



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 28 NOVEMBER 2012

AT 5.30 PM

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

DISCLAIMER

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

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

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

OUR COMMITMENT

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

ITEM 1	OPENING OF MEETING	6
1.1	OPENING	6
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	6
2.1	ATTENDANCE.....	6
2.2	APOLOGIES	6
2.3	APPROVED LEAVE OF ABSENCE.....	6
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
3.1	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 24 OCTOBER 2012.....	6
3.1.1	<i>Ms Joan Foley</i>	7
3.1.2	<i>Ms Jasmine Person</i>	7
3.2	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 24 OCTOBER 2012	7
3.2.1	<i>Councillor Daccache</i>	7
3.2.2	<i>Councillor Gillingham</i>	8
3.2.3	<i>Councillor Jacob</i>	8
ITEM 4	PUBLIC TIME	8
4.1	PUBLIC QUESTION TIME	8
4.1.1	<i>Mr Camilo Blanco</i>	8
4.1.2	<i>Mr Chris Whalley</i>	10
4.1.3	<i>Mr John Venn Money</i>	11
4.1.4	<i>Mr David Pennington</i>	11
4.1.5	<i>Mr John May</i>	12
4.1.6	<i>Ms Jacque Rykes</i>	12
4.1.7	<i>Mr Camilo Blanco</i>	13
4.2	PUBLIC STATEMENT TIME	13
4.2.1	<i>Mr George Anagnostopoulos</i>	13
4.2.2	<i>Mr Chris Whalley</i>	13
4.2.3	<i>Mr Paul Lelarge</i>	14
4.2.4	<i>Mr Paul Cunningham</i>	14
4.2.5	<i>Mr John May</i>	14
4.2.6	<i>Mr Camilo Blanco</i>	14
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	15
5.1	<i>Councillor Gillingham</i>	15
5.2	<i>Councillor Hunt</i>	15
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING	16
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	16
7.1	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 24 OCTOBER 2012	16
7.2	CONFIRMATION OF MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON WEDNESDAY 14 NOVEMBER 2012.....	16
ITEM 8	ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION	16
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	19
9.1	<i>Councillor Daccache</i>	19
9.2	<i>Councillor Gillingham</i>	19
9.3	<i>Councillor Hooper</i>	19
9.4	<i>Councillor Jacob</i>	20
9.5	<i>Councillor Hunt</i>	20
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	20

10.1	<i>David Sneddon, Chief Executive Officer, and Jason Pugh, General Manager, New Energy Corporation</i>	20
10.2	<i>Implications of Asset Management on the Town of Port Hedland Leasing Policy</i>	20
	DISCLAIMER	21
ITEM 11	REPORTS OF OFFICERS	22
11.1	PLANNING AND DEVELOPMENT SERVICES	22
11.1.1	<i>Amended Town of Port Hedland Building Services Fee and Charge Structure for Non-Regulated Building Services</i>	22
11.1.2	<i>Proposed Permanent Partial Closure of Draper Place, South Hedland (File No.: 401110G)</i>	23
11.1.3	<i>Proposed Five (5) Multiple Dwelling Development on Lot 2 (88a) Kingsmill Street, Port Hedland (File No.: 804487G)</i>	28
11.1.4	<i>Proposed Eighteen (18) Multiple Dwellings on Lot 250 (70) Morgans Street Port Hedland (File No.: 402470G)</i>	58
11.1.5	<i>Proposed Twelve Multiple Dwellings on Lot 500 (37) Moore Street Port Hedland (File No.: 119780G)</i>	80
11.1.6	<i>Proposed Excision of Reserve 28372 being Lot 5209 McGregor Street, Port Hedland (Koombana Lookout) (File No. 130151G)</i>	105
11.1.7	<i>Ministerial Order in Terms of Section 76(1), of the Planning and Development Act 2005, to Initiate Proposed Scheme Amendment 52 on Lot 226 Greenfield Street, Boodarie. (File No.: 18/09/0066)</i>	112
11.1.8	<i>Proposed Road Dedication being a Portion of Lot 567 on Plan 71689 on Unallocated Crown Land, South Hedland (File No.: 28/17/0001)</i>	118
11.1.9	<i>Proposed Modification to Final Adoption of Scheme Amendment 54 to the Town of Port Hedland Town Planning Scheme No. 5. Rezoning from Urban Development R20 to Residential R30 and R40 and Other Purposes (File No.: 18/09/0068)</i>	123
11.2	ENGINEERING SERVICES	130
11.2.1	<i>Port Hedland Motor Cycle Club Lease of Lot 145, Great Northern Highway, Port Hedland (File No.: 05/05/0033)</i>	130
11.2.2	<i>Request to Dispose of Land at Port Hedland International Airport to CLA Trading Pty Ltd (a Europcar Lessee) (File No.: 05/05/0078)</i>	170
11.3	COMMUNITY DEVELOPMENT	174
11.3.1	<i>Proposed Percent for Public Art Strategy and Policy – Adoption for Advertising and Consultation (File No.: 26/08/1008)</i>	174
11.4	CORPORATE SERVICES	206
11.4.1	FINANCE AND CORPORATE SERVICES	206
11.4.1.1	<i>Reconsideration of Rates Concessions for the Royal Flying Doctor Service (File No.: .../...) ..</i>	206
11.4.1.2	<i>Interim Financial Reports to Council for Period Ended 30 September 2012 (File Nos: FIN-008, FIN-014 and RAT-009)</i>	220
11.4.2	GOVERNANCE AND ADMINISTRATION	226
11.4.2.1	<i>Town of Port Hedland Audio Recording of Council and Committee Meetings Policy (File No.: .../...) ..</i>	226
ITEM 12	LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	232
12.1	<i>Proposed Scheme Amendment No. 62 to the Town of Port Hedland Town Planning Scheme No. 5 to rezone Lot 452 Morgans Street, Port Hedland from “Community” (Health) to “West End Residential” (File No.: 18/09/0074)</i>	232
ITEM 13	REPORTS OF COMMITTEES	238
13.1	<i>Airport Committee – 25 October 2012</i>	238
ITEM 14	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	238
14.1	<i>Councillor Gillingham Notice of Motion from 24 October 2012 (File No.: .../...) ..</i>	239
ITEM 15	CONFIDENTIAL ITEMS	246
15.1	<i>Public Liability Personal Injury Claim</i>	246

15.2 *Remuneration Package for Program Director Airport Redevelopment (File No.: .../...)* 246

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE..... 248

ITEM 17 CLOSURE..... 248

17.1 DATE OF NEXT MEETING..... 248

17.2 CLOSURE..... 248

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:32 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett
Councillor George J Daccache
Councillor Arnold A Carter
Councillor Jan M Gillingham
Councillor David W Hooper
Councillor Julie E Hunt
Councillor Gloria A Jacob

left the meeting at 6.37pm.

Officers

Malcolm Osborne
Russell Dyer
Natalie Octoman
Eber Butron
Gordon MacMile
Josephine Bianchi
Grace Waugh

Chief Executive Officer
Director Engineering Services
Director Corporate Services
Director Planning & Development
Director Community Development
Coordinator, Governance
Administration Officer, Governance

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Councillor Michael (Bill) Dziombak

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 24 October 2012**

3.1.1 Ms Joan Foley

It is my understanding that the original opening of the Wanangkura Stadium saw the Minister for Mental Health, Helen Morton concerned with the lack of accessible doorway entrance. The Director General of the Disabilities Department was sent to Port Hedland to meet with the then Acting Chief Executive Officer Mr Ian Hill where he was told that the situation would be remedied when the other works for the re-opening were carried out. Why hasn't this work been carried out on the Stadium's entrance?

Director Community Development advised that a solution to fulfil these requirements is being investigated by Engineering Service.

With Ms Maureen Kelly being given the National Indigenous Elder of the Year award and Mrs Fran Carter the Medal of the Order of Australia, where is Council's recognition of these tremendous achievements? Does Council plan to hold a Civic reception for these two wonderful stalwarts' of our town to acknowledge their years of hard work and dedication? The principle teacher for JaBaT should also be included.

Director Community Development advised that Maureen Kelly and Fran Carter have been approached to be recognised as part of the Australia Day celebrations. The recognition is currently being discussed with both community members.

3.1.2 Ms Jasmine Person

In relation to Ms Irene Coffin's painting which was paid for by the ratepayers of Port Hedland and that was hung in Council Chambers, why was the painting mistreated and discarded at the back of Gratwick Hall resulting in damage to the people's property?

Director Corporate Services advised that the painting was removed from the office for safe keeping during recent treatment for mould. The painting is not damaged and has been put back up in Council offices.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 24 October 2012**3.2.1 Councillor Daccache**

Can Council receive a presentation from Council staff and Police on the CCTV program and its effectiveness and if there are any specific areas where CCTV's are required in the future?

Director Planning and Development advised that Officers will contact Police in order to organise a presentation regarding the CCTV program to come to a future Council meeting.

3.2.2 Councillor Gillingham

Down the median strip of Hamilton road as you approach the roundabout before the police station, there are a lot of dead plants. Can the Town look into getting the plants watered?

Director Engineering Services advised that Engineering Services are aware of the issues and have rectified irrigation problems at this location and will continue to monitor progress.

In regards to parking in Wedge Street, there are a lot of people who work in that part of town who are getting parking tickets. Is there some sort of sign local workers can display to show that they work there so they no longer get tickets?

Director Planning and Development advised that there have been two infringement notices since 1 January 2012 in the Wedge Street and Anderson Street area:

13 March 2012 Parking in a Disabled Bay
22 May 2012 Parking in a No Standing area

Given the number of infringements issued, it would not be standard practice to issue signs for local business owners, given that there is adequate parking available nearby that is often underutilised.

3.2.3 Councillor Jacob

The sign at the Wanagkura Stadium still says the opening of the stadium is the 27 July 2012. Is it possible to get this removed?

Director Community Development advised that the sign has been removed.

ITEM 4 PUBLIC TIME

Mayor opened Public Question Time at 5:34pm.

4.1 Public Question Time**4.1.1 Mr Camilo Blanco**

What is the balance of the municipal fund?

Director Corporate Services advised that the balance of the municipal fund is \$15,311,149.74.

What is the balance of the marina reserve account?

Director Corporate Services advised that there is a reserve bank account which holds more than just the marina reserve funds.

I have asked previously why the marina reserve funds were in the municipal fund and the response was 'all contributions are credited to the municipal fund before being diverted.' The Act states differently. Can I get the reason why the Town has breached sections 6.11(1) and 2(b) of the Local Government Act 1995?

Chief Executive Officer advised that the Town has not breached the Local Government Act 1995. The Town's auditors audit all the transactions of the Town of Port Hedland and notify the Town if there are any breaches. It is common practice for funds to be diverted throughout reserves as long as the funds are in the appropriate reserve account at the end of the financial year.

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

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

Can I get the relevant information regarding the advertising undertaken as per Local Government Regulations, about the change of use of the funds?

Mayor advised that this question is taken on notice.

Can I get the interest rate for the municipal account?

Director Corporate Services advised that the interest rate is 3.25%.

Note: Subsequent to this meeting the Director Corporate Services advised that as at 5 December 2012, the interest rate reduced to 2.75%.

Can I get the interest rate for the reserve account?

Director Corporate Services advised that she believed the interest rate was the same as the municipal account.

Note: Subsequent to this meeting the Director Corporate Services advised that as at 5 December 2012, the interest rate reduced to 2.75%.

At the last Council meeting I asked if the marina funds had been put into the designated reserve account. The response was "the funds will be transferred into a reserve account that holds all of the Town's reserve". The Local Government (Financial Management) Regulations 1996 state that:

"17. Reserve accounts

(1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside."

"27. Budget notes

(g) in relation to each reserve account, an estimate of —

- (i) the opening balance brought forward on 1 July;*
- (ii) the amount to be set aside during the financial year;*
- (iii) the amount to be used during the financial year;*
- and*
- (iv) the closing balance at 30 June;”*

Section 28 of the Local Government (Financial Management) Regulations 1996 also makes reference to reserve account information. Have these regulations been met?

Chief Executive Officer advised that these regulations have been met and the annual budget contains all that information. The budget indicates the nature and purpose of each reserve and dictates details of the opening and closing balance.

Can I get a copy of this information?

Chief Executive Officer advised in the affirmative.

The Local Government Act 1995 is very clear on the process on the shifting of reserve money. On 30 August 2012 I asked about money being moved from the marina reserve. Can I get the information relating to the vote by Council that authorised the removal of those funds from the marina reserve?

Director Corporate Services advised that \$1.5 million was the estimated budget expenditure for this year. Those funds have not been removed from the reserve as yet, and will not be until there has been a funding agreement signed.

4.1.2 Mr Chris Whalley

Now that houses are going to be built on the land adjacent to the North Circular Road/ Murdoch Drive intersection, will Council consider moving the rubbish tip from its present location to a location at least 2 kilometres out of town?

Mayor advised that the Town is looking at moving the rubbish tip even further out the 2 kilometres of Town.

In November 2010 I asked Council to approach the Department of Education about building a new Senior High School in Port Hedland. Has anything happened with this?

Mayor advised that she did meet with the Minister of Education at that time and was told that once the town has reached 1,200 students from Grade 8 to 12 then the Department of Education will consider building another high school.

Could Council tell BHP Management not to freight trains between the hours of 5:30am to 7:30am seven days a week along the Wallwork Road rail track? This is causing major traffic jams in South Hedland and Wedgefield.

Mayor advised that this matter was brought up with BHP previously and the Town will raise the issue with BHP again.

At a previous Council meeting I was told to bring a list of addresses that have newspapers piling up on the street. Here are the lists of addresses:

- 24, 21A, 21B, 23, 31, 32, 50, 48, 46, 44, 39, 37B, 37A, 35 Captains Way, South Hedland;
- 3, 5, 7, 15 Centaur Avenue, South Hedland;
- 3 Saladin Way, South Hedland;
- 75 Masters Way, South Hedland.

Mayor advised that these addresses will be passed onto the respective newspapers to stop delivery.

4.1.3 Mr John Venn Money

What is the current zoning of Bosna?

Director Planning and Development advised that the zoning is "Rural Residential" which allows for lot sizes up to 4000m².

Note: Subsequently to this meeting Director Planning and Development advised that the proposed zoning for the area listed in Item 11.1.7 in this agenda is 4000m². However the existing zoning for this Rural Residential estate is 1Ha.

Why is multiple accommodation, particularly sheds, being split up into camps? In this area you can find accommodation with 10 people living in a small house.

Mayor advised that there are a number of non compliant houses in this area. The Town is currently looking into the matter.

Should the area be rezoned?

Mayor advised that it is not an issue of re-zoning but of people not being compliant with the current zoning. The Town's compliance team and lawyers are currently working through this matter.

4.1.4 Mr David Pennington

What is the Town doing about the section of Hamilton Road between the new basketball courts and the Matt Dann Centre which is very dangerous?

Director Engineering Services advised that designs are in place to build a dual lane for Hamilton Road and a roundabout going into the Wanangkura Stadium. These works will commence after cyclone season and will alleviate the current traffic issues.

I wrote to the previous two Chief Executive Officers regarding a real estate agent advertising blocks in Wedgefield for multiple accommodation. Some of these blocks have 15-20 people living on them and they are paying the same rates as I am. Is the Town going to spend thousands of dollars of ratepayers money on court cases against them?

Mayor advised that there is a critical situation regarding housing accommodation and land availability. The compliance team are writing to all the non compliant residences in Wedgefield to inform them of the process the Town will be following.

The camp next to the Police Station was put there to build the Police Station. The Police Station was built one year ago and the camp is still there with people living in it, can the Town look into this matter?

Director Planning and Development advised that the Town's Compliance Officer will look into this matter although this parcel of land is State Land and State Government Agencies don't have to comply with the Town's requirements.

4.1.5 Mr John May

My questions are in relation to the late item 12.1 'Proposed Scheme Amendment No. 62 to the Town of Port Hedland Town Planning Scheme No. 5 to rezone Lot 452 Morgans Street, Port Hedland from "Community" (Health) to "West End Residential"' regarding the old hospital site and its rezoning. I would like to ask that Council consider extending that area to include the south side of Morgans Street where there is currently applications with the planning department.

Director Planning and Development advised that this item is just to consider the one site and the rezoning of the south side of Morgans Street would need to be considered in a different project.

How long is the project likely to take?

Director Planning and Development advised that this is a 12-18 month process.

4.1.6 Ms Jacque Rykers

When is the gravel road along Anderson Street, especially near the Boulevard Shopping Centre, going to be repaired?

Mayor advised that the current state of the road is due to the sewerage works being conducted by Water Corporation.

Director Engineering Services advised that the Town has had discussions with Water Corporation in regards to the state of some of those works and has requested that they be repaired to a point that is satisfactory for traffic. Director Engineering Services has been advised that there have been some issues with Water Corporations contractor.

Do you know when the road might be fixed?

Director Engineering Services advised that the road should be repaired within the next month.

4.1.7 Mr Camilo Blanco

Can I have a copy of the audio recording of tonight's meeting?

Mayor advised that an item is being considered tonight regarding audio recordings and then that process will need to be followed.

Mayor closed Public Question Time at 5:50pm.

Note: Chief Executive Officer advised the members of public that they are always welcome to ask questions during public question time at Council meetings. However, if members of the public wish to ask an urgent question, they are reminded that they do not have to wait until the next Council meeting but they can raise it with the Town's Administration at anytime.

Mayor opened Public Statement Time at 5:51pm.

4.2 Public Statement Time

4.2.1 Mr George Anagnostopoulos

George Anagnostopoulos spoke in favour of Item 11.1.7 'Ministerial Order in Terms of Section 76(1), of the Planning and Development Act 2005, to Initiate Proposed Scheme Amendment 52 on Lot 226 Greenfield Street, Boodarie'. This item has come to Council twice before and was knocked back, now the Minister is ordering Council to consider this item. It is about time the Council allows this development rather than developers building sheds and putting rooms in there for their workers. Members of the public have been fighting for two years to build what they want in Bosna yet they are still not allowed to.

4.2.2 Mr Chris Whalley

Chris Whalley advised Council that someone tried to break into his house while he was away on holiday for five weeks. The Town along with Police are trying to fight crime in South Hedland but there are some people who think they can still get away with it.

4.2.3 *Mr Paul LeLarge*

Paul LeLarge is the Regional Manager of the Royal Flying Doctor Service and spoke in favour of Item 11.4.1.1 'Reconsideration of Rates Concessions for the Royal Flying Doctor service.' The Royal Flying Doctor Service had applied for a rates concession on 31 March 2012 (and was denied). The doctors of the Royal Flying Doctor Service conduct in excess of 40,000 consultations across Western Australia and 95% of these consultations are conducted from their residences. The Royal Flying Doctor Service conducts consultations from six doctors' residences and would be grateful if Council would consider applying a rate concession to their properties.

4.2.4 *Mr Paul Cunningham*

Paul Cunningham spoke on behalf of Greg Rowe & Associates in favour of the alternative recommendation for Item 12.1 'Proposed Scheme Amendment No. 62 to the Town of Port Hedland Town Planning Scheme No. 5 to rezone Lot 452 Morgans Street, Port Hedland from "Community" (Health) to "West End Residential"'. Greg Rowe & Associates have liaised with the Town's Planning department in revising the officer's recommendation and believe the alternative recommendation to be tabled at the meeting this evening better reflects the rezoning of the area.

4.2.5 *Mr John May*

John May is one of the owners of Lot 250 Morgans Street which has been in a trust for the past 15 years. John May spoke in favour of Item 11.1.4 'Proposed Eighteen (18) Multiple Dwellings on Lot 250 (70) Morgans Street Port Hedland'. The Town's Planning department has been consulted for over a year to get to the point to where the development is tonight and the design of the building recognises the housing shortage in Port Hedland. Mr May asked for Council to approve this item tonight.

4.2.6 *Mr Camilo Blanco*

Camilo Blanco advised Council that he would stop asking questions about the marina reserve if his initial questions he has asked at previous Council meetings were answered. All of his questions are supported by the Town's monthly financial statements. At the end of September 2012 the municipal fund balance was \$35,700,000.00, the \$40 million marina reserve money was in the municipal account and if it wasn't the Town would be broke. The information that allows the Town to use the marina reserve money needs to be provided to the public.

These questions are asked in a public arena to ensure they are on record even though some questions are not being answered or recorded in the minutes. The meeting on the 6 September 2012 breached many sections of the Town of Port Hedland's Standing Orders Local Law. The meeting was not closed by the Chairperson before he made his statement, this was not included in the minutes.

Note: Chief Executive Officer invited Camilo Blanco into the office for a discussion with himself and the Director Corporate Services to go through the process of how the reserve funds are managed and how the Town reports on them.

Mayor closed Public Statement Time at 6:04pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *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 would like to know who repaired the painting before it went back up on the wall?

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

In relation to the question under section 3.2.2 regarding the plants in the median strip, has the issue been rectified or will the plants that are currently there need to be replaced if they do not come back to life?

Director Engineering Services advised that the irrigation issues have been rectified. There has been a problem with the water flow coming from Water Corporation tanks to the irrigation; this is currently being looked into. The plants will be replaced if they do not come back to life.

Regarding my resolution to Council tonight, may I ask if the Deputy Mayor George Daccache does wish to make an apology to the Town of Port Hedland?

Mayor advised that this matter will be considered as part of item 14.1 tonight.

5.2 *Councillor Hunt*

I have been asked this question by members of the public. Now that the Town is coming up to cyclone season does the Landing building site have all the necessary authorisations and is it compliant?

Director Planning and Development advised that the Town issues notices to builders in that area to ensure they are compliant.

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

Mayor Howlett	Councillor Hooper
Councillor Daccache	Councillor Jacob
Councillor Carter	Councillor Hunt
Councillor Gillingham	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 24 October 2012****201213/174 Council Decision****Moved: Cr Carter****Seconded: Cr Jacob**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 24 October 2012 be confirmed as a true and correct record of proceedings.

CARRIED 7/0**7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 14 November 2012****201213/175 Council Decision****Moved: Cr Carter****Seconded: Cr Hunt**

That the Minutes of the Special Meeting of Council held on Wednesday 14 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 October/November 2012 period to date is as follows:

Wednesday, 17th October

- Weekly A/CEO & Elected Member Catch Up

Thursday, 18th October

- Attended RDA – Pilbara Meeting
- Meeting With Nicole Lockwood
- 2012/2013 Cyclone Season BOM Presentation

Friday, 19th October

- Launch of YIC Reach For Stars Program
- Attended PDC Board Meeting
- Town Tour For PDC Board

Monday, 22nd October

- Attended PRC Meeting

Tuesday, 23rd October

- Weekly Mayor Chat Spirit Radio

Wednesday, 24th October

- Attended TOPH Confidential Concept Forum
- Attended TOPH Confidential Planning Briefing
- TOPH Agenda Briefing Session
- Chair OCM

Thursday, 25th October

- Volunteered with Town Ambassadors For Radiance of Seas Cruise Ship Visit

Friday, 26th October

- Attended Pink Breast Cancer Breakfast
- Executive Coaching Session
- Attended Jabat Dance Movie Fundraiser At Matt Dann

Saturday, 27th October

- Mayor Coffees – Port Hedland
- Mayor Coffees – South Hedland
- Attended West End Markets
- Attended 2012 Beerfest Fundraiser
- Attended 2012 Bloodwood Tree Association Peacock Ball

Monday, 29th October

- Meeting With CEO Mal Osborne
- Meeting Re Upcoming Cruise Ship Visit
- Meeting With Ian Taylor
- Attended YIC AGM

Tuesday, 30th October

- Weekly Mayor Chat Spirit Radio
- Attend HSHS IPS Board Meeting
- Meeting With Narelle Bettini Re DeGrey Station
- Attended PHCCI AGM

Wednesday, 31st October

- Pilbara JDAP – Monthly Meeting

Thursday, 1st November

- Meeting With Creating Communities Lynden Prince
- Attended TOPH Staff Long Service Dinner

Friday, 2nd November

- Volunteered with Town Ambassadors For Voyager of Seas Cruise Ship Visit
- Attended Early Educators Day YMCA Childcare Centre, Port Hedland
- Attended Pilbara Behaviour Centre Sundowner Event

Sunday, 4th November

- Attended Opening Ceremony Cemetery Beach Park Duplication
- MC 2012 PAWS Walk Event

Monday, 5th November

- Weekly CEO & Mayor Catchup

Tuesday, 6th November

- Weekly Mayor Chat Spirit Radio

Wednesday, 7th November

- Attended Well Womens Centre Morning Tea – Celebration of BHPBIO Partnership
- Participated in PHPA Consultation Survey
- Briefing Re Upgrade To South Hedland Shopping Centre From Charter Hall

Friday, 9th November

- General Catchup HSHS Principal John Burke & TOPH CEO

Saturday, 10th November

- Volunteered At McHappy Day, McDonalds South Hedland

Sunday, 11th November

- Attended Remembrance Day Service

Tuesday, 13th November

- Media Meet & Greet with TOPH CEO & Executive Team

Wednesday, 14th November

- Weekly Mayor Chat Spirit Radio
- Weekly CEO & Elected Member Catchup
- TOPH Confidential Planning Briefing & Concept Forum
- Chair Special Council Meeting

Thursday, 15th November

- Executive Coaching Session

Friday, 16th November

- Attended 2012 WA State Tidy Towns/Sustainable Communities Awards Presentation

Saturday, 17th November

- Mayor Coffee Sessions – Port Hedland

- Mayor Coffee Sessions – South Hedland
- Attended 2012 Andrew McLaughlin Centre Xmas Markets

Sunday, 18th November

- Attended Koombana Park Community Consultation

Mayor Howlett expressed her congratulations to the community and the volunteer committee in welcoming the cruise ships. The next cruise ships will be coming in February and March 2013 and the Town will be looking forward to welcoming them. The Mayor attended the 2012 Tidy Towns Sustainable Future awards where the Town of Port Hedland was named the 2012 Western Australian Tidy Towns Sustainable Community of the Year.

Note: Chief Executive Officer presented the 2012 Tidy Towns Sustainable Community of the Year State Award to the community of the Town of Port Hedland.

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

Attended the White Ribbon Day March, also attended the re-launch of the Hedland Youth Leadership Collision and it was great to see the youth of Port Hedland participating in trying to solve the issues of the youth today. Met with Phil Johnson, labour MLA, at the Chamber of Commerce to discuss the underground power project in Hedland. Also attended the FMG Port Railway Operations and the opening of the Andrew Forrest Bridge.

9.2 *Councillor Gillingham*

I would like to thank the community and the Town for their well wishes while I was in hospital. While I was there I noticed that there are issues with the hospital. I have previously requested the Department of Health give Council a presentation so that these problems can be addressed.

9.3 *Councillor Hooper*

I attended the Hedland Youth Leadership Collision. The highlight of the last few weeks was the fundraiser held in the Wanangkura Stadium last Saturday night, it was great to see the space being put to such good use.

9.4 *Councillor Jacob*

Attended the South Hedland Business Association breakfast event where the candidate for the leader of the Pilbara for the opposition held a presentation. Charter Hall also did a presentation on the refurbishment of the South Hedland Shopping Centre. Gordon MacMile, Director Community Development held a presentation on the use of the Civic Centre and the proposal for workforce location. There was also some discussion on the Youth Involvement Council relating the youth that was hospitalised as per the recent article in the local newspaper. In view of this, I would ask for Council's support in creating specialised services available to youth, I believe this is something Council needs to consider.

9.5 *Councillor Hunt*

Attended the CCG/BHP Group meeting where the Finucane Island barge jetty was discussed, the implications to the public were discussed along with the continuing large transport movements that would be happening in the next couple of months.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**10.1 *David Sneddon, Chief Executive Officer, and Jason Pugh, General Manager, New Energy Corporation*****Waste Project in Boodarie**

David Sneddon and Jason Pugh spoke about the Port Hedland Waste Energy Plant that New Energy Corporation will be building in Port Hedland. The project will be based in the Boodarie Estate and is the first of its kind in Australia. New Energy Corporation informed the community of the progress that has been made up to this point and what to expect in the future.

10.2 *Implications of Asset Management on the Town of Port Hedland Leasing Policy*

Trevor Seymour-Jones, Project Director Asset Management from Thinc, has been working with staff at the Town of Port Hedland on asset management. He spoke about the asset management policy, strategy and plan and identified the roles, responsibility and accountability of the Council and the Town of Port Hedland staff.

6:37pm Councillor Hooper left the meeting. Mayor Howlett left the room and returned at 6:40pm.

Disclaimer

IMPORTANT NOTE:

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

ITEM 11 REPORTS OF OFFICERS

11.1 Planning and Development Services

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

*Note: Chief Executive Officer advised that this item was pulled by
for further investigation on the Fees and Charges. This item will
be presented at the Ordinary Council Meeting on Wednesday 12
December 2012 for Council's decision.*

11.1.2 Proposed Permanent Partial Closure of Draper Place, South Hedland (File No.: 401110G)

Officer Katherine Press
Acting Lands Officer

Date of Report 12 November 2012

Disclosure of Interest by Officer Nil

Summary

Council received a request from Glen Cawood (applicant) owner of Lot 2433 (18) Draper Place, South Hedland to permanently close a portion of the Draper Place road reserve.

The proposed closure will not affect traffic safety or impact on pedestrian or cycle movements. The proposal is supported by both the Technical Services and Planning Services.

Council is requested to consider the request favourably.

Background

The applicant has requested to purchase the proposed closed portion of road reserve and amalgamate the land with Lot 2433 Draper Place, South Hedland, in order to develop Lot 2433 Draper Place further.

The portion of Draper Place road reserve proposed to be closed consists of a short cul-de-sac veering off of Draper Place and is approximately 350m² (attachment 1) being too small to be developed on its own. The cul-de-sac only provides access to Lot 2433 Draper Place.

Consultation*Externally*

Section 58(3) of the Land Administration Act 1997 states:

“A local government must not resolve to make a request under subsection (1) until a period of 35 days has lapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.”

The statutory advertising period is designed to allow all interested parties, including public service providers, to comment on the proposals prior to Council permanently closing a road reserve.

Notwithstanding the above, the following public service providers were requested to provide comment:

- Horizon Power
- Water Corporation
- Telstra
- Optus
- Department of Water

Optus have not responded within the 14 day referral period. The Department of Water, Water Corporation and Horizon Power have raised no objection to the proposal. Telstra has no objection provided the following conditions are imposed:

- Telstra has infrastructure located within the portion of Draper Place Road Reserve that will need to be relocated at the cost of the landowner.

Internally

The application was circulated internally to Technical Services and no objections were received, provided the following condition was imposed:

1. Maintain 4.5m verge at all times (3m clearzone and 1.5m dup).

Statutory Implications

Road Closure

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

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

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

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

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

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$350.00 has been received in accordance with Council's adopted Town Planning Fees and Charges.

Officer's Comment

The section of Draper Place road reserve (approximately 350m²) which is being sought by the applicant is not required for road purposes and is not able to be developed as a lot on its own. The short cul-de-sac off of Draper Place does not have a "community" purpose and only provides access to Lot 2433 Draper Place. The closure of the portion and amalgamation thereof with the applicant's site will firstly enable the applicant to further develop the property thereby improving the streetscape and amenity and secondly create a more regularly road reserve alignment.

Options

Council has the following options for responding to the request:

1. Support the applicants request for the permanent closure of a portion of Draper Place road reserve, as per attachment 1.

The closure of the subject portion of road reserve will allow the applicant to apply to amalgamate the road reserve into Lot 2433 Draper Place, creating a more regular road alignment and improving the streetscape and amenity of the surrounding area.

2. Reject the applicant's request to permanently close the portion of Draper Place Road Reserve.

Should Council reject the applicant's request, the short cul-de-sac will stay open and Council will be required to maintain the area.

Option 1 is recommended.

Attachments

1. Proposal plan.

201213/176 Officer's Recommendation/ Council Decision**Moved: Cr Carter****Seconded: Cr Jacob****That Council:**

- 1. Support the applicant's request for the permanent closure of a portion of Draper Place Road Reserve, as per attachment 1, subject to the following conditions:**
 - a. Telstra has infrastructure located within that portion of the Smith Street Road Reserve which will need to be relocated at the landowner's cost.**

- 2. Delegates the Manager Planning Services under Delegation 38(7) to submit the road closure request to the Department of Regional Development and Lands (State Land Services), subject to the following;**
 - a. The proposed Road Closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997;**
 - b. No objections being received during the advertising period.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.2



11.1.3 Proposed Five (5) Multiple Dwelling Development on Lot 2 (88a) Kingsmill Street, Port Hedland (File No.: 804487G)

Officer	Steve de Meillon Planning Officer
Date of Report	14 November 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Developments on behalf of the landowners Debra Helen and Pasqual Shane D'Onofrio, to construct a five (5) "Multiple Dwellings" on Lot 2 (88a) Kingsmill Street, Port Hedland.

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

The application is supported by Council officers, and Council is requested to consider the application favourably.

Background

The Site (Attachment 1)

The proposal seeks to redevelop Lot 2 on Strata Plan 57607 (88a) Kingsmill Street, Port Hedland (the site). Lot 1 on Strata Plan 57607 currently contains an approved 'Single House' while Lot 2 is currently vacant undeveloped land. The site comprises an area of approximately 420m² with a split share of 86m² common property providing access to the site.

The site is located approximately 1km east of the Port Hedland Town Centre, approximately 290m north of the extent of the Port operations and approximately 60m west of the future proposed hotel redevelopment of the old Port Hedland Hospital site. The site is located approximately 75m from the Port Hedland coastline providing entertainment and recreation opportunities.

The site is generally surrounded by the West End Residential zoning with a split density coding of R30/R80. The West End Residential zone promotes the redevelopment of the existing detached single housing stock into more medium to high density development.

Previous Approvals

The site was granted survey strata subdivision approval by the Western Australian Planning Commission in 2009. An application for a 'Single House' was approved by the Town of Port Hedland in October 2010 for Lot 1 on Strata Plan 57607.

Proposal (Attachment 2)

The applicant is proposing to construct a five (5) "Multiple Dwelling" development on the site. The development will have no street frontage and will be accessed via communal property access way. The development comprises:

- Ground Floor Parking.
- Three (3) First Floor Single Bedroom Units approximately 48m².
- Two (2) Second Floor Two Bedroom Units approximately 75m².

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No.5 (TPS5) the site is zoned "West End Residential". A "Multiple Dwelling" is listed as an "AA" use within the "West End Residential Zone".

An "AA" use has the following meaning under the provisions of TPS5:

The development is not permitted unless the Council has granted planning approval.

Consultation

The following consultation and advertising was undertaken:

Internally

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

Externally

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

Officer's Comment

In terms of TPS5 the site is zoned "West End Residential" with a density coding of R30. Under the zoning table the proposed land use is specified as follows:

Multiple Dwelling:

"AA" (The development is not permitted unless the Council has granted planning approval).

In light of the above, a technical assessment of the proposed development has been undertaken. The development is consistent with the zoning and proposed redevelopment of the surrounding area. The development meets the statutory requirements outlined within both TPS5 and State Planning Policy 2.1 – Residential Design Codes (R-Codes), and is capable of approval.

Location

The application is presented to Council to consider the application in regards to its specific location within the "West End Residential" zone. The purpose of the "West End Residential" zone as identified in TPS5 is as follows:

"The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to discourage occupation by families with children or by elderly persons."

Dust Requirements (Attachment 3)

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

filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);

location of operable windows and doors on the western and southern building facades only;

use of deflection screens on the northern and eastern edges of operable windows;

use of eaves;

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 prepared by Norman Disney & Young which demonstrates the proposed dust mitigating methods. In the professional opinion of Norman Disney & Young, the proposed design achieves the same intent as the provisions within Clause 6.3.9 of TPS5.

The proposed development achieves all other “West End Residential” and R-Code requirements as provided within TPS5, and is recommended for approval.

Attachments

1. Locality Plan.
2. Development Plans.
3. Dust Ingress Report.

Options

Council has the following options when considering the application:

1. Approve the application subject to conditions.

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

2. Refuse the application.

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

Option one (1) is recommended.

201213/177 Officer's Recommendation/ Council Decision**Moved: Cr Jacob****Seconded: Cr Hunt**

That Council approves the application submitted by Developptions on behalf of the landowners Debra Helen and Pasqual Shane D'Onofrio the owners of Lot 2 on Strata Plan 57607, subject to the following conditions:

- 1. This approval relates only to the proposed five (5) "Multiple Dwelling" development as indicated on the approved plans (DRG2012/289/1 - DRG2012/289/8). 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 seven (7) car bays are required and 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; and
 - b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises 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 approved “Refuse Collection Strategy / 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:
- i. The delivery of materials and equipment to the site;
 - ii. The storage of materials and equipment on the site;
 - iii. The parking arrangements for the contractors and subcontractors;
 - iv. Impact on traffic movement;
 - v. Operation times including delivery of materials; and
 - vi. Other matters likely to impact on the surrounding residents / businesses;
17. Prior to the commencement of any works suitable justification shall be submitted and approved by the Manager Planning Services to demonstrate all laundries have external ventilation as per the Health Local Laws 1999 and to the specifications of the Manager Environmental Health;

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

18. 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);
19. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
21. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
22. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council’s Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

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

"Multiple Dwelling,

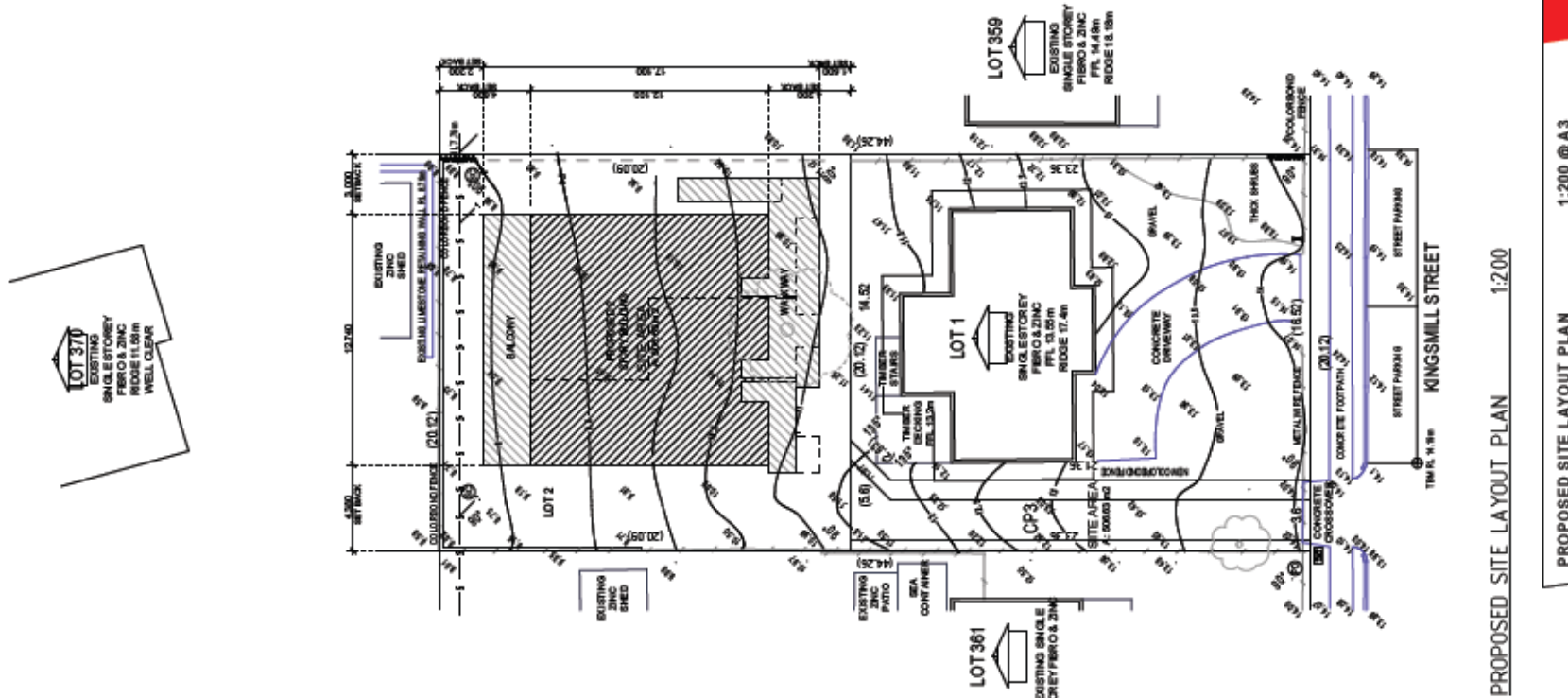
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."

