy is to ensure that there is organisation-wide commitment to asset management and that the objectives of Council's Asset Management Strategy are achieved. This will ensure financial data on asset renewals, maintenance of existing assets and new assets are identified and form part of Council's Long Term Financial Planning.

The principal objective of asset management is to enable the Town to meet its service delivery objectives efficiently and effectively, in a way that ensures:

- a) Assets are managed in accordance with relevant legislation
- b) Assets are managed in accordance with recognised best practice (e.g. International Infrastructure Management Manual and Australian Accounting Standards)



- c) There is integration of asset management with the IPRF Framework
- d) An asset "whole of life" approach is taken in the development of operational, maintenance, renewal/rehabilitation, and investment strategies that will then be incorporated into the long-term financial plan.
- e) Risk is considered in the development of asset strategies
- f) Asset performance is measured against defined levels of service outlined in the Asset Management Plan.
- g) Assets are brought to account in accordance with the requirements of the appropriate accounting standards and reporting requirements
- h) Informed decision making is based on reliable data
- i) Asset management is sustainable

Commitments

The following key commitments will achieve the Policy's objectives.

The Town will strive to:

- a) Develop and review (every 4 years) the Asset Management Strategy and Plans
- b) Ensure the integration of the AMS with Council's Strategic Community Plan and informing strategies, particularly the Long Term Financial Plan
- c) Allow the Strategic Community Plan to inform asset requirements to reflect community priorities
- d) Ensure that the asset management system is compliant with relevant Australian Accounting Standards, relevant Legislation & Regulations, Australian Standards, recognised best practice principles (International Infrastructure Management Manual) and other Town of Port Hedland policies
- e) Consider options for the Town to facilitate delivery of the service by a third party
- f) Develop documented service level agreements with key stakeholders to ensure the provision of sustainable assets



- g) Use “whole of life” costs as the basis for making decisions regarding asset acquisition, replacement, maintenance and disposal
- h) Monitor asset utilisation and predict future demand changes
- i) Identify, through risk management and condition assessment, initiatives to reduce the exposure to injury, liability and asset failure
- j) Develop and maintain operational plans for each asset class, identifying the full life cycle costs, service level requirements, maintenance requirements, risk management plan, refurbishment, replacement and disposal requirements for each item
- k) Provide relevant information to support asset management, including the effective collection, collation and analysis of asset data
- l) Keep up to date on issues relating to asset management
- m) Deliver enhanced services and organisational performance by optimising and rationalising assets in order to provide the best possible quality and value for money
- n) Measure and report on asset performance including utilisation and costing to ensure that the costs incurred do not outweigh the benefits derived.

Accountability and Responsibility

Responsibility for asset service delivery and asset management, including accountability and reporting requirements of day-to-day operations, will be clearly established and clearly communicated. This will ensure that both Elected Members and Council staff are clearly aware of their responsibilities and roles in relation to asset management.

To manage assets effectively, responsibility for their control must be defined and assigned. Asset registers are to be kept up-to-date and provide timely and meaningful information that meets council and management decision-making requirements.

Elected Members

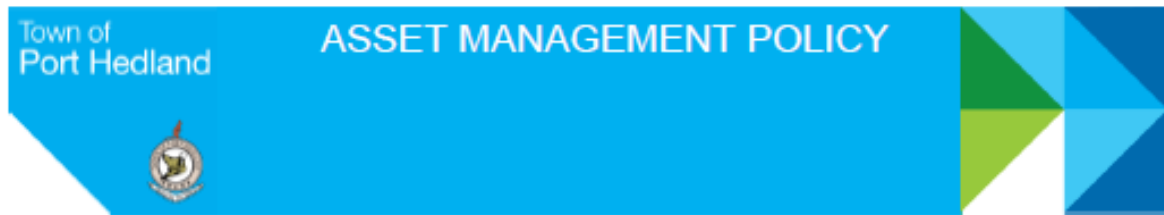
- a) Provide stewardship
- b) Ensure that resources are allocated and funded in the Long Term Financial Planning including Annual Budget in order to achieve the objective of the Asset Management Strategy and associated documents, upon recommendation from the CEO
- c) Approve the Asset Management Policy
- d) Endorse the Asset Management Strategy and Asset Management Plans

Executive Group, including CEO and Directors

- a) Ensure that sound business principles are reflected in the Asset Management Strategy and Plans that are developed
- b) Ensure the integration and compliance with the Asset Management Policy and Strategy with other policies and business processes of the Town
- c) Ensure that strategies and resources are in place to develop, maintain and review Council's Asset Management related documents and systems

Officers responsible for the management of Assets in each asset class

- a) Implement, maintain and review the Policy and Asset Management Strategy in accordance with the Strategy/Policy objectives and commitments
- b) Develop, maintain and review Asset Management Plans relevant to their asset class responsibility
- c) Review the Asset Management Policy every 4 years in line with Asset Management Strategy and Asset Plans
- d) Engage up to date technologies, methodologies and continuous improvement processes
- e) Facilitate acknowledged best practice in asset management
- f) Transitional Arrangements
 - New assets adhere to the policy
 - Old ones strive to adhere to the policy



Transitional Arrangements

This policy will come into effect from 1 July 2013. All new assets acquired from 1 July 2013 will be required to adhere to this policy. All existing assets will be transitioned to comply with the policy as described within the Asset Management Strategy and individual asset management plans.

Definitions

“Assets” are future economic benefits controlled by the Town of Port Hedland as a result of a past transaction or event whereby:

- a) Its value can be measured reliably, and;
- b) Its value must exceed a stated materiality threshold being \$5,000 or form part of a network asset group, and;
- c) It must be probable that future economic benefits of the asset will eventuate (i.e. the asset acquired supports the delivery of Council services to the community in line with Councils’ objectives)

“Asset Management” refers to the combination of management, financial, economic, engineering and other practices applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet the priorities of the Strategic Community Plan with the objective of providing the required level of service in the most cost-effective manner.

“Asset Management Plan” refers to a long term plan that combines multi-disciplinary asset management techniques to outline the assets activities, program and resources applied to provide a defined level of service for each asset class over the lifecycle of the asset.

“Asset Management Strategy” means a strategy or approach for asset management.

“Asset – Current” refers to an asset that can easily be converted to cash within the next 12 months.

“Asset – Non Current” refers asset that cannot easily be converted to cash within next 12 months

“Attractive Item” refers to an item defined as below:

- has a value of less than \$5,000 (exc GST);



- has an attractive nature; or
- is prone to misappropriation for private use or theft.

“Cost” is the amount of cash or cash equivalents paid for the fair value of the other considerations given to acquire an asset at the time of its acquisition, or construction or, where applicable, the amount attributed to the asset initially recognised in accordance with the specific requirement of other Australian Accounting Standards.

“Council” means the elected council (comprising of Elected Members) of the Town of Port Hedland.

“Depreciation” is a systematic charge that recognises the wearing out or consumption of the non-current asset over its useful life.

“Gap Analysis” a method of assessing the gap between the Towns’ current asset management practices and the future desirable asset management practices.

“Infrastructure” comprises the asset sub-classes defined in section 5 of the Asset Management Framework and Guidelines issued by the Department of Local Government.

“Level of Service” describes the outputs or objectives of the Town or the activity the Town intends to deliver to the customer. Service levels usually relate to quality, quantity, reliability, responsiveness, statutory functional requirements, environment, acceptability and cost.

“Life Expectancy” is the estimated or expected time between placing the asset into service and removing it from service.

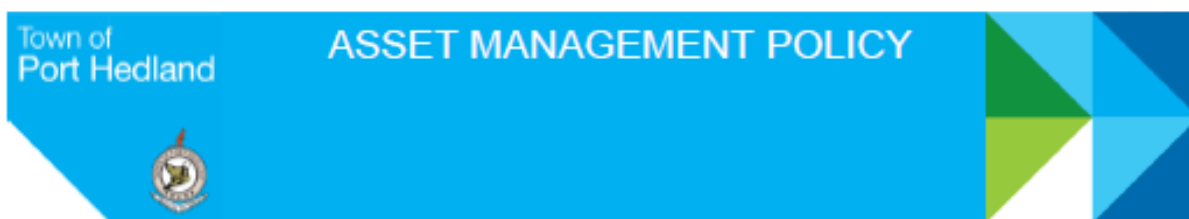
“Life Cycle” means the phases of activities that an asset goes through, including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal.

“Maintenance” means regular ongoing day-to-day work necessary to keep an asset operating to achieve its optimum life expectancy.

“Network Asset Group” refers to a collective group of assets; whilst individually do not function for their intended purpose and may be under the threshold of an asset defined herein, but collectively in a group of assets, functions as intended and exceeds the threshold of an asset, e.g. desktop computers, servers, laptops etc.

“Operations” means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g. road sweeping, grass mowing, and cleaning, street lighting and graffiti removal.

“Renewal” refers to works to replace existing assets with assets of equivalent capacity or performance capability.



“Replacement” means the complete replacement of an asset that has reached the end of its life, to provide a similar or agreed alternative, level of service.

“Replacement Cost” means the cost of replacing an existing asset with an identical new asset.

“Risk” means probability and consequence of an event that could impact on the Council’s ability to meet its corporate objectives.

“Town of Port Hedland” (Town) means the Town of Port Hedland administration.

“Strategic Community Plan” means the plan containing the long-term goals and strategies of the Town.

“Stakeholders” are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

“Upgrade” means enhancing an existing asset to provide higher level of service.

“Whole of Life Cost” refers to the total cost of an asset throughout its life cycle.

Relevant Legislation	<i>For ex. LG Act, Building Act, Health Act, etc.</i>
Delegated Authority	<i>Any reference to the delegation register</i>
Council Approval Date and Resolution No.	<i>Details of when this policy was approved by Council</i>
Last Date of Review	<i>Date of policy creation (if new) or of amendments (if changes have been through Council). Never delete previous dates, just add to them.</i>
Review Frequency	<i>State how often should the policy be reviewed</i>
Responsible Officer/Directorate	<i>List officer and/or Directorate that owns policy</i>

Document Control Statement – *The electronic reference copy of this Policy is maintained by the xxx Department. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://intranet/> to ensure that you have the current version. Alternatively, you may contact the xxx Department.*

6:42pm Councillor Daccache declared an impartiality interest in agenda item 11.3.1 'Contract for the Management of Colin Matheson Clubhouse' as his wife is on the Rovers Football Club Committee.

6:42pm Councillor Gillingham declared impartiality interest in agenda item 11.3.1 'Contract for the Management of Colin Matheson Clubhouse' as she lives in close proximity to the Colin Matheson Oval.

Councillors Daccache and Gillingham did not leave room.

11.3 Community Development

11.3.1 ***Contract for the Management of Colin Matheson Clubhouse (File No.: 05/05/0076)***

Officer Graeme Hall
Manager Recreation
Services and Facilities

Date of Report 30 November 2012

Disclosure of Interest by Officer Nil

Summary

This report seeks endorsement from Council to extend the Management Agreement for Port Hedland Rovers Football Club to manage Colin Matheson Clubhouse until the 31 December 2013.

Background

Expressions of interest had previously been sought for the management of Colin Matheson Clubhouse as part of a five year license agreement. The Town sought applications from local not for profit organisations that had a demonstrated capacity and ability to manage the facility to a high standard. The Ordinary Council Meeting on 16 November 2011 resolved:

"That Council:

1. *Dispose of Colin Matheson Clubhouse (Lot 3278, Title LR 3007-935) under the following terms and conditions:*

a) *Port Hedland Rovers Football Club is offered a twelve month agreement for the management of Colin Matheson Clubhouse (Lot 3278, Title LR 3007-935) finishing on the 31 December 2012*

- b) *No license fee is charged to the Port Hedland Rovers Football Club and all surplus revenue is shared equally between the ToPH and the Port Hedland Rovers Football Club, capped at a maximum value of \$45,000*
 - c) *Fees and charges proposed by the Port Hedland Rovers Football Club for the Colin Matheson Clubhouse are endorsed (Attachment 1)*
 - d) *Approves the creation of new revenue and expenditure accounts that are equivalent in dollar terms, until the establishment of a new reserve account can be created*
 - e) *That a separate report be provided by February 2012 for Council to consider the specific parameters for the use of funds in the reserve account*
 - f) *Port Hedland Rovers Football Club is responsible for all day to day maintenance of Colin Matheson Clubrooms*
 - g) *That the terms and conditions of use for Council managed facilities be utilised by the Rovers Football Club during the trial period.*
 - h) *Port Hedland Rovers Football Club contributes \$1,000.00 over the length of the agreement towards structural maintenance*
 - i) *That the Manager Recreation Services and Facilities or their representative be appointed to the Colin Matheson Clubhouse Management Committee*
2. *Requests the Chief Executive Officer to prepare and present a report to Council in November 2012 on the performance of the Port Hedland Rovers Football Club over the period to date, enabling Council to make a decision on the future management of this facility.”*

The initial 12 month trial period was established to allow both parties to gain an understanding of the costs and potential revenue associated with managing the facility. A management agreement was established reflecting the intent that the Port Hedland Rovers Football Club would enter into a long term tenure agreement following the completion of the one year trial on the 31 December 2012. Usage of the new Colin Matheson Clubhouse facility over the 12 month trial period has been lower than expected with a number of factors influencing usage, particularly the high facility hire fees, competition from Wanangkura Stadium and charges and limited marketing.

Meetings have been held with representatives from the Port Hedland Rovers Football Club and the Town of Port Hedland's Recreation Services department to discuss the long term management of Colin Matheson Clubhouse. These meetings have sought to reach an agreement that is beneficial to all parties.

Consultation

Town of Port Hedland Staff

- Manager Recreation Services and Facilities
- Manager Investment and Business Development
- Recreation Coordinator
- Bookings Officer.
- Port Hedland Rovers Football Club
- Nominated Port Hedland Rovers Football Club representative.

Statutory Implications

The Local Government Act 1995

“3.58. Disposing of property

- (1) In this section —
“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;
“property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) Except as stated in this section, a local government can only dispose of property to —
(a) the highest bidder at public auction; or
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
(a) it gives local public notice of the proposed disposition describing the property concerned; and giving details of the proposed disposition; and inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
(a) the names of all other parties concerned; and
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition —
(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*
[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]”

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 30

30. *Dispositions of property to which section 3.58 of Act does not apply*

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;”*

This disposal of land is an exempt disposition by virtue of Regulation 30(2) (b) of the Local Government (Functions and General) Regulations 1996, as The Port Hedland Rovers Football Club is an incorporated sporting body. Consequently section 3.58 of the Local Government Act 1995 does not apply.

Policy Implications

The Town of Port Hedland’s Manager Investment and Business Development is currently developing a new Leasing Policy for the Town of Port Hedland’s facilities. The new Leasing Policy is anticipated once adapted to apply to the long term tenure agreement for the Colin Matheson Clubhouse.

Strategic Planning Implications

The following section of Council's Strategic Community Plan 2012-2022 is considered relevant:

- 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.

- The Town's wide range of recreation, entertainment and event facilities are well used and attended by residents and visitors
- Higher utilisation of Port Hedland facilities (sporting ovals and buildings) by residents and visitors.

Budget Implications

The existing Management Agreement for Colin Matheson Clubhouse requires all surplus revenue to be equally shared between the Town of Port Hedland and the Port Hedland Rovers Football Club, capped at a maximum value of \$45,000.

The financial statement provided by the Port Hedland Rovers Football Club indicates that as of the 30 November 2012 the surplus revenue for this facility stands at \$4,120.45.

Under the existing agreement the Port Hedland Rovers Football Club will be required to pay \$2,062.73 to the Town of Port Hedland. This is well below what was anticipated and less than what is believed should have been achieved.

It is anticipated that usage of Colin Matheson Clubhouse will increase over the length of the proposed management agreement extension and will result in increased revenue for the facility. The exact revenue surplus will not be known until the 31 December 2013.

It is also recommended that the Town of Port Hedland again require a \$1,000 contribution from the Port Hedland Rovers Football Club for future structural maintenance costs. These funds are to be placed into the Community Facility Reserve until required for use.

All other existing terms and conditions are recommended to remain in place and all future leasing arrangements are required to be in line with the new Leasing Policy.

Officer's Comment*Colin Matheson Clubhouse – Management Agreement*

Since 1 January 2012, Colin Matheson Clubhouse has seen the following usage:

- 27 x functions for Port Hedland Rovers Football Club. These have included home game matches and Club events
- 16 x bookings by the broader community for functions and meetings. These have included Town of Port Hedland, BHP Billiton Iron Ore, Port Hedland Port Authority, Port Hedland Primary School and community groups.

Both parties would like to see greater use of the facility by the community and believe a number of factors have contributed to the low usage levels over the past 12 months including:

- High hire fees in comparison to other facilities available throughout the Town
- Requirement of Port Hedland Rovers Football Club to operate the bar facilities
- Delay in the execution of the Management License
- Maintenance and warranty issues
- Delay in fit out of the facility
- Lack of marketing
- Liquor licensing delays.

The Port Hedland Rovers Football Club management agreement for Colin Matheson Clubhouse expires on the 31 December 2012. Given the limitations and unsatisfactory outcomes achieved during the initial management period, it is recommended that management agreement be extended for a further short to medium timeframe (until the 31 December 2013) to assess improvement strategies being implemented.

The extension of the existing Management Agreement would allow the Port Hedland Rovers Football Club to facilitate greater usage of the facility. (See Attachment 1 – PHRFC Proposal).

The Port Hedland Rovers Football Club proposal includes:

- Reducing hire rates for events and functions (\$200 - \$300 per night)
- Allowing hirers to operate the bar with an occasional license
- Reducing hire rates for regular bookings
- Marketing the facility to promote interest within all sectors of the community.

