



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 26 SEPTEMBER 2012

AT 5.30 PM

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

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*Natalie Octoman
Acting Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 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 Michael (Bill) Dziombak
Councillor Julie E Hunt
Councillor Gloria A Jacob

Officers

Ms Natalie Octoman	Acting Chief Executive Officer
Mr Gordon MacMile	Director Community Development
Mr Darryl Eastwell	Acting Director Planning & Development
Ms Jenella Voitkevich	Acting Director Engineering Services
Mr Ayden Férdeline	Administration Officer, Governance
Ms Grace Waugh	Administration Officer, Governance

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 22 August 2012****3.1.1 *Mr Camilo Blanco***

Can you tell me the estimated overall cost of that 30-40% pay rise per year to the ratepayers of the town?

Acting Chief Executive Officer advised that the overall increase in the pay rise is 23%. The estimated cost impact of the salary increase is \$1,138,798.56 for the 2012/13 financial year.

3.1.2 Mr Chris Whalley

BHP run trains over the Wallwork Road crossing causing traffic jams around the South Hedland and Wedgefield area. Could Council ask BHPB management not to move trains on the Wallwork Road crossing between the hours of 5.30am and 7.30am in either direction?

Acting Director Engineering Services advised that Council has raised this matter with BHP Billiton. Council has been advised that it will be elevated to the appropriate internal management group and a response will be shared once available. Traffic on the Wallwork Road will slowly ease off once Hamilton Road is reopened by the first week of September.

Does Council know when new trees are going to be planted in the Hamilton Road Forrest Circle Precinct? Does Council know what type of trees will be planted? Following the cyclone damage January this year, does Council know when the new Marquee Park will be reopened in South Hedland? What will it's name be?

Acting Director Engineering Services advised that Landcorp will be landscaping Forrest Circle after Christmas. Species will include Eucalypts and Melaleuca (both of which are native to the area). No additional tree planting is planned at this time for Hamilton Road. The opening of Marquee Park has not yet been confirmed and the name is currently under review.

3.1.3 Ms Louise Newbery Starling

Two meetings ago I asked a question concerning Redbank Road. At the last meeting I was advised this matter would be passed on to Main Roads. At today's date I still have not received a response, could Council please let me have an answer?

Acting Director Engineering Services advised that Redbank Road was approved for addition to the Restricted Access Vehicles (RAV) network in 2006. The road was formally added to the network in 2007. There is not usually a public consultation period before a road is added to the RAV network because this decision is purely a technical one. The process for adding a road to the RAV network is as follows:

- Council receives a request to include a road on the RAV network.
- Council Officers carry out initial assessment to determine the suitability of the road and advises applicant of any issues.
- If all assessment requirements are met, recommendations are presented at a Council Meeting for formal approval or rejection of application.
- If application is approved by Council, Main Roads Western Australia are requested to include road on RAV network.
- Main Roads Western Australia proceed with formal assessment of road.
- Inclusion of road on RAV network is approved or rejected by Main Roads Western Australia.

It should be noted that Council has an allocation in the 2012/13 budget to improve the condition of this road.

I have asked this question four meetings ago and then again two meetings ago and still have received no answer. What is the Planning Department going to do about the illegal use of land at Redbank and can I receive a report on this matter?

Acting Director Planning and Development advised the Compliance Officer has conducted inspections of the Redbank area (from the verge), and is in the process of working through the individual lot files to ascertain the status of the various users. Should the uses be contrary to the Town Planning Scheme, compliance action will be taken to rectify the situation. Should compliance action be taken it will be resolved through the legal system and such matters are considered confidential.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 22 August 2012

3.2.1 Councillor Carter

Could I have the total cost for consultants on [Wanangkura Stadium]?

Acting Chief Executive Officer advised total consultant costs for the Wanangkura Stadium are estimated to be \$3,376,031.38

Can the Council write to Main Roads and ask that Wilson Street be cleaned up?

Acting Director Engineering Services advised that Officers have been in contact with Main Roads WA and the litter problem will be addressed.

3.2.2 Councillor Gillingham

Is the presentation from the Health Department still going ahead as per my previous request?

The then-Acting Chief Executive Officer advised that contact has been made with the Department of Health who advised that this can be arranged should Council clarify the purpose and intent of the desired presentation.

There is too much happening in one weekend, can we have a whiteboard at the shopping centre outlining all upcoming events so no clashes take place?

Director Community Development advised that the Town of Port Hedland website has a community events calendar. Community groups can load their event into the calendar, as well as checking what else is being planned/held on particular dates. The calendar is frequently promoted amongst community groups to use.

The queues at Post Office are out of the door. Can we approach Australia Post about extending their trading hours and maybe opening on a Saturday morning from 9am to 1 pm as in the city?

Acting Chief Executive Officer advised that a letter has been sent to Australia Post with this request and a response is yet to be received. There is a meeting scheduled with Australia Post where this matter will be discussed in greater detail.

Between the airport turn off and Wedgefield terminal there is a lot of litter, can the Town look into this?

Acting Director Engineering Services advised that staff have been in contact with Main Roads WA and the litter problem is being addressed.

ITEM 4 PUBLIC TIME

Mayor opened Public Question Time at 5:34pm.

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

Can you explain the reason the agenda for the Special Council Meeting held on September 12 was edited to omit the slanderous comments of the Deputy Mayor?

Mayor advised that the agenda was not altered.