2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. 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; and
6. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.

CARRIED 6/0

LOCALITY PLAN



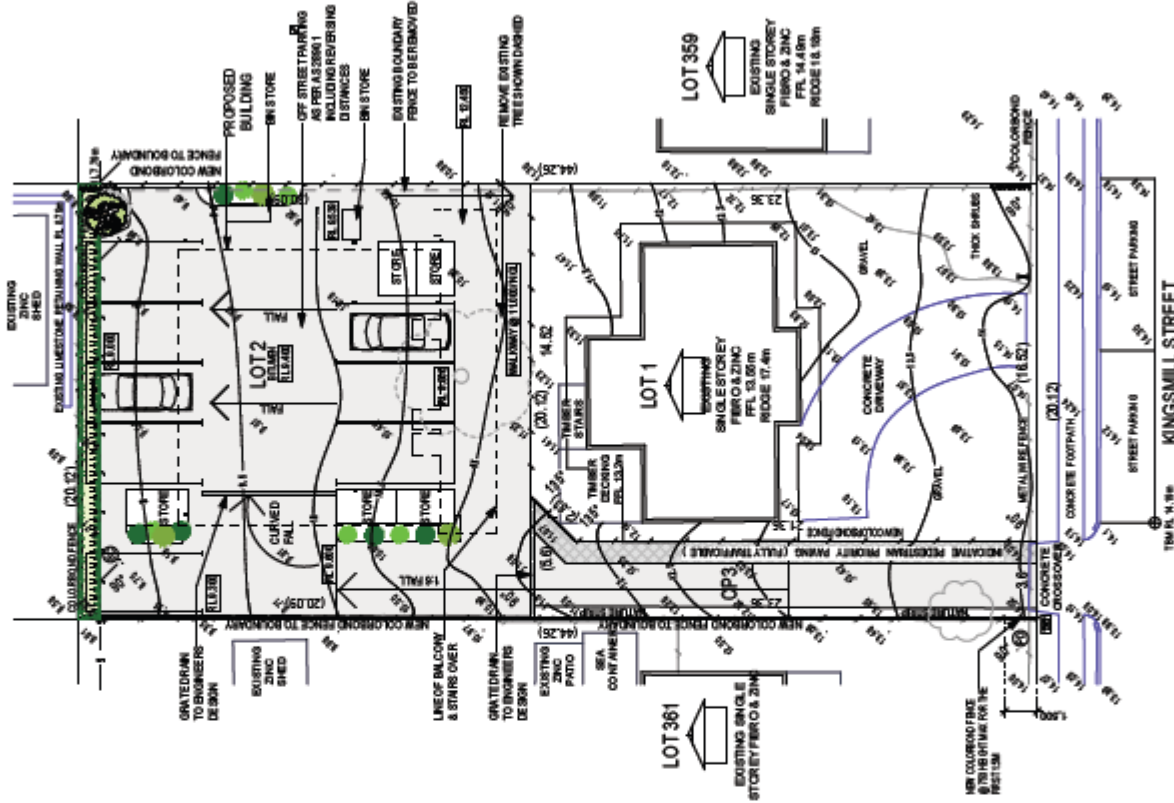


PROPOSED SITE LAYOUT PLAN 1:200

PROPOSED SITE LAYOUT PLAN 1:200 @ A3

SD.02





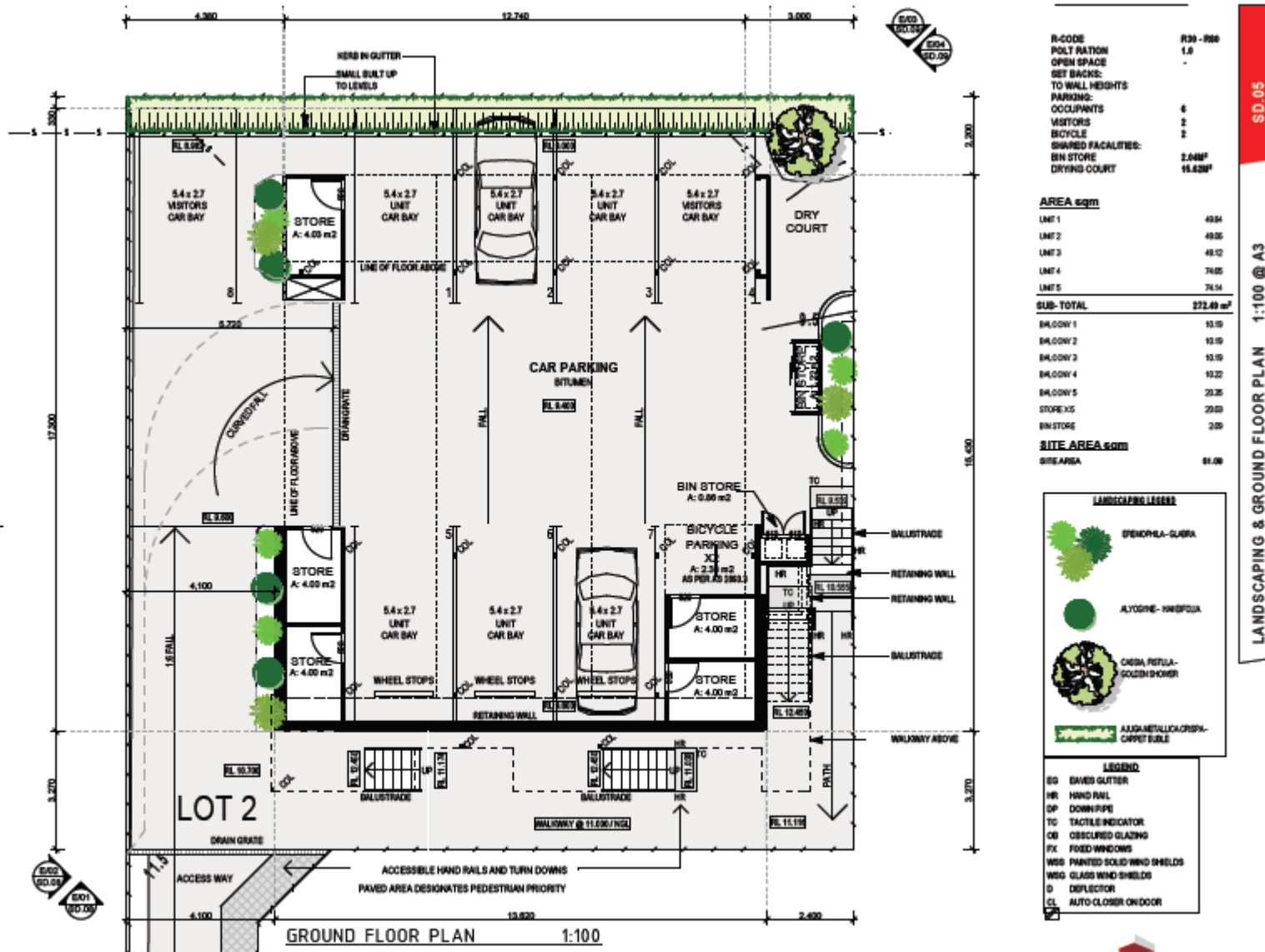
SITE PLAN 1:200 @ A3 SD.03

PROPOSED SITE PLAN 1:200

Landmax - Landmax Kingsmill

88A Kingsmill Street, Port Hedland, WA

JOB NUMBER: 12091 DATE: 28/08/2012 ISSUE: SK09



R-CODE	R30 - R60
POLY RATION	1.0
OPEN SPACE	-
SET BACKS:	-
TO WALL HEIGHTS	-
PARKING:	-
OCCUPANTS	6
VISITORS	2
BICYCLE	2
SHARED FACILITIES:	-
BIN STORE	2.0MP
DRYING COURT	15.82MP

AREA sqm	
UNIT 1	49.84
UNIT 2	49.85
UNIT 3	49.12
UNIT 4	74.85
UNIT 5	74.14
SUB-TOTAL	272.80
BLDOY 1	13.19
BLDOY 2	13.19
BLDOY 3	13.19
BLDOY 4	10.22
BLDOY 5	20.25
STORE XS	20.00
BIN STORE	2.00
SITE AREA sqm	
SITE AREA	61.06

LANDSCAPING LEGEND

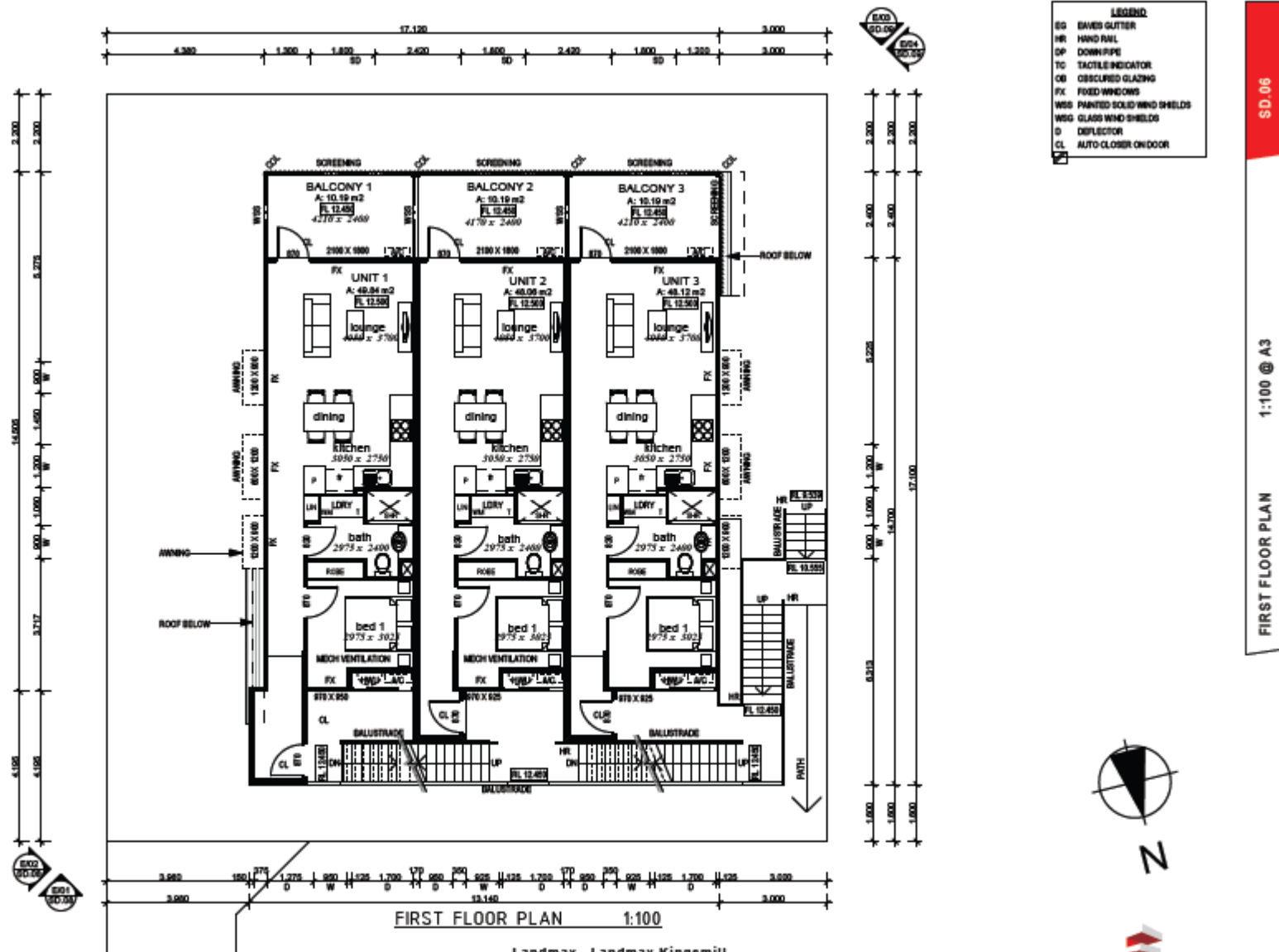
- BIGNONIA-GLABRA
- ALYONIE-HAEFOUA
- CASSIA-PEPELA-GOLDEN SHOWER
- ALBA-METALLICA-CRISPA-CARPET BULL

LEGEND

- EG DAVED GUTTER
- HR HAND RAIL
- DP DOWNPIPE
- TC TACTILE INDICATOR
- OG OBTUSURED GLAZING
- FX FIXED WINDOWS
- WS PAINTED SOLID WIND SHIELDS
- WG GLASS WIND SHIELDS
- D DEFLECTOR
- CL AUTO CLOSER ON DOOR

SD.05
LANDSCAPING & GROUND FLOOR PLAN 1:100 @ A3

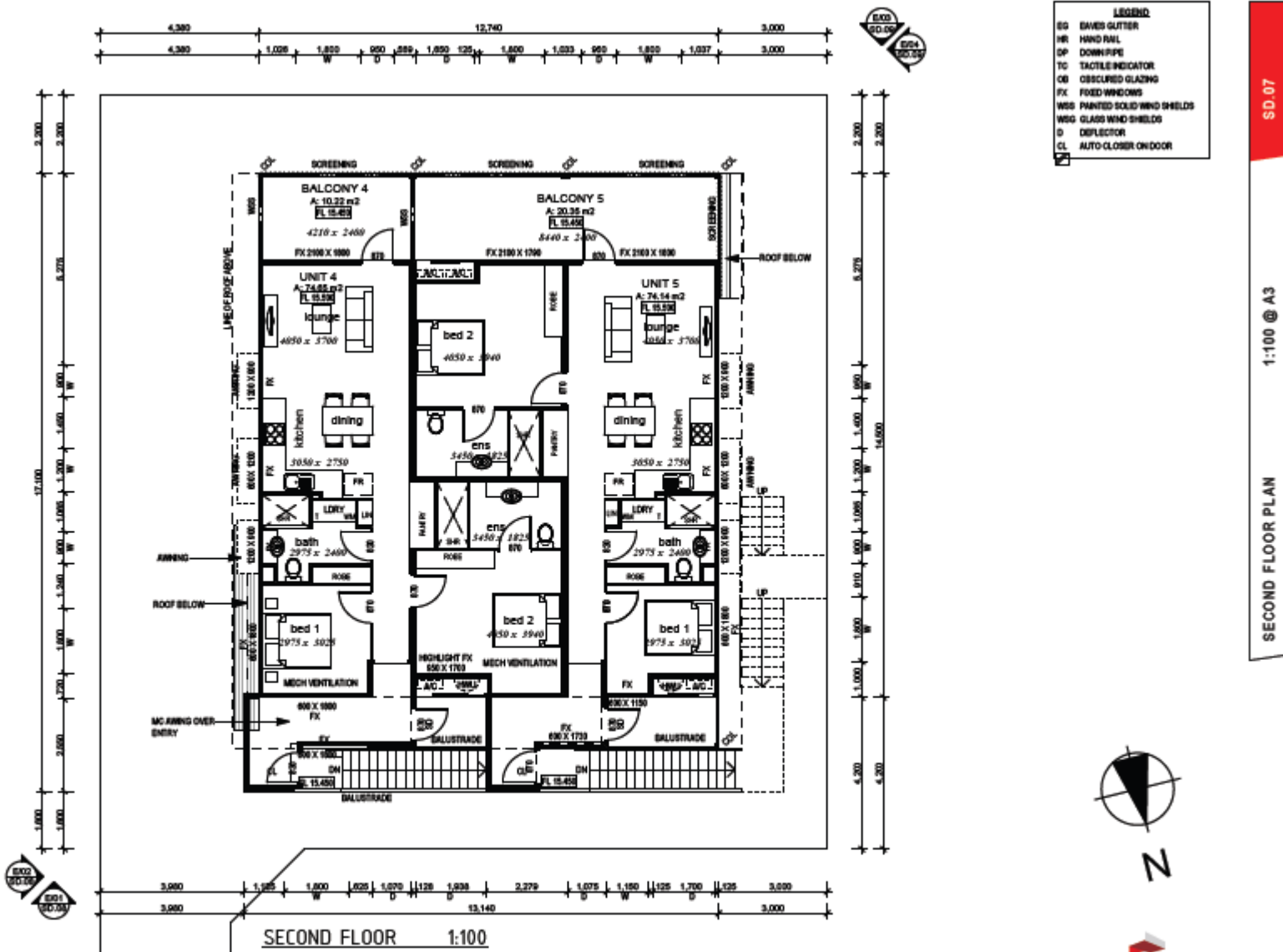


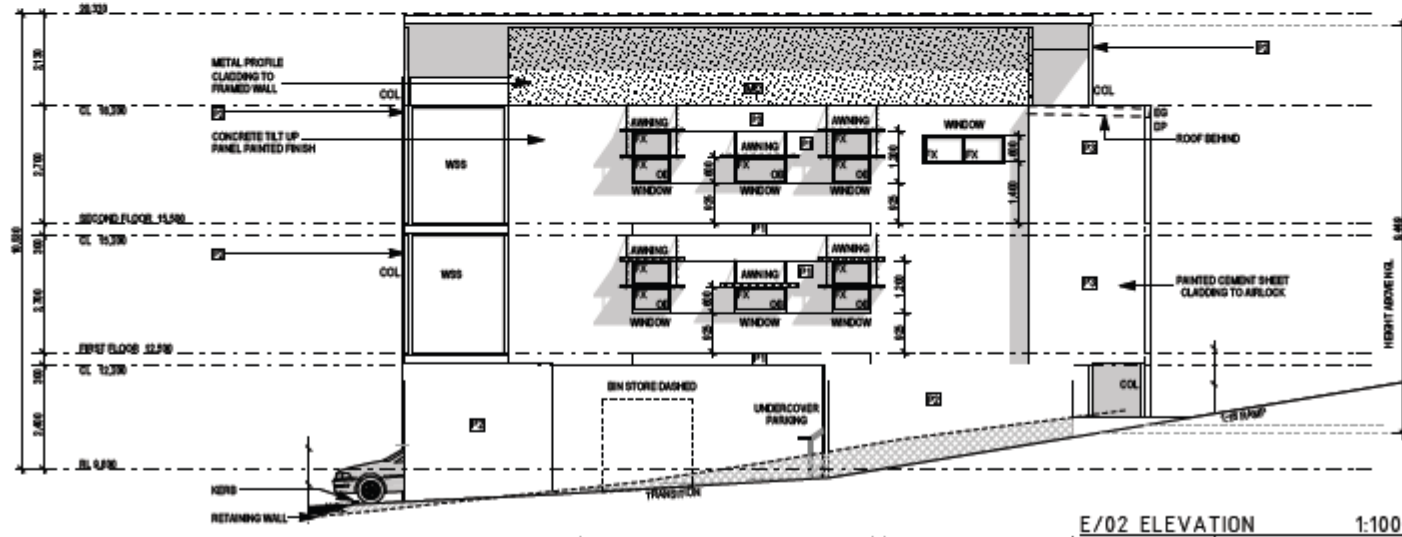
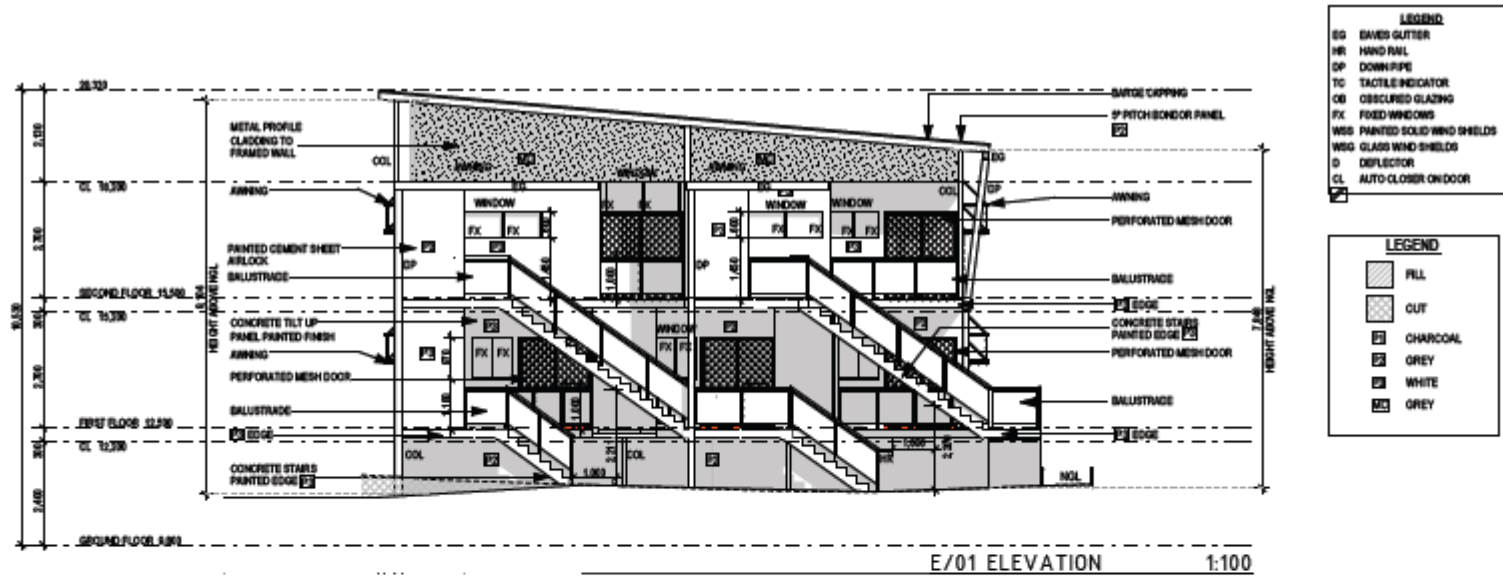


JOB NUMBER: 12091 DATE: 28/08/2012 ISSUE: SK09

88A Kingsmill Street, Port Hedland, WA







SD.08

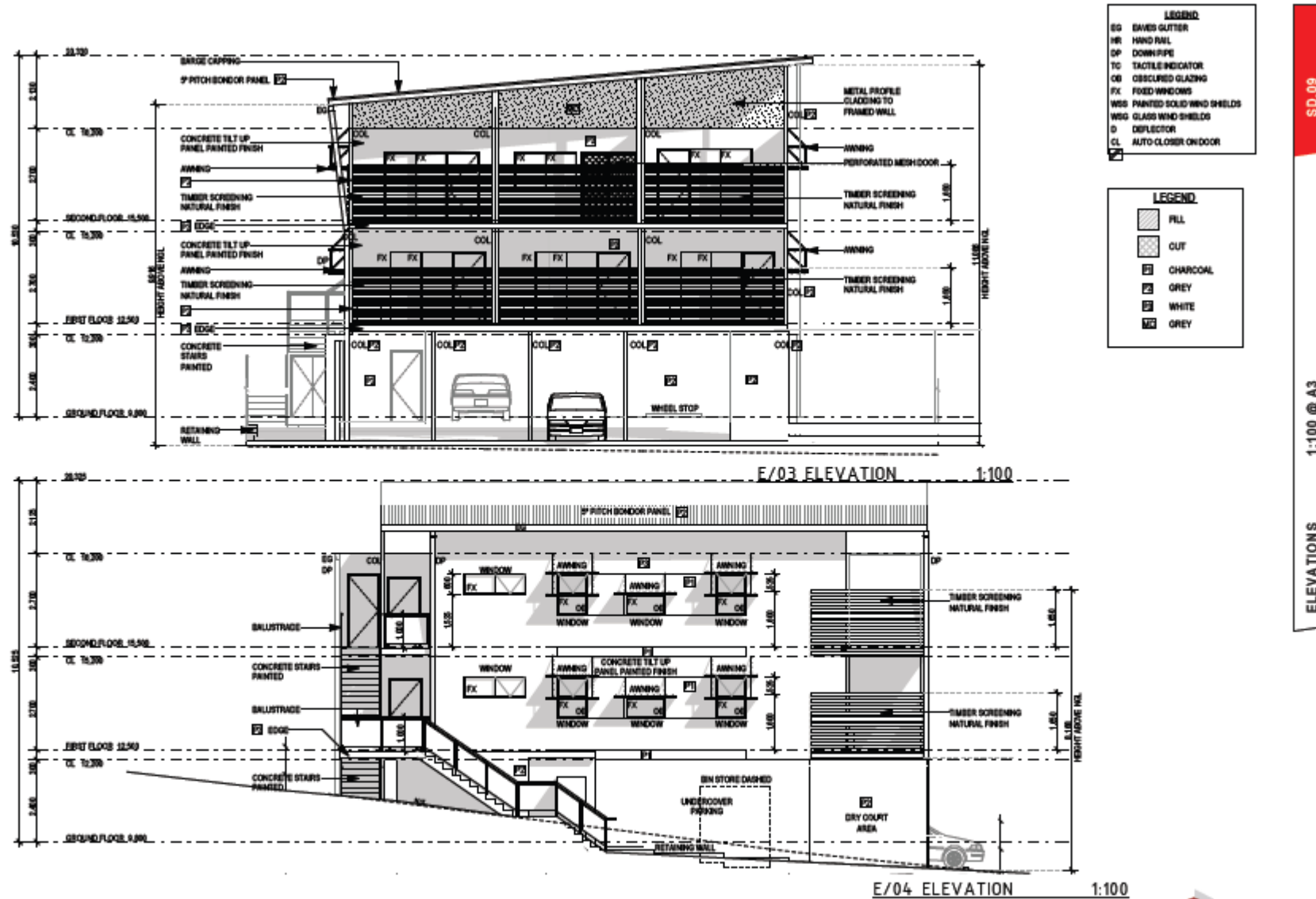
ELEVATIONS 1:100 @ A3

Landmax - Landmax Kingsmill

JOB NUMBER: 12091 DATE: 28/08/2012 ISSUE: SK09

88A Kingsmill Street, Port Hedland, WA





Landmax - Landmax Kingsmill

JOB NUMBER: 12091 DATE: 28/08/2012 ISSUE: SK09

88A Kingsmill Street, Port Hedland, WA



Report



BUILDING SERVICES

88a Kingsmill Street, Port Hedland - Dust Ingress Control
Landmax

CONFIDENTIAL

Revision: 2.0 - Final
Issued: 23 October 2012



NORMAN DISNEY & YOUNG

CONSULTING ENGINEERS

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

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

www.ndy.com

OFFICES

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

CONFIDENTIAL INFORMATION

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

DISCLAIMER OF LIABILITY

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

COPYRIGHT ©

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

NDY QA SYSTEM

Revision No: 2.0
Revision Date: 23 October 2012
Reason Description: Final
File Location: W:\P665xx\IP66563\002\IP-124_Reports
Filename: rp121023p0004

Authorisation By: Robert Horn

Client Name: Landmax
Client Contact: Henry Leung

Verification By: Marc Atherden

Project Co-ordinator: Robert Horn
Editor: Robert Horn



Table of Contents

TOWN OF PORT HEDLAND REQUIREMENTS	1
REVIEW OF THE LOT AND POSITION	1
ACTION TAKEN TO REDUCE DUST INGRESS	1
FILTRATION RATINGS	2
OUTSIDE AIR UNIT	2
BCA F4 VENTILATION REQUIREMENTS	2
APPENDIX A	3
MARKED UP DRAWINGS SHOWING SPLIT DUCTED SYSTEMS WITH FILTERED RETURN AND FRESH AIR	3
APPENDIX B	4
EXTRACT FROM CA&MJ LOMMERS PTY LTD	4
APPENDIX C	5
CLAUSE 6.3 TOWN OF PORT HEDLAND	5



TOWN OF PORT HEDLAND REQUIREMENTS

We understand that the residential development is within the West end residential zone and within the area bounded by Withnell, McKay and Anderson Streets and The Esplanade, Port Hedland. The development plan/design guideline adopted by the council detail the building design and performance standards to reduce exposure to dust and to include but not necessarily is limited to:

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

Review of the Lot and Position

In reviewing the subdivision we considered that this lot is correctly orientated to take advantage of energy efficiency construction with major building aspect being north and south. However this is to detriment in that it is poorly orientated for dust control in terms of meeting the requirements imposed upon it by the councils requirements stated in Clause 6.3.9 developed around the CA&MT Lommers Pty Ltd Report.

Action Taken to Reduce Dust Ingress

To maintain an energy efficiency design to meet BCA section J requirements and to mitigate and comply with the dust issue the following has been incorporated into the design:

1. Install non operable windows to the all facades except the bathroom and bedroom windows on the West. These windows have screen to the north edge.
2. The front entry doors have been relocated to the West complete with north located wind shield
3. Doors to the south open into the east and have wind shields to the east.
4. All units are fitted with ducted split air conditioning system. Outside air is filtered and mixed at the unit with return air which is then filtered and conditioned to meet the heating and cooling requirements of the spaces.
5. The quantity of outside air will be determined by meeting the exhaust air rates, BCA code requirements for mechanical ventilation as well as over supplying to provide a positive pressurisation of the units to stop uncontrolled outside air ingress.
6. The outside air will be provided at a sufficient quantity to pressurise the space to reduce dust being drawn into the building due to wind pressure on the building.
7. The internal and outside air will be filtered to the standards required by the Town development standards. Outside air shall be filter by a course filter and higher grade filter of G3,4 and F5 type filters respectively. The internal air mixed with the filtered outside air will be filtered by a high grade F5 filter.
8. Entry door will be fitted with dust seals.
9. The toilet and bathroom would be fitted with vertical discharge exhaust systems. The exhaust air quality would be match plus 50% to provide a positive pressure within the unit.

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



Filtration Ratings

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

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

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

Outside Air Unit

The outside air unit will provide approximately 300 litres a second filtered, pre conditioned outside air to pressurise the space and provide outside air to the areas which do not have operable windows. The unit would generally be located in the entry hall way and has a depth of 400mm.

BCA F4 Ventilation Requirements

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

F4.5 Ventilation of rooms

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

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

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

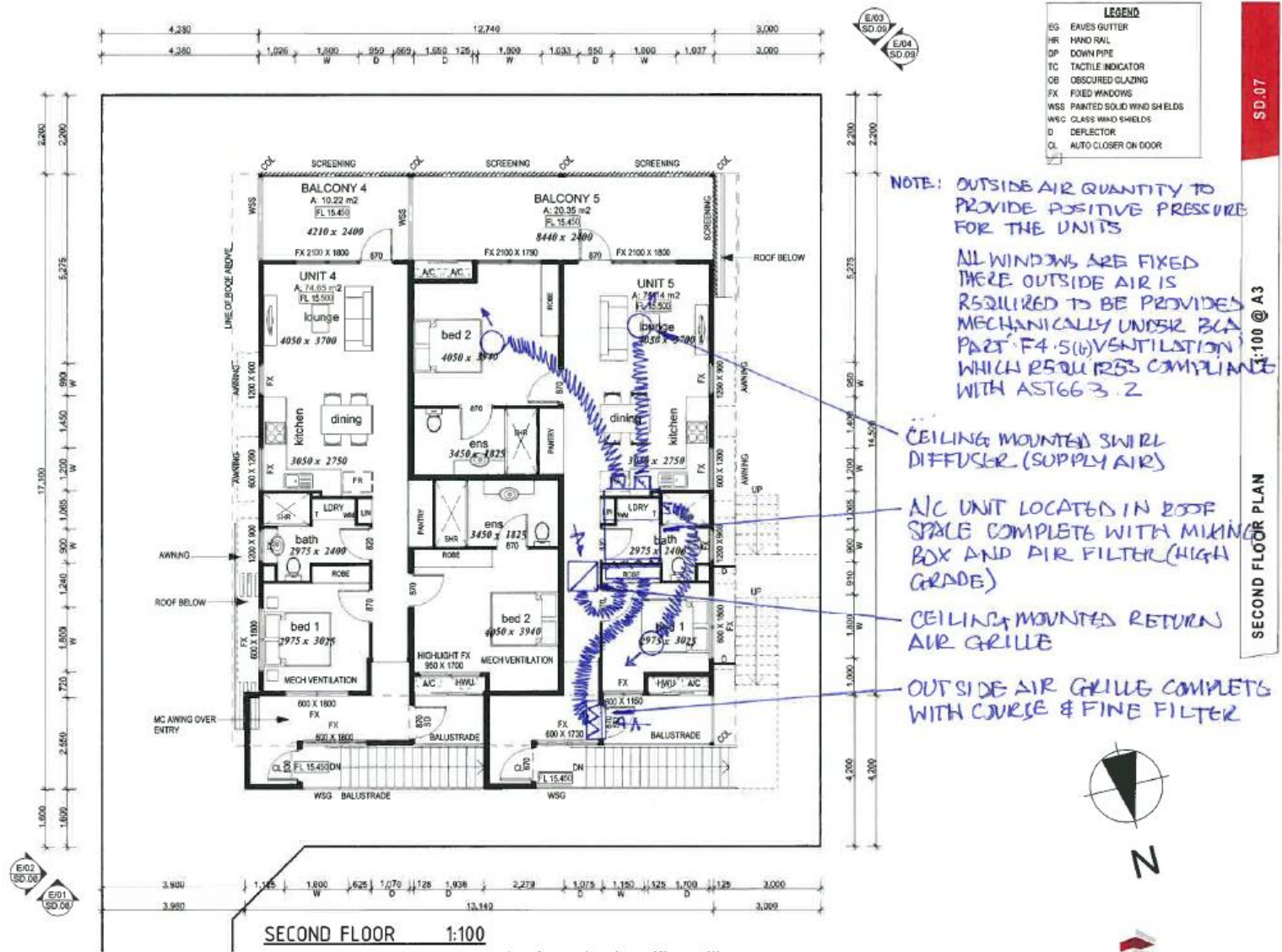


APPENDIX A

MARKED UP DRAWINGS SHOWING SPLIT DUCTED SYSTEMS WITH FILTERED RETURN AND FRESH AIR

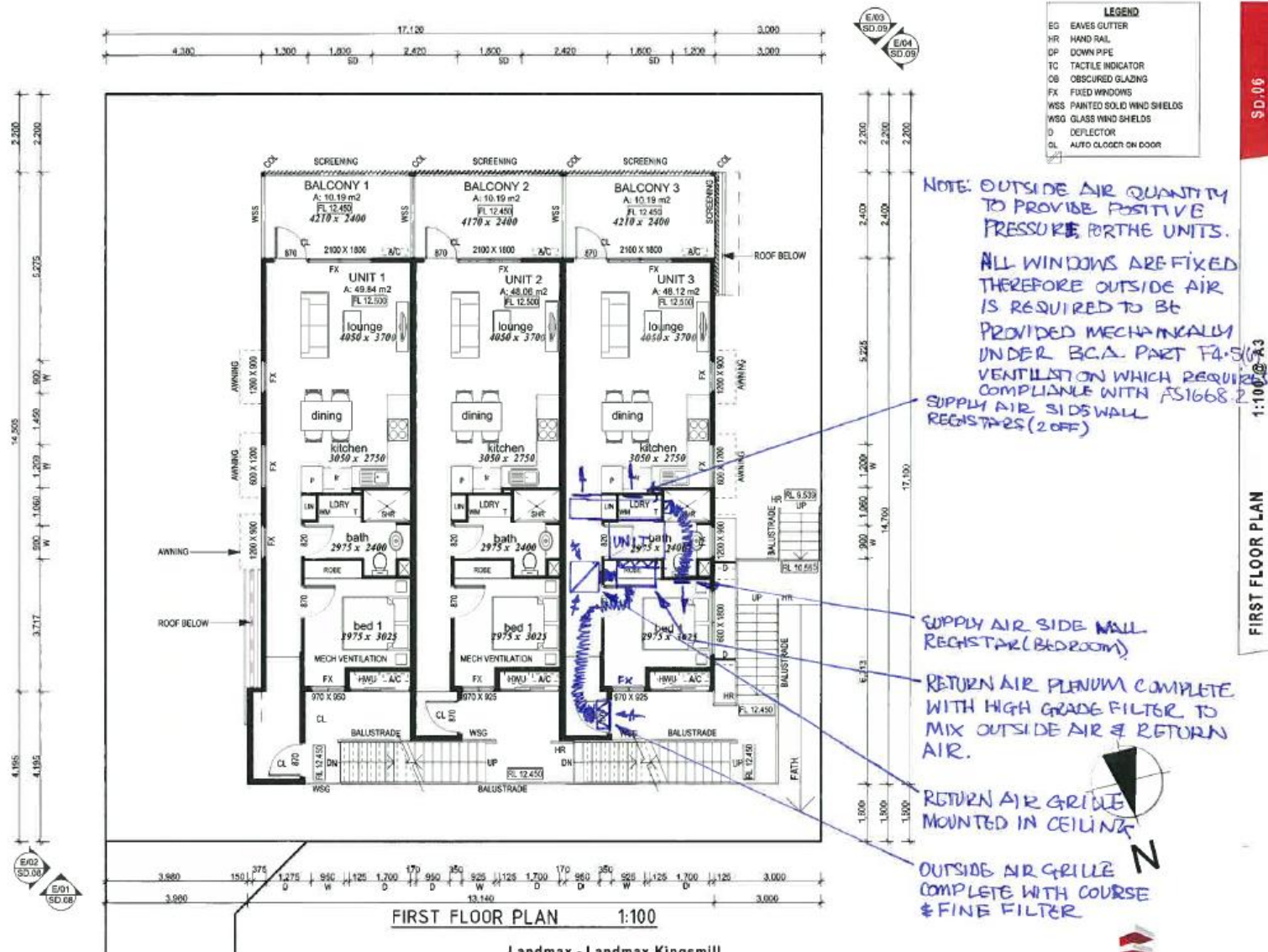
Typical First Floor Layout

Typical Second Floor Layout



SD.07

SECOND FLOOR PLAN



JOB NUMBER: 12091 DATE: 29/08/2012 ISSUE: SK10

Landmax - Landmax Kingsmill

88A Kingsmill Street, Port Hedland, WA





APPENDIX B

Extract from CA&MJ Lommers Pty Ltd

Report Pages 56-57 Of A 62 Page Report.

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

ACN 053 135 318 • ABN 76 349 760 785

REF.: Z:\Projects\2007\2007.0106 L104 Dust Control v2.docx

Page: 4 of 8

The following figure 3 illustrates how air flows around rectangular buildings. It can be established from the streamlines, in the illustration, that wind velocities on the leeward side of the building are lower than the windward side due to the re-circulating of wind down-wind from the building.

This reduction in wind velocity may provide air-borne dust opportunity to settle out of the air and not be drawn into the building.

3. WINDOW AND DOOR ORIENTATION (cont.)

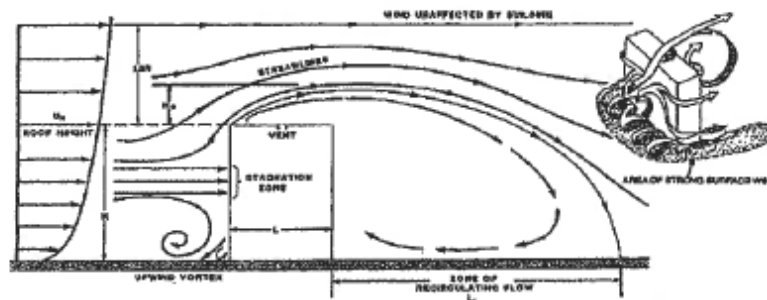


Figure 3 – Flow Patterns around a Rectangular Building (ASHRAE – Fundamentals 2001)

For this reason, openings should be limited to walls on the leeward side of the prevailing winds in Port Hedland.

We have assessed wind rose data for the area, provided by the Bureau of Meteorology, and as such it can be concluded that operable openings on Northern or Eastern facades should be avoided to reduce direct ingress of airborne dust particles.

The prevailing winds in the Northern Dry Season (May to September) indicate the vast majority of the time the wind comes from East-South-Easterly in the morning swinging around to North-Nor-Westerly in the afternoon.⁽⁵⁾

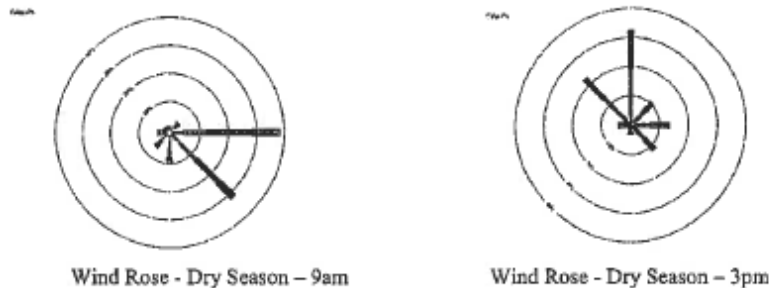


Figure 4a & 4b – Wind Rose Illustrations for Port Hedland (Bureau of Meteorology)

C.A. & M.J. LOMMERS PTY LTD
ACN 053 135 318 • ABN 76 349 760 785

REF: Z:\Projects\2007\2007.0106 L104 Dust Control v2.docx
Page: 5 of 8

Protective screens or louvers may be implemented to reduce the direct impact of winds onto the windows and produce slow moving re-circulating air zones such as those depicted in Figure 3. In the same manner, eaves provided at roof level are expected to function in a similar way.