The Port Hedland Rovers Football Club believes that the above changes will facilitate wider usage of the facility by sporting and community groups and would also attract corporate interest for daytime seminars and evening functions.

The Club have also indicated that they are looking to engage a casual paid employee to undertake a number of the tasks associated with the management of the Colin Matheson Clubhouse facility.

The proposal presented to Council to extend the current Management Agreement until the 31 December 2013 would help ensure the future success of the facility and the ongoing sustainability of the Port Hedland Rovers Football Club.

It is also anticipated that the Town of Port Hedland's new Leasing Policy will in place by the 31 December 2013 and can be applied to the future tenure agreement for the Colin Matheson Clubhouse facility. It is proposed that any long term agreement for the management of this facility would be a lease rather than a Management Agreement.

Should usage of the Colin Matheson Clubhouse not increase during the extended period, a further report will be presented to Council proposing alternative future management options for the facility.

Improved Management Solutions

The Colin Matheson Clubhouse facility currently does not have a power or water sub metre and therefore utility costs cannot be on charged to the Port Hedland Rovers Football Club. This report recommends an allocation of \$5,000 be considered in the 2nd quarterly budget review in 2013 for the installation of a power and water sub metre. This will allow all utility costs associated with the operation of the facility to be on charged to the Port Hedland Rovers Football Club.

The extension of the Management License for the Port Hedland Rovers Football Club to manage Colin Matheson Clubhouse will cost approximately \$1,000 in legal expenses. It is therefore recommended that an additional \$1,000 is considered in the 2nd quarterly 2013 Budget Review to cover these costs.

Attachments

1. Port Hedland Rovers Football Club – Request for Extension Trial Period – Colin Matheson Clubhouse

Council Motion**Moved: Cr Jacob****Seconded: Cr Gillingham**

That Council:

1. Extends the Port Hedland Rovers Football Club existing Management License for Colin Matheson Clubhouse (Lot 3278, Title LR 3007-935) with all existing terms and conditions until the 31 December 2013
2. Endorses the contribution from the Port Hedland Rovers Football Club of \$1,000.00 per annum over the length of the agreement towards structural maintenance and for these funds to be placed into the Community Facilities Reserve until required
3. Endorses the Port Hedland Rovers Football Club to set the fees and charges for the hire of Colin Matheson Clubhouse with approval from the Manager Recreation Services and Facilities
4. Endorses the Manager Recreation Services and Facilities or their representative be appointed to the Colin Matheson Clubhouse Management Committee and that this group meets a minimum of four times during the length of the agreement
5. Notes that an allocation of \$5,000 for the installation of a power and water sub metre for the Colin Matheson Clubhouse building will be considered in the 2nd quarterly budget review in 2013
6. Notes that \$1,000 for legal charges to extend the Management License for the Port Hedland Rovers Football Club Management License of Colin Matheson Clubhouse will have to be covered by the Rovers Football Club and not by Council.

*MOTION LOST TO THE VOTE 3/4***201213/212 Officer's Recommendation/Council Decision****Moved: Cr Carter****Seconded: Cr Daccache**

That Council:

1. **extends the Port Hedland Rovers Football Club existing Management License for Colin Matheson Clubhouse (Lot 3278, Title LR 3007-935) with all existing terms and conditions until the 31 December 2013**

2. endorses the contribution from the Port Hedland Rovers Football Club of \$1,000.00 per annum over the length of the agreement towards structural maintenance and for these funds to be placed into the Community Facilities Reserve until required
3. endorses the Port Hedland Rovers Football Club to set the fees and charges for the hire of Colin Matheson Clubhouse with approval from the Manager Recreation Services and Facilities
4. endorses the Manager Recreation Services and Facilities or their representative be appointed to the Colin Matheson Clubhouse Management Committee and that this group meets a minimum of four times during the length of the agreement
5. notes that an allocation of \$5,000 for the installation of a power and water sub metre for the Colin Matheson Clubhouse building will be considered in the 2nd quarterly budget review in 2013
6. notes that an allocation of \$1,000 for legal charges to extend the Management License for the Port Hedland Rovers Football Club Management License of Colin Matheson Clubhouse will be considered in the 2nd quarterly budget review in 2013

CARRIED 4/3

Record of vote

Mayor K A Howlett	Cr G A Jacob
Cr A A Carter	Cr J E Hunt
Cr D W Hooper	Cr Gillingham
Cr G J Daccache	

ATTACHMENT 1 TO ITEM 11.3.1

From: Jonathan Giles [mailto:jon.giles@phpa.com.au]
Sent: Tuesday, 13 November 2012 7:43 AM
To: Roukens Nicole; Hall Graeme
Subject: CMO FACILITY - REQUEST FOR EXTENSION OF TRIAL PERIOD

G'day Nicole,

As you are aware the Rovers Football Club was recently successful in being appointed to manage the social facility at Colin Matheson Oval. The ToPH and Rovers FC jointly agreed that moving immediately into the proposed 5 year term may be detrimental to the functioning of a not for profit organisation and it was decided to commence management of the facility for the first 12 months on a trial basis with revenue and expenses jointly shared between the two organisations.

The 12 month trial period was originally scheduled to commence on 01 January 2012 however the delayed provision of a fully executed Management Contract meant that licensing and other statutory requirements could not be commenced until much later in the year. By this time the football season was heading towards finals and the opportunity to gain a foot hold and market and operate the facility to its full potential had been lost. Several incomplete maintenance/warranty issues had also not been resolved.

During 2012 the Rovers FC offered the facility for hire at rates which were designed on historical Civic Centre hire rates and which had been calculated as being necessary to enable repayment of the ToPH lease fee (which had been estimated at around \$55,000 - \$60,000 per annum inclusive of maintenance inputs) once the 12 month trial period had lapsed.

As we had initially feared the facility charges of \$400 - \$500 per function were not attractive to sporting and community organisations and interest was mainly from the corporate sector. Our concern for immediate neighbours (school and residential) and the need to ensure their support with any applications for future changes to the Rovers FC liquor licence meant that the means of operating the bar also imposed additional costs on the hirer which were only attractive to the private and corporate sectors.

Given the above difficulties and the limited operating time available during 2012 the Rovers FC would like to extend the initial trial period to include the 2013 calendar year. We believe this option is the best way to ensure the success of the facility and the ongoing stability of the Rovers FC.

To facilitate a greater usage of the facility by community organisations in 2013 the Rovers FC would like to be able to offer reduced rates and operating services from those which formed part of our initial application with possible changes to include as below :-

- 1) Reducing the one-off nightly hire rate to a fee of around \$200 - \$300 per night
- 2) Consideration to be given to increasing the bond payment and allowing community organisations to operate the bar area under their own liquor licence on Friday and Saturday nights when there is no football at the oval.
- 3) Offering further reduced hire rates to regular or block bookings.
- 4) Marketing of the facility during December/January to promote interest in the facility within all sectors of the community.

We believe that the above changes would facilitate wider usage of the facility by sporting and community groups whilst still attracting corporate interest for day usage (seminars, meetings) and fully catered Christmas functions.

We look forward to your favourable consideration of our request.

Cheers Jon

Jon Giles
(Rovers FC)

Landside Operations Manager
Port Hedland Port Authority
PO Box 2
PORT HEDLAND WA 6721
Telephone: (08) 9173 0056
Mobile: 0417903562
Fax: (08) 9173 0060
Website: www.phpa.com.au

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6:52pm Councillor Hunt declared a financial interest in agenda item 11.3.2 'South Hedland Integrated Community Facilities – Update and Progression of Project' as she is a BHP Billiton shareholder with shares over the statutory limit.

6:52pm Councillor Daccache declared a financial interest in agenda item 11.3.2 'South Hedland Integrated Community Facilities – Update and Progression of Project' as he is a BHP Billiton shareholder with shares over the statutory limit.

Councillors Hunt and Daccache left the room.

11.3.2 South Hedland Integrated Community Facilities – Update and Progression of Project (File No.: 23/08/0062)

Officer Lorna Secrett
Manager
Community Development

Date of Report 12 December 2012

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to update Council on the South Hedland Integrated Community Facilities and request support for the progression of the project to the engagement of architectural consultants.

Background

Council has previously considered several reports on community facilities in the South Hedland Town Centre, with the most recent resolution being 201213/036 at the OCM on 25 July 2012, as follows:

“1. Endorses the Feasibility Study into Library and Community Facilities in South Hedland Town Centre, including Co-location Opportunities July 2012, as at Attachment 1, and its recommendations, as a guiding document to progress the project;

2. Endorses the nominated sites for the proposed development of community facilities, being Hedland Well Women’s Centre, South Hedland Library and Lotteries House as follows:

- Co-located Lotteries House and Hedland Well Women’s Centre, with Lotteries House undergoing significant expansion and renovation to both increase its size, configuration and allow for Hedland Well Women’s Centre to occupy a newly-added wing to the North-East; and*

- *South Hedland Library to be relocated to a new facility constructed to the north of the existing South Hedland Aquatic Centre (SHAC), and co-located with the proposed youth space/skate park facilities.*

3. Authorises referral of the Feasibility Study and direct funding approaches to Landcorp, industry partners, State Government departments and other funding bodies to negotiate and confirm a funding mix as an integrated package, which includes the South Hedland Youth Space, and agree on an implementation schedule for the project

4. Notes Council's previous resolution 201112/416 (11 April 2012) which resolved, in part, endorsement of a preferred option for the potential short term location of the South Hedland Library and Hedland Well Women's Centre, which was subject to conditions including 'written commitment (within a 6 month period) of funding of the long term construction of the new consolidated community facilities (Library, Community Centre and Well Women's Centre) within the South Hedland CBD'.

5. Authorises the CEO to commence discussions with Landcorp on a funding strategy to incorporate a management role for a place manager within the South Hedland Town Centre.

6. Notes that there will be a further report to Council on the outcomes of Items 3 & 5 by December 2012."

In accordance with Part Resolution 3, Officers have held discussions with Lotterywest, Pilbara Development Commission and industry partners to develop a funding mix. Feedback from State Government is that the project should be further refined in costing and design before submitting for consideration in 2013. The South Hedland Youth Space is no longer part of this project, as it is awaiting final confirmation of separate funding for construction.

Part 4 of the Resolution has been superseded by the sale to others of the preferred option for temporary relocation of the South Hedland Library and Hedland Well Women's Centre and subsequent expression of interest process by Landcorp over Lot 1502 only. This allows for the Library and Well Womens Centre to remain at their current sites until the new facilities are built and for Landcorp to realise the development aims for Lot 1503 at this time.

Part 5 of the Resolution is currently being actioned through the development of a place making strategy for the South Hedland Town Centre, in collaboration with Landcorp and the South Hedland Town Centre Stakeholders Group.

The Strategy will provide for a range of economic, social, environmental and cultural activities and initiatives with the aim of activating the South Hedland Town Centre, which involve community participation and leadership, and incorporate a place management role.

This report satisfies the requirement of Part Resolution 6.

Consultation

A reference group consisting of representatives of the Town of Port Hedland, South Hedland Library, Lotteries House and Hedland Well Women's Centre has been formed to oversee this project.

Internal consultation has been undertaken with a range of relevant ToPH staff members including:

- Manager Infrastructure Development
- Manager Planning
- Manager Technical Services
- Manager Recreation and Facilities
- Director Planning and Development
- Director Community Development
- Coordinator Library Services.

Consultation has been held with additional external stakeholders, as follows:

- South Hedland Town Centre Stakeholders Working Group
- Pilbara Cities
- Landcorp
- State Library WA, CEO
- State Library WA, Board Chairman
- Lottery West, Senior Manager Grants and Regional Development.

The proposal has also been presented by the ToPH Executive Team, to the Premier and members of the Landcorp Board.

A concept briefing for Elected Members was held on 7 March 2012.

Statutory Implications

The Tender will be called in accordance to the Local Government Act (1995).

"3.57. Tenders for providing goods or services

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

Policy Implications

The Tender will be called in accordance with Council's Procurement Policy 2/007 and Tender Policy 2/011.

Strategic Planning Implications

The South Hedland Integrated Community Facilities project addresses several elements of Council's Strategic Community Plan. The predominant strategies and underlying goals are:

- 6.3 Environment
- 6.3.2 Community Facilities
Provide safe and accessible community facilities, libraries, services and public open spaces that connect people and neighbours.

- 6.1 Community
- 6.1.1 Unified
Increase in the number of physical, cultural and social facilities in Port Hedland

- 6.1 Community
- 6.1.2 Vibrant
Provide access to recreational, cultural, entertainment facilities and opportunities

- 6.1 Community
- 6.1.3 Rich in Culture
Promote the arts and culture

Design and construction of the South Hedland Library and Community Centre is included in the Town's Corporate Business Plan for commencement in 2012/13 financial year. The Corporate Business Plan also identifies a future upgrade to the facilities at South Hedland Aquatic Centre, commencing in 2015/16. Council is aware that the timing of projects identified in the Corporate Business Plan will be reviewed in early 2013, in alignment with the development of the Long Term Financial Plan.

In addition to this, Council's endorsed Library Services Plan (2010) prescribes as Objective 1: *'The design and construction of a new library and community centre on the South Hedland Aquatic Centre site inclusive of commercial facilities such as a book shop and café.'*

Budget Implications

All works undertaken to date and those recommended in this report are through external funding from BHP Billiton Iron Ore and Pilbara Development Commission.

Officer's Comment

The Feasibility Report, endorsed by Council in July 2012, prescribes a community precinct with inter relationships and operational synergy between the South Hedland Library, Lotteries House and Hedland Well Womens Centre. A mapping exercise was also undertaken on the South Hedland Aquatic Centre to ensure that these proposed works did not inhibit or constrain the future redevelopment of the Centre's facilities.

The proposed scope of the next stage will provide for progression to part schematic design for the 3 aforementioned facilities, which will give greater surety of costings and design, whilst allowing for a hold point for Council's decision making process, whilst funding is confirmed. For continuity of the project, the tender will specify that the engagement of architectural services will be, subject to funding and decisions to progress the project, for the life of the project in regard to South Hedland Library, Lotteries House and Hedland Well Women's Centre

As an integrated part of the project, the South Hedland Aquatic Centre will move to preliminary concept design for Stage Two, in consultation with user groups, to inform any future works on the site. See Attachment 2 for detail of staging of community facility works.

This approach will enable a design process that considers future works to all community facilities in the South Hedland Town Centre, whilst progressing them in their appropriate timeframes, in accordance with the Corporate Business Plan. Calling of tenders in January 2013 will also enable appointment of architectural services in time to facilitate greater integration with the current South Hedland Youth Space and Skate Park project, which is in it's detailed design stage with a projected end date of April 2013.

Funding for the recommended progression of the project was granted by Pilbara Development Commission in 2010 and is required to be expended in a timely manner to avoid the necessity to relinquish this funding.

Officers have developed a funding strategy for construction of the facilities and are now engaging with stakeholders to confirm commitments. Progression of the project to a more detailed position would enable greater surety, and therefore commitment from stakeholders, on costing and design and establish inter relationships between all key infrastructure elements.

Attachments

1. South Hedland Community Precinct

201213/213 Officer's Recommendation/Council Decision**Moved: Cr Jacob****Seconded: Cr Hooper****That Council:**

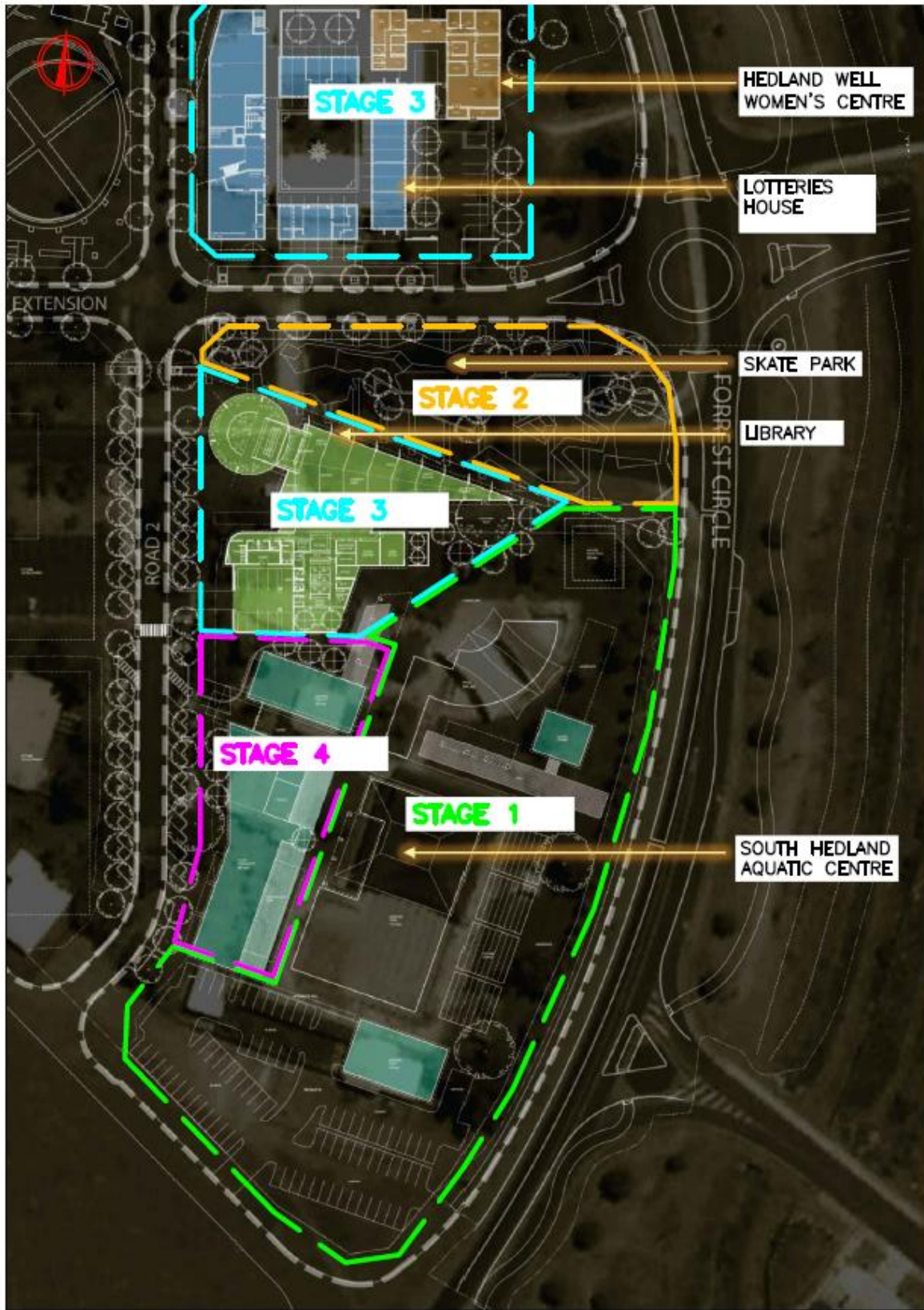
- 1. notes the progress of the South Hedland Integrated Community Facilities project to date**
- 2. notes the Chief Executive Officer to request tenders for the engagement of architectural consultants (for Part Schematic Design for South Hedland Library, Lotteries House and Hedland Well Womens Centre and Concept Design for Stage 2 of the South Hedland Aquatic Centre) for the South Hedland Integrated Community facilities project**
- 3. notes that the tenders requested will specify the engagement of architectural services will be, subject to funding and decisions to progress the project, for the life of the project in regard to South Hedland Library, Lotteries House and Hedland Well Womens Centre**
- 4. notes that at the conclusion of design development / prior to calling of main building tenders, a report will be provided to Council detailing:**
 - a. Updated Quantity Surveyor cost estimates and part schematic design for South Hedland library, Lotteries House and Hedland Well Womens Centre**
 - b. Written confirmation of funding sources**
 - c. All relevant statutory approvals obtained**
- 5. notes that the timing of the South Hedland Integrated Community Facilities project will be considered in the review of the Corporate Business Plan and development of the Long Term Financial Plan.**

CARRIED 5/0

6:53pm Councillors Hunt and Daccache re-entered room and resumed their chairs.