Can you explain the reason the unconfirmed minutes of the Special Meeting held on 6 September and 12 September were edited and do not have the comments made by the Deputy Mayor?

Acting Chief Executive Officer advised that the minutes are to reflect the business that is transacted. As quorum was lost no further business could be transacted at the meeting.

Had the meeting been closed at that point?

Acting Chief Executive Officer advised that the meeting was counted out as per the Town of Port Hedland Standing Orders.

Was the meeting adjourned for a 5 minutes recess, then readjoined as per Local Government Regulations?

Acting Chief Executive Officer advised that this matter is not in accordance with Local Government regulations but the Town of Port Hedland Standing Orders. The meeting should have been suspended but it was not because it appeared the Elected Members would not be returning.

At every Council Meeting held the public is reminded of the Town of Port Hedland Standing Orders and the Local Government Regulations relating to questions asked. Is this Council exempt from following the laws and regulations as laid out in the Local Government Act?

Mayor advised in the negative.

Sections of the Act breached; Minutes of Council Meetings, 5.22 (1). Breaches of the the Town of Port Hedland Standing orders; 4.1,4.2,17.1,17.2, Local Government Act, Local Standing Orders and Codes of Conduct. These were all violated by the minutes of the meeting being edited and by the Deputy Mayor's comments. Can you tell me the action the Town is taking on this matter?

Mayor advised that no further action will be taken by the Town.

Acting Chief Executive Officer advised that the Elected Members are within their rights to lodge a complaint if they wish.

What does the Local Government Act mean to this Council?

Mayor advised that the Local Government Act means everything to the Council. It provides order and is the foundation of the Council.

Is it the law?

Mayor advised it is the order that Council follows.

The Special Meeting was held to get clarification by the Department of Local Government whether the simple majority vote was legal, but I have only seen advice from McLeod's the lawyers. The agenda and minutes do not have that clarification from the Department, why is it not in the agenda or minutes?

Mayor advised that clarification was sought and Elected Members are aware of the advice received.

An email from a Councillor requests from the Acting Chief Executive Officer the audio of the meeting held on 6 September. The Acting Chief Executive Officer's reply states "for the Councillor to receive the full recording they would have to submit a Freedom of Information request (FOI)." Why are Councillors being directed to submit FOI applications to receive Council audio?

Mayor advised that this is best practice for local authorities. Many people speak at Council meetings and as recording may go to third parties, all meeting attendees need to know that the meetings are recorded and their rights are being protected.

The original underground power connection fee of \$1154.14 was reduced to \$1027.58, yet people in areas with underground power are receiving bills of \$1400.00. Can Council explain the discrepancy?

Mayor advised that an error occurred when the data was being transferred which switched around the KVA and the connection fee. This was put on the Town's website today and there is a media release stating that the Town is currently reprinting and reissuing the statements so they reflect the proper figure.

A copy of someone's bill shows that underground power is being charged even though areas already have it there. Should they only be paying the connection fee?

Mayor advised that everyone has to pay for the removal of the old infrastructure.

The Local Government Act clearly states that Local Governments cannot charge for a service that has not been provided. Can the Town explain how it can legally charge for the underground power in areas that already have it and in areas that have not been connected to the service yet? Can the Mayor also quote the section in the Act that confirms your answer?

Mayor advised that although she cannot quote the exact section

of the Act at present, all local authorities in the Pilbara are part of the underground power project which is a State Government initiative. All of the Pilbara Shires are using the same billing arrangements. It is in accordance with the Local Government Act.

Can I get the section of that Act that states that?

Mayor advised this question is taken on notice.

Mayor closed Public Question Time at 5:42pm.

Mayor opened Public Statement Time at 5:43pm.

4.2 Public Statement Time

4.2.1 *Mr Camilo Blanco*

The special meeting held on 6 September and 12 September cannot have the minutes confirmed because they have been edited. The Local Government Act states the minutes are to reflect the meetings proceedings, those proceedings have been altered.

4.2.2 *Ms Andrea Davies*

NOTE: Mayor Howlett read an email out on behalf of Ms Andrea Davies from Leimac. Below is a summary of the email.

Andrea Davies wrote on behalf of Leimac and asked Council to reject the Ancillary Accommodation Policy, item 11.1.1 in tonight's agenda, and requested a revised policy. Ms Davies asked that Council read Leimac's submission in the agenda item in full as Leimac do not believe the summary provided by the Town of Port Hedland accurately conveys the content.

Leimac has been working with the Town's Planning Department to try to find some common ground between the policy and their ability to customize their product so the negative impact on streetscape is minimized. Their designers and manufacturers have suggested design modifications to their original product which are cost effective and can be produced fast.

It is Leimac's concern that the policy has unreasonable limitations and cost burdens on Port Hedland property owners and will favour big businesses. Leimac do not believe their product will ever be mass produced.

Mayor closed Public Statement Time at 5:46pm.

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

The media release for the Wanangkura Stadium upgrade states that Stage 1 has been completed. What does Stage 2 mean?

Acting Director Engineering Services advised that Stage 2 refers to the installation of pumps which are required to pump through water from the tanks into the fire hydrants.

Are Stage 1 and 2 included in the original cost of \$350,000 or is this an additional cost?

Mayor advised that it is an additional cost.

Can I please have the number of Freedom of Information requests received by the Town in the last 6 months and be advised as to whether the Town responded to all the ones that have been received?