By reducing the localised wind velocity, it expected more dust will settle out from the air, lessening ingress into the dwelling.

3. WINDOW AND DOOR ORIENTATION (cont.)

Windows on the west facades should be protected on the left hand side of the opening, windows on the south facade should be protected on the right hand side of the opening.

These screens should be the full height of the windows and designed such that wind may be directed away from the window whilst still maintaining vision out of the window.

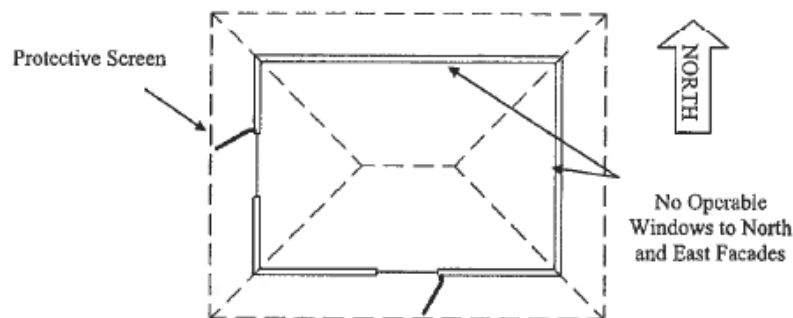


Figure 5 – Window and Deflection Screen Locations

High density developments and high roofs of buildings can be effective to create a building boundary layer that may reduce the direct air-flow into the building.⁽⁴⁾

By grouping dwellings together atmospheric boundary layers are formed, reducing the local wind velocity in proportion to the height and density of building.

Orienting buildings such that wind-tunnelling effects of prevailing winds amplifying wind velocity should be avoided.

Protective screens and porticos in front of the main building entrance may be of assistance to reduce the direct impact of wind onto the opening.



APPENDIX C

Clause 6.3 Town of Port Hedland



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

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

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

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

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

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

6.4 URBAN DEVELOPMENT ZONE

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

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

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

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

11.1.4 Proposed Eighteen (18) Multiple Dwellings on Lot 250 (70) Morgans Street Port Hedland (File No.: 402470G)

Officer Eber Butron
Director Planning and Development

Date of Report 13 November 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Whelans Town Planning on behalf of Business and Systems Consulting Pty Ltd being the owner of Lot 250 (70) Morgans Street Port Hedland (site), for Eighteen (18) "Multiple Dwellings".

The proposal has been referred to Council for determination as the application is within the West End Residential Zone and requires variation to Town Planning Scheme No.5 (TPS5) relating to car parking.

Background

Location and description (ATTACHMENT 1)

The subject site is located on the southern side of Morgans Street (Attachment 1), is rectangular in shape and covers an area of 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 vacant. The permissibility of the proposed "Multiple Dwellings" is an "AA" use.

The Proposal (ATTACHMENT 2)

The applicant is seeking approval of eighteen (18) "Multiple Dwellings" consisting of twelve (12) one bedroom dwellings and six (6) two bedroom dwellings.

Consultation

The application was circulated to the following units / organisations:

Internally:

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health
- Manager Economic Development & Strategic Planning

Externally:

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

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:

6.3.1 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.

Budget Implications

An application fee of \$14,170.00 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, car parking and building design being the matters of most relevance. Whilst the building design is of a high quality, it fails to meet the TPS5 specifications for car parking. 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 comments being received.

Car Parking

The proposal requires 24 car bays. The applicant has proposed 23 bays on site and 2 off site. In addition, 2 of the onsite bays (14 and 15) do not comply with Council's minimum specifications. These bays are only 2.4m in width as opposed to the 2.7m specified in appendix 8 of TPS5.

The applicant has already altered plans to maximize the number of bays on site and to obtain widths consistent with TPS5 requirements. However, they have been unable to achieve the requirements of TPS5 for bays 14 and 15. In this regard the applicant stated as follows:

"You will note that we have added two 'smaller bays' at the rear [southern] end of the car park to bring the reversing revetment [blind aisle] back to one metre. This 1 metre blind aisle extension is consistent with Australian Standard AS2890.1:2004. While we these bays are 'smaller bays', these bays are in fact still compliant with the standard size for a standard bay under the AS2890.1:2004, and as such are not even effectively small car bays, they are simply smaller than that required by the Town of Port Hedland.

Additionally, while it is recognised that regional centres require differing car bay sizes than city areas, it should also be recognised that not every vehicle in a parking area is going to be larger, and that provision of some smaller car bays will not cause any detrimental impact. Indeed AS2890.1:2004 recognises that provision of smaller car bays is acceptable [notwithstanding that the bays are compliant with standard sized bays under this code]".

Council has previously reduced car bay width requirements as part of Scheme Amendment 33 which was gazetted in June 2011. This reduced requirements for car bays from 3m to 2.7m in width. This width was implemented after consideration of the impacts parking widths were having on development and the predominance of larger vehicles in the Port Hedland region.

The applicant has made valid points regarding not all cars being larger and the fact that from an Australian Standards viewpoint, the two smaller bays are not undersized. Should Council support a variation from TPS5 to enable these two car bays it is likely to create a precedent resulting in other developer's also seeking variations.

Having regard to the small proportion of bays (2 of 25 being 8% of overall bays) being proposed below TPS5 specification and the fact they meet with Australian Standards, the variation is supported by the Planning Unit. Should Council agree to support this variation, it should also consider whether a review of the TPS5 provisions is necessary or if Council would prefer to consider any similar proposals on individual merit.

Council also need to consider the appropriateness of the proposed offsite parking. 24 bays are required for the development and the applicant is only providing for 23 bays on site. However, the plans have identified an additional 2 bays within the adjacent road reserve. These bays could be used for visitor parking and would be located off street between the Morgans Street and the property boundary. Both bays meet with TPS5 specifications and are therefore considered appropriate.

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 1.4m from side boundaries at the closest point, the building has been designed to have a staggered setback and include differing materials to break up the building bulk. Acceptable Development Standards have been complied with for 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. Furthermore, the application was referred to neighbouring properties for comment with no comments being received.

Options

Council has the following options when considering this application:

1. Approve the Application

The approval may result in a precedent being created, and a requirement to prepare a scheme amendment to reconsider parking bay widths.

2. Refuse the Application

This option may result in a precedent being created and may lead to the requirement of a scheme amendment to reduce the width.

It has been recommended that Council approve the application due to car parking not being provided for on site and the provision of undersized car bays.

Attachments

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

Officer's Recommendation

That Council approves the application submitted by Whelans Town Planning on behalf of Business and Systems Consulting Pty Ltd for eighteen (18) Multiple Dwellings at Lot 250 (70) Morgans Street Port Hedland subject to the following conditions:

1. This approval relates only to the proposed eighteen (18) Multiple Dwellings, as indicated on the approved plans (DRG2012/292/1 - DRG2012/292/7), it does not relate to any other development on this lot;
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;

3. A minimum of 24 car bays shall be provided for the development including a minimum of 23 on site bays 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, an agreement is to be entered into with the Town of Port Hedland relating to the use of the verge for car parking purposes as indicated on approved plan 2012/292/1. This agreement is to address but not necessarily be limited to:
 - a) Construction and maintenance standards for the car parking
 - b) Public liability
 - c) Maintenance and insurance responsibilities and obligations

all to the satisfaction of the Manager Planning Services.

13. 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.
14. 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
15. Prior to the commencement of any works, civil drawings for the construction of two (2) car parking bay on the Morgan Street Road Reserve shall be submitted and approved by the Manager Planning Services;
16. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services;
17. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services;
18. 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.

19. Prior to the occupation of the development, the landowner shall construct the two (2) car parking bay on the Morgan Street Road Reserve in accordance with the approved civil drawings to the satisfaction of the Manager Planning Services;
20. 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);
21. 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;
22. 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; and
23. 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; and
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.

201213/178 Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That Council:

- A. approves the application submitted by Whelans Town Planning on behalf of Business and Systems Consulting Pty Ltd for eighteen (18) Multiple Dwellings at Lot 250 (70) Morgans Street Port Hedland subject to the following conditons:**
 - 1. This approval relates only to the proposed eighteen (18) Multiple Dwellings, as indicated on the approved plans (DRG2012/292/1 - DRG2012/292/7), it does not relate to any other development on this lot;**
 - 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**
 - 3. A minimum of 24 car bays shall be provided for the development including a minimum of 23 on site bays 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, an agreement is to be entered into with the Town of Port Hedland relating to the use of the verge for car parking purposes as indicated on approved plan 2012/292/1. This agreement is to address but not necessarily be limited to:
 - a) Construction and maintenance standards for the car parking
 - b) Public liability
 - c) Maintenance and insurance responsibilities and obligations

all to the satisfaction of the Manager Planning Services.

13. 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.
14. 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
15. Prior to the commencement of any works, civil drawings for the construction of two (2) car parking bay on the Morgan Street Road Reserve shall be submitted and approved by the Manager Planning Services;
16. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services;
17. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services;
18. 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.

- 19. Prior to the occupation of the development, the landowner shall construct the two (2) car parking bay on the Morgan Street Road Reserve in accordance with the approved civil drawings to the satisfaction of the Manager Planning Services;
- 20. 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);
- 21. 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;
- 22. 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; and
- 23. 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:

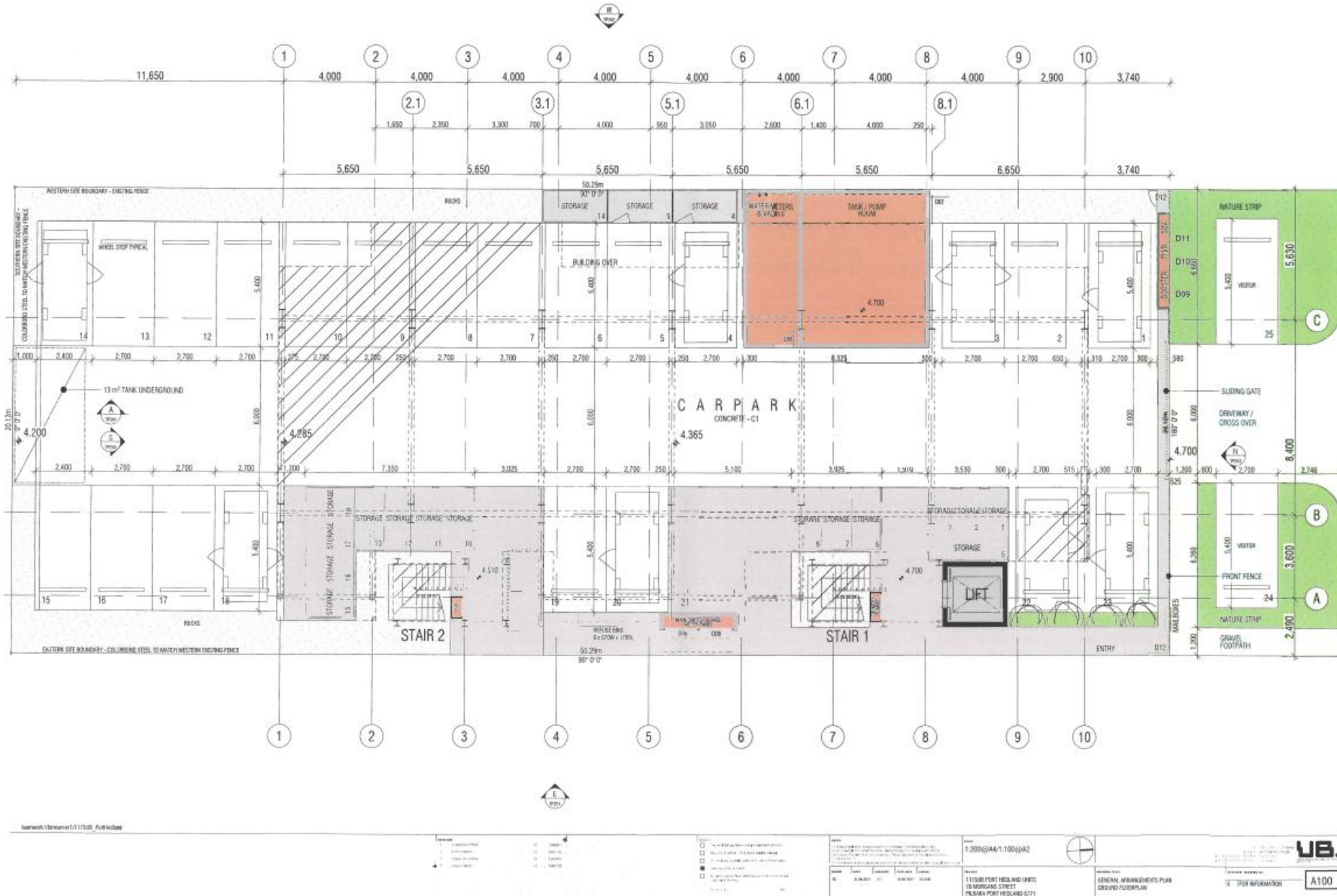
“Multiple Dwelling,

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; and**
 - 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.**
- B. Requests the Director of Planning and Development to review the car parking requirements.**

CARRIED 6/0







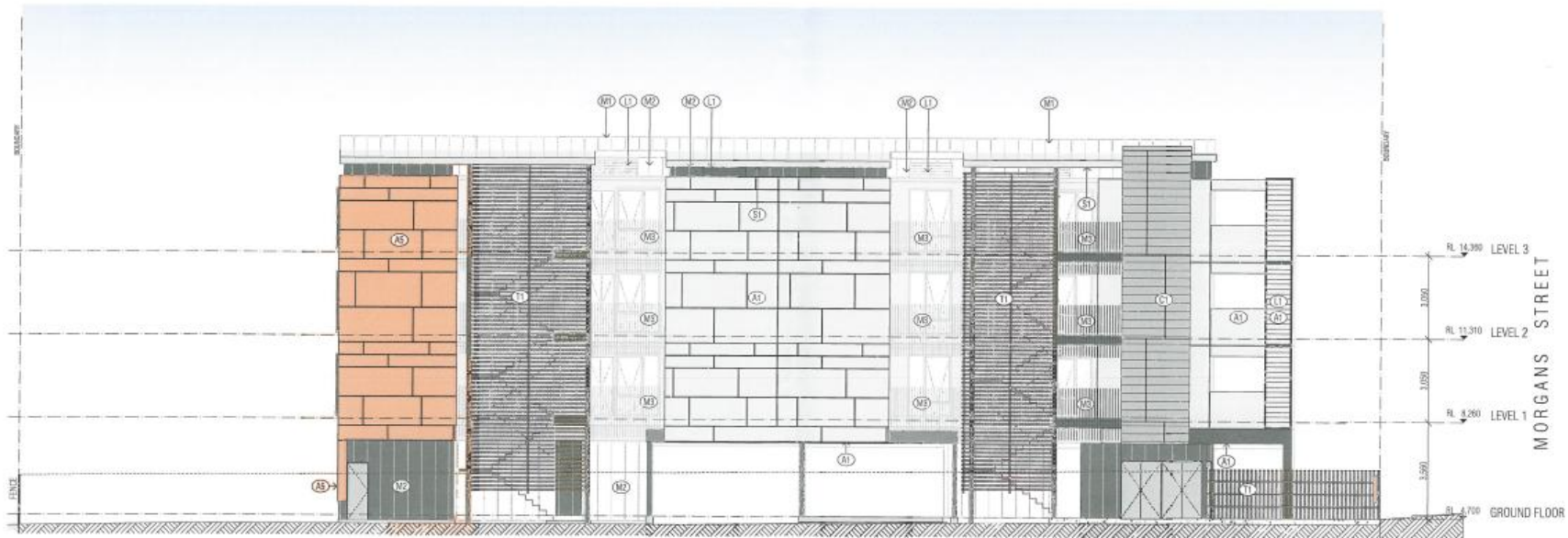
	1B	AREA	2B	AREA	F.F.C.A.	BALCONY AREA	CARPARK	STORAGE #	AREA (m ²)	HEIGHT (m)	VOLUME (m ³)
GROUND LEVEL							25	1-5	2.60	3.10	8.06
LEVEL 1	4 x 44	176 m ²	2 x 80.5	161 m ²	337 m ²	55.5 m ²		6-18	3.00	3.50	12.90
LEVEL 2	4 x 44	176 m ²	2 x 80.5	161 m ²	337 m ²	55.5 m ²					
LEVEL 3	4 x 44	176 m ²	2 x 80.5	161 m ²	337 m ²	55.5 m ²					
TOTALS	12 APTS	528 m ²	4 APTS	483 m ²	1011 m ²	285.5 m ²	25 CARS	TOTAL	16 STORAGES		

11/20/12/11/20/12/11/20/12/11/20/12

1:4000 (AA/1200)942
 11758 FORT HELLAND LANE
 70 MERRIAGE STREET
 PLEASANT FORT HELLAND 6121
 LEVEL 3 FLOOR PLAN
 TP103

LEGEND

- (C1) CONCRETE PRECAST - PAINT FINISH
- (C2) GRC CLADDING PANEL - ALTERNATIVE TO A1
- (A1) ALUMINIUM COMPOSITE PANEL - COLOR 1 - LIGHT
- (A2) ALUMINIUM COMPOSITE PANEL - COLOR 2 - DARK
- (A3) ALUMINIUM COMPOSITE PANEL - COLOR 3 - ACCENT
- (A4) ALUMINIUM COMPOSITE PANEL - COLOR 4 - ACCENT
- (A5) ZINC PANEL or ANODIZED ALUMINIUM COMP. PANEL - COLOR 5 - ACCENT
- (M1) ALUMINIUM DOOR & WINDOW FRAME DOUBLE GLAZED UNIT WITH THERMAL BREAK
- (L1) ALUMINIUM LOUVER - WEATHER & VERMIN PROOF
- (M1) METAL ROOF DECKING - COLORBOND COOLMAX WHITEHAVEN
- (M2) METAL CLADDING - SPANDECK - COLORBOND
- (M3) MILD STEEL BALLSTRADE - 100X60 FLAT DN FRAMING - POWDERCOAT FINISH
- (T1) TIMBER SCREEN & PERGOLA
- (G1) VISION - CLEAR GLASS - TOUGHENED DOUBLE GLAZED
- (G2) VISION - TINTED GLASS - TOUGHENED DOUBLE GLAZED
- (S1) COLORBOND SHEETING TO SOFFIT - FLAT BEAM ON PLYWOOD SUBSTRATE



issuance: 28/11/2012 11:58:48 AM

NO	REV	DESCRIPTION	DATE
1		ISSUED FOR PERMIT	28/11/2012
2		ISSUED FOR PERMIT	28/11/2012
3		ISSUED FOR PERMIT	28/11/2012
4		ISSUED FOR PERMIT	28/11/2012
5		ISSUED FOR PERMIT	28/11/2012
6		ISSUED FOR PERMIT	28/11/2012
7		ISSUED FOR PERMIT	28/11/2012
8		ISSUED FOR PERMIT	28/11/2012
9		ISSUED FOR PERMIT	28/11/2012
10		ISSUED FOR PERMIT	28/11/2012
11		ISSUED FOR PERMIT	28/11/2012
12		ISSUED FOR PERMIT	28/11/2012
13		ISSUED FOR PERMIT	28/11/2012
14		ISSUED FOR PERMIT	28/11/2012
15		ISSUED FOR PERMIT	28/11/2012
16		ISSUED FOR PERMIT	28/11/2012
17		ISSUED FOR PERMIT	28/11/2012
18		ISSUED FOR PERMIT	28/11/2012
19		ISSUED FOR PERMIT	28/11/2012
20		ISSUED FOR PERMIT	28/11/2012
21		ISSUED FOR PERMIT	28/11/2012
22		ISSUED FOR PERMIT	28/11/2012
23		ISSUED FOR PERMIT	28/11/2012
24		ISSUED FOR PERMIT	28/11/2012
25		ISSUED FOR PERMIT	28/11/2012
26		ISSUED FOR PERMIT	28/11/2012
27		ISSUED FOR PERMIT	28/11/2012
28		ISSUED FOR PERMIT	28/11/2012
29		ISSUED FOR PERMIT	28/11/2012
30		ISSUED FOR PERMIT	28/11/2012
31		ISSUED FOR PERMIT	28/11/2012
32		ISSUED FOR PERMIT	28/11/2012
33		ISSUED FOR PERMIT	28/11/2012
34		ISSUED FOR PERMIT	28/11/2012
35		ISSUED FOR PERMIT	28/11/2012
36		ISSUED FOR PERMIT	28/11/2012
37		ISSUED FOR PERMIT	28/11/2012
38		ISSUED FOR PERMIT	28/11/2012
39		ISSUED FOR PERMIT	28/11/2012
40		ISSUED FOR PERMIT	28/11/2012
41		ISSUED FOR PERMIT	28/11/2012
42		ISSUED FOR PERMIT	28/11/2012
43		ISSUED FOR PERMIT	28/11/2012
44		ISSUED FOR PERMIT	28/11/2012
45		ISSUED FOR PERMIT	28/11/2012
46		ISSUED FOR PERMIT	28/11/2012
47		ISSUED FOR PERMIT	28/11/2012
48		ISSUED FOR PERMIT	28/11/2012
49		ISSUED FOR PERMIT	28/11/2012
50		ISSUED FOR PERMIT	28/11/2012

1:400@A4/1:200@A2
 115/8 ROYAL HIGHWAY UNITS
 70 MORGANS STREET
 PLEASANT HILLS 6101

UB
 115/8 ROYAL HIGHWAY UNITS
 70 MORGANS STREET
 PLEASANT HILLS 6101
 TP251

11.1.5 Proposed Twelve Multiple Dwellings on Lot 500 (37) Moore Street Port Hedland (File No.: 119780G)

Officer	Ryan Djanegara Planning Officer
Date of Report	15 November 2012
Application No.	2012/389
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from GDD Design Group on behalf of the registered proprietor 37 Moore Pty Ltd ATF Core Capital Property Trust No. 6, to construct twelve (12) single bedroom multiple dwellings on Lot 500 (37) Moore Street, Port Hedland (subject site).

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

The application is supported by Council officers, and Council is requested to consider the application favourably.

Background**Site Description (Attachment 1)**

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

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

Proposal (Attachment 2)

The applicant is proposing to construct 12 single bedroom multiple dwellings with unit sizes of 40m².

Consultation

Internally:

The following consultation and advertising was undertaken:

Internally

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

Externally

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

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.

Adjoining owners:

- 35 and 39 Moore Street; and
- 20 Sutherland Street;

No submissions were received.

Statutory Implications

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

Policy Implications

- Nil

Strategic Planning Implications

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

Section 2.2:	City Growth Themes
Core Theme 3:	Housing Diversity & Land
Supply Capacity	

Providing an orderly and adequate supply of affordable land along with increased choice in affordable housing products and tenure option to cater for a diverse and permanent population.

5.7.1 Precinct 1 – West End

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

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

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

Budget Implications

An application fee of \$5,403.60 has been received as per the prescribed fees approved by Council.

Officer's Comment

Dust Mitigation requirements in the West End Residential Zone

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

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

filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);

location of operable windows and doors on the western and southern building facades only;

use of deflection screens on the northern and eastern edges of operable windows;

use of eaves;

orientation of buildings to avoid wind 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 comments being received, with the exception of the DEC who have stated the following.

"DEC notes that this site is located in the area west of Taplin St which is 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 also notes that the dust mitigation measures for the proposed development at Lot 500 (37) Moore Street, Port Hedland have been assessed by a suitably qualified mechanical engineer and determined to be in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5"

The proposed development achieves all other "West End Residential" and R-Code requirements as provided within TPS5, and is recommended for approval.

Attachments

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

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

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

2. Refuse the application.

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

It is recommended that Council supports the application subject to conditions the proposed development is generally consistent with the R-Codes and TPS5.

201213/179 Officer's Recommendation/ Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council approves the application submitted by GDD Design Group on behalf of the registered proprietor 37 Moore Pty Ltd ATF Core Capital Property Trust No. 6 to construct twelve (12) multiple dwellings on Lot 500 (37) Moore Street, Port Hedland, subject to the following conditions:

- 1. This approval relates only to the proposed Twelve (12) Single Bedroom Multiple Dwellings, as indicated on the approved plans (DRG2012/389/1 - DRG2012/389/6). 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 15 car bays shall be provided as indicated on the approved site plan (DRG2012/389/1);**
- 4. No parking bays shall be obstructed in any way or used for any other purpose than parking;**
- 5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;**
- 6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;**
- 7. Stormwater 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. Prior to the commencement of any works, a “Refuse Collection Strategy / Management Plan” shall be submitted and approved by the Manager Planning Services. The approved “Refuse Collection Strategy / Management Plan” shall be implemented to the satisfaction of the Manager Planning Services;
 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, civil drawings for the construction of one (1) car parking bay on the Moore Loop Road Reserve shall be submitted and approved by the Manager Planning Services;
 17. 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, the landowner shall construct the one (1) car parking bay on the Moore Street Road Reserve in accordance with the approved civil drawings to the satisfaction of the Manager Planning Services;
18. 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);

19. 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;
20. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services;
21. 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:

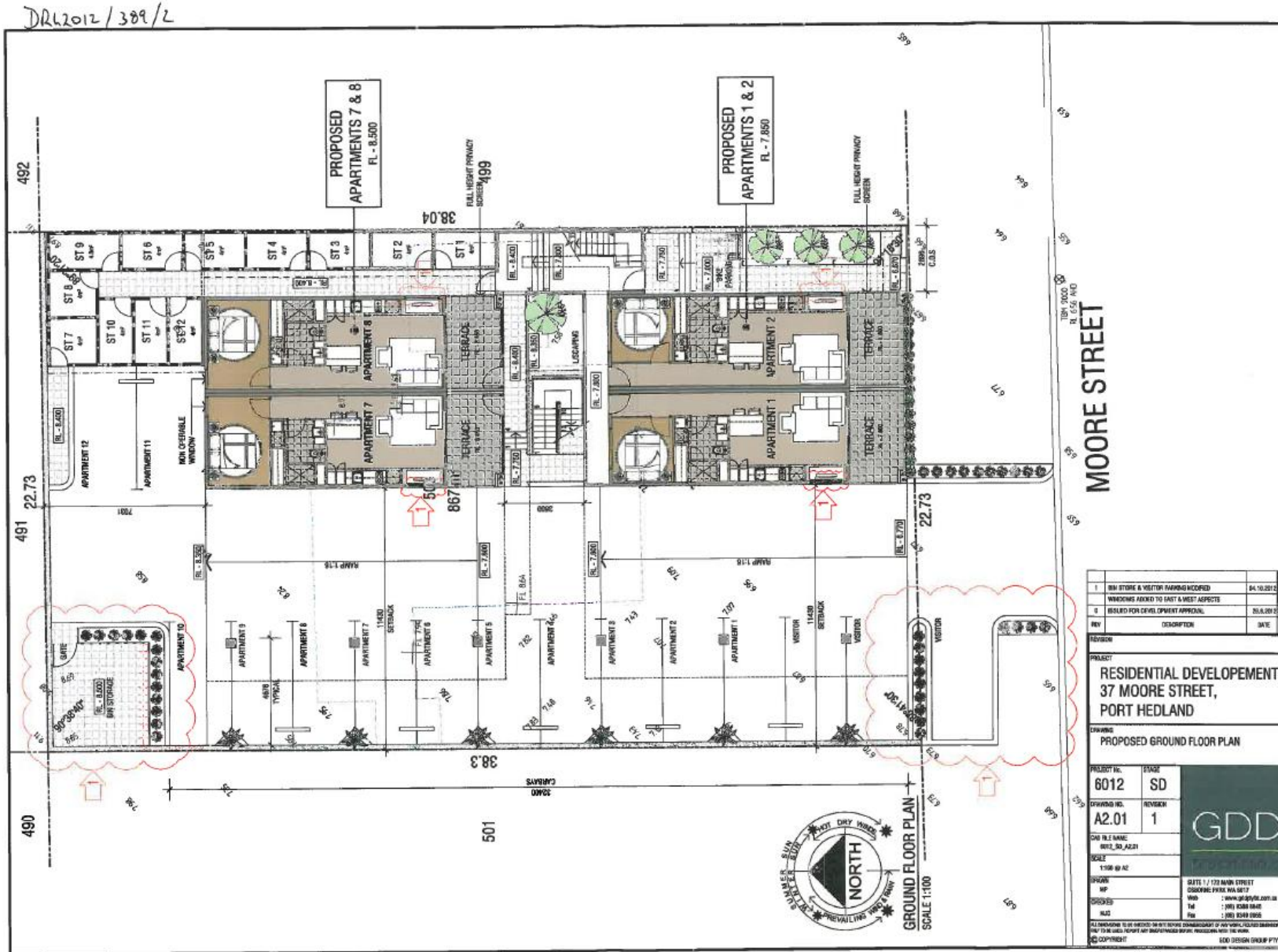
"Multiple Dwelling,

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; and
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.

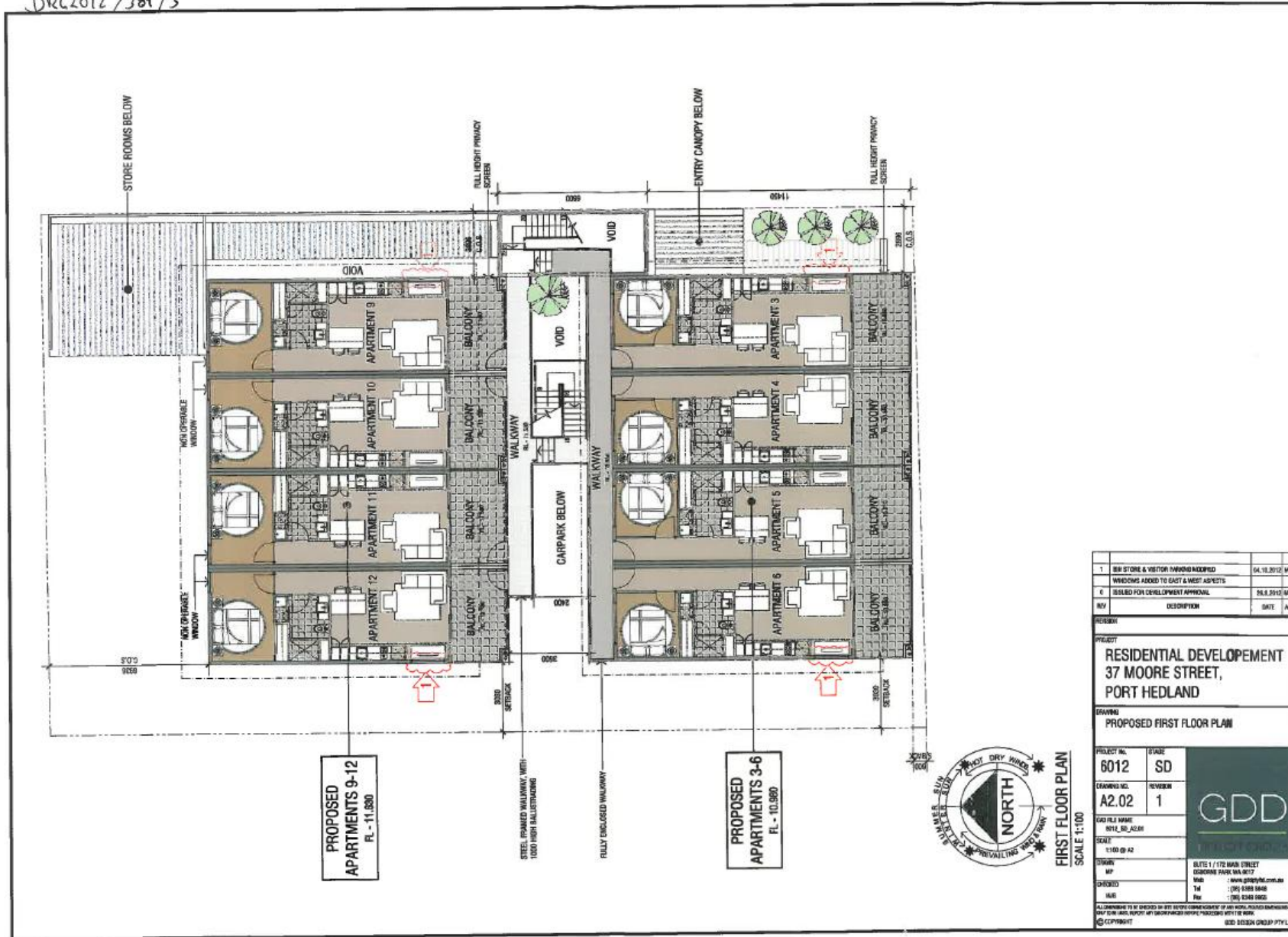
CARRIED 6/0

Attachment 1 – Locality Plan



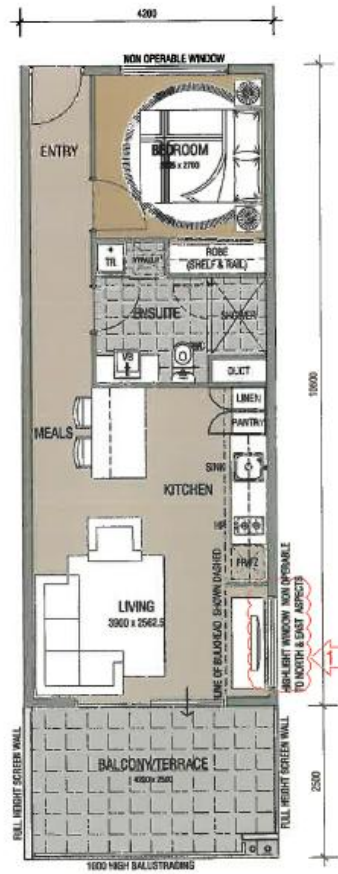


DRG2012/381/3



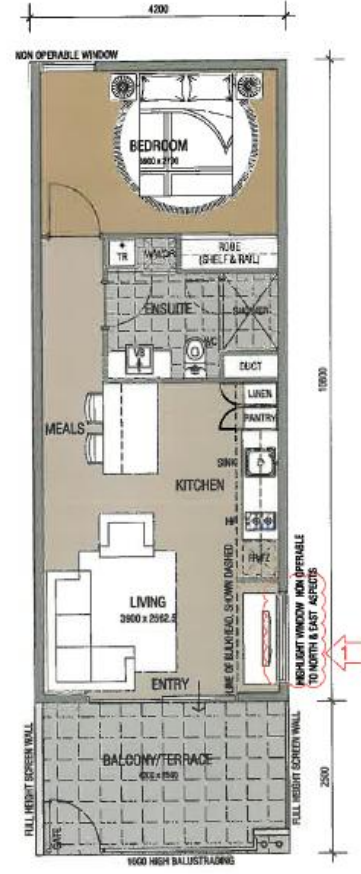
1	SEE STORE & VISITOR PARKING MODIFIED	04.10.2012	HAJS
	WINDOWS ADDED TO EAST & WEST ASPECTS		
0	ISSUED FOR DEVELOPMENT APPROVAL	04.10.2012	HAJS
REV	DESCRIPTION	DATE	APP
REVISION			
PROJECT			
RESIDENTIAL DEVELOPMENT 37 MOORE STREET, PORT HEDLAND			
DRAWING			
PROPOSED FIRST FLOOR PLAN			
PROJECT NO.	STAGE	GDD	
6012	SD		
DRAWING NO.	REVISION		
A2.02	1		
CAD FILE NAME			
WFL_001.dwg			
SCALE			
1:100 @ A2			
TOWN	BLUES 1 / 172 MAIN STREET OSBORNE PARK WA 6017		
MP	Web : www.gdd.com.au		
CONTACT	Tel : (08) 9388 8888		
HAJS	Fax : (08) 9388 8883		
<small>ALLOWED TO BE USED BY ANY PARTY COMMENCING 14 DAYS AFTER ISSUANCE OF ANY LOCAL GOVERNMENT APPROVAL THAT THIS DRAWING IS THE PROPERTY OF GDD DESIGN GROUP PTY LTD</small>			
<small>© COPYRIGHT GDD DESIGN GROUP PTY LTD</small>			

DA 2012 / 381 / 4



UNIT LAYOUT A
SCALE 1:50
APARTMENTS 1-6

AREAS	
APARTMENT (INT)	= 43.00 ^m
BALCONY/TERRACE	= 10.80 ^m



UNIT LAYOUT B
SCALE 1:50
APARTMENTS 7-12

AREAS	
APARTMENT (INT)	= 43.00 ^m
BALCONY/TERRACE	= 10.80 ^m

REV	DESCRIPTION	DATE	APP
1	BA STORE & VESTIB FURNISHING MODIFIED	04.10.2012	MLG
2	WINDOWS ADDED TO EAST & WEST ASPECTS		
3	ISSUED FOR DEVELOPMENT APPROVAL	20.03.2012	MLG

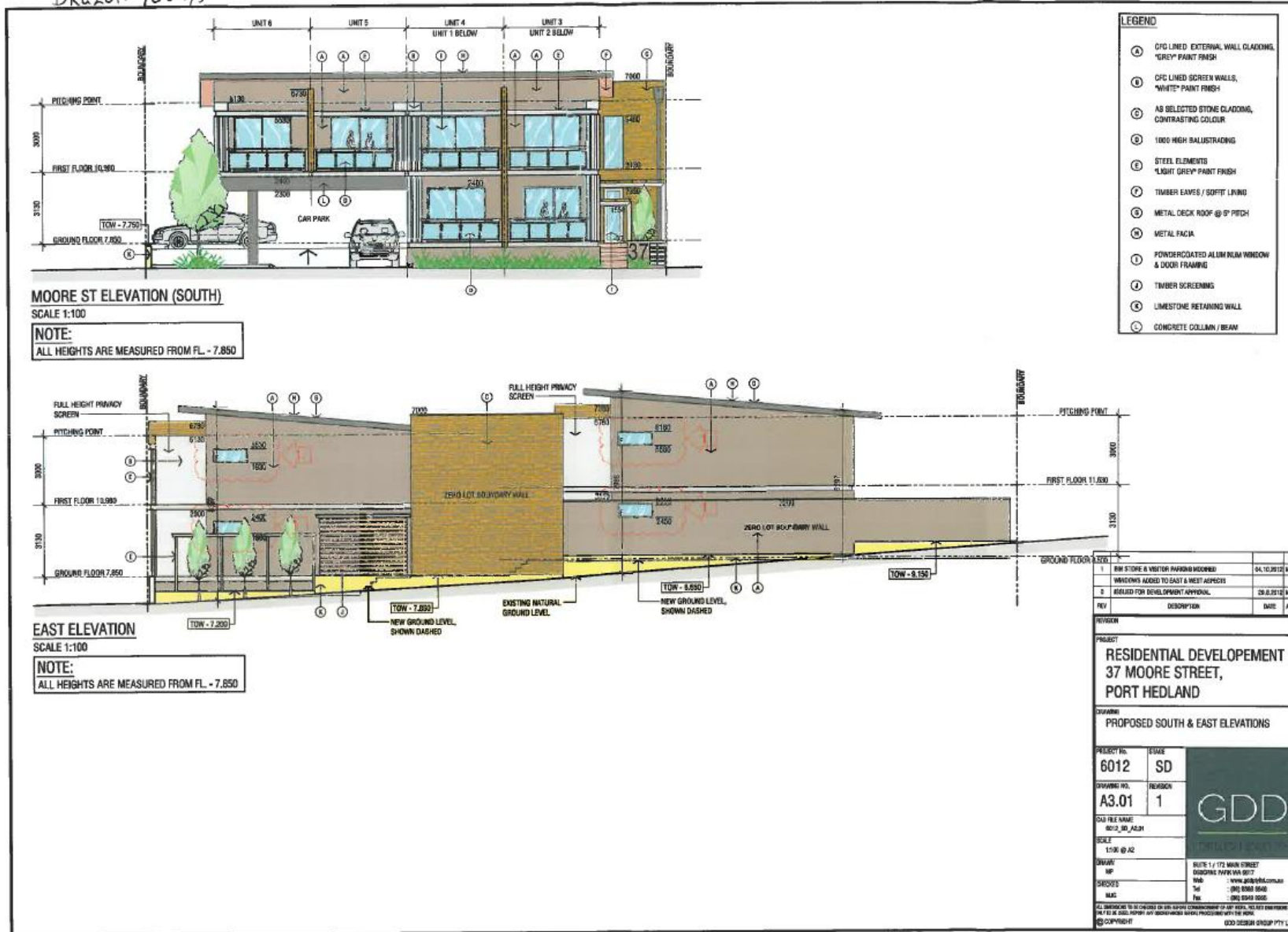
REVISION

PROJECT
RESIDENTIAL DEVELOPMENT
37 MOORE STREET,
PORT HEDLAND

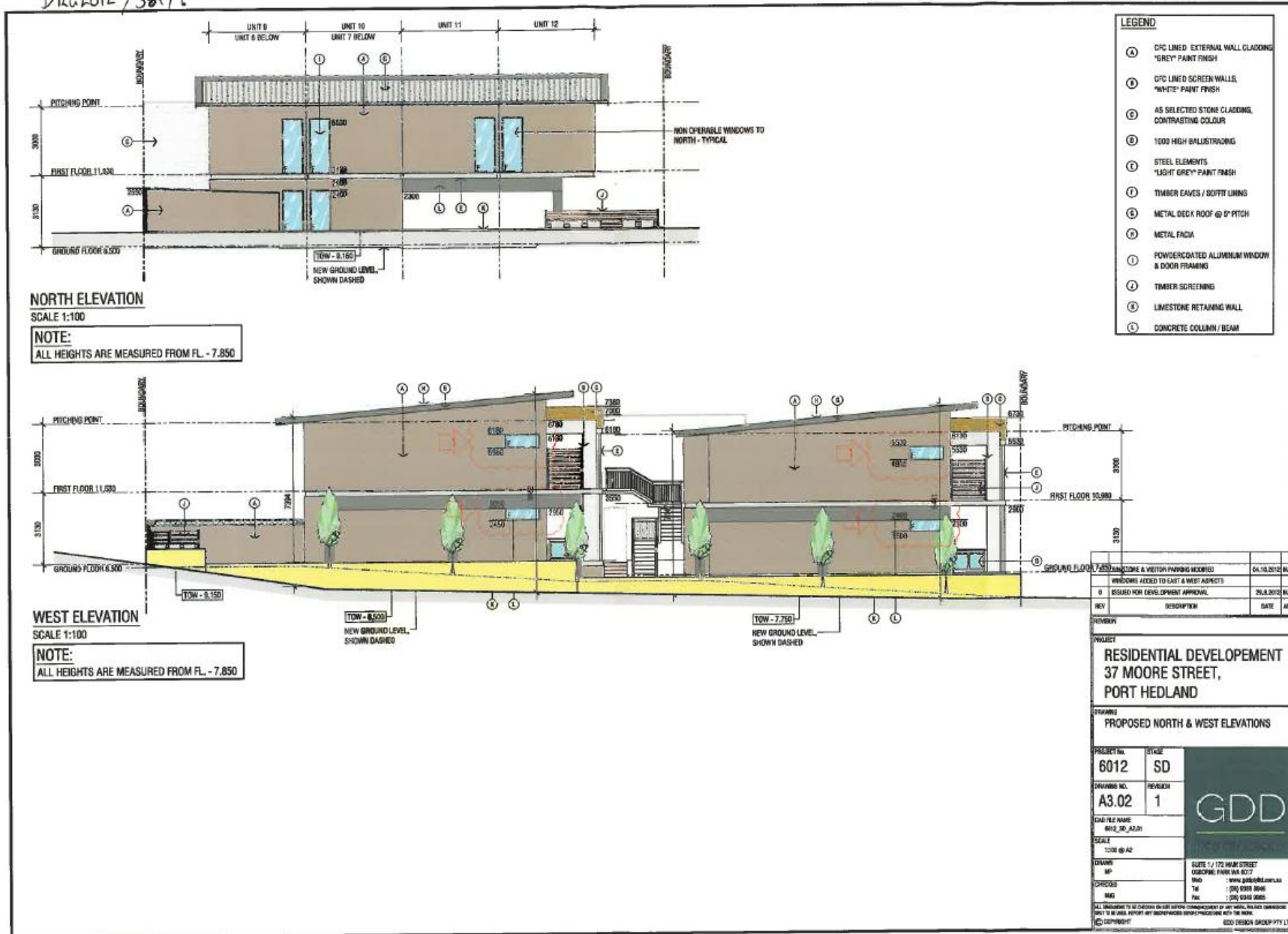
DRAWING
TYPICAL UNIT LAYOUTS

PROJECT NO.	6012	STAGE	SD
DRAWING NO.	A9.01	REVISION	1
DWG FILE NAME	R012_R0_A9.01		
SCALE	1:50 @ A2		
DRAWN	MP		
DATE	14/11/12		
DESIGNED	MLG		
SCALE	1:50 @ A2		
SUITE 1 - 172 MAIN STREET CEDARHILL PARK WA 6017		www.gdd.com.au	
Tel : (08) 9388 8888		Fax : (08) 9349 9000	
GDD DESIGN GROUP PTY LTD			

DR62012 / 38915



DR62012/381/6



ATTACHMENT 3 TO ITEM 11.1.5

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

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

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

Date: 30 October 2012

37 MOORE STREET PTY LTD
C/o GDD DESIGN GROUP
 Unit 1
 172 Main Street
 OSBORNE PARK WA 6017

Attention Mr. M. Georgiadis

Dear Sir,

**PROJECT: PROPOSED APARTMENT DEVELOPMENT
 37 MOORE STREET, PORT HEDLAND**
RE: DUST MANAGEMENT ASSESSMENT REPORT

Further to your instructions we have prepared an assessment of the dust mitigation features present in the proposed building design and subsequent dust management assessment report for the proposed apartment development located at 37 Moore Street in Port Hedland. The report has been prepared for and on behalf of the project architect, GDD Design Group.