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

ATTACHMENT 1 TO ITEM 11.3.2



11.4 Corporate Services**11.4.1 Financial Management*****11.4.1.1 Interim Financial Reports to Council for Period Ended 31 October 2012 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Laura Delaney
Finance Officer
Financial Management

Date of Report 31 October 2012

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present an interim summary of the financial activities of the Town to 31 October 2012, 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.

The reports are considered to be interim as the Finance Department is still in the process of finalising the 2011-12 financial year that will affect the actual results for June 2012 onwards, until the auditors sign off the final accounts.

Background***1. Interim Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 October 2012, are the:

- Statement of Interim Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Interim Statement of Financial Activity for the period ending 31 October 2012;
- Review of Transaction Activity.

Note: Interest rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Big Sky, Bankwest, Western Australian Treasury Corporation, Citibank, Commonwealth Bank, Australian and New Zealand Bank, Westpac Bank, Macquarie Bank and AMP.

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 12 December 2012 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			
NMF011012	NMF011012	\$569.14	1	1	1	Municipal Fund	Photocopier Lease x 2 - South Hedland Library & JD Hardie
NMF011012	NMF011012	\$1,244.32	1	1	1	Municipal Fund	Photocopier Lease x 2 - Regulatory Services
NMF081012	NMF081012	\$284.57	125	125	1	Municipal Fund	Photocopier Lease x 1 - Community Development (Airport)
		\$2,098.03					
CHQ21563	CHQ21563		1	1	1	Municipal Fund	Reissued - incorrect allocation
CHQ21565	CHQ21566		1	1	1	Municipal Fund	Reissued - incorrect allocation
CHQ21697	CHQ21771		1	10	1	Municipal Fund	
CHQ21772	CHQ21775		-	-	1	Municipal Fund	Cancelled Cheques
CHQ21776	CHQ21779		10	11	1	Municipal Fund	
CHQ21780	CHQ21780		-	-	1	Municipal Fund	Cancelled Cheque
CHQ21781	CHQ21782		11	11	1	Municipal Fund	
CHQ21783	CHQ21788		-	-	1	Municipal Fund	Cancelled Cheques
CHQ21789	CHQ21810		11	14	1	Municipal Fund	
		\$279,825.32				Municipal Fund	
EFT42425	EFT42818		14	84	1	Municipal Fund	
EFT42819	EFT42819		-	-	1	Municipal Fund	Cancelled EFT
EFT42820	EFT43056		84	125	1	Municipal Fund	
		\$8,956,438.03					
PAY021012	PAY021012	\$446,365.44	1	1	1	Municipal Fund	
PAY161012	PAY161012	\$448,168.53	125	125	1	Municipal Fund	
PAY301012	PAY3010/12	\$436,547.16					
		\$1,331,081.13					
CAL151012	CAL151012	\$1,725.22	125	125	1	Municipal Fund	Caltex Direct Debit
		\$1,725.22					
WOW170912	WOW170912	\$1,549.28					
WOW161012	WOW161012	\$1,701.99	125	125	1	Municipal Fund	Woolworths Direct Debit
		\$3,251.27					
	Muni Total	\$10,574,419.00					
3002322	3002325		125	126	3	Trust Fund	
3002326	3002326		-	-	3	Trust Fund	Cancelled Cheque
3002327	3002330	\$84,640.02	126	126	3	Trust Fund	
	Trust Total	\$84,640.02					
	Sub-Total	\$10,659,059.02					
LESS: one-off pays							
	Total	\$10,659,059.02					

(This page intentionally left blank).

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;*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,*
- which is owed to the local government.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

Policy Implications

2/003 Financial Statements – Copies for 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

The following section of Council's Strategic Community Plan 2012-2022 is considered relevant:

- 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:

- i) 10% of the Function amended budget; or*
- ii) \$100,000 of the Function amended budget*

whichever is the lesser, for the following categories of revenue and expenditure:

- iii) Operating Revenue*
- iv) Operating Expenditure*
- v) Non-Operating Revenue*
- vi) 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 Interim Financial Activity.
 - 1.2 Pages 5 to 18. Notes 3 to 11 which form part of the Interim Statement of Financial Activity.
Also Note 10 – October 2012 Bank Reconciliations.
 - 1.3 Pages 19 to 64. Detailed Interim Financial Activity by Program.
 - 1.4 Pages 65 to 67. Comparison Between 2012/13:2011/12 Utility & Fuel Costs.

2. October 2012 Accounts for Payment – under separate cover

201213/214 Officer's Recommendation/Council Decision**Moved: Cr Carter****Seconded: Cr Hooper****That Council note the:**

- i) **interim Financial Statements as at October 2012 including:**
 - a) **Interim Statement of Financial Activity (represented by Schedules 3 to 14);**
 - b) **Notes (1 to 11) to and forming part of the Interim Statement of Financial Activity for the period ending 31 October 2012; and**
 - c) **Review of Transaction Activity,**

- ii) **graphic representation of the Town's energy, water and fuel use;**

- iii) **list of Accounts paid during October 2012 under Delegated Authority.**

- iv) **financial Statements will remain interim until after all year end processes are undertaken and the Town's auditors have finalised the 2011/12 annual audit.**

CARRIED 7/0

11.4.2 ICT Operations**11.4.2.1 *Town of Port Hedland ICT Strategic Plan 2012 – 2017
(File No.: 04/12/0001)***

Officer **David Benci**
Manager ICT Operations

Date of Report **14 December 2012**

Disclosure of Interest by Officer **Nil**

Summary

The Draft Town of Port Hedland ICT Strategic Plan 2012-2017 (Attachment One) and Implementation Plan (Attachment Two) is presented to Council for its consideration. This ICT Strategic Plan outlines how the organisation will use ICT to transform operations and services to meet the objectives within the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP).

This report recommends to Council that it endorse in principle the Town of Port Hedland ICT Strategic Plan 2012 -2017 and its associated Implementation Plan for inclusion in the 10 Year Financial Plan currently being developed. This will ensure the cost implications of the delivery are captured in the 10 Year Long Term Financial Plan and hence fully represents to the Council and the community the overall financial implications of delivery of the ICT Strategic Plan.

Background

The Town of Port Hedland has been developing the required plans and strategies to deliver the Integrated Planning and Reporting Framework. Despite not being mandated initially, the Town had decided that it would develop a five year ICT Strategic Plan to underpin the Framework and support the community and the organisation into the future.

On the 28 of February 2012 the Department of Local Government released a requirement for an Information Technology Framework that local governments would need to develop to support the Integrated Planning and Reporting (IPR) Framework.

Consultation

- Town of Port Hedland Executive
- Relevant Town of Port Hedland Officers
- KPMG
- DELL Consulting Services
- Elected members at various Concept Forums in 2012
- Department of Local Government

Statutory Implications

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

Local Government (Administration) Regulations 1996 states that:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

Policy Implications

Nil

Strategic Planning Implications

- 6.4 Local Leadership
- 6.4.1 Strategic
 - Deliver responsible management of infrastructure, assets, resources and technology.

Budget Implications

Should the officer's recommendation be adopted the financial implications associated with draft Town of Port Hedland ICT Strategic Plan 2012-2017 and associated Implementation Plan will be factored into the draft 10 Year Long Term Financial Plan currently being developed for Council's consideration. Activities associated with the first year of the 5 year Implementation Plan has been incorporated in the Town of Port Hedland 2012-2013 Annual Budget.

Officer's Comment

The ICT Strategic Plan 2012- 2017 and Implementation Plan have been developed in a parallel process with the creation of the CBP and SCP.

The ICT Strategic Plan incorporates the Information Technology Framework required by the Department of Local Government and articulates the Town's preferred implementation model to achieve a baseline maturity. The high level activities to achieve this baseline are outlined in the Implementation Plan and are aligned to the CBP. More detailed and specific activities are only included in the Implementation Plan.

This report recommends to Council that it endorse in principle the entire Draft Town of Port Hedland ICT Strategic Plan and associated Implementation Plan for inclusion in the 10 Year Financial Plan currently being developed. This is the same process as suggested for other relevant outcomes of plans and strategies associated with the IPR. The resulting 10 Year Long Term Financial Plan will be presented to the Council in January 2013.

From January, Council will be in a position to engage with the community in informed consultation to make the joint decisions to deliver the required strategic priorities in a financially sustainable manner. This will then allow the resulting changes to be made to the ICT Strategic Plan if required in a timely fashion to meet the deadlines of the Department of Local Government.

Attachments

1. Draft Town of Port Hedland ICT Strategic Plan 2012- 2017 (under separate cover)
2. Draft Town of Port Hedland ICT Implementation Plan 2012-2017 (under separate cover)

201213/215 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council endorse in principle the Draft Port Hedland ICT Strategic Plan 2012- 2017 and associated Implementation Plan for inclusion in the 10 Year Financial Plan to be presented to the Council in January 2013.

CARRIED 7/0

11.5 Organisational Development**11.5.1 *Office Accommodation Strategy – Proposed Short and Long Term Solutions (File No.: 03/01/002)***

Officer Debra Summers
Manager Organisational
Development

Date of Report 3 December 2012

Disclosure of Interest by Officer Nil

Summary

This report presents for consideration the recommendations from the Office Accommodation Strategy undertaken to support the Workforce Plan, a key element of the Integrated Planning and Reporting Framework (IPRF). The staff resources outlined in the Workforce Plan and the facilities needed to accommodate that workforce are the foundation for the delivery of the 4 year Corporate Business Plan and in turn the Strategic Community Plan.

Council is being requested to consider investigations into solutions to address the urgent short term office needs, as well as an aligned long term accommodation approach. This report also summarises community consultation undertaken to date.

Council is requested to endorse the following office accommodation solutions / phased strategic implementation:

- Short Term Solution: Convert Gratwick Hall and Council Chambers for office accommodation, supported by hiring of offsite space for Civic purposes
- Construction of new Council Chambers and multi function facilities (including community) on the McGregor Street site (to the west of existing Administration building)
- Completion of existing Administration building (ground floor and carparking) renovation and integration with new Chambers and associated facilities
- Construction of new office, amenities and buildings at the Town's Depot facility

Background

Council has for some time been considering the future of the Civic Centre and Administration building. The Ordinary Council Meeting of 25 November 2009 noted the Civic Centre was overcrowded and that additional FTE (staff numbers) growth was anticipated. The interim strategy was to utilise space at the Airport.

The challenge of staff office accommodation has also been noted in subsequent Council Minutes on 27 January 2010 and 24 March 2010.

The Council Meeting of March 2010, resolved to:

1. State the preference for the development of a new civic building and office space in the South Hedland CBD to replace the existing Civic Centre on the provision that:

a) The public open space at the rear of the Civic Centre is retained by the Town for public use

b) That any future redevelopment of Civic Centre must be required to include function spaces and must appropriately recognize the history of the site

2. Commence the development of this project by:

a) Commencing negotiations to purchase the existing Civic Centre site freehold from the State Government

b) Working with Landcorp to identify the exact location available for the proposed new civic building in the South Hedland CBD

c) Commencing discussions with developers regarding options to package the proposed development of a new civic building in South Hedland with the potential sale of the current civic centre building.

Integrated Planning and Reporting Framework

Recently as part of the development of the Integrated Planning and Reporting Framework and to ensure compliance with the requirements of the Department of Local Government, a 4 year Workforce Plan has been developed outlining the required workforce, number capacity and capability to deliver the Strategic Community Plan and Corporate Business Plan.

KPMG was engaged to develop the Town's IPRF including the Workforce Plan (and housing and office accommodation strategy). The scope of work to deliver the office accommodation strategy was to investigate and report on the:

- Provision of appropriate workforce office accommodation including assessment of current office arrangements and development of the strategies and options available, along with the funding requirements for each
- Costs of implementation and associated timelines to deliver on proposed strategies and solutions.

KPMG commenced the development of the first stage of the office accommodation strategy in May 2012, reviewing the financial implications to rectify accommodation shortages and non-compliance with Occupational Safety and Health legislation in the Civic Centre, Airport office, Administration building and Depot to be able to be considered as part of the 2012 - 2013 budget.

The resulting Short Term Office Accommodation Strategy was presented at a Concept Forum in August 2012 and then formally considered, inclusive on an additional option, at the OCM on 22 August 2012. The additional option suggested at the Concept Forum was the potential of utilising transportable modular office accommodation placed in front of the Civic Centre.

The Ordinary Council Meeting of 22 August 2012 resolved:

That Council:

- 1. Endorses in principle the strategy of utilising the Gratwick Hall for office accommodation for up to three years until a medium to long term strategy for the provision of office accommodation is developed and implemented*
- 2. Notes that this endorsement is contingent on community consultation being undertaken with current users of the facility and a report on this consultation being presented back to the Council*
- 3. Requests the CEO to investigate the potential of utilising transportable office accommodation placed in the front of the Civic Centre building as a parallel option to utilising Gratwick Hall as office accommodation*
- 4. Requests the CEO to report back to the Council the findings of these investigations and recommendations of the preferred option to alleviate current office accommodation non-compliance in the Civic Centre*
- 5. Endorses an upgrade in the office accommodation at the Airport Office and the Depot to appropriate industry standards*
- 6. Notes the initial estimate of \$5 million incorporated into the 2012/13 draft Budget to be funded via a loan.*

Council considered a further report at the OCM on 24 October 2012 in relation to the initial investigation of the two preferred options that had been identified. The outcomes of this investigation recommended that the option of utilising transportable office accommodation placed in front of the Civic Centre not be progressed further, with wider community consultation to be undertaken with respect to utilising Gratwick Hall as temporary office accommodation as part of a proposed consultation process about the future location of the Civic Centre and Administration building.

A discussion paper was developed to form the basis of the consultation strategy to seek wider community feedback and was presented with the Council report. The OCM on 24 October 2012 resolved:

That Council:

- 1. Agrees that the option of utilising transportable office accommodation placed in the front of the Civic Centre should be progressed further, including public consultation*
- 2. Maintains in principle endorsement of the strategy of utilising the Gratwick Hall for office accommodation for up to three years as short term office accommodation*
- 3. Notes that continuing consultation needs to occur with targeted existing users of the Gratwick Hall to develop an appropriate proposed transition strategy to relocate their activity/event to an alternative venue if required*
- 4. Request the CEO, or their delegate, to use the Office Accommodation Discussion Paper as attached to this report to commence community consultation in accordance with the Town of Port Hedland Community Engagement Strategy on the proposal to utilise Gratwick Hall for temporary office accommodation as part of the wider consultation process to consider the future location of the Civic Centre and Administration Building.*

Consultation

- Town of Port Hedland Executive
- Relevant Town of Port Hedland officers
- KPMG / Thinc Projects
- Elected Member – Concept Forums on 15 August 2012, 10 October 2012, 14 November 2012 and 28 November 2012
- Public information session on 21 November 2012
- 55 responses received from Community Consultation

- Identified existing users of the Gratwick Hall (Alliance Dance, Gumala Aboriginal Corporation, IBN Community Meeting, Pilbara Music Festival, Port Hedland School of the Air, Fortesque Metals Group, Hedland School of Dance, JJ's Taekwondo, Port Hedland Port Authority, Hedland Senior High School, YMCA, The Big Red Tour, Goolarri Media Enterprises, I Katcher Events, New Energy Corporation, Port Hedland Primary School, Swan Districts Football Club, Variety)
- Community working groups including the South Hedland CBD Stakeholder Working Group, Aboriginal Quarterly Forum, South Hedland Business Association, BHPB Partnership Working Group, Community Integration Working Group
- Town of Port Hedland media releases.