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

5.2 *Councillor Gillingham*

I requested an audio recording of the whole meeting held on 6 September and 12 September. I was told I could only have a copy of the recording up until I vacated the Council Chambers but I believe the recording was still going and that unpleasantries were said by the Deputy Mayor. I would like to find out whether what was said in the newspaper was word for word. If so I would like a public and written apology from the Deputy Mayor.

Mayor advised she was not at the meeting and can't attest to what happened afterwards. The recording stops at the loss of quorum and there was no more business of Council.

Acting Chief Executive Officer advised that a recording of the meeting was taken up until it closed. The meeting finished and business ceased at the loss of quorum. The tape did not stop at that point but that was when business stopped and what can be released. A FOI application can be lodged and will be considered for the rest of the recording. This is to ensure the Town follows a due process in line with the FOI Act.

I have read the newspaper and I would like an apology from the Deputy Mayor if that is what was said at the meeting.

Mayor advised that she could not make one Councillor apologise to another but she would be happy to arrange for a mediation session between the two Councillors.

I have spoken to Mr Vern McKay at the Department of Local Government regarding getting the rest of the audio recording. He does not understand why a Councillor has to lodge a Freedom of Information request to get a recording. Can I please request a copy of the total meeting so I can hear what was said because I have been told I do not need to lodge an FOI?

Mayor advised that the procedure of submitting a FOI needs to be followed.

The advice received from Mr McKay was that an Elected Member does not need to lodge a FOI request.

Mayor advised that the Town has received advice by the Office of the Information Commissioner and this is the procedure that was put in place to ensure all requests are handled in a proper and consistent manner.

Can you please phone Mr McKay yourself and confirm what he said to me?

Mayor advised in the negative.

I have an email from the Acting Chief Executive Officer on 21 September, saying that she could confirm that the advice received for the meeting on 6 September was verbal, from both the Office of Information Commissioner and the Town's Manager Information Services, who handles the FOI's. The Office of Information Commissioner said they would provide their advice in writing. Has the advice been received?

Acting Chief Executive Officer advised that she did receive an email late this afternoon with answers to some of the questions. The Town will be contacting the Office of Information Commissioner to ensure it is in the correct format to send out to Elected Members.

Will this be received shortly?

Acting Chief Executive Officer advised in the affirmative.

Does this mean that to find out what was said at the Special meeting I will need to seek affidavits from everyone present at that meeting because I am not being presented with the whole copy of the recording from the meeting?

Mayor advised that a FOI application can be lodged.

Is that correct that it can take up to 6 months?

Mayor advised in the affirmative.

Acting Chief Executive Officer advised that the statutory process in place states the initial response has to be within 45 days.

Is there anything in the Standing Orders that states I need to submit an FOI for what I am requesting?

Mayor advised in the negative. The process of submitting a FOI has been put in place by the Town of Port Hedland and needs to be followed.

5.3 Councillor Dziombak

Is this meeting being recorded and if so can I please have a copy of the recording?

Mayor advised that it is being recorded and a FOI application will need to be lodged to get a copy of the recording.

I would like to ask the Acting Chief Executive Officer why I am unable to obtain a copy of the audio recording of the meeting held on 6 September, which I have made several requests for?

Mayor advised that this process has already been outlined to the Council and therefore a FOI request will have to be lodged.

In relation to the meeting held on 6 September , I understand there were some comments made by the Deputy Mayor about the 3 Councillors that left the meeting. I am asking for a written apology to Council. Clause 17.3 Local Law Standing Orders states:

“Record of Words Spoken

17.3 A member who is of the opinion that particular words used by another member are in contravention of clause 17.2 may make a written record immediately upon them being used and require the CEO to enter that record in the minutes of the meeting.”

I’m asking the Acting Chief Executive Officer to enter that record into the minutes of the meeting held on 6 September.

Mayor advised that the minutes for that meeting will be confirmed or not confirmed tonight as they have been published.

Can I ask the Presiding Officer at that meeting whether he is going to retract this statements made against the Councillors pursuant to Local Law Standing Orders 17.2 which states:

“No Adverse Reflection on Member or Employee

17.2 A member, shall not comment adversely upon the character or actions of another member or an employee or be disrespectful in any way to another member or employee.”

Mayor advised that she cannot answer for another person. She is more than happy to mediate between the two Councillors to get to a mutual understanding.

With regards to your appointment as a candidate for the opposition is there a statutory policy which restricts you from attending any State Government announcements or events? Your absence has been noted on several recent significant occasions within the Port Hedland.

Mayor advised in the negative.

If there is no such policy then why is it you have made your priority to be absent rather than present on many of these important occasions in the Town of Port Hedland?

Mayor advised that she was absent for the Regional Cabinet visit in July 2012 because she had planned an overseas trip, in excess of 12 months ago, with the South Hedland Catholic Church. In regards to other events or occasions she has missed since July 2012, these were due to medical reasons.

In regards to the recent ministerial ceremony of handing over the keys for the Service Worker Accommodation in the town. Why was the Mayor of the Town of Port Hedland, for such a significant occasion in Newman?

Mayor advised that she missed the ceremony's photo opportunity but she was present for all the other Service Worker Accommodation meetings, whether in person or over the phone, and contributed her comments.

5.4 Councillor Jacob

In regards to the time limitation on public question time and public statement time, does this limitation also apply to Elected Members?