1. DEVELOPMENT LOCATION:

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

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

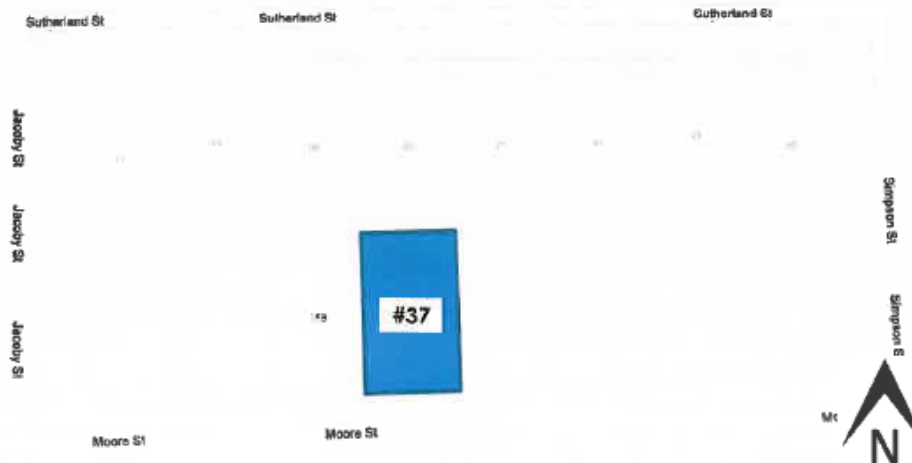


Figure 1 – Development Location Plan

C.A. & M.J. LOMMERS PTY LTD
ACN 053 135 318 • ABN 76 349 760 785

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

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

Building Openings Orientation

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

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

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

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

- No window or balcony door openings have been documented in the northern or eastern facades of the building.
- No window or balcony door openings have been documented in the western facade of the building.
- Openings in the southern façade of the building have been documented with reveals to the eastern edge of the façade to achieve compliance with the legislative requirement.

These reveals may be made up from adjacent balcony walls or individual screens.

Screens provided to the eastern edges of balcony areas to apartments 2, 3 and 9 shall have a maximum of 50% free area when measured in the plane area of the eastern balcony aspect.

Entrances to Sole Occupancy Units and the Building

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

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

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

- Entrances to the apartments provided via a protected walkway between the two apartment block developments to reduce the impact of direct wind currents and associated ingress of dust.

This achieves the legislative requirement of this clause.

C.A. & M.J. LOMMERS PTY LTD
ACN 053 135 318 • ABN 76 349 760 785

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

Development Orientation

Legislative Requirement – *Orienting buildings to avoid wind tunnelling effect*

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

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

- Whilst the building is designed with all entrances to apartments accessible from a common corridor, the corridor is protected from wind tunnelling effects due to the provision of a boundary wall along the eastern end of the development.

This achieves the legislative requirement of this clause.

Pitch of Roofs

Legislative Requirement – *use of eaves.*

Performance Objective – *Rooves shall be designed in a manner to minimise the build-up of dust.*

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

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

- The roof generally has been designed with eave overhangs to the north and southern aspects of the building. As there are no habitable spaces on the northern façade of the building, it is considered the reduction of dust build-up due to air stagnation is not required.
- Overhangs on the southern side of the development forming part of the roof are separated from significant openings such as balcony doors, by the balcony itself, and as such are not expected to influence the dust stagnation levels below.
- The building is intended to form part of a high density area development. It is expected that other similar buildings will be effective to create a building boundary layer that could further reduce the direct air-flow onto the building.

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

Filtered Air Conditioning System

Legislative Requirement – *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration and then a finer filter.*

Performance Objective – *Habitable buildings are provided with Filtered Air Conditioning system and have management systems in place to ensure appropriate levels of maintenance.*

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

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

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

ACN 053 135 318 • ABN 76 349 760 785

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

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

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

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

- Covered outdoor areas have been provided to all units to enable clothes drying in acceptable areas.
- Generally, outdoor living spaces have been provided to the western façade of the building.

3. CONCLUSION:

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

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

4. ASSUMPTIONS AND LIMITATIONS:

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

Assumptions

The following assumptions have been made in the report:

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

Limitations

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

- The Deemed-to-Satisfy provisions of other town planning requirements, R-Codes and NCC/BCA are to be addressed by the relevant building surveyor and reported in separate documentation where appropriate.

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

ACN 053 135 318 • ABN 76 349 760 785

4. ASSUMPTIONS AND LIMITATIONS: (Cont.)

- If the development is to change in the future the building may have to be re-classified and re-addressed.

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

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

- 6012 A1.01 Rev 1 Proposed Site Plan
- 6012 A2.01 Rev 1 Proposed Ground Floor Plan
- 6012 A2.02 Rev 1 Proposed First Floor Plan
- 6012 A3.01 Rev 1 Proposed South and East Elevations
- 6012 A3.02 Rev 1 Proposed North and West Elevations

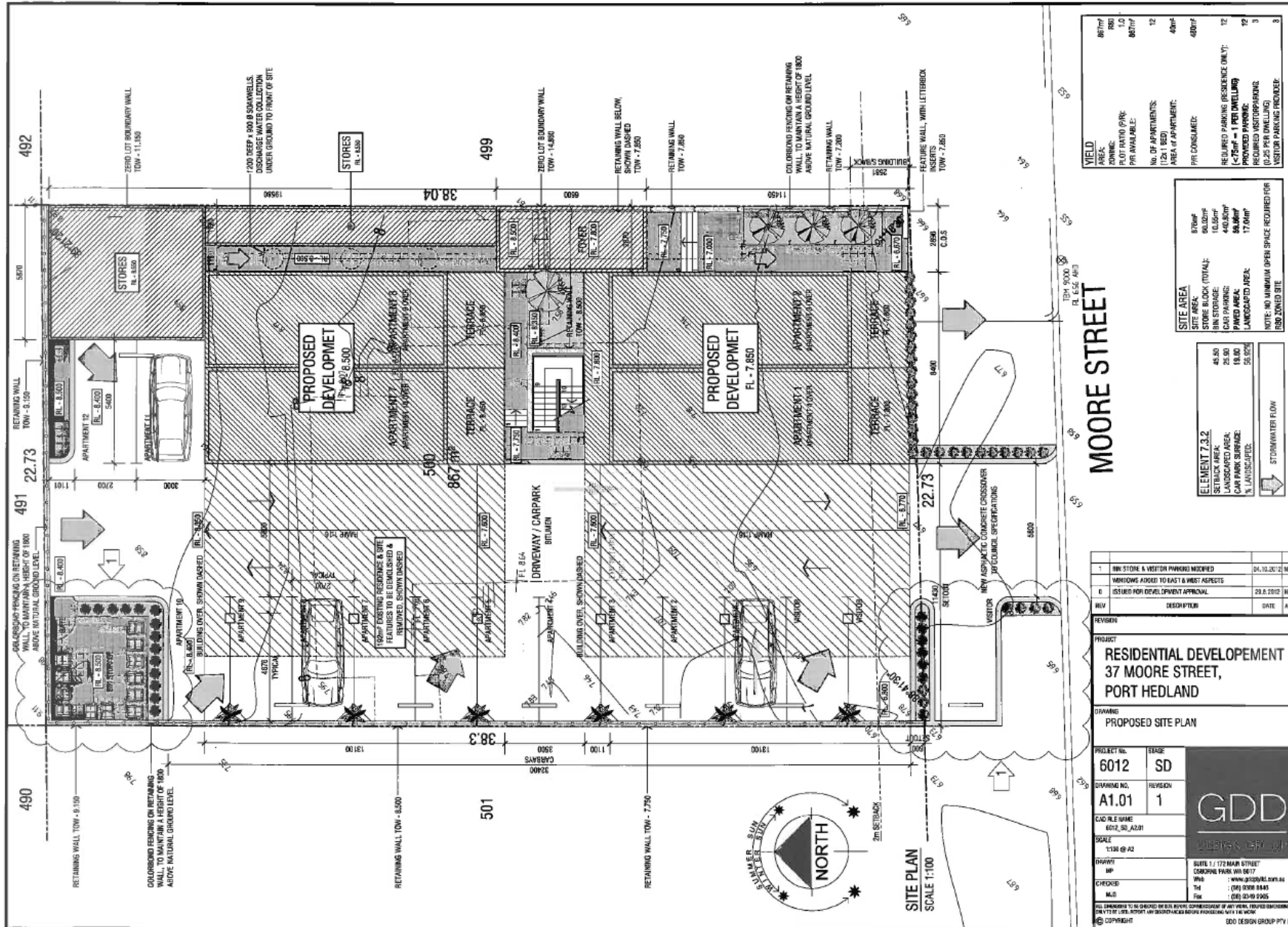
We trust the information provided meets your approval.
Please do not hesitate to contact our office if you have any queries.

Yours faithfully,

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

M.D. Lommers
Mechanical & Fire Safety Engineer

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



YIELD	
AREA	867m ²
PLANTING	1.0
PER AVAILABLE	867m ²
NO. OF APARTMENTS:	12
AREA OF APARTMENT:	46m ²
PER CONSUMER:	480m ²
REQUIRED PARKING (RESIDENCE ONLY):	12
PROVIDED PARKING:	12
REQUIRED VISITOR PARKING:	3
PROVIDED VISITOR PARKING:	3
VISITOR PARKING PROVIDER:	

SITE AREA	
SITE AREA	867m ²
STORE BLOCK (TOTAL):	60.0m ²
BIN STORAGE:	10.5m ²
CAR PARKING:	44.0m ²
PAVED AREA:	94.0m ²
LANDSCAPED AREA:	17.0m ²
NOTE: NO MINIMUM OPEN SPACE REQUIRED FOR 500 LINED SITE	

ELEMENT 7.3.2	
SETBACK AREA:	46.50
LANDSCAPED AREA:	25.50
CAR PARK SURFACE:	18.00
% LANDSCAPED:	58.00%
STORMWATER FLOW	

REV	DESCRIPTION	DATE	APP
1	BIN STORE & VISITOR PARKING MOVED	04.10.2012	MJD
0	WINDOWS ADDED TO EAST & WEST ASPECTS		
0	ISSUED FOR DEVELOPMENT APPROVAL	29.8.2012	MJD

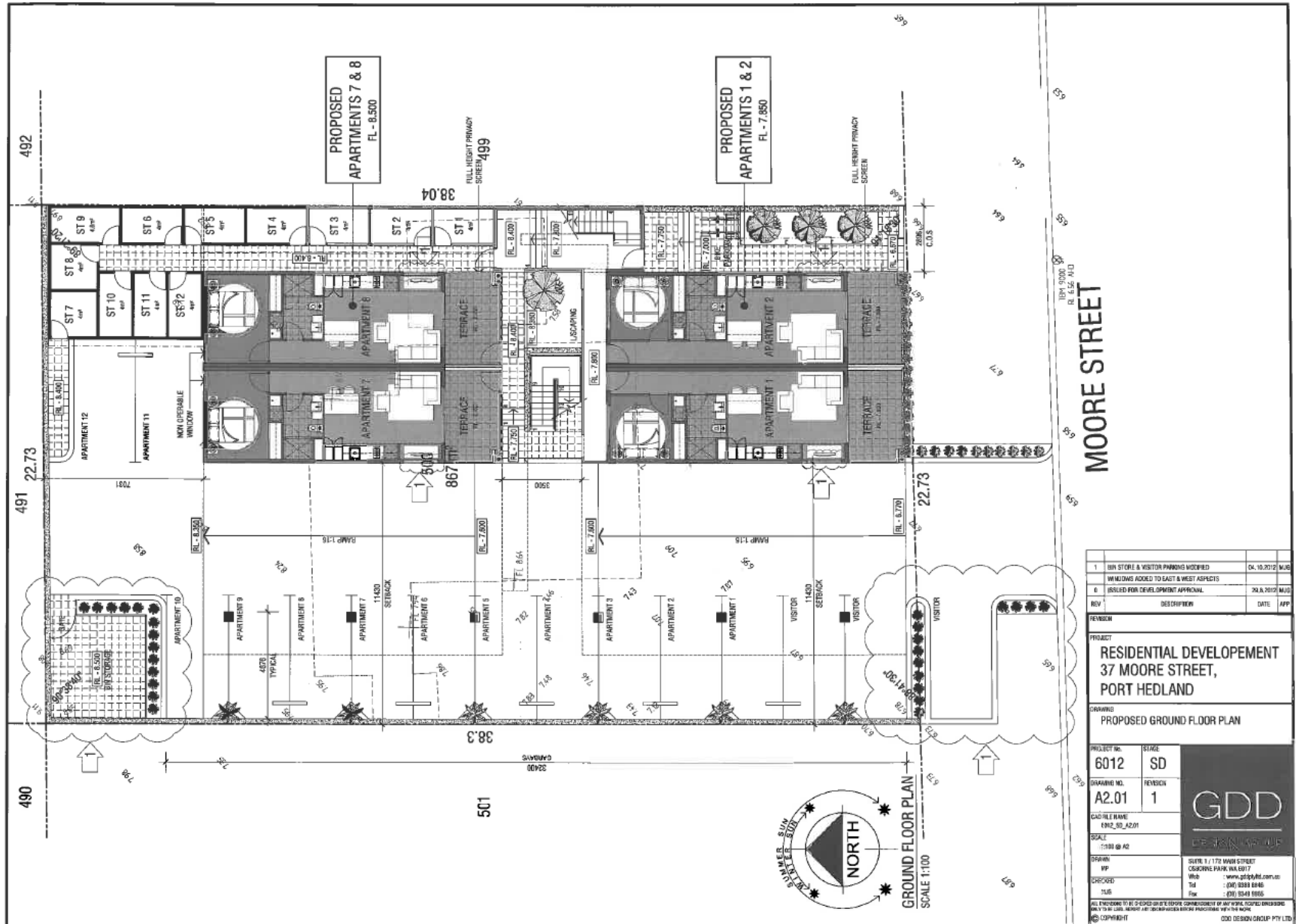
REVISION

PROJECT
**RESIDENTIAL DEVELOPMENT
37 MOORE STREET,
PORT HEDLAND**

DRAWING
PROPOSED SITE PLAN

PROJECT NO. 6012	STAGE SD
DRAWING NO. A1.01	REVISION 1
CAD FILE NAME 6012_SD_A201	
SCALE 1:100 @ A2	
DRAWN BY MP	SUITE 1 / 172 MAIN STREET CARPARK PARK WA 6017 WWW.GDDGROUP.COM.AU
CHECKED BY MJD	Tel : (08) 9398 8848 Fax : (08) 9398 8965

ALL DRAWINGS TO BE CHECKED BY OUR REVIEW ENGINEERS AT ANY TIME. FEEL FREE TO CONTACT US AT ANY TIME. OUR DESIGN GROUP HAS BEEN PROVIDING A SERVICE SINCE 1988.
© COPYRIGHT GDD DESIGN GROUP PTY LTD



REV	DESCRIPTION	DATE	APP
1	BIN STORE & VISITOR PARKING MODIFIED	04.10.2012	MJS
	WINDOWS ADDED TO EAST & WEST ASPECTS		
0	ISSUED FOR DEVELOPMENT APPROVAL	20.08.2012	MJS

PROJECT
RESIDENTIAL DEVELOPMENT
 37 MOORE STREET,
 PORT HEDLAND

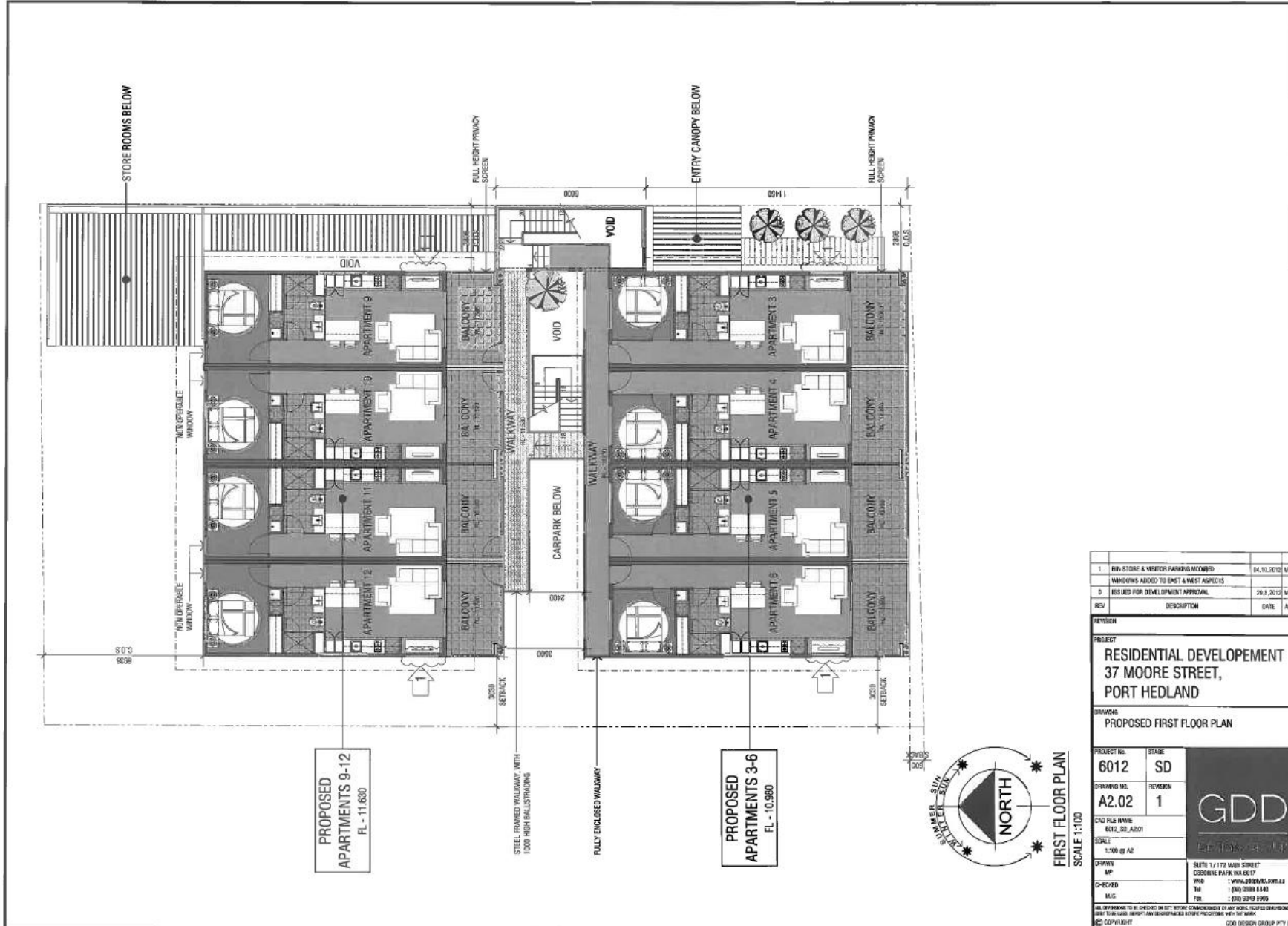
DRAWING
PROPOSED GROUND FLOOR PLAN

PROJECT NO. 6012	STAGE SD
DRAWING NO. A2.01	REVISION 1
CAD FILE NAME 0912_02_A2.01	
SCALE 1:100 @ A2	



OWNER: 1172 MARSH STREET
 CHESTER PARK WA 6017
 Web: www.gddpvt.com.au
 Tel: (08) 9588 6888
 Fax: (08) 9588 6888

ALL DRAWINGS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF ANY WORK. REVISIONS SHOULD BE MADE TO THE ORIGINAL DRAWING ONLY TO BE MADE. REVISIONS MUST BE CHECKED AGAINST THE ORIGINAL DRAWING.
 © COPYRIGHT GDD DESIGN GROUP PTY LTD



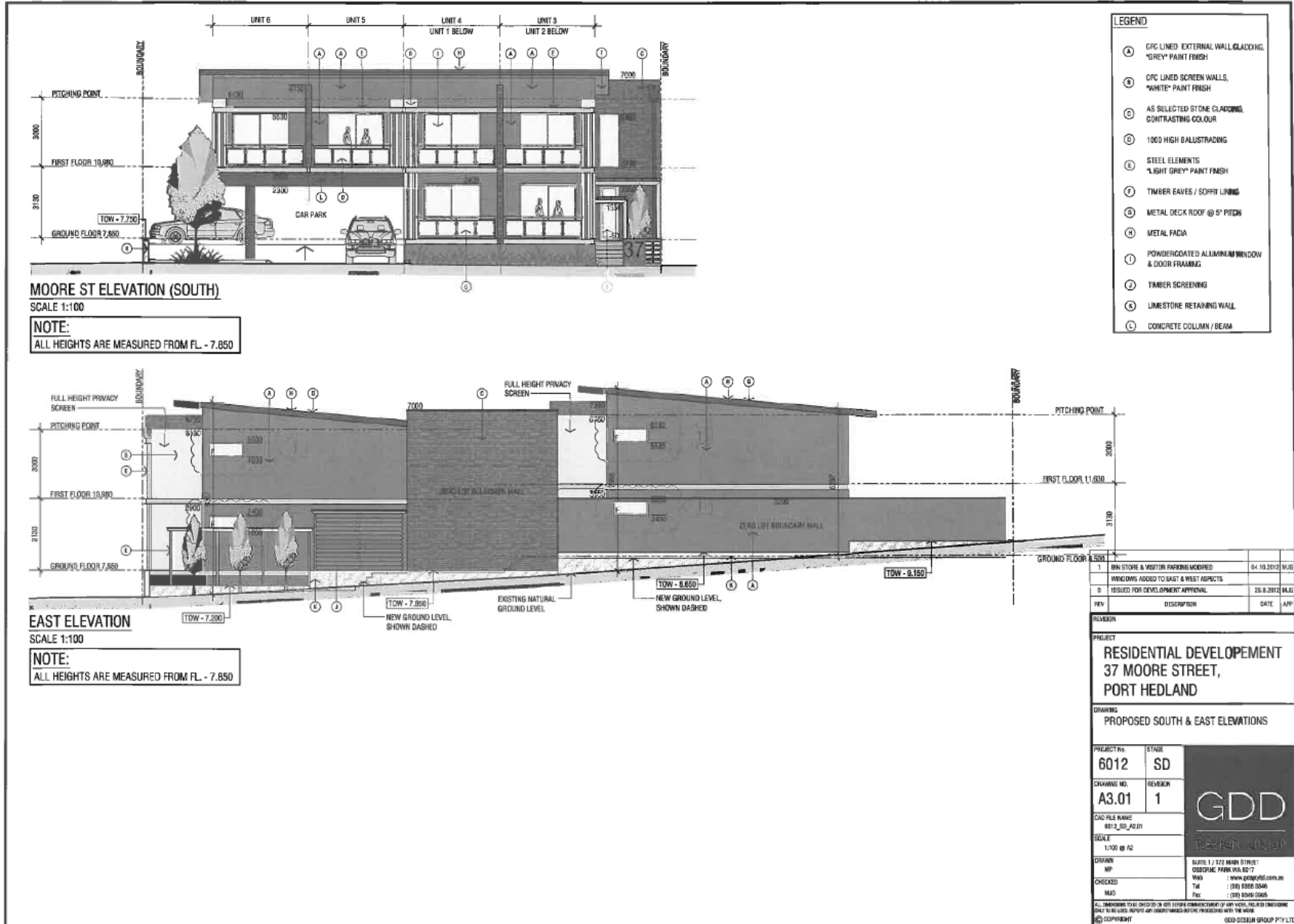
1	BIV STORE & VISITOR PARKING MONOR	04.10.2012	M.G.
	WINDOWS ADDED TO EAST & WEST ASPRIS		
0	RESUB FOR DEVELOPMENT APPROVAL	26.8.2012	M.G.
REV	DESCRIPTION	DATE	APP
REVISION			
PROJECT			
RESIDENTIAL DEVELOPMENT 37 MOORE STREET, PORT HEDLAND			
DRAWING			
PROPOSED FIRST FLOOR PLAN			
PROJECT NO.	STAGE		
6012	SD		
DRAWING NO.	REVISION		
A2.02	1		
CAD FILE NAME			
RCHL_00_A2.01			
SCALE			
1:100 @ A2			
DRAWN			
MP	SHEETS 1 / 172 MAIN STREET OSBORNE PARK WA 6017		
CHECKED	WEB : www.gdd.com.au		
M.G.	TEL : (08) 9388 8348		
	FAX : (08) 9349 8965		
ALL INFORMATION IS TO BE USED ONLY IN THE CONTEXT OF THE PROJECT FOR WHICH IT IS PROVIDED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF GDD DESIGN GROUP PTY LTD.			
© COPYRIGHT GDD DESIGN GROUP PTY LTD.			

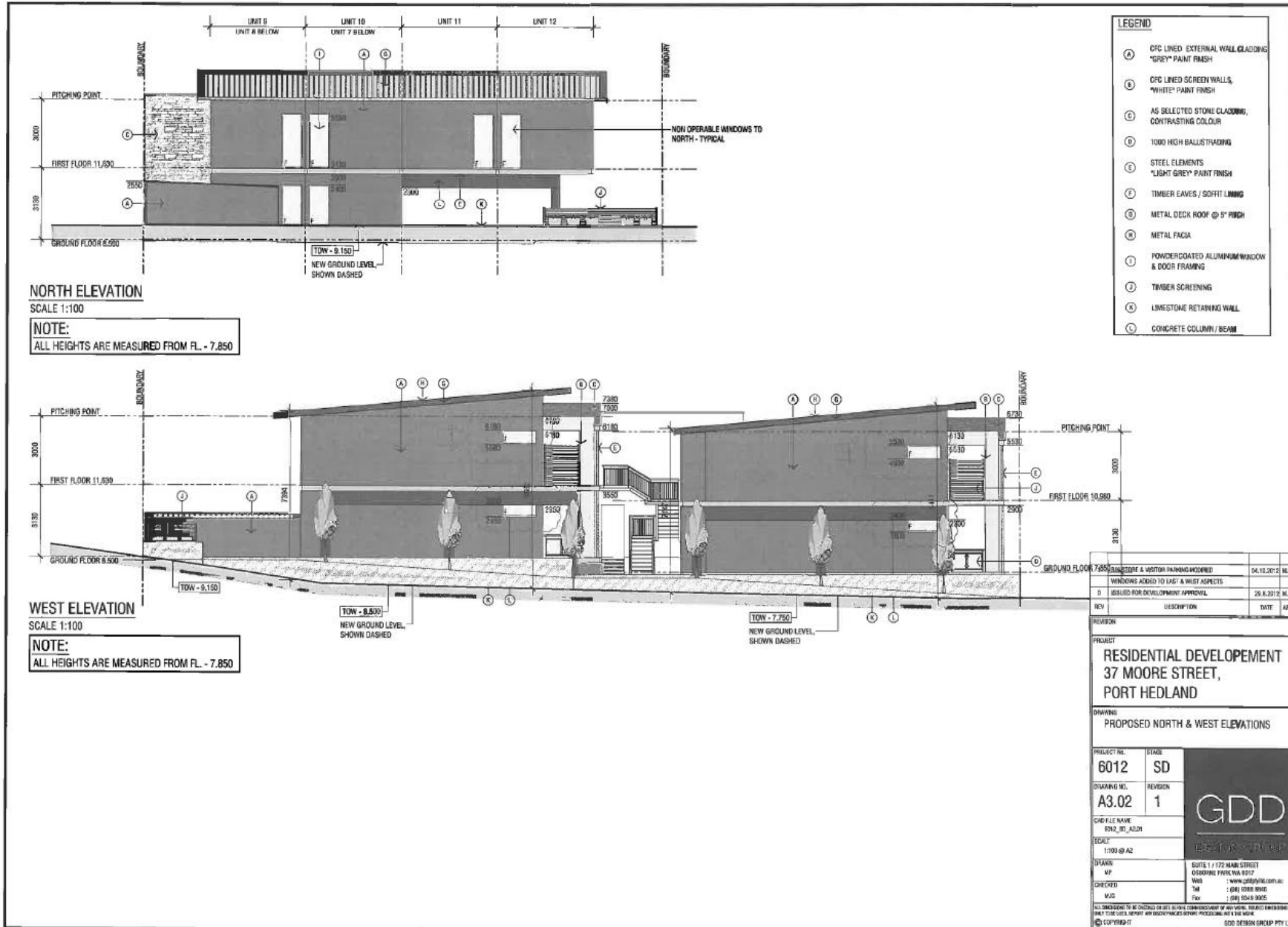


FIRST FLOOR PLAN
SCALE 1:100

PROPOSED
APARTMENTS 9-12
FL - 11.630

PROPOSED
APARTMENTS 3-6
FL - 10.960





11.1.6 *Proposed Excision of Reserve 28372 being Lot 5209 McGregor Street, Port Hedland (Koombana Lookout) (File No. 130151G)*

Officer Katherine Press
Acting Lands Officer

Date of Report 13 November 2012

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from the Water Corporation to endorse the excision of a portion of Reserve 28372 on Lot 5209 McGregor Street into Reserve 44489 on Lot 5916 McGregor Street, Port Hedland. The proposed excision of Reserve 28372 into Reserve 44489 is to facilitate the development of a second elevated tank on Reserve 44489.

It has been requested the Town surrender the Management Order for the portion of Reserve 28372, so it can be transferred to the Water Corporation.

Background

Due to the short supply of water in the Town of Port Hedland, the Water Corporation is undertaking infrastructure works to increase the capacity of the Town's water supply by proposing to construct a second elevated tank. The Water Corporation requires approximately 460sqm of Reserve 28372 to construct a 800kl elevated tank.

Reserve 28372, namely Koombana Lookout, is currently vested to the Town of Port Hedland for "Public Recreation" purposes and is approximately 1.3 hectares.

Reserve 44489 is vested to the Water Corporation and is used for the purpose of an existing elevated tank.

Consultation

The proposal was circulated internally to the following Departments:

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

Environmental Health Services, Recreation Services, Investment and Business Development and Building Services have raised no objection to the proposal. Technical Services have requested the following condition being imposed:

Prior to the construction of a second elevated tank, a concrete footpath adjacent to the kerb side be installed (Attachment 2).

Community Services provided the following comments with regards to the proposal:

1. Reserve 28372 has significant Community benefit and use through its function as Koombana Lookout and as a casual event space;
2. The project may lead to loss of existing amenity for Residents and the Community of Port Hedland.
3. An agreement to be made between the Town and the Water Corporation for the replacement of the "Public Recreation" area in a separate and appropriate location.

From a planning perspective the concerns raised by the Community Unit are noted. However, whilst the area being requested is 460m² the actual footprint of the tank is significantly smaller (as is evident with the existing tank), it would be a better outcome should Council agree to the relinquishment of the Vesting / Management Order to ensure the Water Corporation does not fence off the entire 460m². This would ensure the ability for the community to utilize the area is minimally affected.

With regard to Casual event space being lost, this is acknowledged and Council will have to weigh up the loss of event space versus the potential loss of development as a result of not having an adequate water infrastructure to service further development of the Town.

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

There is currently a short supply of water within the Town of Port Hedland and with the significant forecasted growth of the Town the construction of a second elevated tank is a necessity.

The total area of Reserve 28372 is approximately 1.3 hectares and the excision of land from the reserve required for the construction of the elevated tank is approximately 460sqm. Accordingly, a considerable portion of Reserve 28372 will remain "Public Recreation".

The location of such infrastructure is extremely limited as a result of the relatively flat topography of Port Hedland. Locating the proposed water tank on lower ground may significantly increase the construction and maintenance cost and potentially delay the project resulting in a negative impact on the growth of the Town.

It is recommended that Council support the excision of a portion of Reserve 28372 into Reserve 44489 to facilitate the development of a second elevated tank at Koombana Lookout and relinquish the Vesting / Management Order for a portion of Reserve 28372 to be surrendered by the Town and transferred to the Water Corporation.

Options

Council has the following options for responding to the request:

1. Support the Water Corporation's request to excise a portion of Reserve 28372 into Reserve 44489 to facilitate the development of a second elevated tank and to surrender the Vesting / Management Order of a portion of Reserve 28372, as per attachment 1.

Approving the request will facilitate further development within the Town.

2. Reject the Water Corporation's request to excise a portion of Reserve 28372 into Reserve 44489 to facilitate the development of a second elevated tank and to surrender the Vesting / Management Order of a portion of Reserve 28372, as per attachment 1.

Such a resolution may lead to delays in the provision of the much needed infrastructure.

Option 1 is recommended.