Statutory Implications

The Local Government Act 1995 states that:

"5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district."*

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- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*

- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
Absolute majority required.
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

The Town of Port Hedland Community Engagement Strategy provided the framework for the community consultation undertaken.

Strategic Planning Implications

6.1 Community

6.1.2 Vibrant

Improve the quality of life for existing residents with a focus on families

6.1 Environment

6.3.2 Community Facilities

Provide safe and accessible community facilities, libraries, services and public open space that connect people and neighbours

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance

6.4 Local Leadership

6.4.2 Community Focussed

Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders

6.4 Local Leadership

6.4.2 Community Focussed

Local leaders in the community who provide transparent and accountable civic leadership

6.4 Local Leadership

6.4.3 Capable

Attract, develop and retain a productive and effective workforce to deliver the SCP.

Budget Implications

A detailed cost assessment has been undertaken in relation to the potential short term office accommodation options and included as Attachment 3. The recommendations of this report are based on the significant cost and delivery timeframe advantage provided in the preferred option. Should the recommendation of this report be adopted a \$5,000,000 allocation within the 2012/13 budget as loan funds will be utilised to:

- a. Commence detailed design and construction of the Gratwick Hall and Council Chamber's conversion / renovation
- b. Commence the detailed feasibility assessment and business case development for the McGregor Street, Port Hedland site
- c. Confirm / secure and communicate with the community the Council meeting program for 2013
- d. Undertake necessary short term modifications at Town Depot.

The loan taken to fund these works would result in principal and interest repayments totalling an estimated \$440,574 and will be incorporated in the 2013/14 annual budget as the total cost of delivering the preferred option.

Combined delivery of the short and long term office accommodation solutions will be in excess of funds incorporated in the 2012/13 budget. Following the completion of detailed feasibility assessment and business cases, the appropriate cash flow of funds would need to be included for consideration in the Long Term Financial Plan.

Officer's Comment

Short Term Office Accommodation Strategy Process

The development of the Short Term Office Accommodation Strategy has utilised the following process to develop outcomes and recommendations contained in this report:

- Assess current accommodation for conformance to industry standards
- Define and quantify office requirements
- List and investigate possible options
- Establish evaluation criteria and priorities (including financial)
- Apply evaluation criteria and assess priorities
- Presentation / discussion with Council on options
- Refinement of possible options
- Application of evaluation criteria to possible options
- Recommendation of two proposed solutions.

Assessment of Current Accommodation and Requirements

The Town immediately requires 67 workstations to accommodate staff to be employed in the 2012/2013 year, plus workstations to alleviate overcrowding and sub-standard office conditions.

To determine the spatial requirements and improvements necessary to ensure compliance with OSH requirements, a qualitative assessment of the current premises has been undertaken and benchmarked against the WA Department of Finance Workspace and Fit-out Standards. The following is a summary of the findings:

- Layout – Cramped, poorly laid out, many trip hazards and obstructions impeding egress, limiting actual workspace, some paths of egress impacted
- Disability Discrimination Act (DDA) – For people with disabilities, stairs (and no lift) at the Airport Office make entry extremely difficult and prevent access to the 1st floor.
- Lighting and Power – use of extension cords, power boards, non tagged equipment and tangled cabling all create a hazard
- Ergonomically – furniture has a low standard of ergonomics at many workstations / desks. The actual area available to undertake work is undersized and further exacerbated by piles of documents, computer equipment and trays on desks. The chairs have limited adjustment, particularly back and lumbar adjustment
- Acoustics and Odour – staff at the Airport Office, particularly the IT section are exposed to high quantities of odours (Avgas) and aircraft noise during arrival and departure of aircraft. Airside windows are single glazed and several doors open directly on to apron areas. Acoustics across walls of offices at the Civic Centre are poor and provide little privacy or confidentiality
- Privacy and Confidentiality – absence of reasonable separation between workstations, inadequate meeting rooms or separate isolated areas means there is little facility for private or confidential conversations
- Access to natural light and aspect – the Community Development and Recreational Department staff are located in an enclosed area with no external aspect, the only natural light coming from small, high level windows
- Security – no reception / security barrier to control or prevent public entering the Airport office and directly into the work area, including the IT department – a significant risk given the proximity to the main terminal and that the departments located there meet with public
- Toilet facilities: - the toilet facilities at the Airport Office, in particular the male (located outside the office) are very unappealing, basic at best. Neither the female or male toilets have disability access.

Initial Consideration of Short Term Accommodation Options

Initial investigations considered the following short term options to address the areas of non compliance and the provision of additional spatial needs:

- Option 1 Adding an extra floor(s) to the Civic Centre
- Option 2 Extending the Civic Centre horizontally
- Option 3 Use of the Depot site for office accommodation
- Option 4 Consider a commercial office joint development
- Option 5 Other land options
- Option 6 Resume Gratwick Hall / Council Chambers
- Option 7 Expand Airport office
- Option 8 Consider work from home arrangements
- Option 9 Hot desks
- Option 10 Rent office space (Locally)
- Option 11 Transportable office accommodation in front of the Civic Centre

Short Term Accommodation - Evaluation Criteria

The following evaluation criteria were developed in order to assess the suitability of the proposed options:

Criteria	Definition
Timeliness	Achievable in STR timeframe of 0-12 months
Spatial capacity	Provide the required space
Availability	Available to satisfy solution
Long Term Solution	Alignment with the long term solution(s)
Ease / Simplicity / Health and Safety	Achievable simply and meets OSH standards
Organisational Operations	Amenity, staff satisfaction, organisation effectiveness, unity, ease of management, staff attraction and retention
Value for Money	Does cost of the solution represent value for money

The OCM on 22 October 2012 resolved to further investigate the option of utilising transportable offices placed in the front of the Civic Centre, and to undertake community consultation on the other recommended option of utilising the Gratwick Hall for office accommodation for up to three years as short term office accommodation. This decision also recognised the need for significant improvements to be undertaken to remedy poor conditions at both the Airport Operations building and the Town's Depot.

(Re) Consideration of Short Term Accommodation Options

To progress the resolution of Council (22 October 2012) redefined options were developed as follows:

- Option 1 Lease 611sqm of commercial space in West End
- Option 2 Lease 420sqm of commercial space in Pretty Pool.
- Option 3 Lease 676sqm of commercial space in South Hedland
- Option 4 Lease 990sqm of commercial space in South Hedland
- Option 5 Utilise Gratwick Hall and Council Chambers in association with Option 6
- Option 6 Lease offsite Civic space
- Option 7 Lease office space in Perth
- Option 8 Purchase modular accommodation for the Depot
- Option 9 Lease modular accommodation for the Depot
- Option 10 Purchase modular accommodation for the Civic Centre
- Option 11 Lease modular accommodation for the Civic Centre
- Option 12 Working from home.

Long Term Office Accommodation Strategy

The development of the Long Term Office Accommodation Strategy has utilised the following process to develop outcomes and recommendations contained in this report:

1. Consideration of Short Term Office Accommodation strategy solution to ensure maximisation of funds and alignment
2. Development of a Civic Centre and Administration building discussion paper to support community consultation
3. Evaluate options utilising evaluation criteria
4. Community and stakeholder consultation
5. Refinement of possible locations and assessment against community consultation feedback
6. Recommended preferred location for detailed business case.

Initial Consideration of Long Term Accommodation Options

The discussion paper developed outlined options for the future location of the various elements of the current Civic Centre and Administration building and included suggested performance criteria to assist the community in providing feedback. Options proposed were:

- Option 1 Existing Civic Centre Site – Expand and refurbish the existing facility
- Option 2 Existing Civic Centre Site – Demolish existing building and rebuild a new facility
- Option 3 Build a new Civic Centre and administration building in the South Hedland Town Centre

- Option 4 Build a new Civic Centre and administration building in the Port Hedland West End
- Option 5 Build a new Civic Centre and administration building in the Port Hedland East End
- Option 6 Retain existing Civic Centre building and construct new Administration in Port Hedland West End
- Option 7 Retain the existing Civic Centre and build new community facilities at the McGregor St (Turf Club).

The following performance criteria were developed and suggested for consideration as part of the community consultation process:

Performance Criteria	Factors to be considered
Preservation of History	<ul style="list-style-type: none"> - Retains existing historical elements insitu / intact - Retains some historical connection
Activation	<ul style="list-style-type: none"> - Proximity to community - Proximity to dominant business activities - Links - commercial/retail
Time	<ul style="list-style-type: none"> - Optimises the time and efficiency of staff activities - Provision of and relocation to temporary facilities - Construction of the new facilities
Cost	<ul style="list-style-type: none"> - Sustainability - Cost-Benefit - Provides value for money - Cost - Interim Accommodation included as required
Continuity of Service Provision	<ul style="list-style-type: none"> - Disruption to operations and service - Operational efficiency - Proximity for staff - Capacity / Utilisation of site during construction
Serviceability of Available Land	<ul style="list-style-type: none"> - Civil infrastructure availability (Sewage, power, water) - Size of land (parking capacity) and availability

The indicative findings of this assessment undertaken by Executive (refer table below) were presented to Elected Members at the 14 November 2012 Concept Forum:

Criteria	Weighting	Option 1		Option 2		Option 3		Option 4		Option 5		Option 6		Option 7	
		Existing Civic Centre Site				South Hedland		Port Hedland		Port Hedland		Retain Civic Centre		Expand Civic for Admin	
		Expand/ Refurbish		Demolish/ Rebuild		CBD		West End		East End		New Admin West End		New Comm. Turf Club	
		Mar k	Scor e	Mar k	Scor e	Mar k	Scor e	Mar k	Scor e	Mar k	Scor e	Mar k	Scor e	Mar k	Scor e
Preservation of History	10%	5	0.5	2	0.2	0	0	0	0	0	0	5	0.5	3	0.3
Activation	15%	2	0.3	2	0.3	5	0.75	5	0.75	4	0.6	3	0.45	3	0.45
Time	20%	3	0.6	2	0.4	5	1	2	0.4	1	0.2	2	0.4	2	0.4
Cost	25%	5	1.25	1	0.25	2	0.5	2	0.5	2	0.5	3	0.75	3	0.75
Continuity of Service Provision	10%	4	0.4	4	0.4	5	0.5	5	0.5	5	0.5	5	0.5	4	0.4
Serviceability of Available Land	20%	4	0.8	4	0.8	5	1	3	0.6	1	0.2	4	0.8	1	0.2
Total			3.85		2.35		3.75		2.75		2		3.4		2.5

Mark Legend:

- 5 Significant / High
- 4 Largely
- 3 Moderately
- 2 Somewhat
- 1 Not at all/Low

Community and Stakeholder Consultation – Process and Outcomes

A community consultation process was conducted in accordance with the Town’s adopted Engagement Strategy and based on a survey available online and in hard copy, with presentations made to the South Hedland CBD Stakeholder Working Group, BHP Sustainability Partnership Working Group, the Aboriginal Quarterly Forum and Community Information Night (21 November 2012). A total of 55 were responses received to the survey (full survey report - see Attachment 2). Key outcomes of the consultation included:

- The most frequently used element of the existing Civic Centre was the Foreshore Gardens followed by visits to the Administration Building.
- The Administration building could be in South Hedland or Port Hedland

- Civic purposes, though not accessed by many respondents were suggested could remain in Port Hedland rather than South Hedland
- 50% of respondents suggested they had used Gratwick Hall, with one third indicating that usage was rare
- Over 40% of respondents indicated that the Administration building and Civic purposes should be located together.

Summary of Findings

Throughout the development of individual aspects of the Town's Accommodation Strategy, the importance of aligning the short and long term solutions, along with being reflective of the community's aspirations have constantly been reinforced. Ultimately the Town must be in a position to provide an effective workforce to achieve the Strategic Community Plan via the associated Corporate Business Plan. Based on these requirements the following key findings have been identified:

- Retention of the existing Foreshore Gardens in Port Hedland is significant to the community
- The community supports Council administrative functions being located in South Hedland, marginally ahead of Port Hedland
- Civic functions are preferred by the community to be located in Port Hedland
- Administration and Civic functions are preferred to be located together
- The short and long term office accommodation solutions can or should be best aligned at the existing McGregor Street, Port Hedland site.

Short Term Office Accommodation

Assessment of the cost associated with the 12 short term office accommodation options has been undertaken and detailed as Attachment 3 to this report. The table outlines the indicative costs associated with providing individual or linked solutions to the Town's immediate workforce needs.

The key finding of this assessment is that the best option is converting Gratwick Hall and the Council Chambers to office accommodation, in association with hiring space off-site to conduct community-based Council meetings. The preferred option of converting Gratwick Hall and the Council Chambers is based on:

- Substantially advantageous cost – next option is in excess of \$2.5 million higher in cost
- Speed of being able to achieve the recommended option
- Funds expended in the short term solution are not wasted and will contribute to the long term solution

- Opportunity to hold community-based Council meetings and Civic functions is positive and provides opportunities for Elected Members to interact with community members who may not attend Council meetings in Port
- Community usage of Gratwick Hall can be accommodated at alternative facilities
- Historically important elements of Gratwick Hall and the Council Chambers can be preserved and / or interpreted respectfully.

Long Term Office Accommodation

Assessment of the 7 long term office accommodation options has been undertaken. Based on the alignment with the preferred short term option and the feedback from the community, the preferred long term option is to construct new Civic and associated community facilities at McGregor Street, Port Hedland site. This long term solution would be supported by the completion of renovations to the existing Administration building and construction of new office, amenities and facilities at the Town's Depot.

The new facility would be built following the demolition of the two current residential units. This 1,050 sq meter facility would replace the community space and the Civic space currently on site. When assessing the opportunities this option delivers against the performance criteria it seems the most practical and logical but at the same time allowing for more of an inspirational approach to the provision of all elements of the existing Civic Centre and Administration building.

This option allows for:

- Retention of some existing historical elements and Foreshore Gardens
- Optimises the time and efficiencies of staff activities
- Links with the provision of short term office facilities by allowing for efficiency with respect to the construction of the new building
- Maximises the funds already expended on short term solutions
- Provides value for money
- Ensures minimal disruption to operations and services
- Maximises existing civil infrastructure and is constructed on land already under the control of the Town
- Provision of a legacy, inspirational feature to showcase the Town, community and local government functions.

Recommendation and Way Forward

Should the recommendation of this report be supported, Council will need to revoke the decision of March 2010. This change of decision would be consistent with the community vision of resolving the long term office accommodation requirements and the future location of the Civic Centre inclusive of community space and in particular retaining the Foreshore Garden.

Subject to Council endorsement, progression of the short and long term office accommodation solutions would be undertaken in several phases, summarised as:

1. Immediate
 - a. Commence negotiation with Gratwick Hall users regarding facility relocation in 2013
 - b. Investigate and establish key items of historical importance within Gratwick Hall and Council Chambers for preservation and / or interpretation
 - c. Commence detailed design and construction of the Gratwick Hall and Council Chamber's conversion / renovation
 - d. Commence the detailed feasibility assessment and business case development for the McGregor Street, Port Hedland site
 - e. Confirm / secure and communicate with the community on the Council meeting program for 2013
 - f. Undertake necessary short term modifications at Town Depot.
2. Short Term (early 2013)
 - a. Confirm relocation of Gratwick Hall users
 - b. Relocate relevant ToPH staff to converted first floor office space.
3. Medium Term (mid to late 2013)
 - c. Report on feasibility assessment and business case development for long term office accommodation (McGregor Street, Port Hedland site)
 - d. Commence detailed feasibility and business case development for the Town Depot site
 - e. Report on feasibility assessment and business case development for long term office accommodation (Depot site).

The short-term office accommodation solution must be implemented immediately to address the current overcrowding and OSH issues for the existing staff.

The resulting feasibility and business case for the McGregor Street, Port Hedland site will consider and detail all development information, as well as the site specific strengths, constraints and opportunities. The feasibility will also formalise a funding strategy associated with the cost of the option.

Attachments

1. Town of Port Hedland - Civic Centre and Administration Building Discussion Paper – under separate cover
2. Community Consultation on Office Accommodation November 2012
3. Office Accommodation – Cost Assessment Matrix.

Officers Recommendation 1

NOTE: Mayor to call for a show of hands in favour (1/3 of members) to consider the revoking of Resolution 200910/349 of Agenda Item 11.5.2.1 'Office Relocation - Community Consultation' presented to Council's Ordinary Meeting held on 23 March 2010, and recorded on page 338 of those Minutes.

That Council revokes decision 200910/349 of Agenda Item 11.5.2.1 'Office Relocation - Community Consultation' held on 23 March 2010 and recorded on page 338 of those Minutes, that states:

That Council:

- i) Notes the results of the community consultation regarding the development of new/additional Council office space.
- ii) States its preference for the development of a new civic building and office space in the South Hedland CBD to replace the existing Civic Centre on the proviso that:
 - a) The public open space at the rear of the civic centre is retained by the Town for public uses.
 - b) That any future redevelopment of civic centre must be required to include function spaces and must appropriately recognize the history of the site.
- iii) Commences the development of this project by:
 - a) Commencing negotiations to purchase the existing Civic Centre site freehold (as shown in Attachment 2) from the State Government.
 - b) Working with Landcorp to identify the exact location available for the proposed new civic building in the South Hedland CBD.

- c) Commencing discussions with developers regarding options to package the proposed development of a new civic building in South Hedland with the potential sale of the current Civic Centre building.