Mayor advised that it is up to the discretion of Councillors'. She has never seen the time limitation used on Elected Members though it has been used for the public.

5.5 Councillor Hunt

I've had a member of the public ask me whether or not a toilet block could be built at the playground at Pretty Pool as the public using the barbeques have no amenities. As well as this, there is nowhere for visitors to park. The member of the public wants to know if this is something that can be looked into in the future?

Mayor advised that the Town's planning team and the rangers have been active in regards to the parking. With the toilet block this will need to be taken on notice and go through the budgetary process.

In regards to the motocross track which has been relocated, is there a timeline as to when this will be completed?

Director Community Development advised that he is not aware of a timeline at the moment.

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 22 August 2012

201213/096 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the Minutes of the Ordinary Meeting of Council held on Wednesday 22 August 2012 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Thursday 30 August 2012 at 5:30pm

201213/097 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the Minutes of the Special Meeting of Council held on Thursday 30 August 2012 at 5:30pm be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.3 Confirmation of Minutes of Special Meeting of Council held on Thursday 30 August 2012 at 6:45pm

201213/098 Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That the Minutes of the Special Meeting of Council held on Thursday 30 August 2012 at 6:45pm be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.4 Confirmation of Minutes of Special Meeting of Council held on Thursday 6 September 2012 and adjourned until Wednesday 12 September 2012

201213/099 Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That the Minutes of the Special Meeting of Council held on Thursday 6 September 2012 and adjourned until Wednesday 12 September 2012 be confirmed as a true and correct record of proceedings.

CARRIED 5/3

Record of Vote:

FOR	AGAINST
Mayor Howlett	Cr Carter
Cr Daccache	Cr Gillingham
Cr Hooper	Cr Dziombak
Cr Jacob	
Cr Hunt	

**ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT
DISCUSSION**

Mayor Kelly Howlett's Activity Report for the September 2012 period to date is as follows:

August 2012

Wednesday, 15th August

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Attended TOPH Concept Forum

Thursday, 16th August

- Fortnightly Teleconference With RDA-Pilbara CEO

Monday, 20th August

- Weekly Teleconference With RDA-Pilbara Chair

Tuesday, 21st August

- Weekly Mayor Chat On Spirit Radio

Wednesday, 22nd August

- Photo & Interview Sydney Morning Herald (FI/FO, Resource Industry Growth Pressures & Impact On Community)
- Meeting Jean Wibrow Re Port Hedland Art Exhibition Opportunities
- Welcome Address At Indigenous Business Development Forum
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Presentation – Community Survey Results & Strategic Community Plan Rollout
- Agenda Briefing Session
- Chair OCM

Thursday, 23rd August

- Attended South Hedland Business Association Breakfast Meeting Event
- Executive Coaching Session
- Attended EPA Site Visit To Port Hedland At Esplanade Hotel
- Briefing Sessions EPA Board and TOPH

Friday, 24th August

- Photo For FORM – Photos People Of The Pilbara Art Project
- Attended 2012 Hedland Art Awards Exhibition Opening

Saturday, 25th August

- Mayor Coffee Session, Port Hedland
- Mayor Coffee Session, South Hedland
- Attended West End Markets
- Coin Toss Prior To NPFL Grand Final – Port Hedland Rovers vs Karratha Kats
- Participated in Relay For Life

Monday, 27th August

- Meeting With Thinc Projects (Shane Harris) Re Community Development Investment Opportunities
- Attended PRC Meeting
- Meeting With Mineral Resources (Darren Killeen)
- Weekly Teleconference With RDA-Pilbara Chair

Tuesday, 28th August

- Weekly Mayor Chat On Spirit Radio

Thursday, 30th August

- Fortnightly Teleconference With RDA-Pilbara CEO
- Chair Special Council Meeting

Friday, 31st August

- Meeting Port Hedland SWA Allocations Follow Up
- Participated In 2012 Police Legacy Golf Day
- Attended Soroptimist International – Port Hedland 41st Birthday Celebration

September 2012

Saturday, 1st September

- Participated In 2012 Police Legacy 20/20 Cricket Game

Monday, 3rd September

- Weekly Teleconference With RDA-Pilbara Chair

Tuesday, 4th September

- Weekly Mayor Chat On Spirit Radio

Friday, 7th September

- Attended HSHS Sport Carnival Presentation Ceremony
- Attended PHNA Vote Count Evening

Saturday, 8th September

- Attended 2012 Tidy Towns/Sustainable Communities Pilbara Region Awards Presentation Evening

Sunday, 9th September

- Attended 2012 Inclusion Festival

- Welcomed 2012 Great Bike Hike Participants Arrival To South Hedland

Monday, 10th September

- Fortnightly Pilbara Shire Presidents/Mayor Phone Link Up
- Update Presentation From FMG
- Meeting With Resident Kim Gentle
- Weekly Teleconference With RDA-Pilbara Chair

Tuesday, 11th September

- Weekly Mayor Chat On Spirit Radio
- Opened 2012 Pilbara Music Festival
- Attended YIC Board Meeting

Wednesday, 12th September

- Attended TOPH Community Safety & Crime Prevention Committee Meeting
- Attended TOPH Alcohol Management Committee Meeting
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Meeting With KM JV Development (Kate George)
- Chair Resumption Of Special Council Meeting

Thursday, 13th September

- Meeting Fundraising Opportunities YIC
- Fortnightly Teleconference With RDA-Pilbara CEO