Attachments

1. Locality Plan.
2. Plan showing location of required footpath.

201213/180 Officer's Recommendation/ Council Decision**Moved: Cr Hunt****Seconded: Cr Jacob****That Council:**

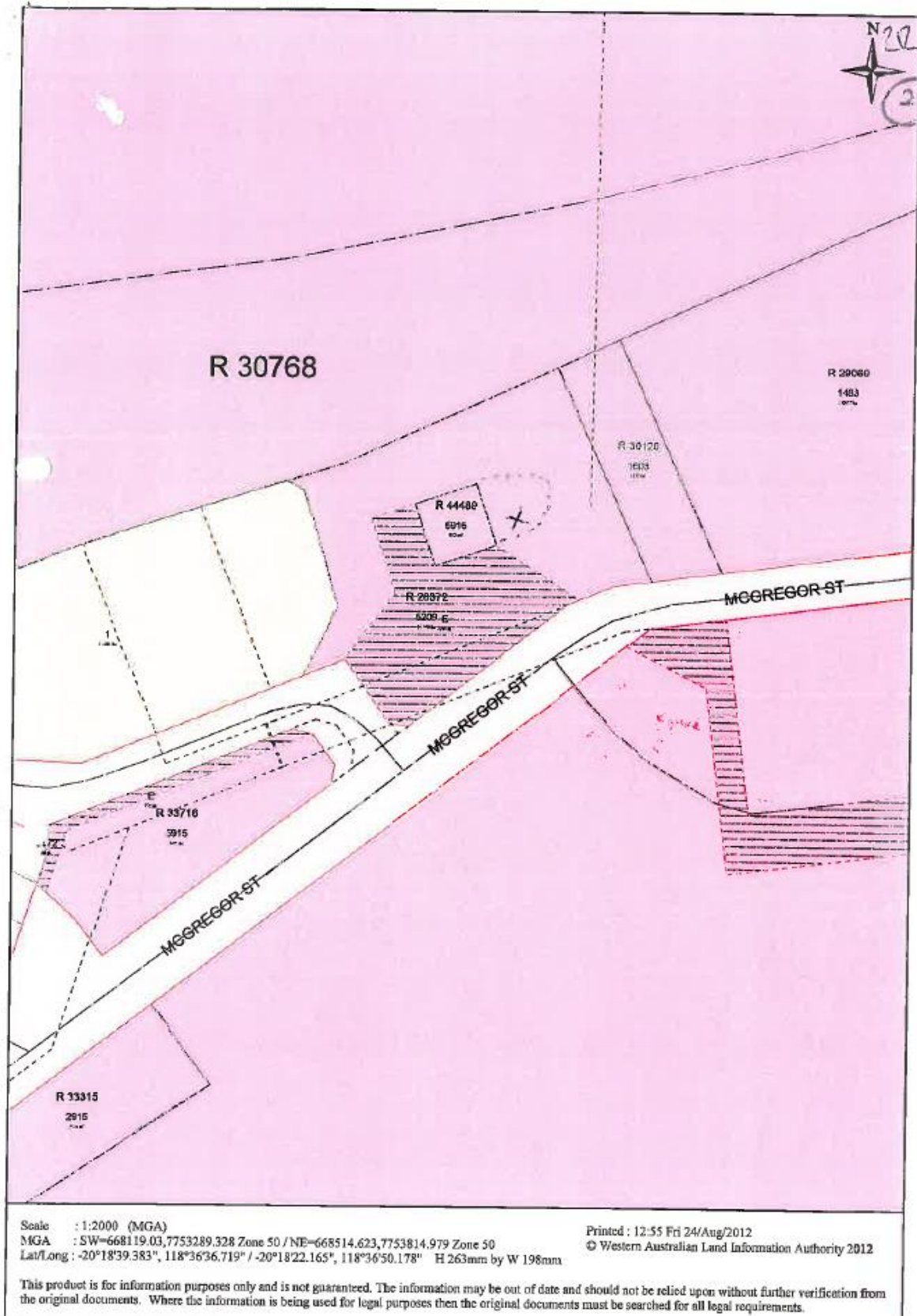
- 1. Support the Water Corporation's request to excise a portion of Reserve 28372 into Reserve 44489 to facilitate the development of a second elevated tank and to surrender the Vesting / Management Order to the Water Corporation for a portion of Reserve 28372, as per attachment 1, subject to the following condition:**
 - a. The proposed tank is to be of a similar design as the existing tank;**
 - b. No fencing be erected around the proposed tank (except during construction or maintenance periods); and**
 - c. Prior to the commissioning of the proposed tank, a concrete footpath and staircase linking the footpath along the foreshore with the footpath along McGregor Street is to be constructed and completed to the specifications and satisfaction of the Manager Technical Services. (as per attachment 2).**
- 2. Delegates the Manager Planning Services to submit the request to excise a portion of Reserve 28372 into Reserve 44489 to the Department of Regional Development and Lands (State Land Services).**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.6



Required Land Acquisition Boundary in Red.





Required Footpath to be constructed in blue.

11.1.7 *Ministerial Order in Terms of Section 76(1), of the Planning and Development Act 2005, to Initiate Proposed Scheme Amendment 52 on Lot 226 Greenfield Street, Boodarie.*
(File No.: 18/09/0066)

Officer Leonard Long
Manager Planning
Services

Date of Report 13 November 2012

Disclosure of Interest by Officer Nil

Summary

Council has received an order from the Hon John Day MLA, for the Town of Port Hedland to initiate proposed Scheme Amendment 52. (Attachment 1)

Background

At the Ordinary Council Meetings of 14 December 2011, 25 January 2012 and 22 August 2012, the proposed scheme amendment was presented to Council recommending initiation of Scheme Amendment 52, for the rezoning of Lot 226 Greenfield Street, Boodarie from "Rural Residential" to "Residential R2.5". On all three occasions Council resolved not to initiate the subject scheme amendment.

The resolution not to initiate the scheme amendment resulted in a Section 76 application (s76 of the Planning & Development Act 2005) being lodged with the Minister for Planning's office.

Consultation

The initiation of the scheme amendment allows the scheme amendment to be forwarded to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA) and then advertised for public comment.

In terms of the Planning and Development Act, 2005, the following form of advertising is to be done:

Statutory Implications

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

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

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

Policy Implications

Nil

Strategic Planning Implications

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

6.3 Environment

“Creating a vibrant and diverse place to live that is in balance with the natural elements of our surroundings and cultural heritage. A safe, modern and attractive city, Port Hedland is a community where generations of residents are proud to call home and establish themselves as a permanent fixture in the landscape.”

6.3.1 Housing

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

Budget Implications

The approved fee was submitted as part of the original request to initiate the scheme amendment.

Reasons for Ministerial Order

The Hon John Day MLA, Minister for Planning, has provided the following reasons for ordering the Town of Port Hedland to initiate Scheme Amendment 52 to the Port Hedland Town Planning Scheme No 5.

“1. The proposal is consistent with the principles of orderly and proper planning. Relevant planning instruments that provide guidance in this regard include:

The Western Australian Planning Commission's Pilbara Planning and Infrastructure Framework (January 2012) includes objectives to: ensure an efficient supply of residential land; private sector involvement in urban land development, and; accelerated land leases for housing.

An objective of the Town of Port Hedland Town Planning Scheme No. 5 is to 'encourage an appropriate balance between economic and social development, conservation of the natural environment, improvements in lifestyle and amenity'. The subject proposal contributes to meeting this objective by providing additional residential 'lifestyle' lots in an area where such lots are not currently provided for.

The Town of Port Hedland's Pilbara Port City Growth Plan (local planning strategy) recognizes the need for additional housing in the South Hedland area.

The Department of Regional Development and Lands' 'Pilbara Cities Vision' promotes the future of Port/South Hedland as an intergenerational, modern and vibrant city. Under the Pilbara Cities vision this is to be achieved via a number of key programs, for example, facilitating land availability and development and promoting developer housing projects and economic diversification.

2. There is a critical shortage of residential lots available within the Town of Port Hedland. This has been demonstrate in a number of documents and studies, including the Western Australian Planning Commission's 'Port Hedland Regional Hotspots Land Supply Update (April 2011)'. The proposal will facilitate the creation of 129 residential lots (density coding R2.5), which is an additional 57 lots over the existing subdivision approval for the subject land. This will assist in meeting current demand."

Attachments

1. Ministerial Order,
2. Scheme Amendment Documentation

Options

Nil

201213/181 Officer's Recommendation/ Council Decision

Moved: Cr Jacob

Seconded: Cr Daccache

That Council:

1. **By order of Hon John Day, Minister for Planning pursuant to section 76(1) of the Planning and Development Act 2005 (WA), initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5, by amending the zoning of a portion of Lot 226 Forrest Location from "Rural Residential" to "Residential R2.5";**
2. **Requests the applicant to prepare the formal amendment documentation to enable referral to the Environmental Protection Authority;**

- 3. Following approval from the EPA, advertises the amendment in accordance with section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA; and**
- 4. Following the statutory advertising period, a report is brought back to Council to consider adoption of the scheme amendment.**

CARRIED 6/0

Planning and Development Act 2005

Order to Town of Port Hedland under section 76(1) of the Act

1. I, the Hon John Day MLA, Minister for Planning, acting pursuant to section 76(1) of the *Planning and Development Act 2005* (WA), order the Town of Port Hedland to initiate the amendment for its Town Planning Scheme No. 5 with supporting justification provided within the document entitled "QUARTZ ESTATE SECTION 76 REQUEST TO MINISTER FOR PLANNING" for Lot 226 Greenfield Street, Boodarie, a copy of which is attached to this order.
2. The Town of Port Hedland is to comply with this order within 60 days from the date of the order.

Signed this *25* day of *October* 2012.



JOHN DAY
MINISTER FOR PLANNING

ATTACHMENT 2 TO ITEM 11.1.7

SCHEME AMENDMENT MAP
 TOWN OF PORT HEDLAND
 Town Planning Scheme No.5
Amendment No. XX

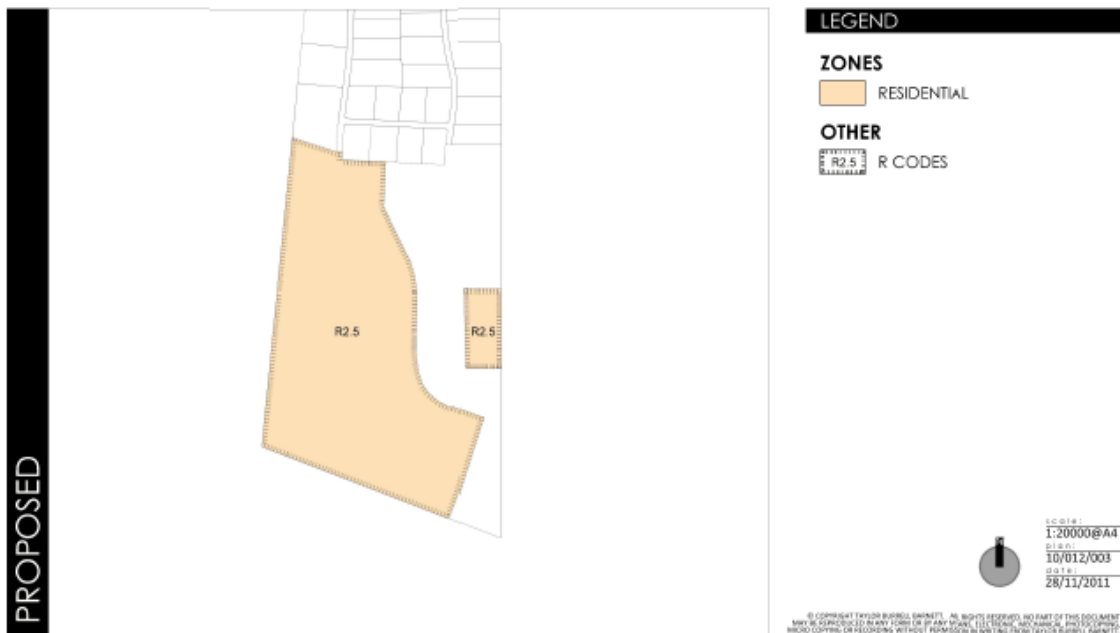
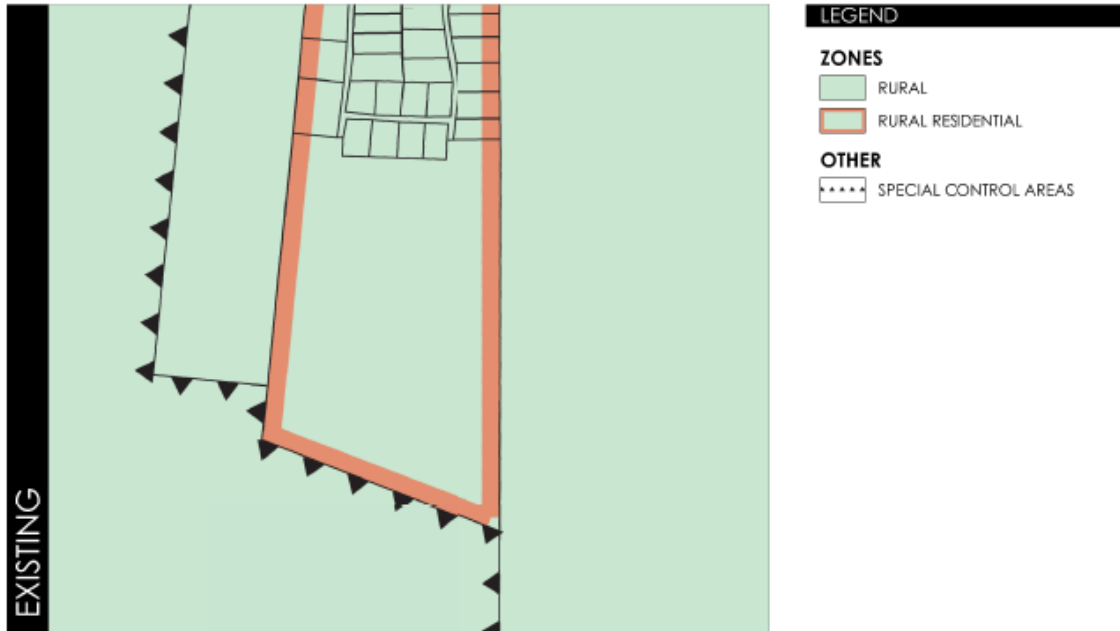


figure 01

11.1.8 ***Proposed Road Dedication being a Portion of Lot 567 on Plan 71689 on Unallocated Crown Land, South Hedland (File No.: 28/17/0001)***

Officer	Steve de Meillon Planning Officer
Date of Report	14 November 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from the Department of Regional Development and Lands for Council to determine the suitability of extending the Shoata Road reserve up to the Hamilton Road intersection.

The road dedication is supported by both the Planning and Technical Services units and recommended for approval.

Background

The Site (Attachment 1)

Shoata Road is located approximately 460m northwest of the established South Hedland urban area. Shoata Road extends from Quartz Quarry Road to Hamilton Road, and runs past the Water Corporation wastewater treatment plant and the South Hedland Golf Course. Currently Shoata Road is approximately 3.3km and open to the general public at all times.

A desktop land inquiry made through Landgate revealed that approximately 990m of most northern part of Shoata Road is located on Unallocated Crown Land being Lot 567 on Plan 71689. The remaining approximately 2.3km is dedicated as a road reserve.

The Proposal (Attachment 2)

The proposal put before Council is to have the approximately 990m of Unallocated Crown Land dedicated as a road reserve under the management of the Town of Port Hedland. The proposal will result in the entire length of Shoata Road dedicated as road reserve.

Consultation

The requested road dedication is supported by the Manager Technical Services.

Statutory Implications

Section 56 of the *Land Administration Act 1997* establishes the procedure for road dedication involving the excision of land from Crown Land.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

By accepting the Management Orders, Shoata Road which is currently being maintained by Council will be protected for the entire length of the road.

Officer's Comment

Shoata Road is an already constructed road that is not entirely dedicated as a road reserve. Approximately 990m of the northern section of Shoata Road is identified as Unallocated Crown Land.

The proposal will result in the entire length of Shoata Road being dedicating as a road reserve. The proposal is supported as it will provide clarity to the actual use of the land. The proposed dedication will give the Town ownership to ensure maintenance of the road can be undertaken in a transparent and consistent manner.

Options

Council has the following options for responding to the request:

1. Support the request for the road reserve dedication of a portion of Lot 567 on Plan 71689 on Unallocated Crown Land.

Approving the dedication will result in the transparent identification of Shoata Road. The dedication will support a consistent approach to the maintenance and care of the road.

2. Reject the request for the road reserve dedication of a portion of Lot 567 on Plan 71689 on Unallocated Crown Land.

Should Council not support the proposed dedication, a portion of Shoata Road will remain inappropriately identified as Unallocated Crown Land.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Proposed Road Dedication

201213/182 Officer's Recommendation/ Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

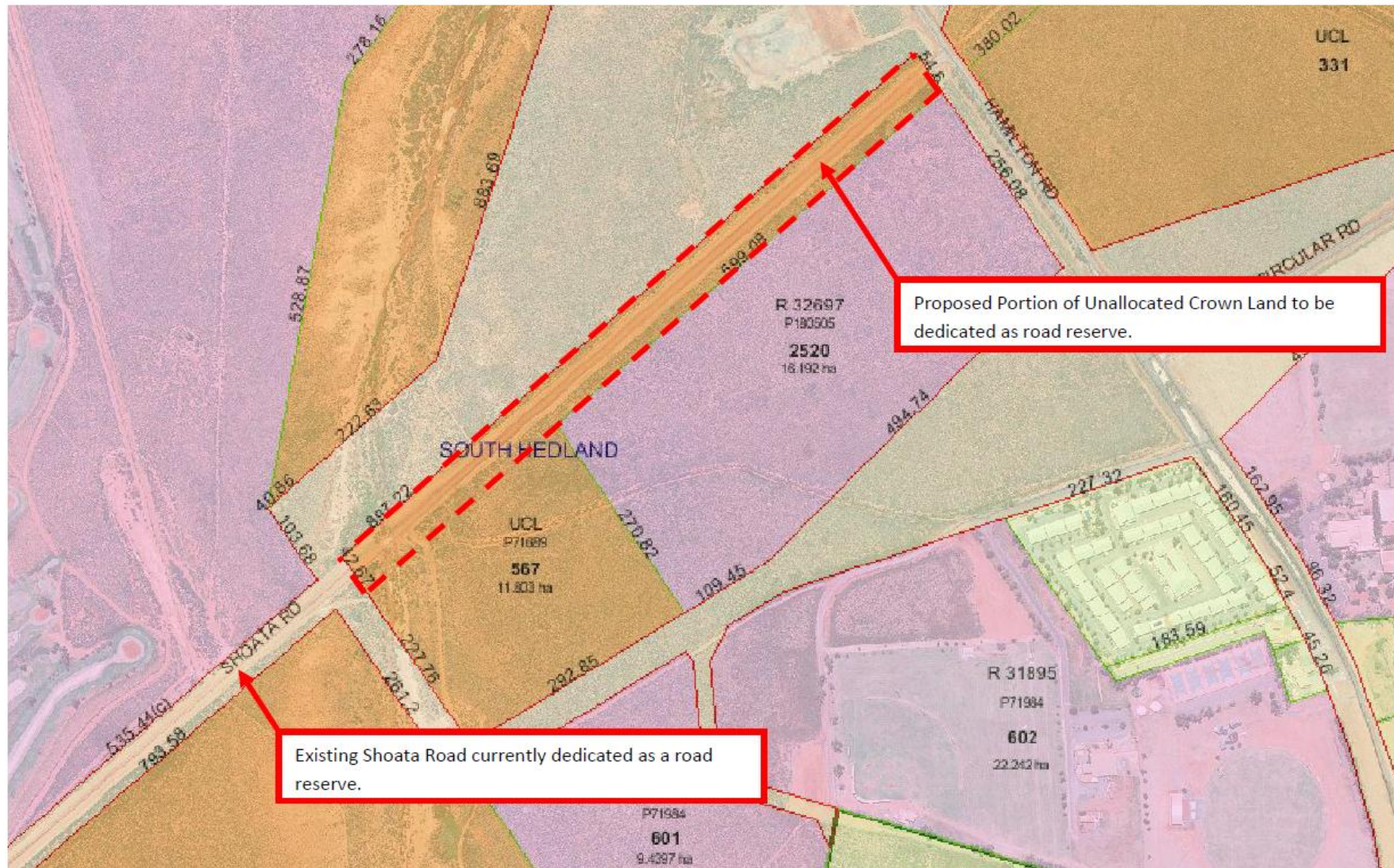
1. **Supports the request to permanently dedicate the portion of Unallocated Crown Land as road reserve as shown in Attachment 2; and**
2. **Delegates the Manager Planning Services to submit the road dedication request to the Department of Regional Development and Lands (State Lands Services).**

CARRIED 6/0

Locality Plan



Proposed Road Dedication



11.1.9 *Proposed Modification to Final Adoption of Scheme Amendment 54 to the Town of Port Hedland Town Planning Scheme No. 5. Rezoning from Urban Development R20 to Residential R30 and R40 and Other Purposes (File No.: 18/09/0068)*

Officer Leonard Long
Manager Planning Services

Date of Report 21 November 2012

Disclosure of Interest by Officer Nil

Summary

Council at its Ordinary Meeting held on the 24 October 2012 resolved to approve final adoption of Scheme Amendment 54.

The scheme amendment was submitted by Taylor Burrell Barnett on behalf of the Department of Housing.

This report seeks Council's approval for modifications to the final adoption of Scheme Amendment 54.

Background

Current Approval (Attachment 1)

At its Ordinary Meeting on the 24 October 2012, Council resolved to approve final adoption of Scheme Amendment 54 as follows:

That Council resolves to:

1. *Rezone Lots 3984, 4150, 5496, 5497 and portion of Lot 556 from "Urban Development" to "Residential";*
2. *Rezone portions of Lot 556 from "Urban Development" to "Park and Recreation" as identified within the proposed Scheme Amendment No. 54 proposed zoning map;*
3. *Rezone portion of Lot 556 from "Urban Development" to "Community – Education" as identified within the proposed Scheme Amendment No. 54 proposed zoning map;*
4. *Recode any portions of Lot 3984, 4150, 5496, 5497 and 556 from R20 to R40 as identified within the proposed Scheme Amendment No. 54 proposed zoning map, being the following proposed lots; 9, 17-22, 36-40, 48-52, 57-61, 67-71, 76-81, 91-96, 111-115, 132-137, 197-202, 219-224, 244, 282-286, 296-300 and 361;*
5. *Recoding all other residential lots from R20 to R30 as identified within the proposed Scheme Amendment No. 54 proposed zoning map;*
6. *Amending the zoning map accordingly;*

7. *Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967 (as amended), including the fixing of the Council's seal;*
8. *Forwards three (3) copies of the adopted scheme amendment and associated documentation to the Western Australian Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended).*

Three copies of the scheme amendment document were sent to the Western Australian Planning Commission (WAPC) on 15 November 2012 in accordance with the Council resolution. The WAPC are currently undertaking their assessment.

Proposed Amendment (Attachment 2)

The applicant has submitted an application to amend the scheme amendment. Specifically the amendment relates to the following:

- Recode lots 599m² and less proposed as "Residential" R30 to be recoded to "Residential" R20.

The Department of Housing has requested the proposed modifications to ensure the future development of the site is not compromised by limited infrastructure. The Department of Housing has provided the following justification:

As discussed during our conference call with JAXON and the West Australian Planning Commission, it was agreed that the best way forward would be to seek alteration to the current proposed Scheme Amendment for lots less than 600 sqm and that those specific lots be changed to an R20 spot coding. This would prevent issues with lots being sold to owner occupiers and them in turn attempting to build multiple dwellings under an R30 coding.

Our aim is to be able to control multiple dwelling capability for these lots to ensure the development achieves the desired streetscapes, design and urban outcomes that are being sought for the area. Additionally there is currently a power shortage in South Hedland and Horizon Power will not at this stage be able to provide the power the whole subdivision requires if the yield escalates. It is therefore imperative that we have the ability to control the ultimate dwelling yield or we may be severely limited in the amount of residential land we can deliver to the market.

We are also looking at other provisions to control multiple dwellings for lots greater than 600sqm that are zoned R30 as we, like the town want to limit the amount of this dwelling type. The subdivision has also been designed from an electrical load perspective to only accommodate 2 dwellings per lot over 600sqm.

Budget Implications

Nil

Officer's Comment

The scheme amendment is part of a Department of Housing project to deliver much needed housing to Port Hedland. The objective for the Department of Housing is to deliver a top end residential subdivision. To ensure both a timely delivery and a quality product, a number of different approaches have been considered to bring the land to the market.

Due to infrastructure constraints, namely the provision of power, it is important to ensure the subdivision site is not overdeveloped, and that future development is not compromised.

State Planning Policy 3.1 – Residential Design Codes (R-Codes) provides for “Multiple Dwellings” on lots with a residential density coding of R30 and above. The scheme amendment proposes a variety of R30 and R40 coded site. The applicant was originally proposing to lodge Restrictive Covenants over the majority of proposed “Residential” R30 sites to restrict the development yield.

The Restrictive Covenants would limit the development of most R30 sites to ensure no “Multiple Dwellings” are capable of development. The Restrictive Covenant approach would ensure an appropriate overall density in respect to the availability of power infrastructure.

However, discussions have been held between the Department of Housing, Department of Planning, the project managers Jaxons and the Town raised concerns on the enforcement of the Restrictive Covenants. As a result it was decided the most appropriate and transparent approach would be to amend the proposed scheme amendment residential codings. In addition the Town will require Detailed Area Plans to be submitted over the site to further control the built form.

In light of the above the proposed modification is supported by the Planning Services unit and is recommended for approval.

Attachments

1. Approved Scheme Amendment Map.
2. Proposed modifications to the Scheme Amendment Map.

Options

1. Approve modifications to Scheme Amendment 54.

Will facilitate the timely delivery of land available to the market.

2. Refuse to approve modifications to Scheme Amendment 54.

Could potentially cause infrastructure strains over the site.

Option 1 is recommended.

201213/183 Officer's Recommendation/ Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council resolves to:

1. **Amended the coding of R30 lots 599m² and below as identified on the proposed scheme map:**
 - a. **From "Residential" R30 to R20.**
2. **Include the proposed modification(s) as a Schedule of Modifications within Scheme Amendment 54 documentation; and**
3. **Forwards the modified scheme amendment to the West Australian Planning Commission for Ministerial Consent.**

CARRIED 6/0

TOWN OF PORT HEDLAND
 Town Planning Scheme No.5
Amendment No. 54

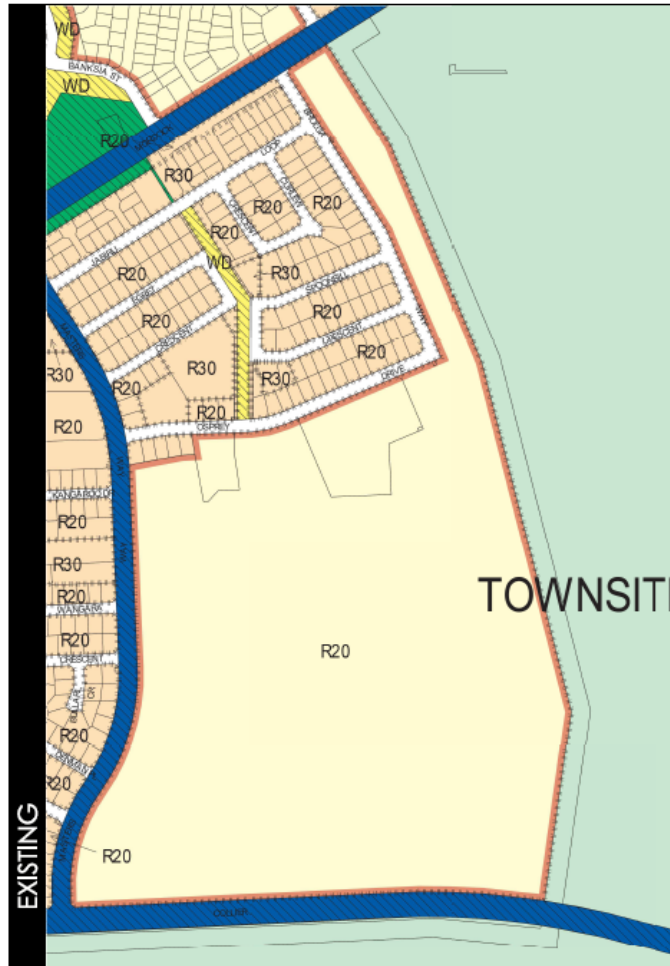


SCALE: 1:75000
 DATE: 11/01/2012
 DATE: 11/08/2012

TOWN OF PORT HEDLAND

Town Planning Scheme No.5

Amendment No. 54



LEGEND
LOCAL SCHEME RESERVES

- DISTRICT ROAD
- LOCAL ROAD
- OTHER PUBLIC PURPOSES
DENOTED AS FOLLOWS:
WD WATER AND DRAINAGE
WTD WASTE DISPOSAL AND TREATMENT
- PARKS AND RECREATION

ZONES

- RESIDENTIAL
- URBAN DEVELOPMENT
- COMMUNITY
DENOTED AS FOLLOWS:
ED EDUCATION

OTHER

- R CODES
- NO ZONE

scale: 1:7500@A3
plan: 11/016/006E
date: 21/11/2012



11.2 Engineering Services**11.2.1 Port Hedland Motor Cycle Club Lease of Lot 145, Great Northern Highway, Port Hedland (File No.: 05/05/0033)**

Officer Jessica Thompson
Leasing Officer

Date of Report 15 November 2012

Disclosure of Interest by Officer Nil

Summary

This item seeks Councils decision in relation to the formalisation of a ground lease between the Town of Port Hedland and the Port Hedland Motor Cycle Club (PHMCC) on Part Reserve 36098 at Lot 145, Great Northern Highway, Port Hedland.

Background

The PHMCC were historically located on Reserve 30346, Lot 1790, Great Northern Highway, Port Hedland. The club had occupied these premises pursuant to a lease agreement since April 2001. The original lease agreement expired 8 April 2006, however, the club continued to occupy the area under the holding over provision, meeting all running costs, improvements to and maintenance of the facility.

Reserve 30346 has been resumed by Main Roads Western Australia for the Great Northern Highway Realignment Project which commenced in early November 2012. Consequently the PHMCC are required to relocate.

In consultation with PHMCC, the Towns Planning Department has identified a 26.9 hectare portion of Reserve 36098, Lot 145, Great Northern Highway Port Hedland, as a suitable location for the clubs new premises.

Consultation*External*

- Club President – Port Hedland Motor Cycle Club
- Certified Practice Valuer – Australian Property Consultants

Internal

- Engineering Services
- Community Development
- Planning & Development

Statutory Implications

Section 3.58. Disposing of property

- (1) *In this section —*
 - “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - “property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) it gives local public notice of the proposed disposition*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications

- Nil at this stage

Strategic Planning Implications

6.1 Community

6.1.1 Unified

Increase in the number of physical, cultural and social facilities in Port Hedland.

Wider range of community groups using the Town's facilities regularly.

Members of the community have access to the Town's services and facilities.

6.1.2 Vibrant

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 & buildings) by residents and visitors.

Increased number of recreational facilities available

6.4 Local Leadership

6.4.1 Strategic

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

Investment and business opportunities are optimised from Council owned assets

Budget Implications

Should Council agree to proceed with the Officer's recommendation of this item, the following budget implications will apply:

A market valuation prepared by Australian Property Consultants has indicated a ground rental value of \$750.00 per square hectare per annum for the subject site.

Based on the occupation of an area of 26.9 hectares, the base rental for the occupation of part of Lot 145, Great Northern Highway, Port Hedland will commence at \$2020.00 per annum, exclusive of GST.

A calculation of this figure exclusive of the consideration of the CPI increase over the initial 5 year period would generate a minimum of \$10100.00 exclusive of GST to the lease revenue account.

The lessee will be responsible for all outgoings and will be required to meet all running costs associated with improvements and maintenance of the Reserve.

Officer's Comment

The portion of land identified by the Town and noted within the background of this item, is suitably located so as not to cause any disturbance to any surrounding residential dwellings. The activities of the PHMCC are consistent with the reserve vesting for the purpose of Motor Vehicle Racing.

Officers met with representatives of the PHMMC at various times in 2012 to discuss the club's objectives. The outcomes of these negotiations are reflected in the preparation of a new lease agreement for the newly identified area.

Between 40-100 people have been utilising the motor cross track on a weekly basis. Without a secure facility the association will have to discontinue their operations which would leave community users of the facility without a controlled, safe environment to participate in motorsport.

The PHMCC is a local organisation which encourages the broad community to participate in motorcycle sports in a safe and controlled environment. The PHMMC is the only motor sport club in Port Hedland which provides and manages operational road motorcycle facilities and races in Port Hedland. The club has a strong, committed long term member base and is focused on promotion of the sport to encourage a wide range of community members to participate.

A decision regarding the proposed disposal of the subject land by way of lease must now be made. This will enable the club to access the newly proposed site to develop the necessary infrastructure and facilities to provide riders with the safe riding environment.

Leasing Policy

Officers are in the process of formalising a Leasing Policy. This policy will ensure fairness and equity amongst community organisations in the management of all Council's owned assets.

The policy will work to ensure an effective system is in place between the Town and tenants of community facilities. Maintenance practices and procedures will be established to ensure that community facilities are functioning to their full potential, in turn, maximising use and broadening their user base.

This policy is currently in development, however, once formalised it will provide a framework with which community groups will be able to access the use of Council owned assets in a fair and equitable manner.

It is proposed that through the leasing policy, the Town will be able to offer transparent pricing models to the rental agreements with community organisations taking into consideration factors such as, but not limited to, charitable status, ability to raise revenue, funding opportunities and the ability to fund maintenance and operational costs.

Prior to formal adoption of the Leasing Policy, it is proposed that the annual base rental for the site will be set at an agreed percentage of the total market value. It is further recommended that this figure be reviewed on adoption of the leasing policy.

On the 25 October 2012, Officers met with the PHMCC. The terms of the new lease agreement were proposed with the following suggestions.

- Lease term: 5 years with an option of an additional 5 years at the discretion of Council
- Annual Rental: 10% of Current Market Value, to be reviewed on adoption of the leasing policy

A market valuation prepared by Australian Property Consultants has indicated a ground rental of \$750.00 per square hectare per annum for the subject site.

Based on the occupation of 26.9 hectares, the base rental for the occupation of portion of Lot 145 Great Northern Highway Port Hedland will commence at \$2020.00, exclusive of GST.

Conclusion

Should Council agree to dispose of Lot 145, Great Northern Highway, Port Hedland to the PHMMC by way of lease agreement, the disposal would be locally advertised for public comment for a requisite period of two weeks in accordance to section 3.58 of the *Local Government Act 1995*.

Should no adverse submissions be received within the requisite advertising period a lease agreement will be offered to the PHMMC under the following terms:

- a. Vacant Land Area of 26.9 hectares
- b. Commencement date of 1 December 2012
- c. Annual base rental of \$2020.00, excluding GST
- d. Annual Increase to the base rental by Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
- e. Term of 5 years with a 5 year option;
- f. For permitted use of Motor Cross Sports and Facilities

Should Council choose not to support the new lease arrangement, the PHMCC may need to seek an alternative site to relocate to. It is recommended that Council support the request to formalise this new lease agreement as the continuing growth and popularity of motor sports across Australia, particularly in regional areas, engages families, community groups and tourists.

The Pilbara's Port City Growth Plan has identified the opportunity for a single motor sport facility as part of Precinct 5 Dampier Salt and surrounds. This idea has considerable merit but requires further investigation. Funding for the development of a Motor Sport Master Plan has been included in the 2012/2013 budget document. The PHMCC are aware of this pending planning process and have shown a preparedness to participate fully in the consultation process.

A lease period of five years is considered suitable given that it is possible that a future relocation may be required depending on the findings and recommendations of the Motor Sport Master Planning process.

Attachments

1. Port Hedland Motor Cycle Club Business Plan
2. Reserve 30698 Locality Plan

201213/184 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Hunt

That Council:

1. **Agrees to dispose of Reserve 36098 at Lot 145, Great Northern Highway, Port Hedland by way of lease on the following terms and conditions:**
 - a. **Vacant Land Area of 26.9 hectares**
 - b. **Commencement date of 1 December 2012**
 - c. **Annual base rental of \$2020.00, excluding GST**
 - d. **Annual Increase to the base rental by Consumer Price Index, Perth as published by the Australian Bureau of Statistics;**
 - e. **Term of 5 years with a 5 year option;**
 - f. **For permitted use of Motor Cross Sports and Facilities**

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

2. **Note that Port Hedland Motor Cycle Club agrees and acknowledge that the premises may be required to be redeveloped as part of the Town of Port Hedland's Motor Sport Master Plan; and**

- 3. Requires the Port Hedland Motor Cycle Club participate in any planning process undertaken by the Town regarding a motorsports complex.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.2.1

PORT HEDLAND MOTORCYCLE CLUB
PO Box 2567
South Hedland
W.A 6722



BUSINESS PLAN

For the establishment of a new club facility on lot 145

Port Hedland Motorcycle Club Inc.

September 20, 2012

Port Hedland Motorcycle Club

PO Box 2567

South Hedland WA 6722

www.phmcc.com.au

Current President - Andrew Paine 0417 823 602

Prepared (date)

By (name of author)

PHMCC Relocation Business Plan

...1/14

Purpose of the business plan

The purpose of this business plan is to support a request to lease and develop Lot 145 as the Port Hedland Motorcycle Club's (PHMC) new permanent facility for a period not less than 21 years.

The PHMC is without a secure facility or tenure to allow for their continued operation in the community. The situation has arisen as a result of the Great Northern Highway Realignment Project. The previous facility is located in alignment of the new road. On the award of the contract to MacMahon Holdings to design and Construct complete this project, the PHMC was given until 1 September 2012 to relocate.

The proposed relocation to Lot 145 is the result of almost 12-months planning with the Town of Port Hedland. This included consideration of a significant number of sites with the Town of Port Hedland. The issue of a lease by the Town is the next phase in acknowledging previous work jointly progressed by the Town and PHMC to allow for the use of lot 145 as a motor cycle track.

Summary

The Port Hedland Motorcycle club is a local Family Club that welcomes new visitors of all ages. We are a non-profit club. That's aims to give its members and the public a social aspect to Motorcycle sport.

The club organizes Enduro, Motor cross and Trail rides it has been going in Port Hedland since 1974. We encourage anyone who owns a bike to come for a ride or race in a safe controlled environment, promote safe riding practices in all ages, although we target the Junior Members through Skills training and by leading by example. In a hope that they can have a save riding future.

Port Hedland is booming, we are fortunate that parents and people are in a position to be able to afford a sport like motorcycle racing, it is not cheap. PHMC estimates there would be over 1000 off road motorcycles in Port Hedland. PHMC has had over 100 members last few years and we hope to gain 150 Members by the end of next season, if we have some where for them to ride. Most memberships are families.

With Main Roads taking over the current facility in September it leaves the local Motorcycle riders with nowhere to ride. There are between 40 – 100 people using the old motorcross track on a weekly basis.

The town of Port Hedland needs to allocate a area of land for a motorcycle recreation and keep the bikes off the streets and out of harm's way.

PHMC has a vision to provide a high class riding area for our members and provide a venue for spectators to watch the racing in a safe and controlled environment.

Contents

Purpose of the business plan2
 Summary2
Contents3
The Club.....4
 Mission Statement4
 Club Objectives.....4
 Description of Club4
 Commencement date.....4
 Commencement capital5
 Business structure5
 Competitive advantage5
 Legislation and Licences5
 Business advisors.....6
 Current performance.....7
Delivery Strategy.....7
 Site Location7
 Proposed Premises7
 Current Assets8
 Major suppliers9
 Personnel (human resources) strategy10
 Strategic alliances10
 Environmental strategy10
 Financial objectives10
 Current Financial Position.....11
 Funding Targets.....11
Appendices.....Error! Bookmark not defined.

The Club

Mission Statement

To construct a high quality, safe, family oriented club facility to support the long term growth and development of motorcycle sports in Port Hedland.

Club Objectives

1. Construct a new race track and temporary facilities to allow for the club to continue operating at the start of the new season in March 2013.
2. Fully complete a permanent high quality facility including race track, endurance track, areas for general recreation, club rooms, amenities, caretaker's dwelling by the start of the 2015 season. The facility will be capable of holding major state and national events.
3. All tracks and facilities being compliant with best practice design standards including local and state legislation.
4. To provide a controlled and safe area for recreational motor cycle use by the general public.
5. To fully fund the construction of the new facility through a targeted strategy aimed at the corporate sector of Port Hedland.
6. To reach a sustainable yearly membership base of 150 by 2015 through promotion of the sport and deliver of well-designed safe facilities for its members.

Description of Club

The PHMC is a group of community members in the Town of Port Hedland focused become outstanding leaders in promoting Motorcycle Sports in a safe and controlled environment.

The PHMC provides for all forms of motor cycle activities and is responsible for coordination and management of local track and endurance events in Port Hedland. This includes hosting significant state and regional motor cycle events including the Northwest Championships and the Indee 500.

The club presently has 50 members (a membership can be either single person or a family with Wives and children included as a member) and is continuing to grow at a strong rate based on its focus on fun, safe and family oriented activities.

Commencement date

The PHMC has operated since the 1970's. The club had a period of 8 years where it wasn't running due to loss of member and other reasons. In 2000 the club was started up again by some dedicated families.

It is required that the new facility be capable of use by March 2013 to allow for the start of the 2013 competitive season. If this date is not reached the future of the PHMC will be in jeopardy due to a loss of momentum and corporate support the PHMC presently has access to.

Commencement capital

The PHMC is in a strong position to fund the capital expenditure needed to deliver the facility needed in 2013. The PHMC presently has \$38,000.00 immediately available to continue toward development of the new facility.

The club has secured approximately \$80,000.00 equivalent through sponsorship and in-kind contributions for actual capital costs associated to have a useable facility in 2013. Much of this is in-kind capital contributions for use of plant or labour to actually construct the facility.

Business structure

The PHMC is incorporated and has a group of local committed members, consisting of a President, two Vice-presidents (Motocross and Enduro), Secretary, and Treasurer. All decisions are made by club members at club meetings by votes.