VOTING: ABSOLUTE MAJORITY REQUIRED

Officer's Recommendation 2

That Council:

1. Resolves to permanently convert the existing Gratwick Hall and the Council Chambers to office accommodation
2. Endorses the Chief Executive Officer or delegate to commence relocation negotiations with existing Gratwick Hall users
3. Requests the Chief Executive Officer or delegate to secure appropriate community meeting facilities for the hosting of Council meetings and other associated functions for 2013
4. Endorses the preferred location of the McGregor Street, Port Hedland site as the permanent, long term location of the Town of Port Hedland's Council Chambers, Civic facilities, Administration building and associated community facilities,
5. Requests the Chief Executive Officer or delegate to commence the development of a detailed feasibility assessment and business case for the McGregor Street, Port Hedland site
6. Notes the development of a detailed feasibility and business case for the Town's Depot, Wedgefield will be developed in mid to late 2013
7. Notes that the outcomes of the Gratwick Hall user relocation, community based Council meeting 2013 program, McGregor Street and Depot sites feasibility and business cases will be reported as appropriate.
8. Notes that the long term office accommodation option and subsequent feasibility / business case information will be considered within the development of the Long Term Financial Plan.

VOTING: SIMPLE MAJORITY REQUIRED

201213/216 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council lay agenda item 11.5.1 'Office Accommodation Strategy – Proposed Short and Long Term Solutions' on the table pending a workshop to further discuss the matter.

CARRIED 7/0

ATTACHMENT 2 TO ITEM 11.5.1

Town of
Port Hedland



Community Consultation On Office Accommodation November 2012

Gordon MacMile
November 2012

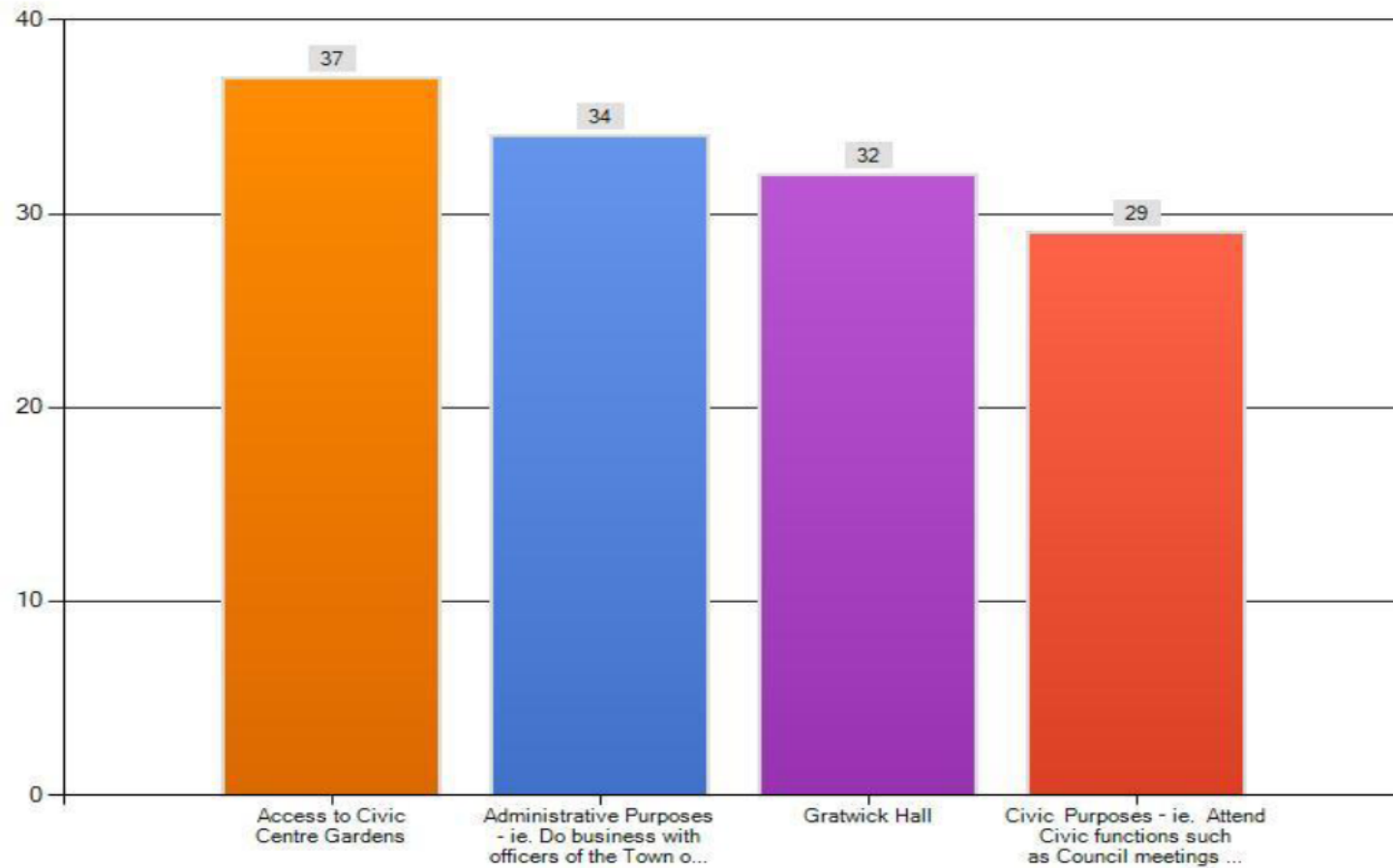




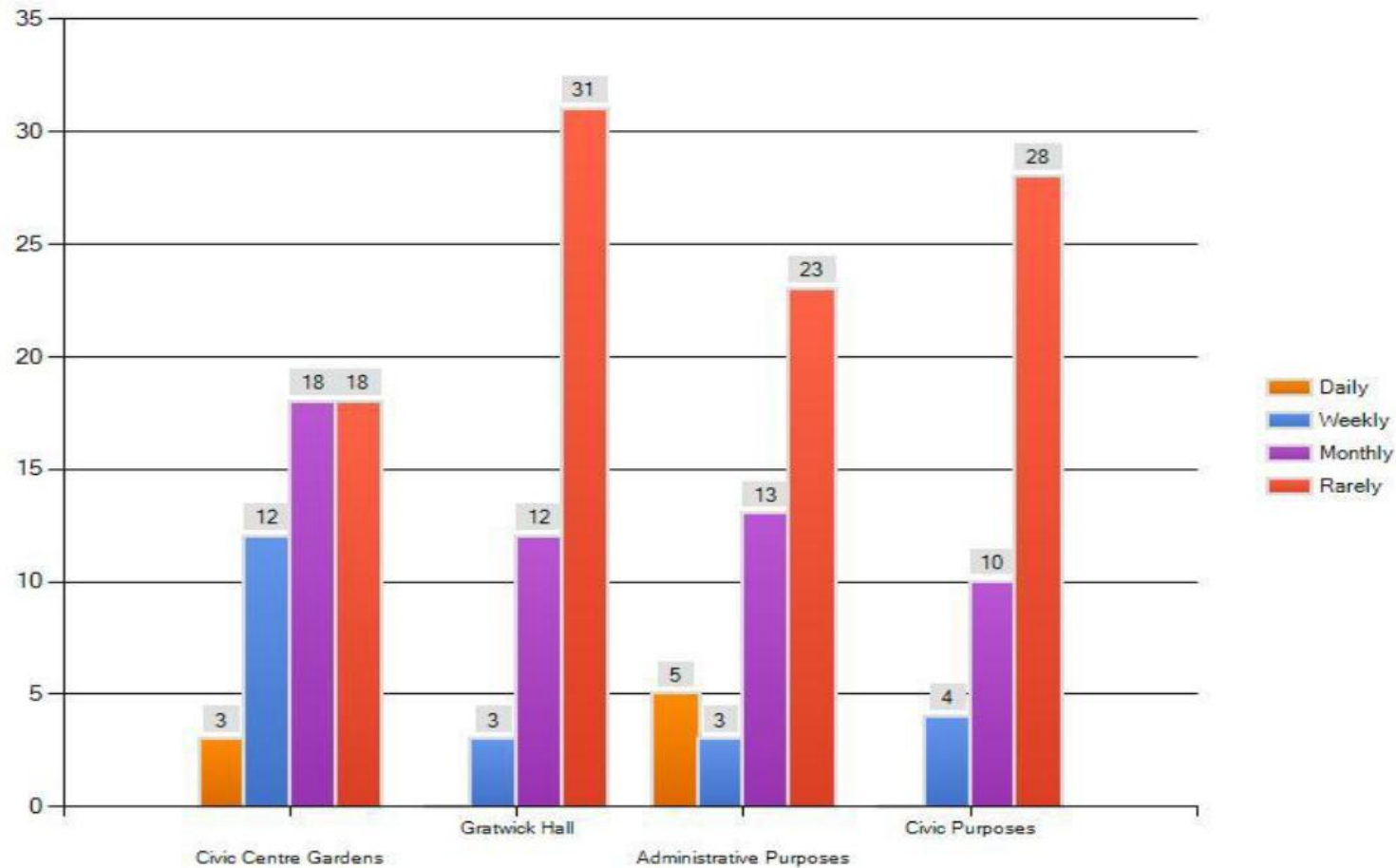
- Indicative Trends based on 55 responses
- Multiple choices available to answer each question in some cases
- Mix of compulsory answers and voluntary open-ended suggestions
- Graph figures indicate the number of responses received for each option



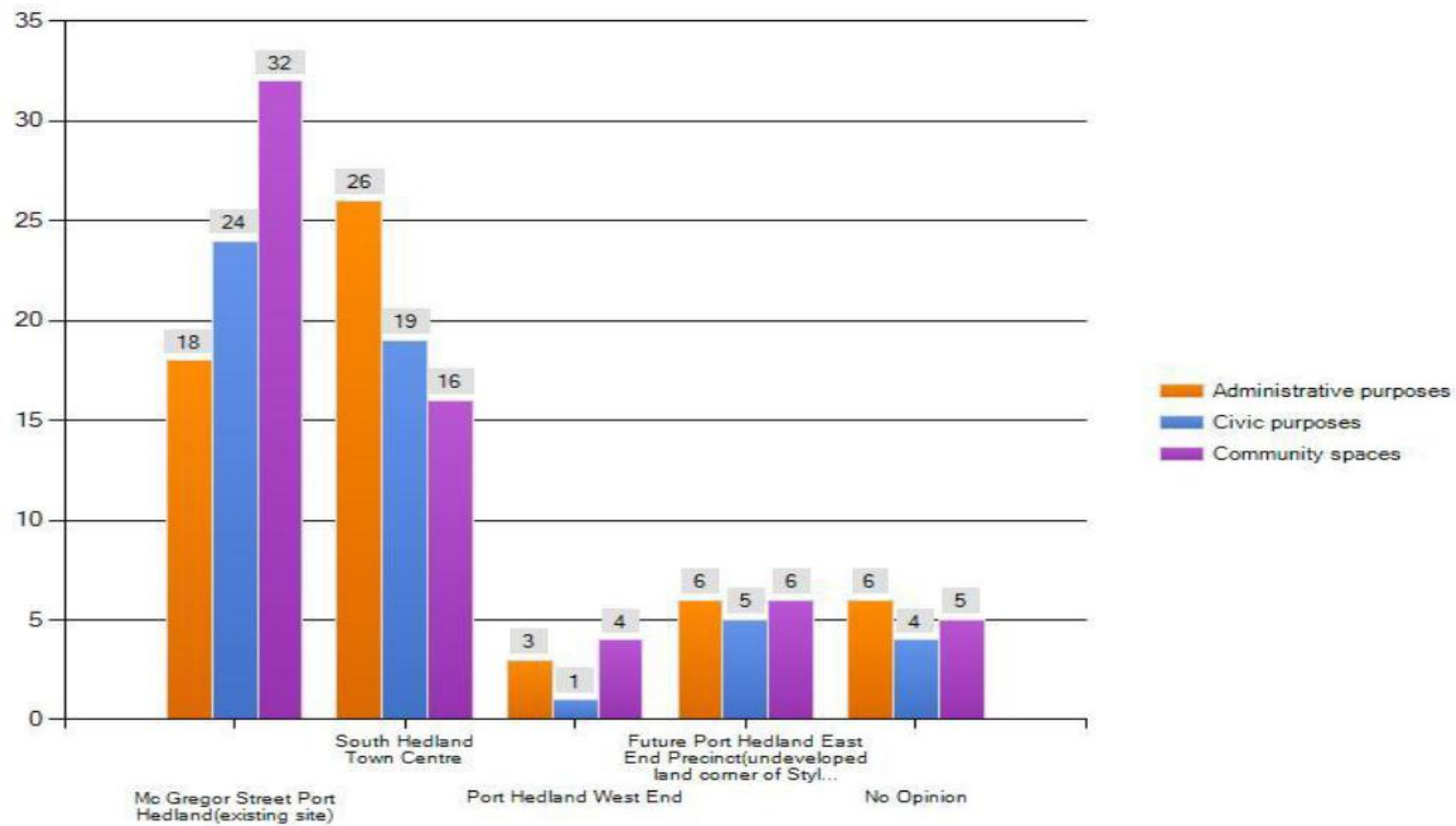
Q1. What do you currently use the Town of Port Hedland Civic Centre and Administration Building for?



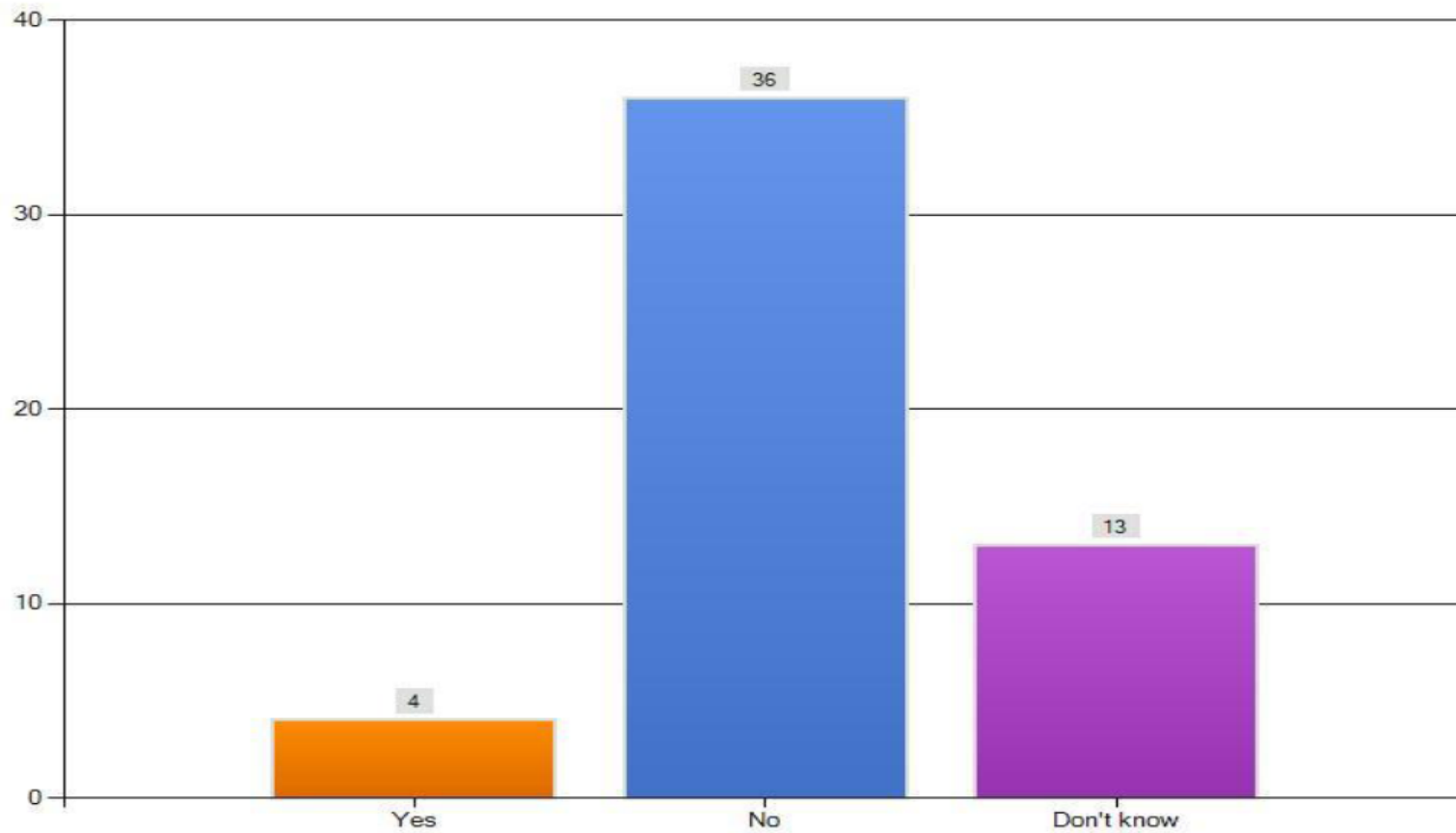
Q2. How often do you currently use these elements of the Civic Centre and Administration Building?



Q3. In the future which location would best suit you to access the following purposes?



Q4. If more Town of Port Hedland services or information were readily available (such as online) would this change any of the responses you gave to question 3?