Friday, 14th September

- Participated in 2012 Atlas Iron Volunteer Day Event
- Informal Briefing Re IRFP & KPMG

Saturday, 15th September

- Attended 2012 Port Hedland Chamber of Commerce Business of the Year Awards

Sunday, 16th September

- Informal Get Together Councillors & New CEO
- Attended 2012 Pilbara Music Festival Finale Concert

Monday, 17th September

- Executive Coaching Session
- Meeting With Resident Bob Neville
- Attended PDC SDG Out Of Session Meeting
- Weekly Teleconference With RDA-Pilbara Chair

Tuesday, 18th September

- Weekly Mayor Chat On Spirit Radio
- Presentation To Port Hedland Primary School Pre-Primary & Kindy Classes Re World Map Program

At the start of the month I participated in the coin toss for the North West Pilbara Football League Grand Final between Port Hedland Rovers and Karratha Kats. Congratulations to the Port Hedland Rovers for winning the grand final two years in a row. I would like to thank everyone involved in Relay For Life, there was a lot of money raised. I attended the Tidy Towns/Sustainable Communities Pilbara Region Awards Ceremony where we were the winners of the Pilbara Region competition and will now be competing in the state competition. I received a letter from Barry Hass, the Local Federal Member, who congratulated Port Hedland for winning the Tidy Towns/Sustainable Communities title for the Pilbara Region. I would like to present the certificate to the Acting Chief Executive. I would also like to thank the Parks and Gardens team and the Engineering team for their efforts.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Councillor Daccache*

I attended Relay For Life opening and would like to congratulate all the participants, as there was a lot of money raised. I attended the Hedland Senior High School sports carnival and gave out medals and trophies. It was a great day and congratulations to the staff for organising the event. I attended the Service Workers Accommodation ceremony and congratulations to everyone involved. On Monday 24 September I also attended the reopening of the Wanangkura Stadium, it was a great success and all the facilities were being used straight away.

9.2 *Councillor Carter*

The Relay for Life was very popular and at last Monday evening they had raised \$130,000 with more to come. It was a magnificent effort by everyone involved.

9.3 *Councillor Gillingham*

Congratulations to Mrs Carter for her Order of Australia award. I also attended Relay for Life, I went to the opening ceremony and the closing ceremony was amazing and congratulations to everyone involved. I went to the JJ taekwondo grading which was amazing and got to see JJ himself go through a grade 4 black belt grading. I was asked to go to a photo shoot at the court house gallery, it was a great weekend with some great photographers. There was also the Pilbara Music Festival, thank you to the Town of Port Hedland for letting us use this venue. I would also like to thank Mayor Howlett, Councillor Carter and Councillor Hunt for assisting with the awards ceremony.

9.4 ***Councillor Hooper***

I attended Relay for Life and was asked to lead the candlelight service which was very touching. I also attended the Hedland Arts Awards; the display there at the moment is the best display of art I have ever seen.

9.5 ***Councillor Dziombak***

I attended the first ceremony of Service Workers Accommodation ceremony where the first sets of keys were handed over. The first business, Advanced Panel and Paint, has moved into their house today. The Chamber of Commerce also had its annual Business of the Year Awards and people are saying it was the best one so far. Congratulations to all the award winners and thank you to all the sponsors including the Town of Port Hedland.

9.6 ***Councillor Jacob***

Congratulations to Mrs Carter on her Order of Australia award, great recognition to someone who has contributed so greatly to the community. The South Hedland Business Association met with Fortescue Metals Group and discussed its recent activities, it was greatly appreciated. I attended the Pilbara Leaders Symposium which was organised by Regional Development Australia in the Shire of Roebourne and where John Payne presented on the recession in Asia. Yesterday the South Hedland Business Association had a breakfast where the CEO of the Port Hedland Port Authority presented on activities at the Lumsden Point. Today the Service Workers Accommodation Committee met and to date there has been 33 allocations with 124 houses being available before Christmas to service workers. I would also like to congratulate the Youth Involvement Council who had an employee win the Employee of the Year award at the Business of the Year Awards.

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

Nil

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 Proposed Adoption of Ancillary Accommodation Policy 12/005.***

Officer	Leonard Long Manager Planning Services
Date of Report	13 September 2012
Disclosure of Interest by Officer	Nil

Summary

At the Ordinary Council Meeting of 25 July 2012, Council resolved to initiate the updated and amended Ancillary Accommodation Policy (“policy”).

As required by the Port Hedland Town Planning Scheme No 5, clause 5.1.4, the application was advertised and the community was provided the opportunity to comment on the proposed policy.

The adoption of the proposed policy is supported by Council Officers.

Background

As a result of the “National Rental Assistance Scheme” (NRAS) which provides incentives to property owners / investors to rent dwellings at least 20% below market value, at the Ordinary Council Meeting of 27 July 2011, Council resolved to delete the requirement of ensuring occupiers of “Ancillary Accommodation” are related to the occupiers of the main dwelling.

This has lead to an influx of applications being received for “Ancillary Accommodation”. It is important to ensure the amenity and streetscapes of residential areas are not negatively impacted upon by the influx of “Ancillary Accommodation” development.

Consultation

As per the Port Hedland Town Planning Scheme No 5, clause 5.1.4, the following community consultation has taken place:

Newspaper Ads in the North West Telegraph allowing for a period of 21 days for comments to be submitted:

- 8 August 2012, and
- 15 August 2012.