Competitive advantage

The PHMC is in a competitive advantage as it is the only club providing and managing proper off road motorcycle facilities and races in Port Hedland. It has a strong and committed long-term member base that is focused on the growth and promotion of the sport.

Through club members a strong corporate support has been established. The on-going commitment of key corporate sponsors will ensure the club is properly funded.

Although there are many other local sporting and recreation clubs in Port Hedland, the continuing growth of motor cycle sports across Australia, particularly in regional areas, will form a basis for a sustainable membership base. This will however be subject to the club being able to provide member's value for money by delivering new facility that is comparable to the State's best.

There is also a need to capitalize on the available corporate good will available during the current growth phase in Port Hedland. If opportunities aren't taken now, the PHMC will lose an opportunity in the long term to have a facility that will last the future and attract the members for a sustainable long-term club.

Legislation and Licences

The PHMC will comply with all relevant legislation as part of the development and operation of the new facility including:

Town of Port Hedland Town Planning Scheme No. 5

Building Code of Australia

Environmental Protection (Clearing Permit) Regulations

Environmental Protection (Noise) Regulations 1997

Local Government Act 1995

Business advisors

The PHMC has engaged locally based professional consultants to assist with the lease, development and construction of the new facility. A brief summary of key members, agents and consultants involved in the delivery of the new facility are listed below.

The PHMC committee will be responsible for the on-going operations and management of the facility once the new facility is operational.

Project Manager	RFF Australia Andre Veder, Project Manager Address: 12 Comery Street Port Hedland WA 6721 Mobile: 0477 056 937 E-mail: andre@rffaustalia.com
Town Planning	Hightower Planning and Development Owen Hightower Address: PO Box 481 Port Hedland WA 6721 Mobile: 0407 684 337 E-mail: owen@hpd.net.au
Accounts/PMC Treasurer	Lisa Luxton P.O Box 2567 0419685140
Insurance Provider	Central Insurance Brokers PO Box 408 South Perth WA 6951 (08) 9368 8999 info@centralins.com.au

Current performance

The table below is a brief summary of the PHMC turnover for the 2012 season including total membership numbers as at September 2012. Projected membership and turnover for the 2013 is included below. Turnover does not include in-kind contributions.

Year	Turnover	Membership
2012	\$10,000.00 aprox	50 Members
2013	\$30,000.00 aprox	With new club facility 150 Members

Delivery Strategy

The PHMC is committed to the timely development of a track and temporary facilities by March 2013 and completion of the permanent facility by 2015.

Site Location

The proposed site and lease area is Lot 145, Forrest Location and is part of Crown Reserve 36098. A lease for a minimum period of 21 years is being sought from the Town of Port Hedland. This will provide the club with long-term security of tenure and investment in infrastructure for the long term.

The site is accessed and has a total area of 31 ha of the 123 Ha of lot 145 . At the Town of Port Hedland's Ordinary Council Meeting held in June 2012, Council resolved as followed:

- i. Supports the amendment to the vesting of Reserve 36098, being Lot 145 Forrest Location, to include "Motor Sport" and including the ability to lease;*
- ii. Delegates the Manager Planning to request the Department of Regional Development and Lands to amend the vesting of Reserve 36098, being Lot 145 Forrest Location, to include "Motor Sport" with the ability to lease.*

The resolution was specifically made with reference to the relocation and leasing of Lot 145 to the PHMC. The minutes of the Council Meeting are included in **Appendix 1**.

A lease is only sought over a 31ha portion of Lot 145 at this stage. This portion of land is included as an attachment within **Appendix 1**. It will accommodate the main PHMC facilities including the race track, family recreation areas, club rooms and amenities. Securing of a lease over the balance area is subject to further negotiations with the Department of Mines and Petroleum regarding future requirements to quarry portions of the lot.

Proposed Premises

Development of the new facility will occur over a staged 2 – 3 year period. Initially the extent of facilities for the March 2013 season will be minimal. Initial development will include:

- Installation of 1.8m chain-link fencing of the lease areas boundaries;
- Relocation of club assets from the previous facility;
- Installation of ablutions; and
- Construction of a race track to the standards and specifications of the Motorcycling Australia.

The final complex will include club rooms, canteen, playground, control tower, first aid room, spectator's area.

The provision of recreational riding areas for the general public which the PHMC is committed to managing and maintaining will be subject to finalising issues surrounding the use and lease of the balance area of Lot 145.

A basic sketch plan has been prepared at this stage to inform the location of the track which will be permanent and the most expensive capital cost that will be incurred to keep the club operational for the 2013 season. This will be developed with a professional designer once it is confirmed a lease will be granted. Detailed master planning and design will continue during 2013 with a focus to initiate construction of permanent facilities between October 2013 and March 2014.

Current Assets

The PHMC has assets which are currently located on unsecured premises. Around Port Hedland, on members properties and at Indee station

Asset	Written down value \$
Water tanks x4	\$100,000.00
40ft sea container/ canteen	\$5,000.00
20ft sea container /storage	\$3,000.00
7 stall toilet block, with gravity feed 2500lt water tank	\$25,000.00
20 set of starting gates	\$5,000.00
2009 Yamaha Rhino 700	\$17,000.00
Enduro trailer, Stocked with signs and bunting	\$30,000.00
2x Honda 2Kva generators	\$3,400.00
1x Honda 5.5Kva generator	\$2,500.00
Water pump for toilet	\$500.00
Submersible pump	\$500.00
UHF Radios uniden x15	\$4,500.00
Water tank trailers x2	\$10,000.00
Shed, shade structures (club property for future development)	\$45,000.00
P/A equipment	\$700.00
Quick shades x4	\$3,500.00
Club event signage	\$2,000.00

Indee 500 assets (water tanks, ablution blocks, trailer, site hut)	\$105,000.00
--	--------------

By 2015, the PHMC expects to have grown its asset based through a targeted funding and marketing strategy. Assets are likely to include:

Asset	Year 1 \$	Year 2 \$	Year 3 \$
Ablution	\$40,000.00		
Club rooms, grassed areas		\$250,000.00	\$250,000.00
Scores hut/ first aid room	\$50,000.00		
Play ground			\$25,000.00
Canteen	\$20,000.00	\$20,000.00	
Shade structures	\$10,000.00	\$30,000.00	\$30,000.00
Total	\$120,000.00	\$300,000.00	\$305,000.00

Major suppliers

The PHMC expects to receive numerous in-kind contributions of good and materials, plant equipment and labour in order to deliver the first stage of the club relocation. This is founded on the back of the strong support the PMCC currently has from the corporate sector in Port Hedland. Major suppliers to the construction of the facility in March 2013 are listed below.

Product/ Service	Likley Supplier	Contact details	\$/ In-Kind Value
Survey	Vekta		\$6,000.00
Consultancy including design, approvals and project management			\$10,000.00
Fencing	Munda Fab		\$150,000.00
Earthworks	NRW, Equiprent		\$60,000.00
Asset Relocation	Norwest crane hire, Arrowsmith transport		\$15,000.00
Ablutions	Goodline		\$20,000.00

Letters of initial support from Local Business showing a commitment to work with the PHMCC are included in **Appendix 2**.

Personnel (human resources) strategy

The PHMC will coordinate up to five 'busy-bees' between January and March 2013. All club members will be expected to contribute to the construction of the new facility. Coordination of labour on-site will be through professional contractors and the Club President.

In the long-term the PHMC will continue to hold regular 'busy-bees' for the management and maintenance of the new club. During the next phases of construction members will also be expected to assist with the construction and shaping of new tracks.

The PHMC currently has turn outs of 40 members or more on organised busy bees. This provides a strong labour base to deliver the new facility with professional contractors and maintain the site thereafter.

Strategic alliances

The PHMC has existing strong alliances with other motor sports clubs in Port Hedland including the Hedland Kart Club and Hedland Speedway Club. All clubs have a common interest in motorsport and work together to promote the sport in the community.

It is expected stronger relationships and improved coordination will be achieved between all three clubs through the Motor sport feasibility study being undertaken by the Town of Port Hedland

Environmental strategy

The PHMC is committed to sustainable management of the new lease area and compliance with all environmental and health legislation including noise regulations. The PHMC is currently in the process of developing:

- A Noise Management Plan;
- Site Litter Management Plan;
- Construction and Environment Management Plan.

These plans will be finalised in consultation with the Town of Port Hedland Health, Engineering and Planning departments.

Financial strategy

The Financial Strategy for the construction of the facility to service the March 2013 season is focused entirely on in-kind contribution from the corporate sector.

Financial objectives

The PHMC has the following major objectives:

- Source plant, labour and equipment from the private sector required to complete the relocation of the PHMC for the 2013 season;
- Source all capital from the private sector required to fully complete the new long-term club facilities by January 2014;

- Ensure membership fees are affordable yet sufficient to cover on-going operations and management of the club;
- Continue to develop and source alternative funding streams in addition to membership fees which will ensure the PHMC remains on a sustainable financial footing in the long-term.

Current Financial Position

The PHMC clubs current financial position is included in **Appendix 3**.

Funding Targets

The PHMC will draw on its local member base which has many strong connections into the local industry in Port Hedland. Many members are owners or within senior management and the PHMC is confident that many in-kind contributions of labour, plant and infrastructure will be sourced easily through these connections.

On securing funding, the PHMC will seek 'match-giving' funds from the State Government and Corporate Sector. A break-down estimate of funding targets is included below:

Funding Source	Funding Target/ In-Kind Equivalent	%	Timing
Local Small Business (i.e. Munda Fabrication, NRW,)	\$500,000	50	December 2013
Corporate Sector (FMG, BHP, Roy Hill, NWI)	\$250,000	25	December 2014
State Government (Department of Sport and Recreation, Royalties for Regions)	\$250,000	25	December 2014

DRAFT

Appendix 1
June 2012 Ordinary Council Meeting Minutes

11.1.3 *Reconsideration of Amendment to Vesting of Reserve 36098 at Lot 145 Forrest Circle, Port Hedland from "Quarry and Stock Holding Yards" to include "Quarry, Stock Holding Yards, Motor Sport" (File No.:05/12/0044)*

Officer Luke Cervi
Senior Planning Officer

Date of Report 30 May 2012

Disclosure of Interest by Officer Nil

Summary

The proposal is before Council to vary its previous resolution to amend the vesting of Reserve 36098 to "Public Recreation" and instead amend the vesting of Reserve 36098 to include "Motor Sport". The application was previously determined by Council at its Ordinary Meeting held on 21 September 2011.

Background

The construction of the Great Northern Highway Realignment Project by Main Roads Western Australia requires the existing land on which the Port Hedland Motorcycle Club is located.

The Port Hedland Motorcycle Club has identified Reserve 36098 (Lot 145 Forrest Location) as a suitable area to relocate to. However, the vesting of the Reserve currently does not allow for "Motor Sport."

At its Ordinary Meeting held on 21 September 2011, Council resolved to support a change of the vesting for Reserve 36098 from "Quarry and Stock Holding Yards" to "Public Recreation." This proposed change is not supported by the Department of Mines and Petroleum (DMP) at this time. DMP has stated that sand and gravel resources have not been exhausted and are likely to be needed for future developments such as Boodarie and East Port Hedland. DMP has requested a deferral/reconsideration of the matter in 6 months to enable a study in to the long term need and availability of raw materials.

Consultation

External consultation

- Port Hedland Motorcycle Club
- Department of Mines and Petroleum

Internal consultation

- Town of Port Hedland Recreation Services

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The Great Northern Highway Realignment Project has progressed to the stage that tenders have been awarded and works are expected to commence early in the 2012/13 Financial Year. This project will impact on the Port Hedland Motorcycle Club (Club).

Reserve 36098 has been identified by the Club as suitably located so as not to cause any disturbance to the residential uses within South Hedland, while at the same time being close enough for members to travel. The Department of Mines and Petroleum (DMP) has identified that raw materials at the site have not been exhausted. DMP requires a study in to the long term need and availability of raw materials (approximately 6 months away) prior to making a decision on the proposal.

Given the current situation of the Club, deferring the decision for 6 months is of great concern. Although the Club requires a large landholding to facilitate activities, the actual area directly impacted (tracks, clubhouse, etc) is minimal. The Club has also expressed a flexibility to locate infrastructure (tracks, clubhouse, etc) away from areas needed for the quarrying/mining purposes. It is therefore considered that a reasonable compromise is to seek an amendment to the vesting to include "Motor Sport" (i.e Quarry, Stock Holding Yards, Motor Sport). This has been discussed briefly with DMP and preliminary acceptance to the concept given. However, protection of and access to the resources contained within the site remains the priority of DMP.

Whilst not providing the Club with long term certainty, it should assist in alleviating immediate concerns surrounding the displacement of the Club as a consequence of the Great Northern Highway Realignment Project. It could also provide an opportunity for formalized off-road vehicle use areas.

MINUTES: ORDINARY COUNCIL MEETING**13 JUNE 2012***Options*

Council has the following options:

1. Request an amendment to the vesting of Reserve 36098 to include "Motor Sport" in addition to "Quarry and Stock Holding Yards" with the ability to lease.

The amendment of the management order will assist in the relocation of the Port Hedland Motorcycle Club and provide opportunities for formalized off road vehicle use areas.

2. Reject the proposed amendment to the vesting of Reserve 36098 to include "Motor Sport."

Should Council choose not to support the proposed amendment, Council's decision on 21 September 2011 will stand. This will result in uncertainty for the Club as it awaits the DMP study.

It is recommended that Council varies its decision of 21 September 2011 and supports the proposal to amend the vesting of Reserve 36098 to include "Motor Sport".

Attachments

1. Reserve 36098 Locality Plan

201112/484 Officer's Recommendation / Council Decision**Moved: Cr Jacob****Seconded: Cr Carter****That Council:**

- i. **Supports the amendment to the vesting of Reserve 36098, being Lot 145 Forrest Location, to include "Motor Sport" and including the ability to lease;**
- ii. **Delegates the Manager Planning to request the Department of Regional Development and Lands to amend the vesting of Reserve 36098, being Lot 145 Forrest Location, to include "Motor Sport" with the ability to lease.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.3



DRAFT

Appendix 2
Small Business In-Kind Support Letters

SR MARTIN
BUILDING CONTRACTORS

Ph 9172 1327
Po Box 437 Port Hedland 6721

Date: 27 September 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir,

In-Principle Support – Port Hedland Motor Cycle Club Relocation

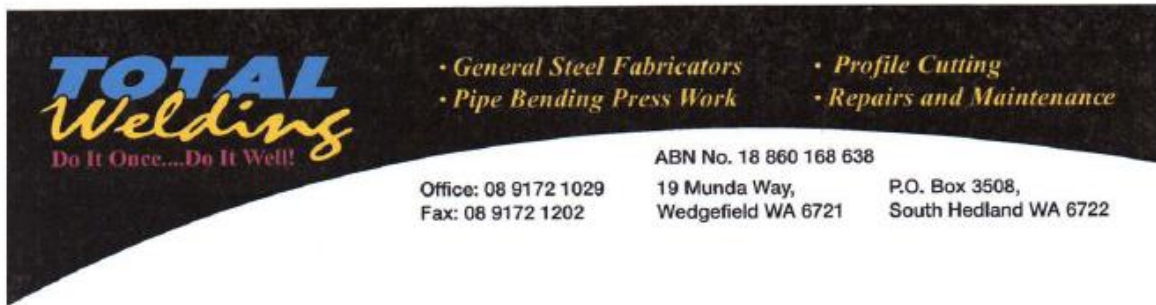
SR Martin is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with your further.

Yours sincerely,

Stan and Stephanie Martin
Owners



2nd October 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland

Dear Sir,

**RE: IN PRINCIPLE SUPPORT – PORT HEDLAND MOTOR CYCLE CLUB
RELOCATION**

Total Welding is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to ensure that our company's investment in the Club has a long term future.

We look forward to discussing this with you further.

Yours sincerely,

Steele Paterson
Director
0429 377 483

Hattrill Holdings Pty Ltd ATF Hattrill Family Trust No. 2 &
Paterson Industrial Services Pty Ltd ATF Paterson Family Trust No. 2 Trading as Total Welding

MUNDA STEEL

A Division of Maanen Holdings Pty Ltd

ABN: 72 109 786 754

27 September 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir

In-Principle Support – Port Hedland Motor Cycle Club Relocation

Munda Steel is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with you further.

Yours sincerely,

John Van Maanen
Director
0439 978 850

PHONE: 08 9140 2233

9 HARWELL WAY
WEDGEFIELD WA
PO BOX 2688
SOUTH HEDLAND WA 6722

HOURS OF TRADE
MON – FRI: 7.00AM – 5.00PM
SAT: 7.00AM – 12.00PM

FASIMILE: 08 9172 3433
OFFICE: 08 9140 2233
SALES : steelsales@munda.com.au
ACCOUNTS: admin@munda.com.au



3756 Cajarina Road
Wedgefield WA 6721
Phone 08 9172 2279
Fax 08 9140 1557

PO Box 84
Port Hedland 6721
ABN: 68 757 529 033
ACN: 115 033 139



Date: 26 September 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
Port Hedland WA 6721

Dear Sir,

In-Principle Support – Port Hedland Motor Cycle Club Relocation

Pilbara Boats n Bikes is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with your further.

Yours sincerely,

Tony Russell
Dealer Principal

"WE WANT TO KEEP YOUR BUSINESS LOCAL"

ARROWSMITH TRANSPORT

27th September 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir,

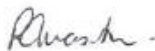
In-Principle Support – Port Hedland Motor Cycle Club Relocation

Arrowsmith Transport is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with your further.

Yours sincerely,



Rebecca Arrowsmith
Director

Arrowsmith Transport Pty Ltd
ACN 008 103 624
ABN 62 008 103 624

PO Box 2590
South Hedland WA 6722
10 Ridley Street
Wedgetield

Phone: 08 9140 1291
Fax: 08 9172 1721
Email: admin@arrowsmithtransport.com.au

EC 008190
AU25964
ABN 12 848 206 947
ACN 131 246 225



phone: (08) 9172 5452
fax: (08) 9467 0553
info@acelect.com.au
www.acelect.com.au
PO Box 2819
2B/3 Hunt Street
South Hedland, WA, 6722

Thursday, 27 September 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir,

In-Principle Support – Port Hedland Motor Cycle Club Relocation

Acelect Pty Ltd is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with you further.

Yours sincerely,

Aidan Chamberlain
Managing Director



Date: 27 September 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir,

In-Principle Support – Port Hedland Motor Cycle Club Relocation

PCV Engineering is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with your further.

Yours sincerely,

Paul Varasdi

A handwritten signature in blue ink, appearing to read 'P. Varasdi', is written over a light blue horizontal line.

**Managing Director
(Engineer)**



Date: 27 September 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir,

In-Principle Support – Port Hedland Motor Cycle Club Relocation

Holcim is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the Supply of Concrete, Aggregates, Sands, and labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with you further.

Yours sincerely,

Danny Anderson

Holcim (Australia) Pty Ltd
Phone: 08 9172 1288
Fax: 08 9172 1079
Mobile: 0429 790 601
Daniel.anderson@holcim.com



EquipRent Australia Pty Ltd
abn: 15 116 056 817

pcst: 182 Maddington Road
Maddington, WA 6109

tel: 08 9452 3989
fax: 08 9452 3447

email: admin@equiprent.com.au
web: www.equiprent.com.au

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir,

In-Principle Support – Port Hedland Motor Cycle Club Relocation

Equiprent is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with your further.

Yours sincerely

Jeremy Chown
Area Manager - Pilbara

mob: 0407 442 700
email: jeremy@equiprent.com.au



tel: 08 9452 3989 email: admin@equiprent.com.au
Fax: 08 9452 3447 web: www.equiprent.com.au





with net provider
ABN - 78 075 039 379

Postal Address

PO Box 821
Port Hedland
WA 6721

Phone: 08 91734110
Fax : 08 91734112
Mobile: 041 7917760
Or 0427174855

Delivery

Lot 1 Redbank Road,
Port Hedland
WA 6721

27th September, 2012

Club President
Port Hedland Motor Cycle Club
PO Box 2567
South Hedland WA 6722

Dear Sir,

In - Principle Support - Port Hedland Motor Cycle Club Relocation

Fitmech is pleased to confirm in writing its in-principle commitment to assist with the construction of a new complex for the Port Hedland Motor Cycle Club (PHMCC). We are aware of the recent issues forcing the club to change venue. We look forward to contributing either through the commitment of capital, labour or plant equipment as part of the relocation process.

We understand works are likely to commence in January 2013 and that further detailed discussions on what our company is able to provide to the relocation need to be resolved before the Christmas break. We look forward to commencing further discussions however prior to doing so we require confirmation that a lease has been secured for the new location of the PHMCC. This is required to obtain internal approval and ensure that our company's investment in the Club has a long-term future.

We look forward to discussing this with you in the further.

Regards,


Graham Slater
Manager

DRAFT

Appendix 3
PHMCC 2011/2012 Financial Statement

Port Hedland Motorcycle Club INC**July 1st 2010 - June 30th 2011 Financial Summary**

NAB Account Opening Balance:	\$ 4,389.72
Float on hand:	\$ 300.00
Net Position at Opening of financial season:	\$ 4,689.72

Incomings

Atlas Iron	\$ 750.00
Old monies/cheque banked 29/04/2011	\$ 2,721.00
Bosna Enduro Round 1 - 16/05/11	\$ 1,120.00
Monies banked - 16/05/11	\$ 568.00
Welcome to Hedland night - 16/05/11	\$ 630.00
Funds tfrd from Indy 500 account - 11/05/11	\$ 5,000.00
Cash & Cheque deposits made - 02/05/11	\$ 810.00
Quartz Quarry Nominations and mbrshps 15/06/2011	\$ 570.00
Shirts 15/06/2011	\$ 120.00
Cash deposit 30/06/2010	\$ 1,320.00
Chq deposit - North West Motorcycle Assoc 30/06/201	\$ 1,415.00

Interest Paid - September	\$ 0.11
Interest Paid - December	\$ 0.08
Interest Paid - March	\$ 0.07
Interest Paid - June	\$ 0.18

Total Year Income **\$ 15,024.36**

i

NAB Account End of Year Balance	\$ 13,359.29
Float on hand	\$ 400.00
Net Position at Closing of Financial Year	\$ 13,759.29

Outgoings

Re-Imbursement to Andrew Paine chq # 542	-\$ 274.25
reimbursement for Andy Sheilds chq # 543	-\$ 325.00
Northwest Telegrapgh advertising chq # 544	-\$ 389.96
Reimbursement D Hoffman for Ibuy Inv (Laptop) chq # 545	-\$ 595.00
Cleanaway chq # 573	-\$ 163.67
Reimbursement A Paine for club insurance chq #547 - 16/05/11	-\$ 2,761.85
Cheque #574 Quadrahosting Website 03/05/2011	-\$ 101.49
Hedland Riders - chq #550	-\$ 500.00

Exclusive Trophies chq # 571	-\$ 843.65
------------------------------	------------

Total Year Expenses	-\$ 5,954.87
----------------------------	---------------------

Port Hedland Motorcycle Club INC**July 1st 2011 - June 30th 2012 Financial Summary**

NAB Account Opening Balance:	\$ 13,359.29
Float on hand:	\$ 400.00
 Net Position at Opening of financial year:	 \$ 13,759.29

	Incomings	Outgoings
Jul-11	\$ 572.00	-\$ 2,525.00
Aug-11	\$ 470.00	-\$ 128.98
Sep-11	\$ 15,285.47	-\$ 4,306.22
Oct-11	\$ 1,600.00	-\$ 2.00
Nov-11	\$ 1,608.55	-\$ 914.20
Dec-11	\$ 0.61	-\$ 438.00
Jan-12	-	-
Feb-12	-	-
Mar-12	\$ 1,750.61	-\$ 300.00
Apr-12	\$ 910.00	-\$ 4,516.43
May-12	\$ 8,483.95	-\$ 1.00
Jun-12	\$ 0.68	-\$ 500.00
	\$ 30,681.87	-\$ 13,631.83

Financial Position at EOF

NAB Account Closing Balance	\$ 30,409.33
Float on hand	\$ 500.00
Outstanding banking monies/cheques	\$ 2,829.30

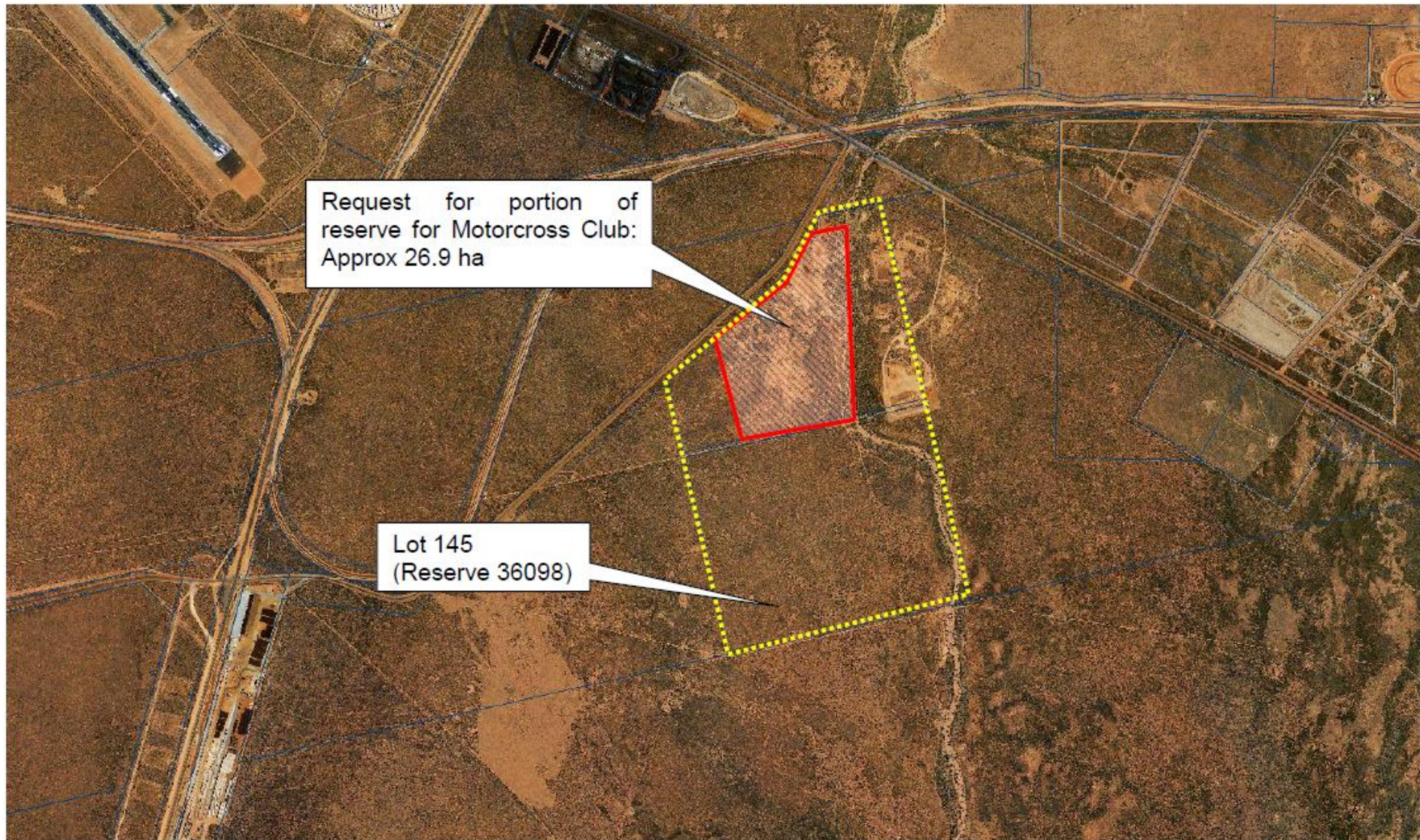
Net Position at Closing of financial year:	\$ 33,738.63
---	---------------------

Port Hedland Motorcycle Club INC**July 1st 2012 - June 30th 2013 Financial Summary**

NAB Account Opening Balance:	\$ 30,409.33
Float on hand:	\$ 500.00
Outstanding banking monies/cheques	\$ 2,829.30
 Net Position at Opening of financial year:	 \$ 33,737.95

	Incomings	Outgoings
Jul-12	\$ 2,829.30	-\$ 1,115.73
Aug-12	\$ 1,389.80	-\$ 829.09
Sep-12	\$ 5,087.90	-\$ 1,062.60
Oct-12		
Nov-12		
Dec-12		
Jan-13		
Feb-13		
Mar-13		
Apr-13		
May-13		
Jun-13		

Financial Position at EOF	\$ 9,307.00	-\$ 3,007.42
 NAB Account Closing Balance	 \$ 36,708.91	
Float on hand	\$ 500.00	
Outstanding banking monies/cheques		
 Net Position at Closing of financial year:	 \$ 37,208.91	



11.2.2 Request to Dispose of Land at Port Hedland International Airport to CLA Trading Pty Ltd (a Europcar Lessee) (File No.: 05/05/0078)

Officer	Anna Duffield Airport Development Officer
Date of Report	12 November 2012
Disclosure of Interest by Officer	Nil

Summary

This agenda item seeks retrospective Council approval to dispose of vacant land at Port Hedland International Airport's overflow car park by way of lease agreement with Europcar.

Background

The Town of Port Hedland has agreements in place with various hire car companies for terminal, car bay, workshop and overflow car park areas. These agreements were endorsed at the Ordinary Council Meeting held 16 November 2011.

Avis, Budget, Thrifty, Hertz, North West Rentals, McLaren Hire and Europcar have lease agreements in place for terminal space and car bays at the Port Hedland International Airport.

Avis, Budget and Hertz have an office and workshop premise in the middle of the car park area.

Avis, Budget, Thrifty, Hertz have an allocated area in the overflow car park near the Airport Maintenance Depot. North West Rentals and McLaren Hire have indicated they do not require space in the overflow area. Due to an increase in business demand, Europcar have occupied an area of 300m² since 1 March 2012.

Consultation

External

- Europcar – Port Hedland Operations Manager
- Australian Property Valuers

Internal

- 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 November 2011 the Town obtained a market valuation report for the vacant land next to the Airport Maintenance Depot. The report indicated a value of \$20 per square metre per annum.

Europcar have been utilising an area of 300m². This will generate a base rental of \$6000 per annum, exclusive of GST with annual CPI increases.

Should Council resolve to dispose of this area to Europcar, \$2000 will be allocated to the 11/12 budget with \$4000 to be added to 12/13. These would be attributed to GL code 1210326.

It is proposed that a lease is formalised for two years with a retrospective commencement date of 1 March 2012.

Officer's Comment

Seven hire car companies operate from the Port Hedland International Airport – Avis, Budget, Thrifty, Hertz, Europcar, North West Rentals and McLaren Hire.

Europcar have agreements for terminal space and car park bays. Avis, Budget, Thrifty, Hertz have an allocated area in the overflow car park near the Airport Maintenance Depot. North West Rentals and McLaren Hire do not require space in the overflow area.

Europcar have requested vehicle storage space of 300m² within the overflow carpark. This has been facilitated with Europcar currently occupying the space since 1 March 2012.

Should Council agree to dispose of portion of the Port Hedland International Airport Depot to CLA Trading Pty Ltd (a Europcar lessee) 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 offered to CLA Trading Pty Ltd (a Europcar lessee) on the following terms and conditions:

- a. Vacant land area of 300m²
- b. A base rental of \$6000 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. A term of 2 years commencing on 1 March 2012
- e. For the permitted use of parking motor vehicles

Attachments

Nil

201213/185 Officer's Recommendation/ Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

1. **Agree to dispose of part of lot 2444 of the Port Hedland International Airport to CLA Trading Pty Ltd (a Europcar lessee) 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. **Vacant land area of 300m²**
 - b. **A base rental of \$6000 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. **A term of 2 years commencing on 1 March 2012**
 - e. **For the permitted use of parking motor vehicles**
2. **Subject to any adverse submissions being received within the requisite advertising period.**

CARRIED 6/0

11.3 Community Development**11.3.1 *Proposed Percent for Public Art Strategy and Policy – Adoption for Advertising and Consultation (File No.: 26/08/1008)*****Officer****Lorna Secrett
Manager Community
Services****Mark Davis
Community Development
Officer****Date of Report****15 November 2012****Disclosure of Interest by Officer****Nil****Summary**

The aim of a Public Art Strategy and Policy is to improve the quality of the Town's built environment, to increase the social, cultural and economic value, to develop and promote community identity and to enhance a sense of place.

The Strategy and (draft) Policy set out a requirement for a contribution of one percent of the value of development proposals for multiple dwellings, mixed use, commercial, civic or institutional of a value greater than \$5,000,000 (five million dollars) to be set aside for the development of public art, or a cash-in-lieu contribution to the Town of Port Hedland for a public art project.

A process of consultation will occur prior to a final report being presented to Council.

Council is requested to adopt for advertising the (draft) Public Art Strategy, Percent for Public Art Policy and Percent for Public Art Guidelines for the purposes of community consultation.

Background

The West Australian State Government has had a Percent for Public Art Policy since 1989, and is the longest running State Government Public Art Program in Australia. The Policy covers the State's entire construction works across all departments including Justice, Education, Health, Main Roads and Housing.

This program has been recognised as a best practice model locally and nationally, and by 2010/2011 had resulted in \$38 million of funding towards 448 commissioned projects.

The ongoing success of the Percent for Public Art program and a desire for the benefits achieved to also relate to commercial projects prompted the development of a Universal Percent for Public Art Policy Model, with the aim of enabling a consistent approach and application by local governments.

The model was developed through collaboration involving peak State public arts body Artsource and planners from public service and private industry; and further consultation with the development industry and community groups. This model forms the basis of the Town's Percent for Public Art Policy.

The purpose of this Policy is to assist in achieving the following objectives:

- Improve the quality of the Town's built environment through the use of high quality public artworks
- Increase the social, cultural and economic value of the Town
- Develop and promote community identity within the Town
- Enhance a sense of place by encouraging public art forms which reinforce and highlight Early Settler and Indigenous history, cultural heritage and contemporary traditions.

Consultation

Presentations and consultations were made to the following during the preparation of the draft policy:

- Town of Port Hedland Executive
- Town of Port Hedland Council Concept Briefing (24 October 2012)
- Town of Port Hedland Development Assessment Group.

The following have also been consulted:

- Town of Port Hedland - Strategic Planning Officer
- Public Arts Coordinator, Artsource
- Executive Director, FORM
- Senior Associate, Roberts Day Design
- McLeods Barristers and Solicitors.

The Strategy and (draft) Policy is recommended to be advertised for public submissions prior to Council's consideration of the final policy. This will ensure that the community and stakeholders will be given the chance to provide comment on the Strategy and (draft) Policy.

Statutory Implications

6.11 . Reserve accounts

Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

- (2) *Subject to subsection (3), before a local government —*
- (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose,*

it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

- (3) *A local government is not required to give local public notice under subsection (2) —*

where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or

in such other circumstances as are prescribed.

- (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*

- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

The adoption of new planning policies must be carried out in accordance with clause 5.1.4 – 5.1.7 of the Town of Port Hedland Town Planning Scheme which requires draft policies to be advertised for public comment prior to final adoption.

Following advertising and pursuant to an officer report, Council will review the draft policy in the light of any submissions made and advice received and will then resolve either to finally adopt the draft policy with or without modification, or not to proceed with the draft policy.

Strategic Planning Implications

The successful application of the Percent for Public Art Policy and resultant art works will address several elements of Council's Strategic Community Plan 2012 – 2022.

Strategic Theme 1: Community

1.2 Vibrant – Commit to improving the quality of life and wellbeing of residents

1.3 Rich in Culture - Strengthen local communities, history and culture
Promote the arts and culture

Strategic Theme 4: Local Leadership

4.2 Community Focused - Local leaders in the community who provide transparent and accountable civic leadership which advocates for community needs and aspirations.

Budget Implications

The rate of one percent applied on eligible developments with total project cost over \$5,000,000 will result in minimum artwork projects of \$50,000.

The Town's capital works will also be subject to this policy requiring a portion of any allocated budget for eligible projects to be set aside for public art works.

Should this Policy be adopted, it is recommended that a Public Art Fund will be created for the deposit of cash-in-lieu contributions. Establish and usage of the funds would be in accordance with *Local Government Act 1995* section 6.11 Reserve Accounts. Public Art that is created via a cash-in-lieu contribution will be included in and managed through the Town's Asset Management program.

Officer's Comment

Principles of contemporary cultural planning and urban design support the incorporation of art in public spaces as an expression of community identity and values in addition to promoting a sense of place. It is generally accepted that public art contributes to the attractiveness of a place to residents, businesses and tourism, encouraging and underpinning sustainable economic, social and environmental values.

Public art can add to the marketability of developments through vibrant, diverse and interesting public spaces.

Therefore, as Port Hedland continues to grow towards a regionally significant city, the Percent for Public Art Policy provides an exciting opportunity and reflects key themes articulated in the Town's Strategic Community Plan 2012 – 2022.

This Policy will allow public art to be funded within large-scale development and provides Council with a mechanism to ensure a high quality of built form which enhances the visual amenity and vibrancy of the Town. These are key aspects in enriching the lives of residents and visitors to Port Hedland.

A Percent for Public Art Policy requires a percentage of eligible development proposals of projects over a pre-determined threshold being allocated to public art. Such a policy is aimed at improving built form, visual amenity and a sense of place through the use of public art. It is important to recognise the key differences between a Percent for Public Art Policy and a Developer Contributions Plan. These are two different models resulting in different outcomes and impacts for the community. Although also linked to the size of development, developer contributions are aimed at offsetting the development's impact on essential infrastructure and facilities (e.g. schools, roads, water, parks, community facilities, etc).

For the purposes of the Percent for Public Art Policy, 'Public Art' is defined as being site-related and place-responsive art in the public domain which includes the process of engaging artists' ideas, enhances the built and natural environments and adds value to urban character and cultural identity through the use of a diverse range of art forms and design applications. Percent for Public Art Policies have been implemented on an international scale, and throughout Australia at state and local government levels.

The Western Australian State Government Percent for Public Art Scheme had been operating since 1989, and is recognised as a best practice model both locally and nationally. From the first pilot program in 1991, more than \$38 million has been allocated to 448 artwork projects. Other local governments to implement similar policies include the Town of Vincent, Shire of Busselton, Shire of Roebourne, Town of Bassendean and City of Swan.

The (draft) Policy offers a clear and concise approach to the process, and the draft guidelines will inform the consultation process should Council adopt the policy for this purpose.

Officers recommend that the (draft) Policy be advertised for formal and informal consultation throughout the submission period. If following initial advertising to the community, adjustments to the policy are required due to submissions received, which necessitates re-advertising of the policy, this will be done prior to final presentation to Council.

The Percent for Public Art Policy is an initiative which reflects key strategic themes of the TOPH Strategic Community Plan 2012 – 2022, and Council is requested to adopt this draft policy to allow for community and stakeholder consultation.

Attachments

1. Draft Town of Port Hedland Public Art Strategy
2. Draft Town of Port Hedland Percent for Public Art Policy
3. Draft Town of Port Hedland Percent for Public Art Guidelines.

201213/186 Officer's Recommendation/ Council Decision**Moved: Cr Carter****Seconded: Cr Jacob****That Council:**

- 1. Adopts the attached draft Percent for Public Art Strategy, Local Planning Policy and Guidelines (dated November 2012) for community and stakeholder consultation pursuant to Clauses 5.1.4 of The Town of Port Hedland Town Planning Scheme No.5;**
- 2. Publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in The Scheme area, giving details of:**
 - a) where the Policy may be inspected**
 - b) the subject and nature of the draft Policy**
 - c) in what form and during what period (being no less than 21 days from the day the notice is published) submission may be made**
- 3. Publish a notice of the proposed Policy in such other manner and carry out such other consultation as is considered appropriate;**
- 4. Notes that feedback and submissions received during the advertising / consultation period will be presented for Council consideration following the expiry of date in 2. Above; and**
- 5. Notes that this Policy will not apply to any development applications until such time as it is finally adopted by the Council.**

CARRIED 6/0

Town of Port Hedland

Public Art Strategy November 2012

Introduction

A clear vision and a well thought out public art strategy is one way to ensure public art projects are delivered in a strategic manner which will provide maximum community benefit.

This public art strategy reflects the role of public art in place making and provides a clear direction for commissioning public art within the Town.

The strategy underpins the Percent for Public Art Policy being investigated by Council at this strategy's inception.

It is recommended that this Public Art Strategy be reviewed within 12 months.