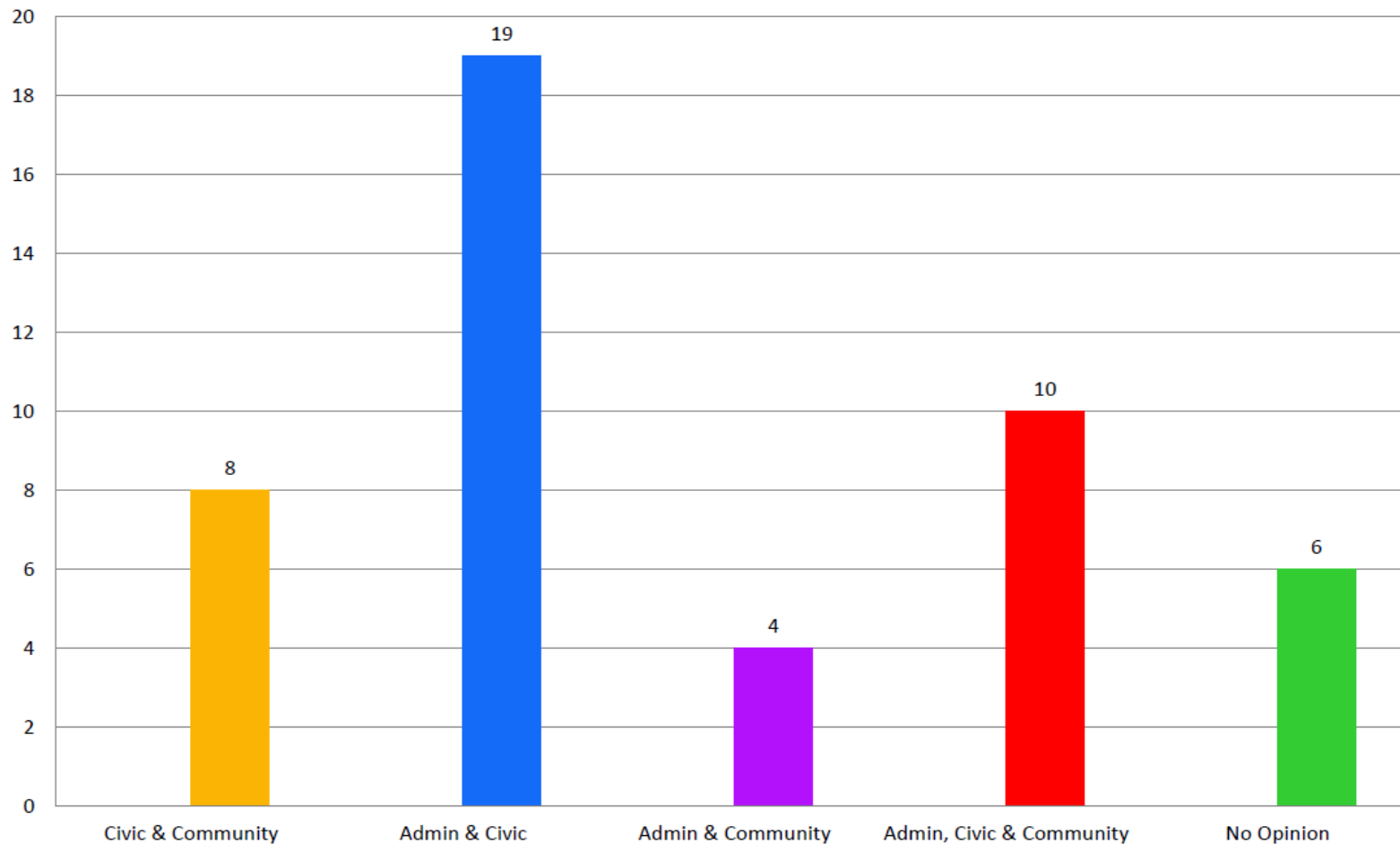


Q5. If you answered 'Yes' to question 4 please tell us how (eg. online services)

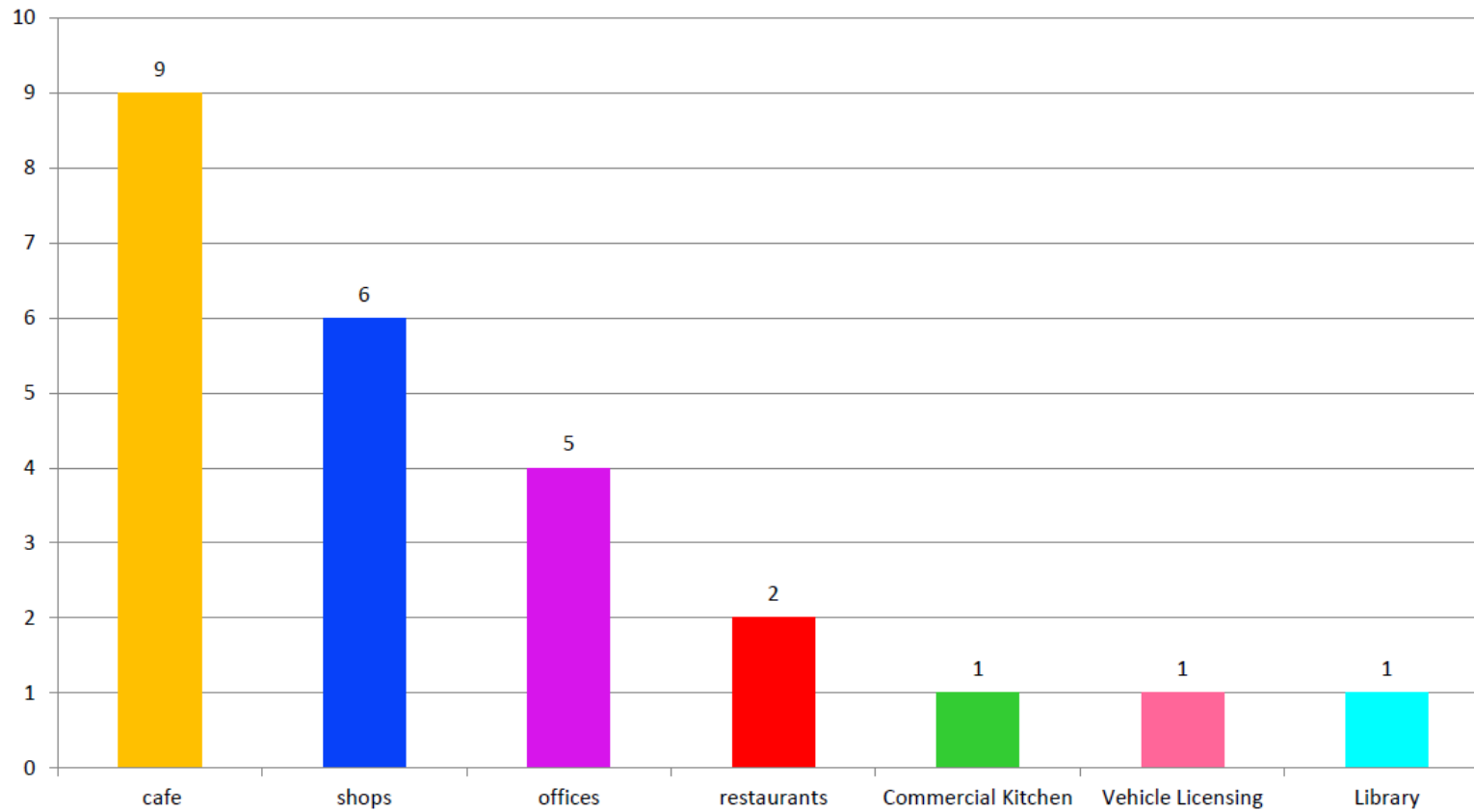
1. More online equates to less legwork
2. Online is more convenient
3. Although services are online, people still need to meet in person for communities to function effectively
4. Services would be easier to access from computers in work time. In general I think the online service needs updating. The current website is not interactive - it's clunky and hard to navigate.
5. The easier alternative is to complete any administration online ie, paying your dog fees, rates, etc



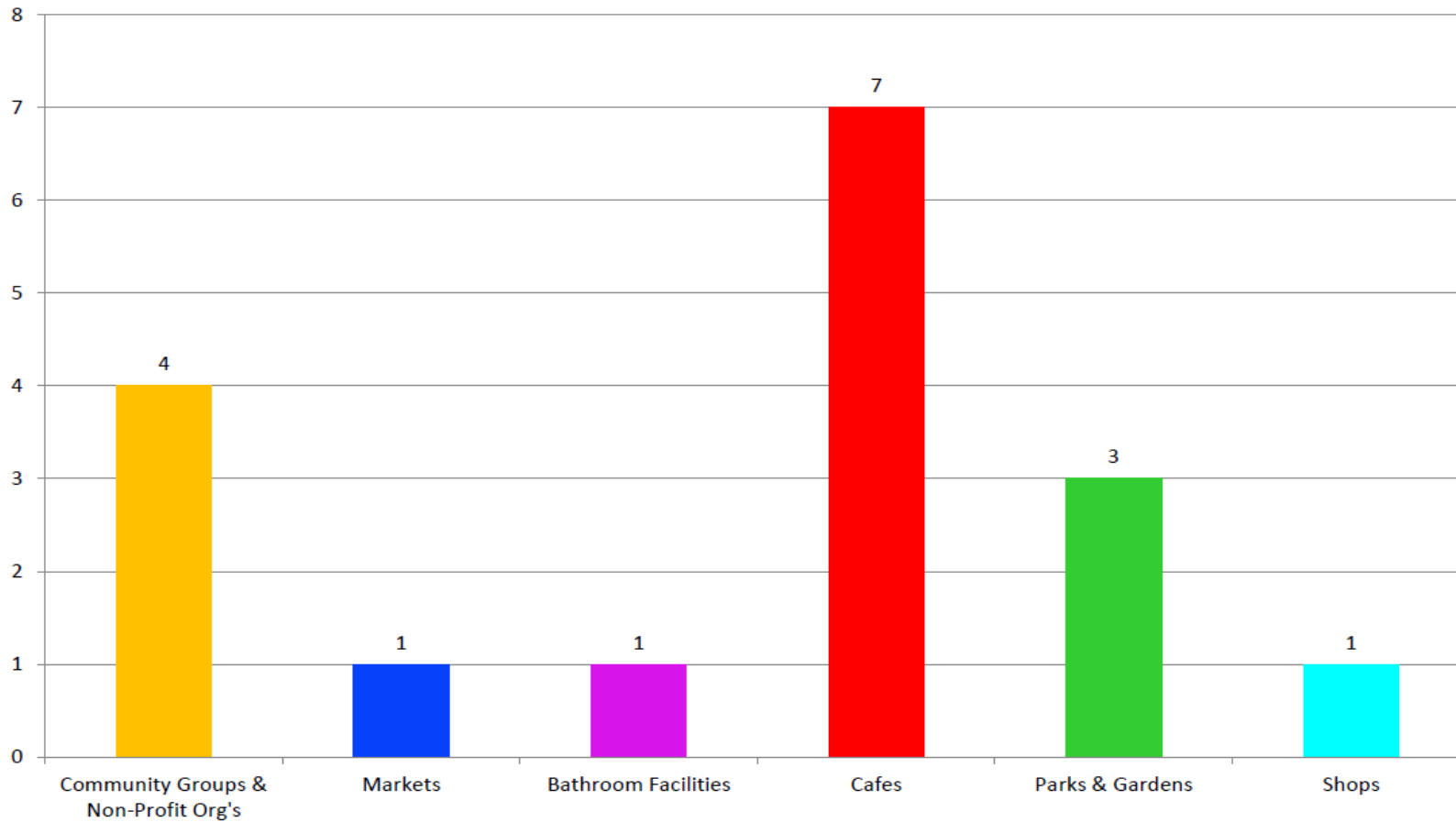
Q6. Which of the following functions of our current Civic Centre and Administration building do you think have to be located together?



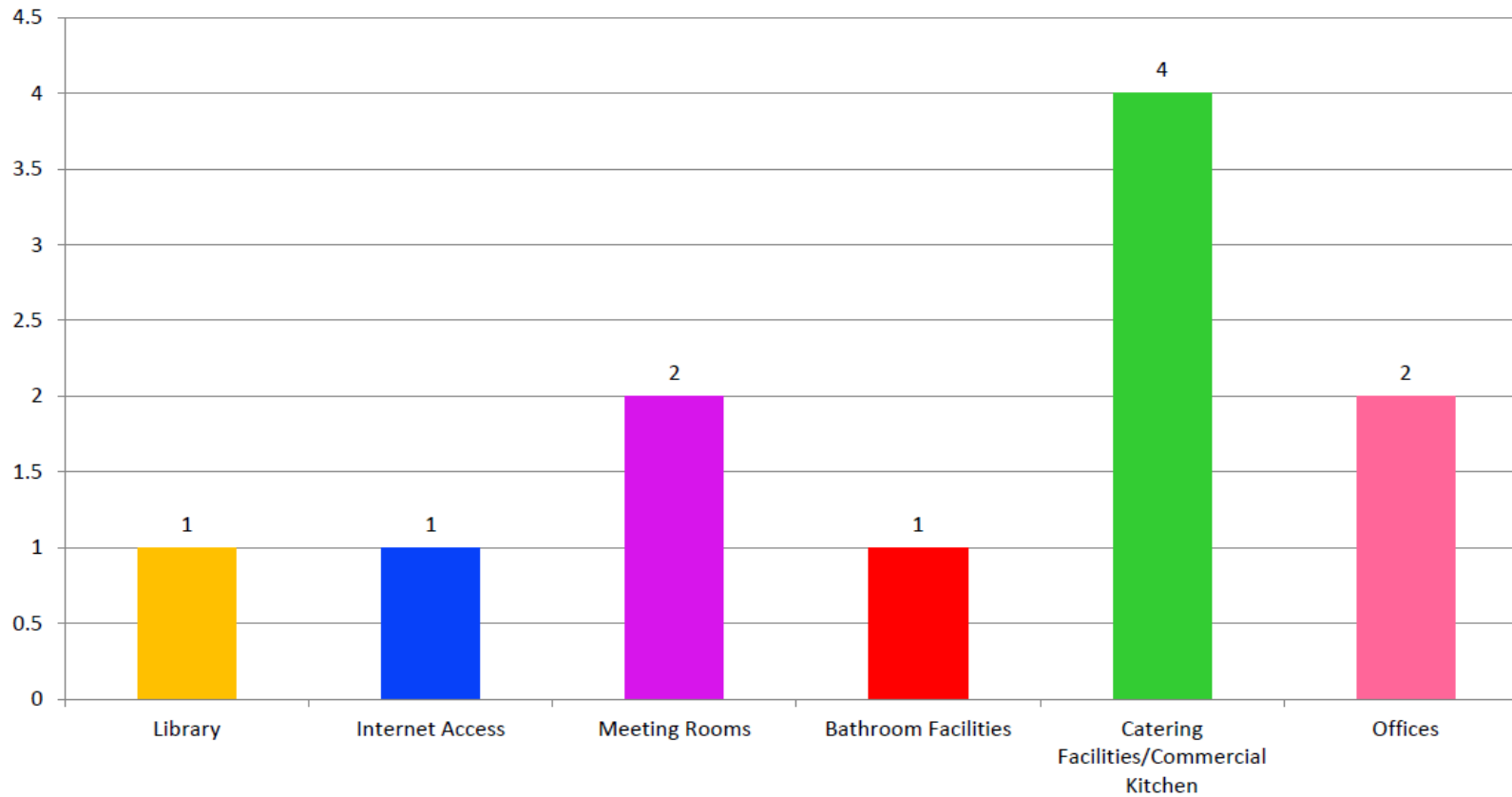
Q7. What other facilities and services would you like to see with Administration?



Q7. What other facilities and services would you like to see with Community Spaces?



Q7. What other facilities and services would you like to see with Civic?