As a result of the above community consultation one (1) submission has been received. (ATTACHMENT 1)

Summary of Submission

Submission	Planning Response
<p>1. The "Draft State Planning Policy now classifies "Ancillary Accommodation as "Supplementary Accommodation".</p>	<p>1. The document is currently still in "Draft" form, once gazetted the necessary amendment to the description will be made to both the scheme and this policy.</p> <p>Council Officers do not agree this policy if adopted will place unreasonable limitations upon land owners.</p> <p>The intent of the policy is to ensure residential areas retain their characteristics of applicable to the density of such area.</p>
<p>2. The proposed policy is in conflict with the property and affordability challenges and growth strategies outlined in the Pilbara Port City's Growth Plan.</p> <p>Any planning policy adopted by Council should be outward looking and flexible. Policies which are intractable, lack vision and stifle development and will discourage the partners the Town proposes to attract.</p>	<p>2. Council Officers disagree with the submission. The proposed policy does allow for the development of "Ancillary Accommodation" albeit in a limited manner.</p> <p>Council Officers agree, hence the proposed policy. Without a clear guide on how and where "Ancillary Accommodation" should be developed, the characteristics of the residential areas may be impacted upon negatively.</p>
<p>3. We would expect that any provision of the Draft State Planning Policy 3.1 which is applicable to "Supplementary Accommodation" to prevail.</p>	<p>3. The policy has taken into consideration the current State Planning Policy 3.1. Any changes that may occur as a result of the finalization of the draft policy will be dealt with at that time.</p>

<p>4. We strongly object to clause 4.2.3 of the policy, on the basis that an affordable modular or manufactured product is produced to a standard design and specification.</p> <p>A planning provision such as this would require any Supplementary Accommodation to be designed and constructed on a site-by-site basis, using traditional construction products and methods.</p> <p>The provision is unrealistic and at odds with the Town's recommendation that it promotes the uptake of modular or manufactured housing solutions to provide new housing stock.</p>	<p>4. A standard design and specification regardless of colour, cladding and roof pitch would result in a very similar looking product. Council Officers are of the opinion the mass reproduction of a very similar product would negatively impact upon the residential areas.</p> <p>It is agreed this would not be the most cost effective manner in which to provide "Ancillary Accommodation", the outcome would be far more aesthetically acceptable than having a number of very similar looking products in a residential area.</p> <p>In order to build a Town into a City the use of modular or manufactured housing is required. A large number of modular or manufactured housing exists in Port Hedland, however through innovative designs are able to provide a large variety of product. Council Officers are of the opinion with similar innovative designs "Ancillary Accommodation" can be modular but still comply with the policy.</p>
<p>5. We strongly object to clause 4.2.5 of the policy on the basis that it places unreasonable limitations upon a land owner's right to construct an Autonomous supplementary dwelling on the same lot as an existing single house.</p>	<p>5. The autonomy of an "Ancillary Dwelling" will not be impacted upon by the imposition of clause 4.2.5. Areas in which "Ancillary Accommodation" is normally proposed are areas where due to the density requirement does not allow "Group Dwellings". These are generally lower density areas commonly characterised with large family homes. The construction of a detached "Ancillary Dwelling" where visible from the street would detract from the low density characteristics of the area by providing the impression of It</p>

	<p>will however result in a much improved streetscape encouraging permanent residential living.</p>
<p>6. We strongly object to clause 5.1 of the policy, the provision is procedurally unfair because it places an unreasonable financial burden on the land owner.</p>	<p>6. In terms of State Planning Policy 3.1, when retaining a dwelling as part of a “Group Development” it is required to upgrade the external appearance of such dwelling to a similar standard as the proposed dwelling. The objector has noted in their submission that State Planning Policy 3.1 (Draft) now classifies Ancillary Accommodation as a category of special purpose accommodation termed Supplementary Accommodation which is required to meet the normal Code requirements for group dwelling development.</p> <p>It is agreed the imposition of this requirement may have a financial burden on the land owner, however, it would assist in improving the aesthetical value and amenity of the area. And whilst it may have a financial burden in the short term it may also add value to the land owner’s property.</p>
<p>7. We strongly object to clause 5.2 of the policy. Item 2.14 of the Town of Port Hedland’s Crossover Policy currently enable land owners to construct two crossovers per lot frontage. We would comment that this provision is procedurally unfair because it appears to prevent a land owner from enjoying the benefits of the Town’s Crossover Policy simply because the land owner has elected to add an independent additional dwelling to the lot.</p>	<p>7. After further discussions with the Town Technical Services unit it is propose clause 5.2 of the policy be amended to require all crossovers to comply with State Planning Policy 3.1.</p>

Statutory Implications

In terms of the Port Hedland Town Planning Scheme No 5, clause 5.1.6:

“If Council resolves to adopt the Policy, it shall:

- a) Publish notice of the Policy once in a newspaper circulating in the Scheme Area, and*
- b) If, in the opinion of Council, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.”*

Policy Implications

The adoption of the policy as proposed will assist to ensure proper and orderly planning within the Town.

Strategic Planning Implications

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

Budget Implications

Nil

Officer's Comment

The ability for property owners to develop an “Ancillary Accommodation” unit without the need for the unit to be occupied by members of the family of the existing house, has resulted in an influx of applications being received by the Planning Unit.