Purpose

The Public Art Strategy is the foundation for the Town of Port Hedland's commitment to enhance the built environment through public art installations. Public artwork is a means to reflect on the local identity, culture, unique history, people, events and future aspirations through the appropriate placement of quality, relevant and meaningful works.

Vision

The Town of Port Hedland considers there is a need to protect and enhance the utility, amenity and identity of the public spaces such as town centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality.

This strategy will assist in achieving the following objectives:

- Improve the quality of the Town's built environment through the use of high quality public artworks
- Increase the social, cultural and economic value of the Town
- Develop and promote community identity within the Town
- Enhance a sense of place by encouraging public art forms which reinforce and highlight Early Settler and Indigenous history, cultural heritage and contemporary traditions.

Relationship to Town of Port Hedland Strategic Community Plan 2012 – 2022

The successful application of the Public Arts Strategy and resultant art works will address several elements of Council's Strategic Community Plan 2012 – 2022. These are:

Strategic Theme 1: Community

1.2 Vibrant

- Commit to improving the quality of life and wellbeing of residents

1.3 Rich in Culture

- Strengthen local communities, history and culture
- Promote the arts and culture

Strategic Theme 4: Local Leadership

4.2 Community Focused

- Local leaders In the community who provide transparent and accountable civic leadership which advocates for community needs and aspirations

Definition of Public Art

Public Art - For the purposes of this strategy, 'Public Art' is defined as being site-related and place-responsive art in the public domain which includes the process of engaging artists' ideas, enhances the built and natural environments and adds value to character and cultural identity through the use of a diverse range of art forms and design applications. Public Art is to be developed by a public artist.

Public (Professional) Artist – means a regular exhibitor of artwork, offering work for sale, or selling work; having been awarded or eligible for a government grant; selected for public exhibition, awards or prizes; having secured work or consultancies on the basis of professional expertise, having had work acquired for public or private collections; being a member of a professional association on the basis of his/her status as a professional artist.

Public Art projects include:

- Building features and enhancements such as bicycle racks, gates, benches, fountains, playground structures or shade structures which are unique and produced by a professional artist

- Landscape art enhancements such as walkways, bridges or art features within a garden
- Murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials
- Sculpture which can be freestanding or wall supported in durable materials suitable for the site
- Fibreworks, neon or glass art works, photographs, prints and any combination of media including sounds, film and video systems.

Public Art projects do not include:

- Commercial promotions in any form
- Directional elements such as supergraphics, signage or colour coding
- 'Art objects' which are mass produced such as fountains, statuary or playground equipment,
- most art reproductions
- landscaping or generic hardscaping elements which would normally be associated with the project
- services or utilities necessary to operate or maintain artworks.

Key Themes for Public Art

Public art in the Town of Port Hedland is expected to consider the following elements:

- Historical interpretation – reflect the shared history of the Town
- Contemporary representation – abstract interpretation of the Town's identity
- Environmental interpretation – reflection of the Town's natural, social and built environment
- Cultural interpretation – recognition of the multi-cultural history of the Town, including its rich Indigenous culture
- Function and form – contribution to Town's sense of place

Selection of Public Art

Projects for Public Art Policy projects and art works will be selected as per the adopted policy and guideline documents.

Any further works and projects will be selected using the description and criteria below.

Selection of artists and artworks will be carried out by a panel with a range of design and planning expertise. It is recommended that selection of artworks valued at less than \$50,000 be carried out in-house by the Shire and that community representatives and/or specialists be co-opted for artworks of greater value, and may include Council representation in some cases.

The criteria for public art selection are as follows:

- Adherence to objectives, and key themes set out in this strategy
- Degree of excellence and innovation of the work
- Ability and skills of the artist to undertake the work
- Durability of materials
- Accessibility by the public
- Legality and safety
- Community involvement in the creative process and community support for the work
- Development of a partnership with the private sector, community groups and government.
- Ability to attract external funding for the project
- Suitability of the work in the context of the site and surrounding areas.

Project Implementation

It is recommended that the specialist agreement formulated by the national body 'Arts Law' for the design and commissioning of public artwork be used generally when engaging artists.

An Art Consultant, Project manager or external public art coordinator can be required to oversee larger scale commissions. The role of the coordinator is to manage and facilitate the commissioning process and to achieve the best possible artistic outcome for the client, the community and the site and to support the client and the artists throughout the commissioning process.

All projects, whether they are managed by internal or external stakeholders, will give due regard to planning and building policies and procedures.

Placement of Public Art

This strategy encourages all future public art works to be placed in public spaces, in order to achieve community benefit by way of engagement, site activation and sense of place.

The term 'sense of place' captures the identity of places. It embraces natural and cultural features, the distinctive sights, sounds and experiences rooted to that place, its atmosphere and people. Places with a strong 'sense of place' have a clear identity and character that is recognisable by inhabitants and visitors alike.

The inclusion of public art has been included in significant strategic planning for key projects including the development of the Old Port Hedland Cemetery; proposed development of the Foreshore Master Plan; Intergrated South Hedland Community Facilities; and Trails Master Plan.

These locations, and others, will be reviewed upon the review of this Public Art Strategy.

For the purpose of the Percent for Public Art Policy, the Town has identified a number of Precincts for the installation of public art. These precincts inform the placement of Public Art Projects funded by cash-in-lieu contributions as prescribed by Section 3 of the Policy Statement.

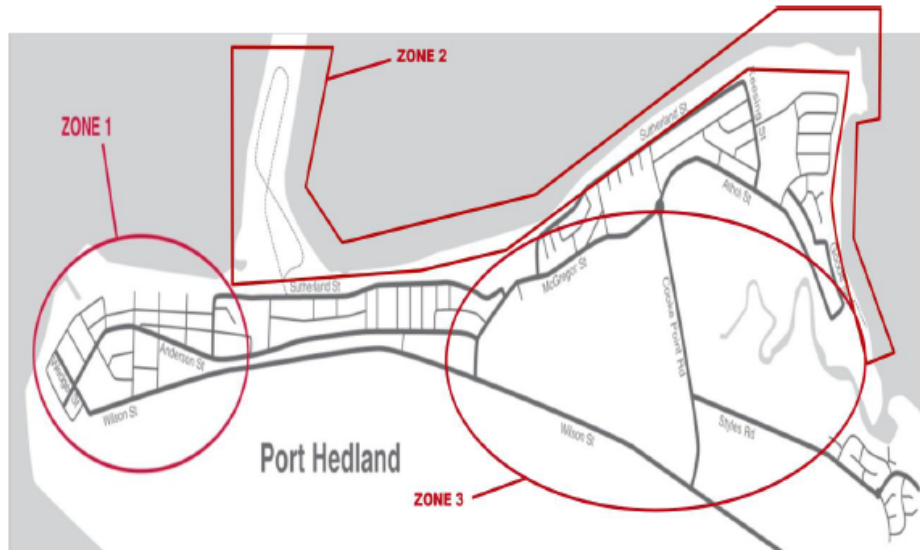


Figure 1: Port Hedland – Zones 1, 2 and 3

1. Zone 1 - West End Cultural Precinct

The West End is known as the cultural hub of Port Hedland. Centred around Wedge Street and the iconic port, this area boasts significant cultural heritage links to Hedland's past. It is the commercial centre of Port Hedland.

2. Zone 2 - Marina and Foreshore Precinct

The heart of the Port Hedland Foreshore and entrance to the Port, the Marina and the broader Foreshore Precinct is a mixing pot of industrial, coastal, cultural and natural heritage themes. This area represents a hub for community recreational and lifestyle opportunities.

3. Zone 3 – East End, Port Hedland

Significant natural heritage values are reflected in upcoming development in this Precinct, with a focus on the Pretty Pool Creek and its connection to the ocean. The mangrove eco-system offers a link to natural flora and fauna. This Precinct also includes the heritage site of the Aboriginal strike of the 1940's and other significant cultural heritage values.

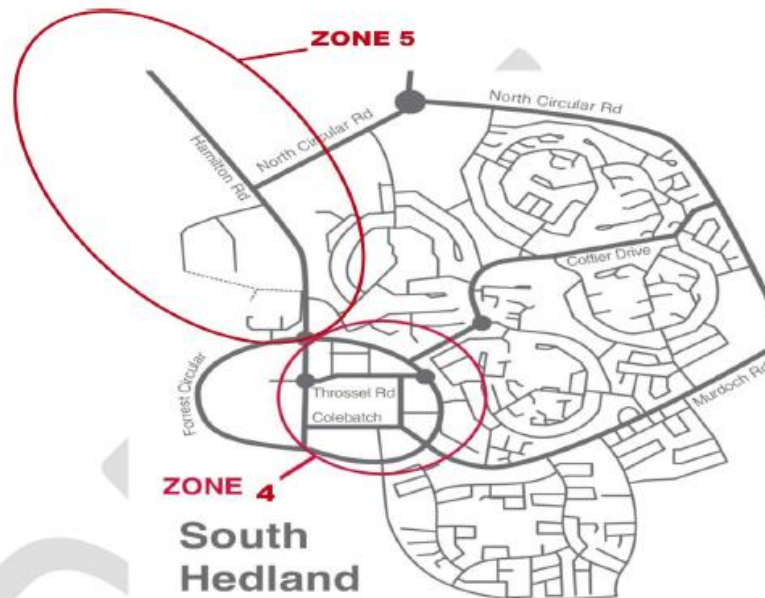


Figure 2: South Hedland - Zones 4 and 5

4. Zone 4 - South Hedland Town Centre

The largest activity centre of the region, the newly redeveloped town centre supports the significant concentration of development and investment. It is a focus for present, and future, community and cultural facilities.

5. Zone 5 – Hamilton Western Entrance

Forming the western entrance to South Hedland, this Precinct frames the first impressions of the Town. Iconic art in this Precinct should reflect the culture of the South Hedland community – vibrant, welcoming and multicultural.

6. Zone 6 – Wedgefield Precinct

As Hedland's light industrial area, Wedgefield supports a variety of light and service industry premises as well as a small residential component. Bounded by the Great Northern Highway to the south, and soon to be constructed bypass to the north, this area has had a key role to play in servicing the town's growth. This precinct encompasses the entirety of the Wedgefield precinct, and extends along the Great Northern Highway to Redbank Bridge, and westwards to the BHP Billiton Rail Crossing.

Funding

Percent for Public Art Policy

At the time of this strategy's development, the Town was investigating the adoption of a Percent for Public Art Policy which will apply a Percent for Public Art approach to development proposals or improvements for built form. Under this policy, where cash in lieu of the provision of public artwork is provided by developers, the funds will be pooled in a Public Art Fund and contribute to a major work generally within identified precincts.

Town Funding

In order to raise awareness of cultural heritage and history through public art and interpretation in public places, it is recommended that Council consider a funding program that provides public art in key projects, cultural spaces and other places that would not otherwise benefit from outcomes provided by existing policy mechanisms.

External Funding

External funding for public artwork can also be sought from various organisations including:

- Local industry partners
- Local organisations and businesses
- LotteryWest
- Department of Culture and the Arts
- Healthway
- Australian Arts and Business Cultural Fund
- Australia Council.

Ongoing Management

Commissioned artists will provide a maintenance schedule with cost estimates. At the time of commissioning this schedule will be aligned and budget with annual site landscaping and public open space works. The artist will be invited to conduct or oversee repairs on the work, for a fee, wherever possible.

Town of Port Hedland Public Art Strategy 2012

The Town may decide to remove or decommission an artwork because it is in an advanced state of disrepair or damage, because the artwork is in an advanced state of disrepair or damage, no longer considered suitable for the location or for other reasons such as a safety risk. In such instances, the Town will consult with the artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal.

The Town will enter all public artworks that it has commissioned and those on Crown land on the Asset Register and be managed through the Asset Management Plan.

DRAFT

Percent for Public Art (2012)

Local Planning Policy

Preliminary

Clause 5.1 of the *Town of Port Hedland Town Planning Scheme No. 5* (The Scheme) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

This policy will be made effective once Council has completed the process provided by Clauses 5.1.4 – 5.1.7 inclusive of The Scheme.

Pursuant to section 5.1.2 of The Scheme, if a provision of this Policy is inconsistent with The Scheme, The Scheme prevails to the extent of the inconsistency.

This Policy is not part of The Scheme and does not bind Council in respect of any application for planning approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Objective

The Town of Port Hedland considers there is a need to protect and enhance the utility, amenity and identity of the public spaces such as town centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality.

The purpose of this Policy is to assist in achieving the following objectives:

- a) Improve the quality of the Town's built environment through the use of high quality public artworks.
- b) Increase the social, cultural and economic value of the Town.
- c) Develop and promote community identity within the Town.
- d) Enhance a sense of place by encouraging public art forms which reinforce and highlight Early Settler and Indigenous history, cultural heritage and contemporary traditions.

Definitions

Applicant – means the person or entity who submitted the Application for Approval to commence development to the Town for the relevant development.

Owner – means the owner of the land upon which the relevant development is proposed to be built. The owner may also be the Applicant.

Public Art - For the purposes of this policy 'Public Art' is defined as being site-related and place-responsive art created and located for public accessibility, either within or readily visible from, the public space. Public Art should enhance the built and natural environments and add value to character and cultural identity through the use of a diverse range of art forms and design applications. Some things which cannot be considered Public Art are set out later in this Policy.

Public Artist – means a regular exhibitor of artwork, offering work for sale, or selling work; having been awarded or eligible for a government grant; selected for public exhibition, awards or prizes; having secured work or consultancies on the basis of professional expertise, having had work acquired for public or private collections; being a member of a professional association on the basis of his/her status as a professional artist.

Public Space – means a space that is open and accessible to all.

Total Project Cost – The cost of a development for the purposes of this Policy is the cost of the equipment, financing, services, utilities, materials and construction necessary to carry out the development, but does not include the cost of the acquisition of land or architectural, design or consultant's fees. The Town will generally accept the cost of the development to be the same as the approximate cost of the proposed development stated by the applicant on the Scheme Application for Planning Approval form.

Policy Statement

1. Policy Intent

Proposals for eligible development proposals or improvements over the value of \$5,000,000 (five million dollars) are to set aside a minimum of 1% (one percent) of the Total Project Cost for the development of Public Art which reflects the place, locality or community.

This Policy applies to those development proposals or improvements for built form where they are situated within the Urban Development, Town Centre, Commercial, Tourism, Mixed Business and Airport zones of the Town of Port Hedland. This policy does not apply to subdivision applications.

This policy shall apply to all proponents, with the exception of those exempt from obtaining Local Authority planning approval under other legislation.

Where a development is exempt from the requirement to obtain planning approval under the Scheme but would otherwise be an eligible proposal under this Policy, the proponent of the development should use this Policy as a guide to the implementation of their State Percent for Art Scheme obligation if applicable

Where this Policy applies, this requirement will be stipulated in a condition of Planning Approval.

2. General Provisions

a) Where this policy applies, the applicant shall either:

- i. Coordinate a Public Art project themselves; or
- ii. Satisfy the contribution through a cash-in-lieu payment towards a precinct public artwork, at the rate prescribed under this Policy.

b) For the purpose of calculating the value of a contribution to Public Art, the following costs associated with the production of an art project may be included:

- i. professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable.
- ii. Fabrication and installation of artwork,
- iii. Site preparation,
- iv. Structures enabling the artist to display the artwork,
- v. Documentation of the artwork, and
- vi. Acknowledgment plaque identifying the artist, artwork and development(s) from which funding was obtained.

c) Public Art projects may include:

- i. Building features and enhancements such as bicycle racks, gates, benches, fountains, playground structures or shade structures which are unique and produced by a professional artist;
- ii. Landscape art enhancements such as walkways, bridges or art features within a garden
- iii. Murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials
- iv. Sculpture which can be freestanding or wall supported in durable materials suitable for the site
- v. Fibreworks, neon or glass art works, photographs, prints and any combination of media including sounds, film and video systems

d) Public Art projects cannot include:

- i. Commercial promotions in any form,
- ii. Directional elements such as supergraphics, signage or colour coding,
- iii. 'Art objects' which are mass produced such as fountains, statuary or playground equipment,
- iv. most art reproductions,
- v. landscaping or generic hardscaping elements which would normally be associated with the project and
- vi. services or utilities necessary to operate or maintain artworks.

e) Public artists are to be commissioned to produce the Public Art.

f) While the Public Art must not be mass produced, the Town is open to a unique pre-existing artwork developed by a Public Artist being purchased and installed as the Public Art.

3. Owner/Applicant Project Option

a) Procedure

Where an owner applicant chooses to co-ordinate the Public Art project themselves, the following procedure applies:

- i. The Owner/Applicant reviews the Town's Present for art Guidelines, and consults with the Town's Community Development Officers as required under the Guidelines
- ii. The Owner/Applicant provides a Public Art Proposal for consideration by the Town
- iii. If satisfied with the proposal, the Town provides approval in principle for the Public Art Project
- iv. The Owner/Applicant enters into a contract with their chosen artist, submits an Application for Art Work Design and obtains full project approval from the Town through the Development Approval process
- v. The artist undertakes the Public Art project
- vi. The Public Art is completely installed prior to occupation of the development and/or issue of Permit to Use

b) Location of Public Art

The Town encourages Owners/Applicants to situate the Public Art on private property within the relevant development. However, the Town may also consider proposals to install Public Art on public land abutting or adjacent to the site, such as in the road reserve or in another public place.

4. Cash-in-Lieu Option

a) The public art contribution may be satisfied by cash-in-lieu based on the rate described in the Town's Percent for Art Policy. Such cash-in-lieu payments are to be:

- i. Paid to the Town of Port Hedland Public Arts Fund (Percent for Public Art); and
- ii. Expended in accordance with a precinct public art project as prescribed by the Town of Port Hedland or any applicable Cultural and Arts Strategy, in the area within which the proposal is situated
- iii. Refunded to the Owner/Applicant if the development does not proceed

b) Individual funds contributed within an area may be accrued for more comprehensive or detailed public art projects as determined by the Town.

c) Any Public Art commissioned as a cash-in-lieu option will be owned and maintained by the Town.

5) Ownership, Copyright and Moral Rights

a) Ownership of Public Art commissioned under this Policy will generally depend upon the location of the Public Art:

- i. Where situated on private property, the Public Art is owned and maintained by the Owner
- ii. Where situated on public property, the Public Art is owned and maintained by the Town, regardless of who commissioned the art

b) The Town will have the right to reproduce photographic images of the Public Art for non – commercial purposes, such as annual reports, information brochures, and information on the Town' website.

c) The Town recognises that artist have moral rights under copyright legislation, which are the right of their work, the right against false attribution to someone else, and the right of the artist to object against treatment of an art work that demeans their reputation.

In line with the moral rights legislation, the Owner/Applicant or, where the Owner/Applicant chooses the Cash-in-lieu option, the Town:

- i. Will install a plaque or plate near a Public Art work, acknowledging the name of the artist, and where appropriate, the name of the person or company who funded the Public Art
- ii. Will consult with the artist if the Public Art work is to be changed in any way (including by removing or re-locating the Public Art) except in cases of emergency.

Town of Port Hedland

Percent for Public Art Guidelines

November 2012

The Purpose of These Guidelines

These Guidelines have been created to help you, as an Owner or Applicant proposing to commence development, to incorporate Public Art into your development, as required by the Town of Port Hedland's Percent for Public Art Policy.

Under that Policy, proposals for Urban, Town Centre, Commercial, Tourism, Mixed Business and Airport Developments over the value of \$5,000,000 (five million dollars) are to set aside a minimum of 1% (one percent) of the Total Project Cost for the development of Public Art which reflects the place, locality or community.

You have the option of coordinating the Public Art project yourself (in liaison with the Town) or providing a cash-in-lieu contribution to the Town, in which case the Town will coordinate a public art project within one of the identified public arts precincts.

Where you choose to coordinate the Public Art project yourself, the proposed Public Art needs to be approved by the Town before the Town will approve, and issue you with, a Building Licence.

Designs for the Public Art, including drawings, location, materials, name and résumé of artist, must be submitted to the Town, using the form attached to these Guidelines.

These Guidelines explain the different ways you can work with artists, the Town and your design team. You can choose the method that most suits your circumstances.

What is the Percent for Public Art Policy?

The Town of Port Hedland's Percent for Public Art Policy requires commissioned Public Art as part of certain public and private development projects within the Town.

The Policy, and this document, are based on similar models from around Western Australia – including those developed by the City of Vincent and Artsource.

1. **The Town's Percent for Public Art Policy** is attached to these Guidelines for your reference.

2. **The Town's Standard Planning Approval Condition states:**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Port Hedland Percent for Public Art Policy and the Percent for Public Art Guidelines, including:

- a) Prior to lodging building application elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$<<insert contribution amount>> (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$<<insert development cost>>); and
- b) in conjunction with the above chosen option;
 - i. Option 1 –

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, and/or Permit to Use , install the approved public art project, and thereafter maintain the art work, unless the art work is located on public property; OR
 - ii. Option 2 –

prior to the approval and subsequent issue of a Building Licence for the development, pay the above cash-in-lieu contribution amount.

What is Public Art?

The primary purpose of the Town's Percent for Public Art Policy is to facilitate the provision of art works that are pleasing and accessible to the public as well as to users of the development, and which will last for the life of the development.

Art works which are accessible to the public contribute to the overall feeling of community wellbeing and enrich the texture of civic life. Art works are a creative and modern way to improve on the visual aspects of a development and its surrounds, and often provide a talking point and opportunity for wonder, reflection and enjoyment above and beyond the art involved in building design.

Public Art can take many forms, and can be incorporated into the building's fabric or can be separate objects located in or near the building.

Art works incorporated into the building's fabric could include stained glass window treatments; mural or mosaic treatments to walls, floors or ceilings; special inserts into the floor; shade structures; lighting design; or electronic installations.

If the art work is of an abstract nature it cannot be incorporated into the building elements such as gates etc. but must be presented in such a fashion as to be seen as a standalone art work. Public Art separate from the building could include sculptural works in long-lasting materials such as bronze, steel or concrete, artist-designed public seating, or pavement art.

Where the development involves the demolition of an old building, the Town encourages Public Art that reflects the history of the site and its former use; for example, by incorporating some of the demolished building's materials as elements of the art work.

Steps to Coordinate a Public Art Project

The following details the steps you need to follow if you choose to coordinate a Public Art project yourself (Option 1 above) rather than paying a cash-in-lieu contribution to the Town.

1. Before the Building Licence: Talk to the Manager Community Development

Before you apply for a Building Licence, contact the Town of Port Hedland's Manager Community Development to discuss your project. Their contact details are listed at the end of these Guidelines.

The Town's staff will be able to give you advice relevant to your particular development and will liaise with other Town Officers to help the project run smoothly.

They will be able to talk to you in detail about finding an artist and implementing the project if you need more information than is provided in these Guidelines.

You will need to submit a preliminary Public Art proposal for consideration by the Town's Community Development Officer, who will provide approval in principle if satisfied with your proposal.

2. Before the Building Licence: How to find an artist

The next step is to decide if you want to administer the art project yourself or hire a public-art consultant.

Public-Art Consultant

A public-art consultant will discuss your project with you and advise you of how to proceed. They will manage the project for you, including choosing an artist, drawing up a contract, liaising with the Town, monitoring progress and organising publicity and an opening.

Bear in mind that fees for an external public-art consultant should be included in the Public Art budget depending upon your other staffing demands and expertise.

If you contract an external consultant for the purpose of the project, **no more than ten per cent (10%) of the contribution may be deducted** from the minimum one per cent of the development cost set aside for the Public Art. If you choose not to use an external art consultant you cannot deduct a fee for management of the project.

Do-It-Yourself Project Management

If you decide to manage the project yourself, then the next step is to find an artist or artists to design and create the Public Art in consultation with yourself and Town staff. You can either contact artists you know personally or go through an agency such as Artsource.

Artsource

Artsource is a non-government agency established by the Artists' Foundation of WA to help developers choose an appropriate artist.

Artsource has a large collection of slides of different artists' work that can help you form an idea of what is possible. Artsource will give you the contact details of the artists whose work you think is most suitable.

Artsource charges a small fee for their service. Artsource's office is in the King Street Arts Centre in Perth. Their contact details are at the end of these Guidelines.

How do you choose an artist?

You can make a shortlist of about three artists whom you think might be suitable based on the types of materials they are familiar with using, the style of their art works and their experience with Public Art projects.

Ask them to submit a design proposal based on a brief. Items that could be included in the brief are listed below.

It is industry practice to pay a fee for the design proposal.

If the design is acceptable, the artist can then be contracted to complete the project.

The artist's brief

Contact the shortlisted artists and ask them to submit a design concept, based on a written brief that gives them parameters such as:

- style, size and purpose of your building
- preferred location of the proposed work
- the theme (if any)
- reference to any historical material which is to be included
- range of preferred materials (if necessary)

- time schedule
- budget
- safety and industrial issues
- legal and insurance requirements (such as copyright, ownership and evidence of public liability insurance)
- requirements to liaise with your staff and the Town.

The artist may want to visit the site and discuss the project with you before creating the design concept.

The design concept will need to adhere to the format detailed in the Application for Art Work Design Approval form attached to this document. It is industry practice to pay a fee to artists for a design concept. Your public-art consultant or the Town's Community Development Officer or Manager Community Development can advise you on what might be an appropriate amount.

Once you have received the design concepts, you should arrange to meet with your architect and the Community Development Officer or Manager Community Development to discuss the proposals and choose an artist.

Once you have gained approval in principle for the project from Community Development, you must enter into a contract with the artist for full approval to be achieved.

3. Before the Building Licence: Drawing up a contract

You can either create your own contract or obtain a contract template from the Town's Community Development Officer or Manager Community Development.

If you decide to create your own contract with the artist, you should consider addressing the following areas:

- reference to the intent of the design as the basis for the completed work
- time schedule
- budget, including a payment schedule
- supervision and reporting requirements
- insurance and workers' compensation
- use of third parties
- safety and industrial issues
- maintenance responsibility
- ownership of the work
- copyright matters
- conflict resolution mechanism

4. Obtaining the Building Licence: Formal Project Approval

After you have chosen an artist and entered into a contract with them, if necessary, the artist will complete a final design for approval by yourself, the project manager/architect and the Community Development Officer or Manager Community Development.

You will then need to submit an Application for Art Work Design to the Town, using the form attached to these Guidelines. Included should be a contract between the developer and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget.

If the Town is satisfied with your Application, the Town will grant full approval for the Public Art project, and if you have satisfied the other conditions of your building licence, the Town will then approve and issue your building licence.

5. After the Building Licence has been issued

Final design, fabrication and installation

Once your building licence has been issued, the artist can begin fabrication.

During the fabrication and installation phase, you and your staff may be able to assist the artist. This may include purchasing materials, providing contacts for fabricators and solving technical problems through discussion with your experts.

Note: The art work must be installed prior to the first occupation of the building, and/or permit to use.

Once the project is completed

When the Public Art is installed, a launch or opening helps to create a sense of importance and occasion and also provides mutually pleasing publicity and good public relations for your company and the artist.

A launch can take the shape of a short ceremony with brief speeches by yourself or others involved in the project and a VIP or media personality, followed by some refreshments. It could also include special events such as musicians and other entertainers and incorporate the opening of your building, especially if the artist has been involved from the early drawing stages and included art works in the overall design of the building.

For further information:

Town of Port Hedland	PO Box 41 Port Hedland WA 6721	(08) 9158 9600
	Manager Community Development mgrcs@porthedland.wa.gov.au (08) 9158 9622	
Department of Culture and the Arts(WA)	Gordon Stephenson House 140 William Street Perth WA 6000 http://www.dca.wa.gov.au/	(08) 6552 7300 info@dca.wa.gov.au The DCA lists their current and previous Percent for Art projects in promotional material, which includes the artists who have worked on specific projects, and Arts Coordinators who select artists and commission the work: http://www.dca.wa.gov.au/DCA-Initiatives/spaces-and-places/public-art/242/
Artsource (selection of artists)	<i>Perth</i> King Street Arts Centre Level 1, 357 Murray St Perth, WA, 6000 http://www.artsource.net.au/	9226 2122 consultancy@artsource.net.au
	<i>Fremantle</i> Level 1, 8 Phillimore St, Fremantle, WA, 6160	9335 8366

ATTACHMENT 1:

Town of Port Hedland
Percent for Public Art Scheme

Application for Art Work Design Approval

Address of
Development _____

Approval to Commence Development Serial No.

Name of Owner

Owner's Address

Telephone _____

Fax _____

Email _____

Name of Applicant

Applicant's
Address _____

Telephone _____

Fax _____

E-mail _____

Name of Architect/Designer

Architect/Designer's Address

Telephone _____

Fax _____

E-mail

Name of Artist

Artist's Address

Telephone _____

Fax _____

E-mail

DRAFT

2. Art Work Documentation

Please attach three (3) sets of documentation which include drawings of the proposed art work that show colours, materials and dimensions.

3. Location of Proposed Art Work

Please attach three (3) sets of plans that show the proposed art work's location in relation to the building.

4. Contract between the Developer and Artist

Please attach three (3) copies of the contract between the Developer and the Artist.

5. Art Work Budget

Please attach three (3) copies of a detailed Art Work Budget.

6. Completion and Installation of Art Work

When will the art work be completed and installed?

It will be a condition of your art work approval that the art work is to be installed prior to the first occupation of the development.

Should an extension of time for installation of the approved art work be required, please contact the Town's Community Development Officer or the Manager Community Development in writing before the deadline. A written response will be provided to you in due course. Once the art work has been installed, the Owner/Applicant must notify the Town's Community Development Officer in writing, by completing the attached '*Notification of Art Work Completion*' form. This will allow the Community Development Officer to conduct a site inspection to ensure compliance with the art work approval.

How Will This Art Work Proposal Be Assessed?

Town of Port Hedland staff will assess your application based on the following criteria:

- Durability of materials
- Legality and safety
- Accessibility by the public
- Adherence to any special conditions applied by the Town
- Suitability of the work in the context of the development and surrounding areas.

If you would like any assistance with completing this application, please contact either the Community Development Officer (9158 9687) or the Manager Community Development (9158 9622).

ATTACHMENT 2:

NOTIFICATION OF ART WORK COMPLETION

I,

of

Company name:

Address:

Contact E-mail/Phone

and Facsimile details:

advise that in accordance with the Approval to Commence Development (Serial No.

.....) and subsequent art work project approval dated

.....; the art work has been installed and completed.

Accordingly, I hereby advise that the Town may inspect the site to ensure the art work complies as approved.

Development Address Details:

.....
.....

Please complete this section if you wish to be present at the site inspection and a meeting will be arranged between yourself and the Community Development Officer accordingly.

Name:

Postal Address:

Email Address:

Contact (Home)

(Work)

Numbers: (Mobile)

(Fax)

.....

Signature:

Owner/Applicant

Signature:

Date of Notification:

.....

*Please return the completed form to the Community Development Officer,
Community Development Services at the Town of Port Hedland on Fax. (08) 9158
9399 or to PO Box 41, PORT HEDLAND 6721*

DRAFT

11.4 Corporate Services**11.4.1 Finance and Corporate Services****11.4.1.1 *Reconsideration of Rates Concessions for the Royal Flying Doctor Service (File No.: .../...)***

Officer Georgina Marciniak
Coordinator Financial
Operations

Date of Report 9 November 2012

Disclosure of Interest by Officer Nil

Summary

Subsequent to the adoption of the 2012/13 Annual Budget, the Town has received correspondence from the Royal Flying Doctor Service requesting Council to reconsider its decision not to provide a rates concession to 14 of its properties.

Officers are recommending that the request is not approved on the bases that approval would contravene the Rates Concession Policy (Rateable Land).

Background

Each year, as part of the Annual Budget, Council provides rates concessions and exemptions to a number of community, recreation and welfare organisations.

In June 2011 Council adopted a Rates Concession and a Rates Exemption Policy to assist Council in determining community rate concessions and to identify applicable exemptions.

As per these policies, community groups are required to reapply for rates concessions or exemption every two years. Letters were sent to current concession or exemption holders and other organisations were invited via an advertisement in the Northwest Telegraph to apply for concessions for a two year period commencing financial year 2012/13.

On 13 June 2012 Council approved the following:

“201112/490 Officer’s Recommendation / Council Decision

Moved: Cr Hooper

Seconded: Cr Hunt

That Council:

- 1. Approves the following Rates Concessions for the 2012/13 and 2013/14 financial years:*

Organisation	Assessment Number	Officer's Recommendation
Bloodwood Tree Association Inc	A106283	100%
Hedland Women's Refuge	A115030	100%
Pilbara Family Violence Prevention Service	A155850	100%
Port Hedland Peace Memorial Seafarers Centre Inc.	A803051	100%
Port Hedland Pony Club	A130005	100%
UCA Assembly Limited (Frontier Services)	A113927	100%
UCA Assembly Limited (Frontier Services)	A400610	100%
UCA Assembly Limited (Frontier Services)	A152556	100%
Volunteer Marine Rescue Services Inc	A156550	100%
Wirraka Maya Health Service Aboriginal Corporation	A106282	100%
Youth Involvement Council Inc.	A802207	100%
Youth Involvement Council Inc.	A406870	100%
South Hedland Lotteries House Inc.	A130114	50%
Treloar Child Care Centre Inc.	A154780	50%
Pilbara Family Violence Prevention Service	A401480	0%
Port Hedland Golf Club Inc.	A156490	0%
South Hedland Owners & Trainers	A802155	0%

2. *Notes the following Rates Exemptions:*

Organisation	Assessment Number
Grand Lodge of Western Australian Freemasons Homes for the Aged	A130290
Bloodwood Tree Association Inc	A130239
Bloodwood Tree Association Inc	A106284
Port Hedland Retirement Village	A156730
Pilbara Meta Maya Regional Aboriginal Company	A127380

Baptist Union of Western Australia	A113872
Wangka Maya Pilbara Aboriginal Language Centre	A803501

CARRIED BY ABSOLUTE MAJORITY 5/4”

A number of organisations applied for concessions outside the submissions timeframes imposed as part of the Policy. Some applicants have had extenuating circumstances while others were late submissions.

On 8 August 2012 Council approved the following additional concessions:

“201213/060 Council Decision

Moved: Cr Gillingham

Seconded: Cr Martin

That Council:

- Approves the following additional Rates Concessions for the 2012/13 and 2013/14 financial years:*

Organisation	Assessment Number	Council Decision
Royal Flying Doctor Services	A102320	0%
Royal Flying Doctor Services	A116509	0%
Royal Flying Doctor Services	A117190	0%
Royal Flying Doctor Services	A117310	0%
Royal Flying Doctor Services	A119270	0%
Royal Flying Doctor Services	A121420	0%
Royal Flying Doctor Services	A123140	0%
Royal Flying Doctor Services	A125790	0%
Royal Flying Doctor Services	A125800	0%
Royal Flying Doctor Services	A125810	0%
Royal Flying Doctor Services	A125820	0%
Royal Flying Doctor Services	A127350	0%
Royal Flying Doctor Services	A153246	0%

Royal Flying Doctor Services	A300057	0%
Port Hedland Kart Club	A130165	100%
Port Hedland Speedway Club	A156260	50%
Port Hedland Turf Club	A805022	0%
Len Taplin Childcare Centre	A402430	50%

CARRIED 6/0

“201213/061 Council Decision

Moved: Cr Carter

Seconded: Cr Martin

That Council increase the Rates Concession to 100% for the Port Hedland Turf Club (assessment number A805022) for the 2012/13 and 2013/14 financial years.

CARRIED 6/0

On 17 October 2012 Elected Members and the CEO received a letter from the Royal Flying Doctor Services Western Operations respectfully seeking appeal to the Council decision to offer no concession to their organisation, being the subject of this report.

Consultation

All current community group concession holders were provided with the opportunity to make an application for a rates concession, as per Council Policy.

Follow up contact was made to organisations that may have applied but did not provide all the information requested to support their application.

Contact was also made to organisations that are current concession holders but had not completed an application by the due date.

After Council approval of the concessions applicable for 2012/13 and 2013/14, each organisation was formally advised of the outcome.

Statutory Implications

Local Government Act 1995

6.47. Concessions

6.26. Rateable land

Policy Implications

2/013 Rates Concession Policy (Rateable Land)

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

6.4.2 Community Focused

Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders.

Council resources are managed to provide optimum benefit to the community.

Budget Implications

In order to accurately calculate the proposed rates raised for the 2012-13 Annual Budget, Council was requested to provide direction as to which properties were to be provided a rates concession.

Rates are Council's primary means for raising income to cover operational costs and approving concessions directly impacts Council's Budget.

Council has already approved \$87,824.84 in Concessions for the 2012-13 financial year.

If Council were to provide concessions to RFDS the budget impact would be \$ 40,380.91 that would need to be sourced through either a reduction of expenditure or increased revenue in order to maintain a balanced budget.

Officer's Comment

Council offering concessions to rates payable by community groups, not for profit organisations and youth organisations demonstrates its support and assistance to the community.

The information previously put to Council for consideration is outlined below.

Summary of Application

Royal Flying Doctor Service (applying for a concession on 14 residential properties)

Benefit provided to the Community

To provide aeromedical and primary health care across Australia.

Financial Information

Royal Flying Doctor Service are funded through government grants, sponsorship and fundraising. Their net loss for 2011/12 is \$13,774,624 for their Western Operations.

Rates 2012-13

\$40,380.90

Concession Applied for by Applicant

100%

Property Address	Assessment Number
3 Finlay St, Port Hedland	A102320
8 Martin Crt, South Hedland	A116509
15 Woodman St, Port Hedland	A117190
3 Thetis Pl, Port Hedland	A117310
17 Woodman St, Port Hedland	A119270
15 Craig St, Port Hedland	A121420
1 Neptune Pl, Port Hedland	A123140
185 Athol St, Port Hedland	A125790
2 Hall St, Port Hedland	A125800
4 Hall St, Port Hedland	A125810
187 Athol St, Port Hedland	A125820
5 Grant Place, Port Hedland	A127350
16 Spoonbill Cres, South Hedland	A153246
33 Styles Rd, Port Hedland	A300057

All properties on which the Royal Flying Doctor Service are applying for concessions are residential and not used for the primary delivery of service or main activity of the organisation.

The Town of Port Hedland's Rates Concession Policy (Rateable Land) does not provide for Rates concessions for residential properties that are not used in the primary service delivery of the community group or association's activities or services.

In accordance with the policy, officers are therefore recommending that no concession is provided to the Royal Flying Doctor Service.

Attachments

1. Letter from Royal Flying Doctor Service Western Operations
2. Rates Concession Policy (Rateable Land)

Officer's Recommendation

That Council does not provide Rates Concessions for the properties outlined below in relation to the 2012/13 and 2013/14 financial years.

Organisation	Assessment Number	Officer's Recommendation
Royal Flying Doctor Services	A102320	0%
Royal Flying Doctor Services	A116509	0%
Royal Flying Doctor Services	A117190	0%
Royal Flying Doctor Services	A117310	0%
Royal Flying Doctor Services	A119270	0%
Royal Flying Doctor Services	A121420	0%
Royal Flying Doctor Services	A123140	0%
Royal Flying Doctor Services	A125790	0%
Royal Flying Doctor Services	A125800	0%
Royal Flying Doctor Services	A125810	0%
Royal Flying Doctor Services	A125820	0%
Royal Flying Doctor Services	A127350	0%
Royal Flying Doctor Services	A153246	0%
Royal Flying Doctor Services	A300057	0%

201213/187 Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That Council provides Rates Concessions for one third (33%) of the total rates for each property outlined below in relation to the 2012/13 and 2013/14 financial years.

Organisation	Assessment Number
Royal Flying Doctor Services	A102320
Royal Flying Doctor Services	A116509
Royal Flying Doctor Services	A117190
Royal Flying Doctor Services	A117310
Royal Flying Doctor Services	A119270
Royal Flying Doctor Services	A121420
Royal Flying Doctor Services	A123140
Royal Flying Doctor Services	A125790
Royal Flying Doctor Services	A125800
Royal Flying Doctor Services	A125810
Royal Flying Doctor Services	A125820
Royal Flying Doctor Services	A127350
Royal Flying Doctor Services	A153246
Royal Flying Doctor Services	A300057

CARRIED 6/0

Reason: Council reduced Royal Flying Doctor Services' rates as it believes it is a worthy cause

ATTACHMENT 1 TO ITEM 11.4.1.1

Corporate Office
3 Eagle Drive,
Jandakot Airport
Jandakot WA 6164

T 08 9417 6300
F 08 9417 6309
E westops@rfdswa.com.au
> www.flyingdoctor.org.au



17th October 2012

Ms. Natalie Octoman
a/Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

(Courtesy copy to TOPH Councillors)

Dear Ms Octoman,

I refer to the RFDS application dated 4 July 2012 for rates concessions for Royal Flying Doctor Service (RFDS) owned properties and the subsequent decision taken at the Ordinary meeting of Council held on 8 August 2012 that nil concessions be applied to RFDS owned (Port Hedland) properties.