Q8. Please rank from 1 to 6 the following elements of the existing site which are the most important to you, with 1 being the most important and 6 the least important

	Administration	Civic Gardens	Gratwick Hall	Council Chambers	Foreshore Access	Local Historical Importance
1	30.9% (17)	25.5% (14)	20.0% (11)	1.8% (1)	10.9% (6)	10.9% (6)
2	9.1% (5)	21.8% (12)	20.0% (11)	18.2% (10)	21.8% (12)	9.1% (5)
3	7.3% (4)	29.1% (16)	21.8% (12)	5.5% (3)	16.4% (9)	20.0% (11)
4	14.5% (8)	14.5% (8)	14.5% (8)	18.2% (10)	18.2% (10)	20.0% (11)
5	21.8% (12)	5.5% (3)	14.5% (8)	25.5% (14)	21.8% (12)	10.9% (6)
6	16.4% (9)	3.6% (2)	9.1% (5)	30.9% (17)	10.9% (6)	29.1% (16)



ToPH Short Term Accommodation Options Costing Matrix.
As at: 6/12/2012

SHORT TERM OPTIONS												
Criteria	ST Solution											
	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8	Option 9	Option 10	Option 11	Option 12
	Lease - Wedge St Port Hedland 611 sqm	Lease - Pretty Pool 420 sqm	Lease - South Hedland 676 sqm	Lease - South Hedland (Edge) 990 sqm	Convert Gratwick / Chambers / Depot	Hire Civic space off site	Lease office space Perth	Purchase - Modular 1050 sqm Depot	Lease - Modular 1050 sqm Depot	Purchase Modular 1050 sqm Civic Centre	Lease Modular 1050 sqm Civic Centre	Working from home
Cost (Per annum for temp solutions)	1,144,251	1,230,676	1,939,000	1,981,797	\$1,324,822	198,860	1,545,000	5,111,750	3,914,962	5,109,962	3,914,962	3,240,000
Cost per work station	24,346	38,092	37,288	25,763	16,403	NA	25,750	63,108	48,471	63,266	48,471	40,000
Additional workspaces created	47	32	52	77	81	2	60	81	81	81	81	81
Long Term Solution?	No	No	No	No	No	No	No	No	No	No	No	No
Time to implement	3 months	3 months	3 months	3 months	2 Months	1 Month	3 months	6 months	6 months	6 months	6 months	18 Months
Ranking												
Office area required	611	420	676	1000	1050	NA	900	1050	1050	1050	1050	0
SQ meter cost (Leases= \$/month)	49.2	61.9	54	42	0	8,333	0	0	65,000	0	65,000	8100
Fit out per m2 (per desk Gratwick/Edge)	1000	2000	2000	655	624	20,000	0	0	0	0	0	0
Build	NA	NA	NA	500,000	500,000	NA	NA	1,975,000	0	1,975,000	0	0
Carparking, fitout and earth works	0	0	0	0	0	0	0	1,900,000	1,900,000	1,900,000	1,900,000	3,240,000
Installation	0	0	0	0	0	0	0	425,000	425,000	425,000	425,000	0
Transport	0	0	0	0	0	0	0	184,000	184,000	184,000	184,000	0
Per person setup cost	0	0	0	0	0	0	0	0	0	0	0	0
Per Person, per month	0	0	0	0	0	0	1,500	0	0	0	0	100
60 Persons per month	0	0	0	0	0	0	90,000	0	0	0	0	0
60 persons per annum	0	0	0	0	0	0	1,080,000	0	0	0	0	0
Annual Cost	1,144,251	1,230,676	1,939,000	1,981,797	1,125,962	198,860	1,545,000	5,111,750	3,914,962	5,109,962	3,914,962	3,434,400
Repetition of Annual Cost	2	2	2	2	1	2	2	1	2	1	2	1
Sub Total - Annual Cost	2,288,502	2,461,351	3,878,000	3,963,594	1,125,962	397,720	3,090,000	5,111,750	7,829,923	5,109,962	7,829,923	3,434,400
Network Switch (per annum)	511	743	462	312	0	12,000	0	0	0	0	0	0
LAN/WAN Connection (per annum)	766	1,114	692	468	0	18,000	0	0	0	0	0	0
Computer	3000	3000	3000	3000	3000	3000	3000	3000	3000	3000	3000	0
Data point & Double Power point	750	750	750	750	750	750	750	750	750	750	750	0
MFD (Printer,Copier, etc) Per Device	1680	1680	1680	1680	0	1680	0	0	0	0	0	0
Desk phone	800	800	800	800	800	800	800	800	800	800	800	0
Mobile	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	0
Software	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	0
Total ICT	10,707	11,287	10,584	10,210	7750	39,430	7750	7750	7750	7750	7750	0
ICT for required staff												
Sub Total - IT	503,210	364,662	550,360	785,385	625,962	78,860	465,000	627,750	625,962	625,962	625,962	0
	ST Solution											
Total	2,791,712	2,826,013	4,428,360	4,748,979	1,751,923	476,580	3,555,000	5,739,500	8,455,885	5,735,923	8,455,885	3,434,400

LT Solution	
Option 1	Option 5
Permanent Depot Accomodation	New Permanent Civic and Assoc. Facilites (McGregor St)
\$5,372,950	\$8,610,000
107,459	53,813
50	160
Yes	Yes
12 to 15 months	12 to 15 months
650	1050
3,000	3000
1,833	2000
incl. Above	incl. Above
1,200,000	1,000,000
500,000	600,000
0	0
0	0
0	520,000
0	0
0	0
480	0
720	0
3000	3000
750	750
1680	0
800	800
2000	2000
1200	1200
10,630	7750
531,500	1,240,000
1	1
5,372,950	8,610,000
5,372,950	8,610,000

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ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

NOTE: Chief Executive Officer advised that item 12.1 'Request to Lease Portion of Port Hedland International Airport Terminal to Qantas Airways Limited' was included in the Agenda for the last Airport Committee however, due to a lack of quorum, the Airport Committee meeting did not go ahead. This item is therefore being presented to Council tonight for consideration. Non Council members of the Airport Committee have been notified accordingly.

12.1 Request to Lease Portion of Port Hedland International Airport Terminal to Qantas Airways Limited (File No.: 05/05/0011)

Officer Anna Duffield
Airport Development
Officer

Date of Report 19 November 2012

Disclosure of Interest by Officer Nil

Summary

This agenda item seeks Council approval to dispose of portion of Port Hedland International Airport terminal for check-in, office, lounge and baggage handling services by way of lease with Qantas Airways Limited.

The item also seeks revocation of a March 2011 council decision to enter a ten year lease with Qantas Airways Limited.

Background

Qantas Airways Limited (Qantas) currently occupy 176.2m² within the Port Hedland International Airport terminal for check-in, office, lounge and baggage handling services.

In February 2007, after protracted negotiations, a retrospective lease agreement was executed with a base rental of \$36,736.20 per annum exclusive of GST. The lease had a term of five years – commencing on 1 July 2002 and expiring 30 June 2007 – with an option to extend for another five years.

Records indicate this extension was never formally executed and subsequently Qantas have been operating under the holding over provision of the original lease since 1 July 2007.

At its Ordinary Council Meeting on 9 March 2011 it was decided (decision number 201011/282) that Council:

- “1. Consent to a disposal of property by way of a lease to Qantas Airways Limited, of 176.2sqm, being for check-in and baggage handling facilities and a ‘Qantas Club’ Lounge, as per section 3.58 of the Local Government Act 1995 (private treaty), on the following terms:
- an initial term of ten (10) years commencing 1 July 2007;
 - with two five (5) year options;
 - at a rental of \$810.44 per square metre; and
 - for an area of 176.2 square metres
 - a Consumer Price Index (CPI) review to take place annually
 - a market review to be conducted annually during the terminal redevelopment
 - the next market review to take place on 1st July 2011
2. Authorises the Chief Executive Officer (or his delegate) to:
- a) place an advertisement giving local public notice of the deposition in accordance with section 3.58(3)(a) of the Local Government Act; and
 - b) sign and execute the amendments to the existing leasing agreement, should no adverse public submissions be received by Council.

CARRIED 8/0

REASON: Council believes a market review needs to be carried out annually during the terminal redevelopment.”

This resolution was based on valuations conducted in August 2007 for a suite of Town properties. This valuation indicated a base rental of \$142,800 per annum exclusive of GST. This was an elevated valuation and not in line with subsequent market valuations for commercial space or ground leases. For example, a market valuation conducted in May 2011 indicated a base rental of \$85,000 per annum, exclusive of GST for the Qantas space.

Consultation

External

- Qantas – Manager Airports Commercial Projects
- Qantas – Property Leasing Controller
- Australian Valuation Partners

Internal

- Manager Airport Operations
- Manager Investment and Business Development
- Director Engineering Services

Statutory Implications

Local Government Act 1995(WA)

“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.] “

Policy Implications

Nil

Strategic Planning Implications

6.2	Economic
6.2.1	Diverse Economy
	Create local employment and investment and diversify the economy
6.2	Economic
6.2.12	Gateway City & an attractive destination
	Develop the Port Hedland International Airport as a leading regional airport in the area of passenger and freight movements and customer satisfaction
6.4	Local leadership
6.4.1	Strategic
	Deliver responsible management of infrastructure, assets, resources and technology

Budget Implications

In October 2012, the Town obtained a market valuation report for terminal space currently occupied by Qantas. The report indicated a value of \$79,290 per annum exclusive of GST– equivalent to \$450 per square metre.

Should Council resolve to dispose of the portion of terminal space to Qantas, the lease agreement will generate \$79,290 exclusive of GST in annual revenue. This will be attributed to GL code 1210326.

The lease fee will be subject to annual increase by way of CPI, and a market valuation will be performed every 3 years. The lessee will be responsible for any legal costs associated with the preparation of lease. The lessee will also be responsible for operational costs including but not limited to rates and utility consumption charges.

It is proposed that a lease is executed for five years with a commencement date of 1 December 2012.

Officer's Comment*Current rental arrangements*

As noted in the background of this item, Qantas' lease for terminal space at Port Hedland International Airport has been operating pursuant to a holding over provision since July 2007. In effect Qantas are a monthly tenant of the Town.

Qantas currently occupy 176.2 square metres within the terminal for check-in (including counter and self-service kiosks), office, lounge and baggage handling services.

Qantas currently pay \$41,822.64 (ex GST) per annum – equivalent to the original negotiated based rental of \$36,736.20 plus CPI increases for the initial 5 year period.

Revocation of previous decision

At the Ordinary Council Meeting on 9 March 2011 Council authorised the Chief Executive Officer to enter a ten-year lease with Qantas, commencing 1 July 2007, at a base rental of \$810.44 per square metre exclusive of GST.

This resolution was based on valuations conducted in August 2007 for a suite of Town properties. This valuation indicated a base rental of \$142,800 per annum exclusive of GST. This was an elevated valuation and not in line with subsequent market valuations for commercial space or ground leases. For example, a market valuation conducted in May 2011 indicated a base rental of \$85,000 per annum, exclusive of GST for the Qantas space.

Negotiations with Qantas halted following this council decision as agreement could not be reached on the proposed retrospective terms.

It is therefore recommended that Council revoke decision number 201011/282 and enter a new lease agreement on new terms, reflective of the current valuation.

Airport redevelopment

As per the Port Hedland International Airport Master Plan, the terminal will be refurbished and expanded over the coming years. Council will invest \$70.5 million over the next five years on the precinct's redevelopment. As part of the redevelopment, the space that Qantas occupy may change, including relocation and expansion.

It is recommended that the lease includes a provision for market rental review at the practical completion of the redevelopment.

Proposed lease

In accordance with section 3.58 of the Local Government Act 1995, the Town sought a current market valuation for the space that Qantas currently occupy. The valuation indicates a rate of \$79,290 per annum, exclusive of GST.

Should Council agree to dispose of portion of the Port Hedland International Airport terminal to Qantas by way of lease, the disposal would be locally advertised for public comment for a requisite period of two weeks.

Should no adverse submissions be received within the requisite advertising period, a lease will be offered to Qantas on the following terms and conditions:

- a) Lease area of 176.2m²
- b) A base rental of \$79,290 per annum, exclusive of GST
- c) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics
- d) Market Valuation every three years during the term as well as Redevelopment Market Valuation on the practical completion of the terminal redevelopment
- e) A term of five years commencing on 1 December 2012
- f) Option to extend for five years
- g) For the permitted use of the operation of a domestic airline, including but not limited to check-in counter, lounge, offices and baggage make up area.

Conclusion

By entering a new lease agreement, this enables a fresh look at the terms of the lease and ensures compliance with section 3.58 of the *Local Government Act 1995*.

It is the officer's opinion that this provides a transparent solution to resolve the protracted negotiations and enables current ToPH officers a clean slate moving forward.

To pursue this option would be fair and equitable to both parties and would mitigate any potential issues that could arise in utilising historical negotiation foundations previously set.

Attachments

Nil

NOTE: Mayor called for a show of hands in favour (1/3 of members) to consider the revoking of Resolution 201011/282 of Agenda Item 14.1 'Confidential Item: Status of Qantas Airways Limited Leasing Arrangements (File No.: ...)' presented to Council's Ordinary Meeting held on 9 March 2011 and recorded on page 141 of those Minutes.

The following Councillors indicated their intent to do so:

- Carter
- Hooper
- Jacob

201213/217 Officer's Recommendation 1 /Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council revoke its decision (201011/282) of Agenda Item 14.1 'Confidential Item: Status of Qantas Airways Limited Leasing Arrangements (File No.: ...)' from the 9 March 2011 that states:

"1.Consent to a disposal of property by way of a lease to Qantas Airways Limited, of 176.2sqm, being for check-in and baggage handling facilities and a 'Qantas Club' Lounge, as per section 3.58 of the Local Government Act 1995 (private treaty), on the following terms:

- **an initial term of ten (10) years commencing 1 July 2007;**
- **with two five (5) year options;**
- **at a rental of \$810.44 per square metre; and**
- **for an area of 176.2 square metres**
- **a Consumer Price Index (CPI) review to take place annually**
- **a market review to be conducted annually during the terminal redevelopment**
- **the next market review to take place on 1st July 2011**

2.Authorises the Chief Executive Officer (or his delegate) to:

- a) **place an advertisement giving local public notice of the deposition in accordance with section 3.58(3)(a) of the Local Government Act; and**
- b) **sign and execute the amendments to the existing leasing agreement, should no adverse public submissions be received by Council. "**

CARRIED BY ABSOLUTE MAJORITY VOTE 7/0

201213/218 Officer's Recommendation 2/Council Decision**Moved: Cr Carter****Seconded: Cr Jacob**

That Council agree to dispose 176.2m² portion of the Port Hedland International Airport terminal to Qantas by way of lease in accordance with section 3.58 (3) of the Local Government Act 1995 (private treaty) on the following terms and conditions:

- a) Lease area of 176.2m²**
- b) A base rental of \$79,290 per annum, exclusive of GST**
- c) An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics**
- d) Market Valuation every three years during the term as well as Redevelopment Market Valuation on the practical completion of the terminal redevelopment**
- e) A term of five years commencing on 1 December 2012**
- f) Option to extend for five years**
- g) For the permitted use the operation of a domestic airline, including but not limited to check-in counter, lounge, offices and baggage make up area.**

should no adverse submissions be received during the requisite advertising period.

CARRIED 7/0

12.2 ***Town of Port Hedland Staff Housing Strategy (File No.: 03/01/0002)*****Officer****Eber Butron
Director Planning and
Development****Debra Summers
Manager Organisational
Development****Date of Report****6 December 2012****Disclosure of Interest by Officer**

The authoring officer is accommodated in subsidised housing provided by the Town of Port Hedland.

Summary

This report presents for the Council's consideration the recommendations from the Housing Strategy being undertaken to support the Workforce Plan, one of the plans required as part of the Integrated Strategic Planning and Reporting Framework. The staff resources outlined in this plan are the foundation for the delivery of the 4 year Corporate Business Plan which in turn delivers the aspirations outlined in the Strategic Community Plan.

This report recommends to Council that it endorse in principle the Town of Port Hedland Housing Strategy and its associated Implementation Plan for inclusion in the 10 Year Financial Plan currently being developed. This will ensure the cost implications of the delivery are captured in the 10 Year Long Term Financial Plan and hence fully represents to the Council and the community the overall financial implications of delivery of the Corporate Business Plan and the Strategic Community Plan.

Background

The Department of Local Government requires that by June 2013 each local government has developed an Integrated Strategic Planning and Reporting (IPR) Framework to ensure that they are planning sustainably for the future and to equip their organisations to deal with short, medium and long term priorities. The IPR requires the development of a 10 Year SCP supported by a 4 Year CBP, a 4 year Workforce Plan, a 10 year Asset Management Plan and a 10 year Financial Plan.

The Workforce Plan is a mandatory component of the IPR as it supports the delivery of the Corporate Business Plan (and hence the SCP) in that it identifies workforce requirements and strategies for current and future operations over the next four years until 2016. The required workforce will need to be accommodated within one of the Town's current workplaces, plus many of the staff will need to be in subsidised housing or receive a housing subsidy until the real estate market normalises. Consequently the Workforce Plan needs to be accompanied by an Office Accommodation and Housing Strategy.

Consultation

- Town of Port Hedland Executive
- Relevant Town of Port Hedland Officers
- KPMG/Thinc Projects
- Elected members at the 15 August 2012, 10 October 2012, 14 November 2012, and 28 November 2012 Concept Forums

Statutory Implications

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

Local Government (Administration) Regulations 1996 states that:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
Absolute majority required.
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

The development of some of the parcels of land for staff housing would activate the provisions of the Local Government Act with regards to major land transactions and business plans would be required to be prepared.

Local Government (Functions and General) Regulations 1996 states that:

Part 3 — Commercial enterprises by local governments (s. 3.59)

7. Term used: major regional centre

(1) In this Part —

major regional centre means a local government the district of which —

(a) is not in the metropolitan area; and

(b) has more than 20 000 inhabitants.

(2) Section 2.4(6) of the Act applies to determine the number of inhabitants of a district for the purposes of the definition of major regional centre.

[Regulation 7 inserted in Gazette 27 Sep 2011 p. 3843-4.]

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —

(a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —

(i) \$10 000 000; or

(ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

or

(b) if the land transaction is entered into by any other local government, the amount that is the lesser of —

(i) \$2 000 000; or

(ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

(2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if—

(a) the total value of—

(i) the consideration under the transaction; and

(ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under subregulation (1); and

(b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account—

(i) the total value of the transaction; or

(ii) variations throughout the State in the value of land.

“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.

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

Policy Implications

Nil

Strategic Planning Implications

6.4 Local Leadership

6.4.3 Community Focused

Attract, develop and retain a productive and effective workforce to deliver the Strategic Community Plan.

Budget Implications

The cost provision to provide the 58 required created lots and house construction is estimated at approximately \$30m. Financial implications of this strategy are that total estimated funds will be required in the region of approximately \$57m on the basis of the sale of 130 dwellings in addition to the 58 required for Town housing.

Possible alternative funding options to be explored by the Town include joint venture arrangements and house or land exchanges. These financial implications are to be incorporated in the 10 year financial plan.

Business plans and more detailed architectural and engineering design on site specific projects will provide more detailed financial implications for Councils budget consideration in the future.

Officer's Comment

This housing strategy builds on the outputs of the Work Force Plan 2012 - 2016 (WFP); a component in identifying workforce requirements and strategies for current and future operations, to recommend a four-year housing strategy for Town of Port Hedland (Town) staff. The WFP and this Housing Strategy underpins the Corporate Business Plan (CBP), which provides a dynamic overview of the services, operations and projects to be delivered by the Town until 2016. In these initiatives it is acknowledged that fundamental to any significant infrastructure and services objectives being achieved within the four-year period, a workforce comprising suitably qualified and motivated staff must be attracted and retained to the area.