Unfortunately due to the high demand for accommodation within the Town many of the “Ancillary Accommodation” units do not add to improving the amenity or streetscape of the area.

Without a Local Planning Policy to guide “Ancillary Accommodation” development it is difficult to refuse an application for an “Ancillary Accommodation” unit that complies with the State Planning Policy 3.1 (Residential Design Codes).

With the Town rapidly growing towards a City it is important to ensure our residential areas and their character is not compromised due to the immediate need for housing. This has been recognised by the “Strategic Community Plan 2012 – 2022, 6.3.1 Housing, *Ensure future land bank available for future residential development through a detailed property strategy, which identifies the sufficient amount and location of future residential land.*”

Attachments

Policy 12/005 “Ancillary Accommodation”
Submission by Leimac Building Pty Ltd

201213/100 Officer’s Recommendation/Council Decision

Moved: Cr Hunt

Seconded: Cr Jacob

That Council:

1. **Adopts Local Planning Policy 12/005 “Ancillary Accommodation” with the following modification:**
 - a. **5.1 and 5.2 in its current form is deleted and replaced with the following:**

5.1 Access to the lot shall be in accordance with State Planning Policy 3.1;

5.2 Where the existing house detracts from the streetscape and amenity the approval of an “Ancillary Accommodation” unit should be conditional on the existing dwelling being reclad in a similar cladding proposed for the “Ancillary Accommodation” unit.
2. **In accordance with clause 5.1.6 of the Town of Port Hedland Town Planning Scheme No 5, publishes notice of the adoption of Local Planning Policy 12/005 – “Ancillary Accommodation” once in a newspaper circulating in the area.**

CARRIED 8/0



LOCAL PLANNING POLICY 12/005 ANCILLARY ACCOMMODATION



1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

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 Town.

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*.

1.2 Relationship of this Policy to *The Scheme*

Pursuant to clause 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.

2. APPLICATION OF THE POLICY

In accordance with clause 6.2 of *The Scheme*, the Residential Design Codes of Western Australia apply to all residential development within the Town of Port Hedland.

3. POLICY OBJECTIVES

The objectives of this policy are to:

- 3.1 To ensure "Ancillary Accommodation" will not adversely impact on the streetscape and / or amenity of the surrounding area;

4. POLICY PROVISIONS

4.1 General

The development of "Ancillary Accommodation" shall conform to all the requirements of the Residential Planning Codes of Western Australia (State Planning Policy 3.1) applicable to a "Single House",

4.2 Building Design.



LOCAL PLANNING POLICY 12/005 ANCILLARY ACCOMMODATION

- 4.2.1 The maximum floor area of "Ancillary Accommodation" shall be in accordance with the Residential Design Codes of Western Australia, excluding verandahs, patios, pergolas and carports.
- 4.2.2 The "Ancillary Accommodation" shall not consist of more than two (2) bedrooms.
- 4.2.3 The "Ancillary Accommodation" shall be where practical of an appearance and style similar to the existing "Single House".
- 4.2.4 The "Ancillary Accommodation" shall be restricted to a single level only.
- 4.2.5 "Ancillary Accommodation" located in the front of, or on the side of the existing "Single House", or on a corner lot shall be designed in such a manner that it appears to be part of the existing "Single House"
- 4.3 Building Siting.
- 4.3.1 "Ancillary Accommodation" shall not be located within the primary street setback area.
- 4.3.2 "Ancillary Accommodation" shall not be located within the secondary street setback area.

5. DEVELOPMENT REQUIREMENTS

- 5.1 Vehicular access to the lot shall be in accordance with State Planning Policy 3.1.
- 5.2 Where the existing house detracts from the streetscape and amenity the approval of an "Ancillary Accommodation" unit should be conditional on the existing dwelling being reclad in a similar cladding proposed for the "Ancillary Accommodation" unit.

6. APPLICATION AND APPROVAL PROCESS

- 6.1 Where the development of "Ancillary Accommodation" is in line with this policy, a development assessment application is required to be considered by Council.
- 6.2 Where the development of "Ancillary Accommodation" is not in line with this policy, a development assessment application is required to be considered by Council after giving notice of the application in terms of clause 4.3 of *The Scheme*.



Direct your enquiries to: Andrea Davies

29 August 2012

Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

By email: council@porthedland.wa.gov.au

Dear Sirs,

**Comment by Leimac Building Pty Ltd
Proposed Town of Port Hedland Local Planning Policy 12-005 - Ancillary Accommodation**

We submit herewith our comments on the proposed Local Planning Policy 12-005 – Ancillary Accommodation.

Leimac Building Pty Ltd (Company Profile)

Leimac Building Pty Ltd is a private construction company based in the south west of Western Australia. The company has operated since 1995, constructing homes in rural and remote Western Australia. Leimac has specialised in steel and timber framed chalets, duplexes, homes and homesteads, both single and double storey - working with budgets from \$50,000 to more than \$1million.

Background

As a resident of Western Australia and a member of the building sector, Leimac is keenly aware of the key issues contributing to housing availability and affordability in the Pilbara. Recognising that there is inadequate housing stock to meet current demand and an urgent need to provide an additional 21,000 new dwellings in Port Hedland alone by 2031¹, Leimac has developed an innovative, high quality modular dwelling which it believes will:-

- immediately address the critical housing shortage through utilising high quality modular construction methods;
- assist in increasing residential density (through provision of Supplementary Accommodation) in appropriate locations;
- assist in providing greater variety in housing stock (through provision of Supplementary Accommodation) to achieve greater market segmentation;
- provide a flexible and affordable housing option for local residents and business owners who are currently competing with resource companies for workforce accommodation; and
- assist in alleviating the critical shortage of transient worker accommodation (the Granny Flat is designed to appeal not only to additional family members, but also to a skilled transient workforce) to overcome the immediate challenges in constructing the required levels of new housing stock (until need eventually shifts toward more permanent workforce accommodation).