As a consequence of Council's decision not to support a rates concession application, RFDS now respectfully seeks to appeal that decision.

It is noted that the Local Government Act 1995 – SECT 6.26 (2) (g) at enclosure one states "the following land is not rateable land... (g) land used exclusively for charitable purposes." RFDS further notes that Council has interpreted this to mean that "residential properties not used in the primary service delivery of the community group or association's activities or service will not be eligible for a concession."

Council will be aware that RFDS operates as a not-for-profit emergency services organisation; charitable donations form a significant component of RFDS' operational budget – for example, the same RFDS operational budget is used to fund such items as medical equipment, housing maintenance costs and Council rates.

Council's decision not to apply a rates concession because 'residential properties are not used in the primary service delivery' is a legislative interpretation which arguably should not be applied to assessing eligibility, since there is nothing in the Act that refers to how a charity uses the property and there are no exclusions for residential properties. Importantly, if one assumes that RFDS staff are essential to RFDS' primary service delivery capability, then it follows that RFDS housing is a

Derby Base 149 Loch Street, Derby WA 6728 > PO Box 52 T 9191 0200 F 9191 0209

Jandakot Base 3 Eagle Drive, Jandakot Airport, Jandakot WA 6164 T 9417 6300 F 9417 6309

Kalgoorlie Base Kalgoorlie-Boulder Airport, Kalgoorlie WA 6430 > PO Box 444 T 9093 7500 F 9093 7509

Meekatharra Base Meekatharra Airport, Meekatharra WA 6642 > PO Box 103 T 9980 0550 F 9981 1601

Port Hedland Base Waldron Road, Port Hedland WA 6721 > PO Box 2144, Sth Hedland WA 6722 T 9172 0700 F 9172 0700

> Please support the RFDS by making an on-line donation at www.flyingdoctor.org.au

Royal Flying Doctor Service of Australia Western Operations. ABN 29 067 077 696

Corporate Office
3 Eagle Drive,
Jandakot Airport
Jandakot WA 6164

T 08 9417 6300
F 08 9417 6309
E westops@rfdswa.com.au
> www.flyingdoctor.org.au



critical component of that service delivery, since without appropriate housing in Port Hedland, RFDS would cease to be able to provide any service delivery.

Council's consideration of this Appeal, to apply a 100% rates concession on RFDS owned properties, will mean that RFDS' very limited budget can be stretched further. It is worth noting that, in recent years, RFDS has had to work harder than ever to keep up with escalating demand for its services; in the Pilbara region demand for our patient transfers has increased by sixty four (64)% in the past four (4) years. In 2011/2012, the RFDS transferred 1,470 patients from the Pilbara region, an average of just over four patients a day - ten patients were transferred on the busiest day. RFDS GPs and nurses from Port Hedland also provided 2,545 individual patient consultations at primary health care clinics, including 562 consultations and another 3,320 patient consultations were provided at facilitated primary health care clinics. In other words, RFDS work load is growing enormously without a commensurate increase in our funding - hence this rates concession appeal is so very important to RFDS Port Hedland's budget bottom line.

Thank you again for your consideration of this appeal.

Yours sincerely,

Paul

Paul Le Large
Regional Manager
RFDS North West

Derby Base 149 Loch Street, Derby WA 6728 > PO Box 52 T 9191 0200 F 9191 0209
Jandakot Base 3 Eagle Drive, Jandakot Airport, Jandakot WA 6164 T 9417 6300 F 9417 6309
Kalgoorlie Base Kalgoorlie-Boulder Airport, Kalgoorlie WA 6430 > PO Box 444 T 9093 7500 F 9093 7509
Meekatharra Base Meekatharra Airport, Meekatharra WA 6642 > PO Box 103 T 9980 0550 F 9981 1601
Port Hedland Base Waldron Road, Port Hedland WA 6721 > PO Box 2144, Sth Hedland WA 6722 T 9172 0700 F 9172 0709

> Please support the RFDS by making an on-line donation at www.flyingdoctor.org.au

Royal Flying Doctor Service of Australia Western Operations. ABN 29 067 077 696

Corporate Office
3 Eagle Drive,
Jandakot Airport
Jandakot WA 6164

T 08 9417 6300
F 08 9417 6309
E westops@rfdswa.com.au
> www.flyingdoctor.org.au



Enclosure One: LOCAL GOVERNMENT ACT 1995 - SECT 6.26

6.26 . Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

(I) where any person is, under paragraph (e) of the definition of *owner* in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the [Mining Act 1978](#) in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of *owner* in section 1.4 occupies or makes use of the land;

and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

Derby Base 149 Loch Street, Derby WA 6728 > PO Box 52 T 9191 0200 F 9191 0209

Jandakot Base 3 Eagle Drive, Jandakot Airport, Jandakot WA 6164 T 9417 6300 F 9417 6309

Kalgoorlie Base Kalgoorlie-Boulder Airport, Kalgoorlie WA 6430 > PO Box 444 T 9093 7500 F 9093 7509

Meekatharra Base Meekatharra Airport, Meekatharra WA 6642 > PO Box 103 T 9980 0550 F 9981 1601

Port Hedland Base Waldron Road, Port Hedland WA 6721 > PO Box 2144, Sth Hedland WA 6722 T 9172 0700 F 9172 0709

> Please support the RFDS by making an on-line donation at www.flyingdoctor.org.au

Royal Flying Doctor Service of Australia Western Operations. ABN 29 067 077 696

Corporate Office
3 Eagle Drive,
Jandakot Airport
Jandakot WA 6164

T 08 9417 6300
F 08 9417 6309
E westops@rfdswa.com.au
> www.flyingdoctor.org.au



(f) land used exclusively as a non-government school within the meaning of the [School Education Act 1999](#); and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the [Financial Management Act 2006](#)) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102; No. 24 of 2009 s. 506.]

Derby Base 149 Loch Street, Derby WA 6728 > PO Box 52 T 9191 0200 F 9191 0209

Jandakot Base 3 Eagle Drive, Jandakot Airport, Jandakot WA 6164 T 9417 6300 F 9417 6309

Kalgoorlie Base Kalgoorlie-Boulder Airport, Kalgoorlie WA 6430 > PO Box 444 T 9093 7500 F 9093 7509

Meekatharra Base Meekatharra Airport, Meekatharra WA 6642 > PO Box 103 T 9980 0550 F 9981 1601

Port Hedland Base Waldron Road, Port Hedland WA 6721 > PO Box 2144, Sth Hedland WA 6722 T 9172 0700 F 9172 0709

> Please support the RFDS by making an on-line donation at www.flyingdoctor.org.au

Royal Flying Doctor Service of Australia Western Operations. ABN 29 067 077 696



Town of Port Hedland : Policy

2/014 RATES CONCESSION POLICY (RATEABLE LAND)

1. Introduction

This policy will provide an administrative framework for assessing an applications requesting the waiving or granting concession from rates to 'not for profit' community based organisations occupying rateable land.

2. Purpose and Application of the Policy

In accordance with section 6.47 of the *Local Government Act 1995*

6.47 Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

The purpose of the policy is to identify a process to be followed by any 'not for profit' community based organisation providing a benefit to the community from rateable land for the relief from rates.

3. Provisions

- a. All applications for exemption must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.
- b. An application will be required to be lodged every two years and is to be assessed in accordance with this policy.
- c. Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d. Council may request additional information from an organisation making an application if it considers it necessary to do so,
- e. Information requested under paragraph c. above is not limited to, but may typically include copies of the Constitution of the organisation, recent annual financial statements of the organisation and information demonstrating precisely how any land the subject of an application is used,
- f. An application must be made by 31 March of the rating year that precedes the rating year to which the application relates.

4. Policy

It is the policy of the Town of Port Hedland that any concession of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirement of this Policy.

Rates concessions will only be provided to community groups or associations that operate as a body corporate or an Incorporated Association and not to an individual.

The Town of Port Hedland will determine what is of benefit to the community for the purpose of this policy.



Town of Port Hedland : Policy

Rates concessions for residential properties not used in the primary service delivery of the community group or association's activities or services will not be eligible for a concession.

Community groups or associations, that in the opinion of the Council, provide activities, which are not core activities, and are in direct competition with a service provided by any established private operator within the district, will not be eligible for a rates concession.

The percentage ranges from 50% to 100% of the rates that are payable. Whether a concession is granted in response to an application or, if a concession is granted, the percentage of the rates that may be waived, is entirely at the discretion of Council and the granting of a concession in any year, will not guarantee that any future concessions will be granted.

(Adopted by Council at its Ordinary Meeting held 22 June 2011)

(Amended by Council at its Ordinary Meeting held 22 February 2012)

11.4.1.2 *Interim Financial Reports to Council for Period Ended 30 September 2012 (File Nos: FIN-008, FIN-014 and RAT-009)*

Officer **Laura Delaney**
Finance Officer
Financial Management

Date of Report **30 September 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 30 September 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 30 September 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 30 September 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 28 November 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			
NMF030912	NMF030912	\$569.14	14	14	1	Municipal Fund	Photocopier Lease x 2 - South Hedland Library & JD Hardie
NMF030912	NMF030912	\$1,244.32	14	14	1	Municipal Fund	Photocopier Lease x 2 - Regulatory Services
NMF060912	NMF060912	\$284.57	104	104	1	Municipal Fund	Photocopier Lease x 1 - Community Development (Airport)
		\$2,098.03					
CHQ21608	CHQ21641	\$121,507.44	1	5	1	Municipal Fund	
CHQ21642	CHQ21642	\$0.00	-	-	1	Municipal Fund	Cancelled Cheque
CHQ21643	CHQ21645	\$2,569.72	5	5	1	Municipal Fund	
CHQ21646	CHQ21646	0	-	-	1	Municipal Fund	Cancelled Cheque
CHQ21647	CHQ21685	\$154,372.95	5	13	1	Municipal Fund	
CHQ21686	CHQ21691	\$0.00	-	-	1	Municipal Fund	Cancelled Cheque
CHQ21692	CHQ21696	\$3,718.30	13	13	1	Municipal Fund	
		\$282,168.41				Municipal Fund	
EFT41916	EFT42424	\$6,637,507.39	14	104	1	Municipal Fund	
PAY050912	PAY050912.	\$442,224.11	104	104	1	Municipal Fund	
PAY180912	PAY180912	\$446,195.74	104	104	1	Municipal Fund	
PAY	PAY	\$4,004.61					
		\$892,424.46					
CAL140812	CAL140812	\$7,291.36	104	104	1	Municipal Fund	Caltex Direct Debit
CAL140912	CAL140912	\$1,544.77			1	Municipal Fund	Caltex Direct Debit
		\$8,836.13					
	Muni Total	\$7,823,034.42					
3002312	3002321	\$115,410.98	104	105	3	Trust Fund	
	Trust Total	\$115,410.98					
	Sub-Total	\$7,938,445.40					
LESS: one-off pays							
	Total	\$7,938,445.40					

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

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Fiscal accountability

Reporting is carried out as required on the Council's legislative and organisational performance.

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

Responsible and transparent management of financial resources.

Budget Implications

At the Special Meeting held on 30 August 2012, Council resolved to adopt item 6.1.1.1 '2012/2013 Budget Adoption' en block, which included Recommendation 16 as follows:

"Recommendation 16

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, that Council adopts the following percentage or dollar value for determining and reporting material variances in 2012/13 as follows:

*10% of the Function amended budget; or
\$100,000 of the Function amended budget*

whichever is the lesser, for the following categories of revenue and expenditure:

*Operating Revenue
Operating Expenditure
Non-Operating Revenue
Non-Operating Expenditure"*

Officer's Comment

For the purpose of explaining Material Variance (Expense/Revenue Up or Down, and see attachment Schedule 2) a three-part approach was taken:

Period Variation

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

Primary Reason

Identifies the primary reasons for the period Variance. As the report is aimed at the higher level analysis, minor contributing factors are not reported.

Budget Impact

Forecasts the likely dollar impact on the Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

Attachments

1. Monthly Statement of Business Activity (under separate Cover)
 - 1.1 Pages 2 to 4. Schedule 2 being a Statement of 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 – September 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. September 2012 Accounts for Payment – under separate cover

201213/188 Officer's Recommendation/ Council Decision**Moved: Cr Jacob****Seconded: Cr Carter****That Council note the:**

- i) **Interim Financial Statements as at September 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 30 September 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 September 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 6/0

11.4.2 Governance and Administration**11.4.2.1 Town of Port Hedland Audio Recording of Council and Committee Meetings Policy (File No.: .../...)**

Officer Josephine Bianchi
Governance Coordinator

Date of Report 8 November 2012

Disclosure of Interest by Officer Nil

Summary

This report seeks Council's endorsement of the Town of Port Hedland's 'Audio Recording of Council and Committee Meetings' Policy.

Background

Council, at its ordinary meeting of 25 January 2006 resolved the following:

"That the Chief Executive Officer be directed to check and repair if necessary recording equipment in the Council Chambers and that future Council meetings be recorded."

Following this decision Town of Port Hedland Council meetings and most Committee meetings have been recorded, and mainly utilised to support minute taking processes.

However, in more recent times, a number of requests have been put forward by Elected Members and members of the public to obtain copies of such recordings.

In order to comply with relevant legislation associated with the release of Local Government recordings of public meetings, the Town of Port Hedland 'Audio Recording of Council and Committee Meetings Policy' has been developed for Council's consideration and endorsement.

Consultation*Internal*

- Director Corporate Services
- Manager Information Services
- Manager Organisational Development

External

-
- Office of the Information Commissioner
- Department of Local Government
- Walga
- Other WA Local Governments

Statutory Implications

- Local Government Act 1995

5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

(2) Without limiting subsection (1), a council member can have access to —

- (a) all written contracts entered into by the local government; and*
- (b) all documents relating to written contracts proposed to be entered into by the local government.*

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

* Absolute majority required.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of—

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

- Local Government (Administration) Regulations 1996 – Part 7, Access to Information

29. Information to be available for public inspection (Act s. 5.94)

(2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(c) if the meeting or that part of the meeting to which the information refers —

- (a) was closed to members of the public; or*
- (b) in the CEO's opinion, could have been closed to members of the public but was not closed,*

unless the information to be inspected is a record of a decision made at the meeting.

(3) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(d) if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.

- Town of Port Hedland Standing Orders

"Recordings of Proceedings Prohibited

20.3 Any person shall not 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."

- State Records Act 2000
- General Disposal Authority 2010
- Freedom of Information Act 1992

Policy Implications

Should Council endorse the Town of Port Hedland Audio Recording of Council and Committee Meetings Policy, this will be incorporated in the current Town of Port Hedland Policy Manual.

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

- Deliver high quality corporate governance, accountability and compliance
- Deliver responsible management of infrastructure, assets, resources and technology

6.4.2 Community Focused

- Provide a community-orientated organization that delivers the high levels of service expected by our stakeholders
- Local leaders in the community who provide transparent and accountable civic leadership

Budget Implications

In conjunction with this policy Council will also be requested to adopt a new fee of \$20.00. This fee will be charged should members of the public request a DISC copy of the audio recording of a meeting. This new fee will be advertised in accordance with provisions made under the Local Government Act 1995.

Officer's Comment

It is recommended that Council adopt the 'Audio Recording of Council and Committee Meetings' policy in order to frame and support its original decision from 25 January 2006.

Recent discussions held with the Office of the Information Commissioner have indicated that it is appropriate for a Local Government to have a policy that outlines how the organisation deals with its public meetings' audio recordings.

Extensive research has also showed that most WA Local Governments that do record their meetings have a policy in place that supports this process.

This policy provides information on how audio recordings should be managed at a Local Government level and in accordance with relevant legislation. It also reflects a leading practice approach to this matter following extensive consultation with relevant parties.

Further, Council's adoption of this policy will ensure that the release of recordings of all Town of Port Hedland public meetings takes place in a consistent and transparent manner.

Should Council adopt this policy it is recommended that it also endorse a \$20.00 fee for the audio recording of a meeting. This fee will be charged to members of the public that wish to receive a DISC copy of an audio recording of a meeting.

Attachments

1. Town of Port Hedland's Audio Recording of Council and Committee Meetings Policy.

201213/189 Officer's Recommendation/ Council Decision

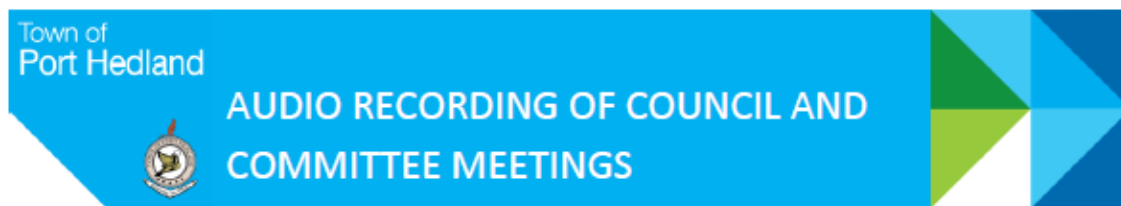
Moved: Cr Carter

Seconded: Cr Jacob

That Council:

1. **Adopt the Town of Port Hedland's Audio Recording of Council and Committee Meetings Policy; and**
2. **Endorse the advertising of the new \$20.00 fee for the provision of an audio recording of a meeting, with the date of commencement of the new fee on the 14 December 2012.**

CARRIED 6/0



AUDIO RECORDING OF COUNCIL AND COMMITTEE MEETINGS

Objective

The objective of this policy is to set out how audio recordings of Council and Committee meetings are created, stored, used, accessed and disposed of in accordance with legislative and policy requirements.

Policy

1. Purpose of Audio Recordings of Meetings

Audio recordings of Council and Committees meetings will be made for the purpose of:

- assisting in the preparation of minutes
- ensuring decisions are accurately recorded
- verifying the accuracy of minutes prior to their confirmation.

2. Public Notification of Recording of Meetings

Advice will be provided to the members of the public attending meetings that an audio recording of the meeting will be made and that their voice and details may be released to a third party other than people in the room. The wording of the advice will be as follows:

'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'.

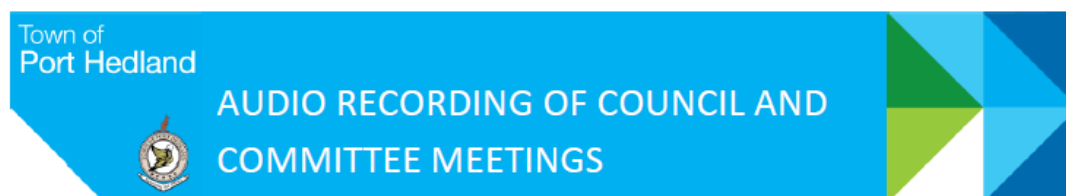
The advice will be displayed in the following manner:

- On the notice of agenda for meetings of Council, Electors and Committees
- On notices at the entry to the Council Chambers or place where meetings are held
- On paperwork associated with Public Question and Public Statement Time
- On the Town of Port Hedland website
- Verbally by the Chairperson at the commencement of the ordinary, special and committee meeting of Council and Annual General Meeting of Electors

3. Storage of Recordings and requests for recordings

Audio recordings of the entire meeting will be stored in accordance with State Records Act 2000 and General Disposal Authority (GDA) 2010.

Any request for audio recordings of Council or Committee meetings made available to members of the Council, or the public will be maintained in Council's records.



4. Access to Recordings

Council Members may obtain a copy of the recorded proceedings of the business of the Council or Committee Meeting, upon request to the Chief Executive Officer, free of charge.

Members of the public may access an audio recording of the Council or Committee Meeting that reflects the written record of the business of the meeting. This will exclude recording of discussion of items that are considered behind closed doors.

Audio copies of Council and Committee Meetings available to the public will be provided on Council's website together with the written record of that meeting, free of charge. This will be within 10 working days of the relevant Council or Committee meeting.

Costs of providing CD audio recordings of Council and Committee Meetings available to the public will be advertised in the Town's Schedule of Fees and Charges each year.

Definitions

Audio Recording

Means any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by video camera, cassette recorder, or DAT recorder, and stored on compact disc (CD), Digital Audio Tape (DAT), or in any other format (such as WAV, MP3, etc).

Relevant Legislation	State Records Act 2000 and General Disposal Authority (GDA) 2010 Local Government Act 1995 ToPH Local Law on Standing Orders
Delegated Authority	N/A
Council Approval Date and Resolution No.	
Last Date of Review	
Review Frequency	Annually
Responsible Unit/Directorate	Governance, Corporate Services

This policy does not impinge on any person's access to public records under the Freedom of information Act.

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 *Proposed Scheme Amendment No. 62 to the Town of Port Hedland Town Planning Scheme No. 5 to rezone Lot 452 Morgans Street, Port Hedland from “Community” (Health) to “West End Residential” (File No.: 18/09/0074)*

Officer	Eber Butron
Director Planning & Development	
Date of Report	19 November 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Greg Rowe & Associates on behalf of Finbar Group Limited to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* (TPS5). The proposed amendment seeks to rezone Lot 52 Morgans Street, Port Hedland from “Community” (Health) to “West End Residential”.

The request is supported by Planning Services and it is recommended Council initiate the scheme amendment.

Background

The Site (Attachment 1)

The applicant is requesting the Council to initiate an Amendment to the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) to rezone Lot 452 Morgans Street, Port Hedland (the site). The site is located in the Port Hedland ‘West End’ area. The site is bound by Sutherland Street to the north, an undeveloped “Tourism” zoned site to the west, Morgans Street to the south and “West End Residential” zoned land to the east.

The site is located approximately 1.2km west of the Port Hedland Town Centre and approximately 350m north of the Port Hedland port operations. The site has a total land area of approximately 3.5ha.

The site is currently developed with the now decommissioned Port Hedland Hospital and associated buildings.

The Proposal (Attachment 2)

The applicant is seeking to initiate the amendment to rezone the site from “Community” (Health) to “West End Residential”. The applicant has submitted information in support of the proposed amendment which is summarized as follows:

The intent of the Scheme Amendment is to provide the necessary and appropriate planning provisions to facilitate the development of the subject site in a manner that is cognisant of contemporary planning principles and that responds to and takes maximum advantage of the unique characteristics of the land.

In order to provide the greatest flexibility with respect to the development of the subject site, short stay and permanent residential/commercial purposes, it is intended to amend TPS5 by:

Amending the zoning of Lot 452 Morgans Street, Port Hedland from "Community" (Health) to "West End Residential" Zone;

Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and

Modifying Appendix 2 of TPS – "Additional Development and Uses" to include Lot 452 Morgans Street, Port Hedland into "Description of Land" with the additional uses of "Shop", "Showroom" and "Take-away Food Outlet" and inserting "Development shall be in accordance with clause 6.3.10 (b)" under the conditions.

Consultation

Should Council resolve to initiate this amendment to TPS5 as recommended, the documentation will be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to Section 81 of the Planning and Development Act 2005, thereafter advertised for public comment.

Should any objections be received during the consultation period a report will be presented to Council to consider and determine whether to adopt the amendment with or without modifications, or to abandon the amendment.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

Section 5.7.1 | Precinct 1 – West End

Precinct Plan Summary:

- Coastal parklands nodes / lookouts, land mark waterfront development.

Implementation Indicators:

- Coastal hazard risk management and adaption planning for new development within areas identified as at risk of coastal erosion.
- Hazard risk management assessment and adaptation planning for all new developments identified as at risk of localised flooding and inundation.
- Precinct encapsulated in TPS5 as a 'Development Plan' area.
- Detailed investigations to identify and protect indigenous and non-indigenous heritage sites.
- Existing land use rights of residential landowners respected, whilst promoting increased awareness of future land use permissibility and development potential through consultation, development guidelines, local planning frameworks etc.
- A coordinated approach to transport planning through a strategic transport assessment for all major roads.

Proposed zoning:

- Short Stay Accommodation.

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

6.2.1 Diverse Economy:

- Facilitate commercial, industry and town growth.
- Enhance supply of suitably located and supported industrial and retail land.

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

Budget Implications

The applicant has paid the prescribed fee of \$7,556.20 for the initiation of the scheme amendment.

Officer's Comment

Pilbara's Port City Growth Plan illustrates that housing undersupply is the most critical impediment to future economic and population growth. The shortage of housing prevents the inward migration of new residents and businesses into Town.

The site is currently zoned "Community" (Health) and contains the decommissioned Port Hedland Hospital and associated buildings. The proposed scheme amendment will rezone the site to allow for a range of short stay and permanent residential and commercial land uses.

The site is identified within the Growth Plan to be a 'Short Stay Accommodation' site in the future. The Growth Plan further outlines the desirability for:

Coastal parklands nodes / lookouts, landmark waterfront development.

The proposed scheme amendment is considered to generally address and meet the strategic direction outlined within Pilbara's Port City Growth Plan (Growth Plan). It is expected the rezoning will promote the development of a landmark waterfront development. Assessments of future Development Applications over the site should ensure a high quality product is provided.

The size, shape and location of the site will assist in ensuring the objectives of the West End precinct area achieved.

Contamination

Under the Contaminated Sites Act 2003, the site has been classified as a "*possibly contaminated – investigation required*". The applicant provided a Preliminary Site Investigation (PSI) report to assist the scheme amendment. The PSI report confirms:

That potentially contaminating land uses did occur at the site as a result of the hospital operations.

The report provides recommendations on how the potential contamination should be treated. The actions include:

- The preparation of a Sampling and Analysis Plan (SAP).
- Accredited Contaminated Sites Auditor for review and endorsement.
- Undertake a Detailed Site Investigation (DSI) report.

It is recommended Council initiate the amendment to allow referral to the Environmental Protection Authority and Department of Environment and Conservation.

Options

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment.

The scheme amendment will facilitate the much anticipated redevelopment of the decommissioned hospital site. The scheme amendment provides for a range of additional uses consistent with the strategic growth of the Town.

2. Refuse to initiate the Scheme Amendment.

Refusal of the scheme amendment will result in the site remaining with the current "Community" (Health) zoning. The current "Community" (Health) zoning limits the potential redevelopment of the site for that use.

Option 1 is recommended.

Attachments

Locality Plan
Scheme Amendment Document

Officer's Recommendation

That Council:

1. Approves the request from Greg Rowe & Associates to initiate the Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to rezone Lot 452 Morgans Street, Port Hedland from "Community" (Health) to "West End Residential".
2. Advise the applicant accordingly and request the applicant prepare the formal amendment documents to enable referral to the Environmental Protection Authority (EPA).
3. Should confirmation from the EPA indicate the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

201213/190 Alternative Recommendation/ Council Decision**Moved: Cr Jacob****Seconded: Cr Carter****That Council:**

- 1. Approves the request from Greg Rowe & Associates to initiate the Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to:
 - a. Rezone Lot 452 Morgans Street, Port Hedland from “Community” (Health) to “West End Residential”;**
 - b. Insert sub-clause 6.3.10 (b), “Residential Development on Lot 452 Morgans Street shall be permissible to a yield equivalent to the R160 density” and renumber existing sub-clause (b) and (c) as sub-clause (c) and (d), respectively;**
 - c. Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and**
 - d. Modifying Appendix 2 of TPS 5 – “Additional Development and Uses” to include Lot 452 Morgans Street, Port Hedland into “Description of Land” with the additional uses of “Shop”, “Showroom” and “Take-away Food Outlet” and inserting “Development shall be in accordance with clause 6.3.10 (b)” under the conditions.****
- 2. Advise the applicant accordingly and request the applicant prepare the formal amendment documents to enable referral to the Environmental Protection Authority (EPA); and**
- 3. Should confirmation from the EPA indicate the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.**

CARRIED 6/0

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of this Committee meeting are enclosed under separate cover.

13.1 *Airport Committee – 25 October 2012***201213/192 Recommendation/ Council Decision****Moved: Cr Carter****Seconded: Cr Jacob**

That Council adopts the Minutes of the Ordinary Meeting of the Airport Committee held on 25 October 2012.

CARRIED 6/0**ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

7:29pm Councillors Daccache and Gillingham declared an Impartiality interest in Item 14.1 Councillor Gillingham Notice of Motion from 24 October 2012 as they are both involved in the report.

Councillors Daccache and Gillingham did not leave the room.

201213/193 Council Decision**Moved: Cr Daccache****Seconded: Cr Carter**

That the meeting be closed to members of the public as prescribed in Section 5.23(2)(b) of the Local Government Act 1995, to enable Council to consider the following Items:

14.1 Councillor Gillingham Notice of Motion from 24 October 2012**15.1 Public Liability Personal Injury Claim**

and Section 5.23(2)(c) of the Local Government Act 1995, to enable Council to consider the following Item:

15.2 Remuneration Package for Program Director Airport Redevelopment**CARRIED 6/0**

14.1 Councillor Gillingham Notice of Motion from 24 October 2012 (File No.: .../...)

Cr. Janet Gillingham
3 Simmons Street.
Cooke Point
Port Hedland WA 6721

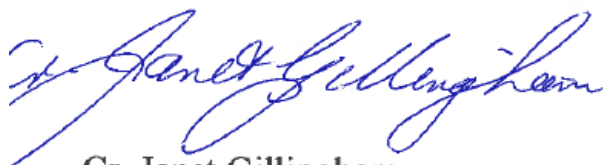
24th October, 2012

Resolution to Council.

As a result of the comments allegedly made by Deputy Mayor Daccache at the special meeting held of the 6th September, 2012.

Regarding this resolution submitted by myself, and the derogatory remarks made, as expressed in the North West Telegraph newspaper, and I believe is voice recorded as per council requirements, I request a public apology from Deputy Mayor Daccache regarding these comments.

Yours sincerely,



Cr. Janet Gillingham.

TOWN OF PORT HEDLAND
RECORD No. 1CR32887
OFFICER.. Grace.. Waugh
6 NOV 2012
FILE No. 13/06/0001
ACTION DATE.....

Town of Port Hedland Administration Report

Officer Josephine Bianchi
Governance Coordinator

Date of Report 16 November 2012

Disclosure of Interest by Officer Nil

Summary

This report accompanies Councillor Gillingham's notice of motion raised at the Ordinary Council meeting of 24 October 2012, as is recommended practice.

Background

At the Ordinary Council meeting of 24 October 2012 Councillor Gillingham put forward the following "Resolution to Council":

"As a result of the comments allegedly made by Deputy Mayor Daccache at the Special Meeting held of the 6 September, 2012. Regarding this resolution submitted by myself, and the derogatory remarks made, as expressed in the North West Telegraph newspaper, and I believe is voice recorded as per Council requirements, I request a public apology from Deputy Mayor Daccache regarding these comments."

The comments that Councillor Gillingham refers to have not been listed in the minutes of the 24 October 2012, as the Town's administration is only required to record relevant discussions that surround the business of the meeting that take place during the course of such meeting. There are no legislative requirements for comments that are made outside of the course of a meeting (i.e. once a meeting is declared closed or once a quorum is lost) to be recorded in the minutes of such meeting.

This report therefore seeks to consider Councillor Gillingham's notice of motion in the context of Local Government's legislative and ethical framework and put forward a recommendation to Council that is in accordance with such provisions.

Consultation*Internal*

- Chief Executive Officer
- Manager Organisational Development

External

- Nil

Statutory Implications

Local Government Act 1995

“5.103. Codes of conduct

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*
- [(2) deleted]*
- (3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.*

5.104. Other regulations about conduct of council members

- (1) Regulations may prescribe rules, to be known as the rules of conduct for council members, that council members are required to observe.*
- (2) The rules of conduct for council members apply, to the extent stated in the regulations, to a council member when acting as a committee member.*
- (3) The rules of conduct may contain provisions dealing with any aspect of the conduct of council members whether or not it is otherwise dealt with in this Act.*
- (4) Regulations cannot prescribe a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under section 5.105(1)(b), also be a serious breach under section 5.105(3).*
- (6) The rules of conduct do not limit what a code of conduct under section 5.103 may contain.*
- (7) The regulations may, in addition to rules of conduct, prescribe general principles to guide the behaviour of council members.*

5.105. Breaches by council members

- (1) A council member commits a minor breach if he or she contravenes —
 - (a) a rule of conduct under section 5.104(1); or*
 - (b) a local law under this Act, contravention of which the regulations specify to be a minor breach.**
- (2) A minor breach is a recurrent breach if it occurs after the council member has been found under this Division to have committed 2 or more other minor breaches.*
- (3) A council member who commits any offence under a written law, other than a local law made under this Act, of which it is an element that the offender is a council member or is a person of a description that specifically includes a council member commits a serious breach.*

[Section 5.105 inserted by No. 1 of 2007 s. 11.]

5.106. Deciding whether breach occurred

A finding that a breach has occurred is to be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

[Section 5.106 inserted by No. 1 of 2007 s. 11.]

5.107. Complaining to complaints officer of minor breach

(1) A person who has reason to believe that a council member has committed a minor breach may complain of the breach by sending to the complaints officer a complaint in accordance with subsection (2).

(2) The complaint has to be made in writing, in a form approved by the Minister, giving details of —

(a) who is making the complaint; and

(b) who is alleged to have committed the breach; and

(c) the contravention that is alleged to have resulted in the breach; and

(d) any other information that the regulations may require.

(3) Within 14 days after the day on which the complaints officer receives the complaint, the complaints officer is required to —

(a) give to the person making the complaint an acknowledgment in writing that the complaint has been received; and

(b) give to the council member about whom the complaint is made a copy of the complaint; and

(c) send —

(i) the complaint; and

(ii) anything the complaints officer has that is relevant to the complaint including, where relevant, details of any 2 or more minor breaches that the council member has previously been found to have committed, to the member of the primary standards panel who is appointed under Schedule 5.1 clause 2(a).

(4) A person can make a complaint under this section within 2 years after the breach alleged in the complaint occurred, but not later.

[Section 5.107 inserted by No. 1 of 2007 s. 11.]”

Local Government (Rules of Conduct) Regulations 2007

“3. General principles to guide the behaviour of council members

(1) General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) avoid damage to the reputation of the local government; and

(e) be open and accountable to the public; and

(f) base decisions on relevant and factually correct information; and

(g) treat others with respect and fairness; and

- (h) *not be impaired by mind affecting substances.*
- (2) *The general principles referred to in subregulation (1) are for guidance of council members but it is not a rule of conduct that the principles be observed.”*

Town of Port Hedland Standing Orders

“No Adverse Reflection on Member or Employee

*17.2
adversely upon the
member or an
any way to another*

*A member, shall not comment
character or actions of another
employee or be disrespectful in
member or employee.*

Demands for Withdrawal

*17.4
of clauses 17.1 or
the member
offending comment and
and if the member
chairperson may
speaking and may call on*

*If any member commits a breach
17.2 the chairperson may require
unreservedly to withdraw any
to make a satisfactory apology,
declines or neglects to do so the
direct the member to cease
the next speaker.”*

Town of Port Hedland Code of Conduct

“3. BEHAVIOUR

3.1 GENERAL BEHAVIOUR PRINCIPALS

*Council members and officers agree to act in manner that that
portrays the highest standards of ethical conduct by always:*

- a) Acting with reasonable care and diligence;*
- b) Acting with honesty and integrity;*
- c) Acting lawfully;*
- d) Avoiding damage to the reputation of the Town;*
- e) Being open and accountable to the public;*
- f) Basing decisions on relevant and factual information;*
- g) Treating others with fairness and respect; and*
- h) Not being impaired or affected by mind affecting substances.*

PERSONAL BEHAVIOUR

Members will:

- a) Act, and be seen to act, properly and in accordance with the
requirements of the law and the terms of this Code;*
- b) Perform their duties impartially and in the best interests of
the Local Government uninfluenced by fear or favour;*
- c) Act in good faith in the interests of the Local Government
and the community;*
- d) Make no allegations which are improper or derogatory
(unless true and in public interest) and refrain from any form
of conduct, in the performance of their official or professional
duties, which may cause any reasonable person*

- unwarranted offence or embarrassment;*
- e) *Always act in accordance with their obligation of fidelity to the Local Government; and*
 - f) *Represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.*

3.3 HONESTY AND INTEGRITY

Members will

- a) *Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;*
- b) *Bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member.*
- c) *Be frank and honest in their official dealing with each other.”*

Policy Implications

Nil

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

- Deliver high quality corporate governance, accountability and compliance

6.4.2 Community Focused

- Local leaders in the community who provide transparent and accountable civic leadership

Budget Implications

Nil

Officer's Comment

As outlined in the Statutory Implications section of this report there is both legislation and corporate documentation that refers to the conduct of an Elected Member.

The Local Government Act 1995 makes reference to the code of conduct that every Local Government must prepare and adopt and further prescribes Council members must abide by The Local Government (Rules of Conduct) Regulations 2007.

These regulations refer to the general principles to guide the behavior of an Elected Member but it is not a rule of conduct that the principles be observed.

An Elected Member who contravenes any of the regulations is considered to have committed a minor breach and further the Act allows for any person who has reason to believe that an Elected Member has committed a minor breach to make a complaint as such.

The Town of Port Hedland Code of Conduct refers to general and personal behavior of Elected Members but it is a guideline only and there are no regulations on how to manage behaviour should an Elected Members not observe the required standards.

The Town of Port Hedland Local Law on Standing Orders makes reference to the conduct of an Elected Member that takes place during the course of a Councillor or committee meeting. The conduct of the Elected Member referred to in this notice of motion did not take place during the course of a meeting and as such Standing Orders do not apply.

The above documentation sets out principles and guidelines as to the conduct and behavior of Elected Members. However it is important to note that there are no requirements for the Administration of a Local Government to recommend that Council pursue any regulatory action against an Elected Member that follows their non-adherence to such principles. Having said this, Council can decide whether it wants to pursue a certain line of action against an Elected Member, however, there is no legislation that stipulates such line of action has to be taken on board or adhered to by the affected party.

Attachments

Nil

201213/194 Officer’s Recommendation/ Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That Council recognises that under the current circumstances there is no head of power that warrants the apology of one Elected Member to another.

CARRIED 4/2

For	Against
Mayor Howlett	Councillor Carter
Councillor Daccache	Councillor Gillingham
Councillor Jacob	
Councillor Hunt	

ITEM 15 CONFIDENTIAL ITEMS

7.46pm Councillor Hunt declared an Impartiality interest in Item 15.1 Public Liability Personal Injury Claim as she knows the applicant.

Councillor Hunt did not leave the room.

15.1 *Public Liability Personal Injury Claim*

201213/195 Recommendation/ Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council acknowledges the progress of the case to date.

CARRIED 6/0

15.2 *Remuneration Package for Program Director Airport Redevelopment (File No.: .../...)*

Council Motion

Moved: Cr Carter

That Council:

1. Endorse the proposed remuneration package for the position of Program Director Airport Redevelopment as follows:

Remuneration Package Component	2012-2013	2013-2014
Base Salary	\$311,000	\$311,000
Superannuation (12%)	\$37,320	\$37,320
Internet access	\$800	\$800
Uniform Allowance	\$700	\$700
Total Remuneration Package	\$349,820	\$454,766

2. 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.

3. Approves the total cost associated with the recruitment and subsequent appointment of the Program Director Airport Redevelopment to be funded from the Airport Reserve.

MOTION LAPSED FOR WANT OF A SECONDER

201213/196 Officer's Recommendation/ Council Decision

Moved: Cr Jacob

Seconded: Cr Daccache

That Council:

1. Endorse the proposed remuneration package for the position of Program Director Airport Redevelopment as follows:

Remuneration Package Component	2012-2013	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; and
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 4/2

For	Against
Mayor Howlett	Councillor Carter
Councillor Daccache	Councillor Gillingham
Councillor Jacob	
Councillor Hunt	

NOTE: Subsequently to this meeting it has come to the Town's attention that the vote associated with this item is not an absolute majority vote. However as an absolute majority vote was required the vote was lost with no additional information provided to the Administration as to the next step in this process. Therefore this item will be resubmitted to Council at its next Ordinary Council for consideration and direction.

201213/197 Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That the Meeting be opened to members of the public.

CARRIED 6/0

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 17 CLOSURE

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 12 December 2012, commencing at 5.30 pm.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:58 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by Council at its Ordinary Meeting held on _____.

CONFIRMATION:

MAYOR

DATE