The housing strategy considers the housing stock, and reviews land opportunities that are available to Council including land owned freehold, crown land that can be acquired at a reduced value through the lazy lands program and other public land (drainage reserves) that may have development potential.

The strategy looks at the existing and potential land supply and provides for housing diversity through varying forms of accommodation from single detached dwellings through to multiple dwelling units.

The Strategy provides for 58 required lots and house construction is estimated at approximately \$30m. Financial implications of this strategy are that total estimated funds will be required in the region of approximately \$57m. Possible alternative funding options to be explored by the Town include joint venture arrangements and house or land exchanges. These financial implications are to be incorporated in the 10 year financial plan.

Attachments

1. Town of Port Hedland – Housing Strategy – under separate cover

Officers Recommendation

That Council:

1. Endorse in principle the Draft Town of Port Hedland Staff Housing Strategy for inclusion in the 10 Year Financial Plan to be presented to the Council in December 2012.
2. Notes the inter-dependence between the 4 Year Workforce Plan (inclusive of a Housing and Office Accommodation Strategy) and the 4 Year Corporate Business Plan to ensure delivery of the outcomes of 10 year Strategic Community Plan.

201213/219 Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

1. **endorse in principle the Draft Town of Port Hedland Staff Housing Strategy for inclusion in the 10 Year Financial Plan to be presented to the Council in January 2013.**
2. **notes the inter-dependence between the 4 Year Workforce Plan (inclusive of a Housing and Office Accommodation Strategy) and the 4 Year Corporate Business Plan to ensure delivery of the outcomes of 10 year Strategic Community Plan.**
3. **obtains costs from a consultant to provide advice on planning, legal, engineering, survey and environmental issues on each site and report back to Council.**

CARRIED 7/0

7:06pm Councillor Carter put forward his apologies and left the meeting.

12.3 *Port Hedland International Airport Paid Parking – Hardware System Upgrade (File No.: 30/12/0003)*

Officer Anna Duffield
Airport Development Officer

Date of Report 11 December 2012

Disclosure of Interest by Officer Nil

Summary

This agenda item seeks Council approval to allocate \$42,775.00 from the Airport Reserve in order to procure hardware and software upgrades for the Port Hedland International Airport paid parking system. This will ensure compliance with new industry regulations for credit card security. These changes must be adhered to by 1 April 2013.

Background

Paid parking was introduced at Port Hedland International Airport in December 2011. The design, supply and installation of the system was awarded to Sabar Technologies under the following resolution by the Airport Committee at its March 2011 meeting:

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

That the Airport Committee:

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

Sabar have subsequently advised that hardware and software upgrades are required to their equipment to ensure compliance with new industry regulations for credit card security. This is due to the introduction of chip technology to combat fraud.

Consultation

Internal

- Director Engineering Services
- Director Corporate Services
- Manager Infrastructure Development
- Manager Information Services
- Manager Finance
- Manager Airport Operations
- Information Technology Coordinator
- Airport Team Leader – Parking

External

- Sabar Technologies

Statutory Implications

- 6.8. *Expenditure from municipal fund not included in annual budget*
 (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 (b) is authorised in advance by resolution; or*
 (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy Implications

All procurement must comply with Procurement Policy 2/007, however it is recommended to award the works to Sabar Technologies as they are the sole supplier of modifications to the paid parking system installed at the Port Hedland International Airport.

Strategic Planning Implications

6.2	Economic
6.2.12	Gateway City & an attractive destination
	Develop the Port Hedland International Airport as a leading regional airport in the area of passenger and freight movements and customer satisfaction

Budget Implications

Sabar Technologies have advised that the hardware and software upgrades will cost \$42,775.00 plus GST.

This unexpected expenditure is not factored into the current budget allocation.

Therefore, it is recommended that \$42,775.00 is utilised from the Airport Reserve. The Airport Reserve has an interim balance of \$9,743,799.68 as at 30 June 2012.

Of note, the short and long-term car parks return revenue of approximately \$50,000 per month to the airport.

Officer's Comment

The upgrades to the airport parking system are required to ensure compliance with credit card security measures. This is due to the introduction of chip technology.

From 1 April 2013, all credit card payment terminals are required to be compliant with the global standard (Euro, MasterCard and Visa) for credit and debit payments based on chip card technology.

Chip cards offer increased security to the traditional magnetic stripe cards. The airport's parking system currently only reads the magnetic stripe cards.

Credit card payments represent approximately 75 percent of all transactions for paid parking.

Within the airport precinct the following paid parking infrastructure is in place and will need to be upgraded:

- Three exit terminals, including payment facilities and credit card readers
- Two automatic payment stations
- One manual payment station
- Associated software

Sabar Technologies have advised there is a minimum of 12 week lead time to install the new infrastructure. In order to meet the 1 April 2013 compliance date, a purchase order is required to be issued prior to the end of 2012.

The banking industry has set a compliance date of 1 April 2013. After this date, liability for credit card fraud will shift to the merchant, in this case Town of Port Hedland.

To ensure the Town is compliant and that the risk of fraud is reduced, it is recommended that the upgrade is undertaken.

Attachments

1. Advice from Sabar Technologies – customer quotation

201213/220 Officer's Recommendation/Council Decision

Moved: Cr Daccache

Seconded: Cr Jacob

That Council approve the allocation of \$42,775.00 from the Airport Reserve to enable the procurement of hardware and system upgrades from Sabar Technologies.

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

ATTACHMENT 1 TO ITEM 12.3



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 Fax: 08 8244 7019
 Email: sales@sabar.com.au
 Website: www.sabar.com.au

ABN 87 160 442 062

53 Ledger Road
 BEVERLEY SA 5009
 PO BOX 311
 WOODVILLE SA 5011

CUSTOMER QUOTATION NO. 114

Town of Port Hedland
 PO Box 41
 PORT HEDLAND WA 6721

Phone 08 9158 9300
 Salesperson Amanda Ryan
 Date 30-11-2012
 Location Port Hedland Airport
 McGregor Street Port Hedland

This Quotation details the hardware and software upgrades necessary to meet the EMV compliance requirements as detailed below.

Six (6) EMV compliant Credit Card Readers are required (3 Exit, 2 Pay Station and 1 Manual Cashier Station).

All Terminal firmware must be upgraded, therefore the number of upgrades required for this line item is nine (9), which includes the three (3) Entry lanes that do not process Credit Cards.

The requirements are described in detail below.

The Banking and Finance industry has been committed to protecting the payments system, merchants and Cardholders against fraudulent activity associated with the use of Credit Cards for some time. The introduction of chip technology (governed by rules and standards commonly referred to as EMV) is a key element of the industry's strategy to combat fraud.

The Banking industry, VISA and MasterCard have been working towards a full EMV market since 2006. Significantly for some merchants, all Cardholder Activated Terminals (CATs) such as On-street Parking Meters and Car Park Management Systems for Off-street Parking that utilise Credit Card payment functionality, that are deployed on or after 1 April, 2012 must be chip capable and activated. The mandated date by MasterCard for all CATs already installed to be chip capable and activated is 1 April, 2013. The mandated date by Visa for all CATs already installed to be chip capable and activated is 1 January, 2014.

The purpose of this communication is to formally state these compliance dates for the products sold by our Company. As Customers we understand you currently have non-EMV compliant CATs deployed in the marketplace.

The consequences for merchants of non-compliance are an increased exposure to, and liability for fraudulent transactions, the potential for non-compliance penalty fees to be imposed, and the potential for non-acceptance of non-EMV transactions for payment.

The actual action taken for non-compliance will rest with your Bank and we would encourage you to contact them directly, to discuss if they would agree to an upgrade path for your installed Equipment, which will allow you further time to make the required changes to your Equipment beyond the above mandated dated. In particular, if you are considering the installation of additional Equipment in the near future you should also seek the view of your Bank for such additions to your current System.

Upgrades for PM ABACUS Systems will involve the replacement of front panels for Entry Terminals, Exit Terminals and



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APS120 Cashless Credit Card only Automatic Payment Stations together with the provision of new EMV hardware. APS120ECO Automatic Payment Stations have already been prepared with a cut-out for the mounting of an EMV Reader.

The required upgrade may also include the replacement of the Database Server for the System if the Database Server is a 32 bit architecture Server. With any replacement Server, all Software Licences will be transferred to the new 64 bit architecture Server and databases will be upgraded to the latest application system version.

If no Server replacement is required the databases will be upgraded to the latest application system version.

For PM ABACUS current Systems, Credit Card transactions are processed through the Multicon (Ticket Reader) using the same slot as the Ticket. This makes the process motorised where the Card is drawn in and returned by the Reader. For the implementation of EMV Readers we will be using a push/pull Reader.

We are pleased to be able to provide you with this Quotation for the implementation of EMV requirements. This Quotation supercedes any previous Quotation you may have received in regard to this matter and includes a recalculation of the investment required based on our business changing to be a subsidiary of DESIGNA Verkehrsleittechnik GmbH. Should you wish to discuss this Quotation further, please contact the signatory shown at the bottom of this document.

Warranty:

The equipment offered is provided with a Warranty for a period of twelve (12) months ("the Warranty period") from the date of supply and/or installation or practical completion, whichever is earlier.

DESIGNA SABAR Pty Ltd covers the repair, including parts and labour, of all parts that fail in the Warranty period due to normal wear and tear, but excludes failures caused by misuse or abuse and or faults caused by environmental changes, such as dust ingress, temperature increase, etc.

Freight costs associated with the return of a part or component under Warranty are not included in the Warranty and will be invoiced as incurred.

This Warranty does not come into force until the invoice is paid in full.

This Warranty becomes invalid if the equipment is modified and/or changed in any way whatsoever without the written approval of DESIGNA SABAR Pty Ltd.



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Delivery:

The delivery period varies and is subject to order demand at the time of Purchase Order receipt and the freight method arranged at the time of Order. The date of expected delivery will be confirmed, if required, after supply of a Purchase Order number.

Validity:

This quotation is valid for thirty (30) days from the date hereof.

Terms and Conditions:

This Quotation is subject to our standard Terms and Conditions of Trade which have been provided as a separate document.

Kind regards

Amanda Ryan
 Customer Account Manager
 M: 0419 422 702
 E: amanda@sabar.com.au

Part #	Items	Quantity	Unit Price	Total
EMVEXT	Exit Control Terminal - supply and installation of new front panel, ticket bin and relocation of Receipt Printer	3	\$1580.00	\$4740.00
EMVINEXT	Installation and Commissioning of Exit Control Terminal EMV compliance hardware requirements	3	\$820.00	\$2460.00
EMVAPS	Automatic Payment Station (Cash & Credit Card) supply and installation of mounting plate for EMV Reader	2	\$360.00	\$720.00
EMVINAPS	Installation and Commissioning of Automatic Payment Station (Cash and Credit Card) EMV compliance hardware requirements	2	\$1345.00	\$2690.00



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Part #	Items	Quantity	Unit Price	Total
EMVMPS	Manual Payment Station - supply and installation of seperate housing for EMV compliant Reader	1	\$340.00	\$340.00
EMVINMPS	Installation and Commissioning of Manual Payment Station EMV compliance hardware requirements	1	\$350.00	\$350.00
EMVMAN	EMV compliant Credit Card Reader - Manual (Push/Pull with associated licences, cabling, and testing)	6	\$2019.00	\$12114.00
EMVFIRM	Upgrade of the Terminal Firmware, including replacement CF Cards, per Terminal	9	\$220.00	\$1980.00
EMVDAT	Upgrade of operating Databases on the Server per System	1	\$6790.00	\$6790.00
EMVPROJ	Project Management for the implementation of all EMV compliance requirements	1	\$10591.00	\$10591.00

	Materials	\$42775.00
	Sub-Total	\$42775.00
	GST	\$4277.50
	Total	\$47052.50

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of these Committees meeting are enclosed under separate cover.

13.1 Audit & Finance Committee – 29 November 2012**201213/221 Officer's Recommendation 1/Council Decision****Moved: Cr Jacob****Seconded: Cr Hooper**

That Council adopts the following recommendation from the Audit and Finance Committee as listed in the minutes of its ordinary meeting of 29 November 2012:

- 7.1 Confirmation of Minutes
- 10.1.1 Gratwick Aquatic Centre and Wanangkura Stadium Quarterly Review: July to September 2012 (File No.:26/13/0006)
- 10.1.2 Port Hedland Visitor Centre Quarterly Review: July to September 2012 (File No.: 05/09/0017)
- 10.1.3 Courthouse Gallery Quarterly Review: July to September 2012 (File No.:20/01/0026)
- 10.2.1 First Quarter Budget Review

CARRIED 6/0

201213/222 Officer's Recommendation 2/Council Decision**Moved: Cr Gillingham****Seconded: Cr Hunt**

That Council adopts the following recommendation from the Audit and Finance Committee as listed in the minutes of its ordinary meeting of 29 November 2012:

- 10.1.4 Community Funding and Donations - Endorsement of Funding Requests (File No.: 02/05/0003)

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

13.2 Airport Committee – 22 November 2012 at 5:30pm**201213/223 Officer's Recommendation/Council Decision****Moved: Cr Hunt****Seconded: Cr Jacob****That Council adopts the Minutes of the Ordinary Meeting of the Airport Committee held on 22 November 2012 at 5:30pm.*****CARRIED 6/0*****ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

ITEM 15 CONFIDENTIAL ITEMS**201213/224 Council Decision****Moved: Cr Hooper****Seconded: Cr Hunt****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 Precinct 3: Partial Surrender of Lease – Airservices Australia Fire Training Ground (File No: 05/05/0035, 05/05/0093, 01/04/0001)**
- **15.2 Remuneration Package for Program Director Airport Redevelopment**

CARRIED 6/0

7:08pm Mayor advised that this meeting is now closed to members of the public.

7:09pm Councillor Hunt declared a financial interest in agenda item 15.1 'Precinct 3: Partial Surrender of Lease – Airservices Australia Fire Training Ground' as she is a BHP Billiton shareholder with shares over the statutory limit.

7:09pm Councillor Daccache declared financial interest in agenda item 15.1 'Precinct 3: Partial Surrender of Lease – Airservices Australia Fire Training Ground' as he is a BHP Billiton shareholder with shares over the statutory limit.

Councillors Hunt and Daccache left the room.

NOTE: Chief Executive Officer advised that the Department of Local Government [Kelvin Fowler Senior Compliance Officer] on 12 December 2012 granted the Town of Port Hedland Council the authority to consider agenda item 15.1 'Precinct 3: Partial Surrender of Lease – Airservices Australia Fire Training Ground' with a reduced quorum of four Councillors, in accordance with Section 5.7(1) of the Local Government Act 1995.

15.1 Precinct 3: Partial Surrender of Lease – Airservices Australia Fire Training Ground (File No: 05/05/0035, 05/05/0093, 01/04/0001)

201213/225 Officer's Recommendation/Council Decision

Moved: Cr Jacob

Seconded: Cr Hooper

That Council:

- 1. Authorise the Mayor and Chief Executive Officer to execute the 'Partial Surrender of Lease: Fire Training Ground' with Airservices Australia for partial surrender of the Facilities Lease situated at the Port Hedland International Airport, on terms and conditions as stated in the Deed as agreed by both parties.**
- 2. Note that the remediation of any contamination contained within Proposed Lot 35 at the Port Hedland International Airport will be transferred from Airservices Australia to BHP Billiton Iron Ore on the execution of the Deed.**

CARRIED 4/0

7:11pm Councillors Hunt and Daccache re-entered the room and resumed their chairs.

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

15.2 *Remuneration Package for Program Director Airport Redevelopment*

201213/226 Officer's Recommendation/Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That Council:

1. Endorse the proposed remuneration package for the position of Program Director Airport Redevelopment as follows:

Remuneration Package Component	2012-1013	2013-2014
Base Salary	\$311,000	\$311,000
Superannuation (12%)	\$37,320	\$37,320
Internet access	\$800	\$800
Uniform Allowance	\$700	\$700
Performance incentive		Up to \$ 104,946
Total Remuneration Package	\$349,820	\$454,766

2. Requests the Chief Executive Officer to formalise, as part of the contract negotiation with a preferred candidate, identified criteria or milestones against which incentive payments may be made up to \$ 104,946
3. Requests the Chief Executive Officer to determine a travel, housing and motor vehicle allowance once a work plan has been established as part of contract negotiations with the preferred candidate.
4. Approves the total cost associated with the recruitment and subsequent appointment of the Program Director Airport Redevelopment to be funded from the Airport Reserve

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

201213/227 Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That the meeting be opened to members of the public.

CARRIED 6/0

7:13pm Mayor announced that the meeting is now open to Members of the Public and advised of the Council Resolutions determined whilst the meeting was closed to Members of the Public.

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE**201213/228 Council Decision****Moved: Cr Daccache****Seconded: Cr Jacob****That the following applications for leave of absence:**

- **Cr Gillingham from 16 December 2012 to 3 February 2013**
- **Cr Hooper from 23 December 2012 to 20 January 2013**
- **Cr Jacob from 17 December 2012 to 13 January 2013 and from 21 to 25 January 2013**

be approved.***CARRIED 6/0*****ITEM 17 CLOSURE****17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 23 January 2012, commencing at 5.30 pm.

NOTE: Mayor reminded the gallery of the Swearing in of the New Councillor on Sunday 16 December at 4pm in Council Chambers.

Mayor also thanked Town of Port Hedland staff and Councillors for their efforts and endeavors over the past year, wished everybody a safe and happy festive season, and put forward a reminder to be careful on the roads.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:20 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2013.

CONFIRMATION:

MAYOR

DATE