LEIMAC BUILDING Pty Ltd

PO BOX 555, Cowaramup WA 6284 • Pk: 08 97 555 900 • Fax: 08 97 555 902
E: office@leimacbuilding.com.au • www.leimacbuilding.com.au • ABN 16071057095 • RR1 1265

Submission to Town of Port Hedland: Proposed Local Planning Policy 12-005 - Ancillary Accommodation

In contemplating and designing its modular dwelling, Leimac had regard for the Town's Growth Plan and in particular, the key challenges and opportunities identified at Chapter 3.0 Challenges and Opportunities for Growth and Chapter 5.0 City Growth Strategy. We point to the approaches identified at 5.2 Strategies for Sustaining and Diversifying Economic Growth and in particular, the following recommendations:

- promote uptake of modular or manufactured housing solutions to provide new housing stock in a manner that enhances the timeliness and cost of traditional construction methods;
- review Town of Port Hedland Planning Scheme and policy requirements to enable greater flexibility in dwelling types and densities; and
- facilitate a more streamlined and co-ordinated approach to the housing approvals process.

Leimac was also guided by Chapter 4.0 City Growth Scenarios – whereby it was acknowledged that the preferred scenario for growth – *Rapid City Growth* - would:

- provide for rapid growth in the short to medium term;
- offer a choice of housing types as well as flexibility to support short term demand for temporary workforce accommodation; and
- support significant public and private ownership and investment.

Our Vision

As veteran builders to regional Western Australia, Leimac is cognisant of its footprint and therefore committed to the provision of an attractive and flexible modular housing product. Leimac has listened to Council objections to a "McDonalds" type accommodation solution and takes very seriously the responsibility of all stakeholders to ensure Port Hedland's long-term liveability through quality of development and housing stock. To this end, Leimac has discussed options to customise its modular product where practicable to blend in with the Town's existing architecture. Leimac proudly offers its Instant Granny Flat as supplementary accommodation which balances innovation, affordability and visual amenity. Importantly, Leimac offers its product to the Pilbara as a practical solution to critical short term demand in a manner which will not leave a negative legacy.

Our Submission

We address below (and individually) each of the relevant items proposed by the Town's Planning Department in its draft Local Planning Policy 12-005 - Ancillary Accommodation. We make the observation that the State Planning Policy 3.1 Residential Design Codes of Western Australia (in Draft Form) now classifies Ancillary Accommodation as a category of special purpose accommodation termed Supplementary Accommodation:-

Supplementary accommodation

To encourage diversity in accommodation types, and to provide a means for residents to live in proximity but with autonomy, the Codes provide for supplementary accommodation, sometimes referred to as granny flats. This is essentially an independent additional dwelling, which may or may not be physically attached, on the same lot as a single house.

Such dwellings are limited in size to 70 m² and are required to meet the normal Codes requirements for grouped dwelling development. It should be noted that whilst the Codes limit the size to 70 m², the Government Sewerage Policy- Perth Metropolitan Region, through the Department of Health, limits supplementary dwellings to 60 m². This is as the result of consideration of the size of wastewater systems otherwise required for single houses. The Codes recognise that this policy exists, whilst allowing for the increase in development standard at such time as this Policy is reviewed (it is currently under review due for completion by the end of 2011).

We point to the State Planning Policy's emphasis upon the creation of a category of accommodation which is an independent additional dwelling - providing a means for residents to live in proximity but with autonomy. We make the broad comment that the Local Planning Policy as proposed, places unreasonable limitations upon land owners to construct *autonomous* supplementary dwellings on the same lot as an existing single house.

We would also make the broad comment that the Local Planning Policy as proposed, is in conflict with the property and affordability challenges and growth strategies outlined in the Pilbara Port City's Growth

Submission to Town of Port Hedland: Proposed Local Planning Policy 12-005 - Ancillary Accommodation

Plan. As a prospective key service provider to the Port Hedland community, we would ask that any planning policy adopted by Council be outward looking and flexible. Policies which are intractable, lack vision and stifle development will only serve to discourage the partners the Town proposes to attract, including Federal and State Government, industry, local businesses and residents.

1 PRELIMINARY

No Comment

2 APPLICATION OF THE POLICY

No Comment

3 POLICY OBJECTIVES

The objectives of this policy are to:

- 3.1 To ensure "Ancillary Accommodation" will not adversely impact on the streetscape and / or amenity of the surrounding area;

Comment

We are committed to the provision of an attractive and flexible manufactured housing product. We do not believe our product (as currently offered) will adversely impact on the streetscape and/or amenity of the surrounding area. We proudly offer our Instant Granny Flat as supplementary accommodation which balances innovation, affordability and visual amenity.

4 POLICY PROVISIONS

4.1 General

The development of "Ancillary Accommodation" shall conform to all the requirements of the Residential Planning Codes of Western Australia (State Planning Policy 3.1) applicable to a "Single House".

Comment

We note that State Planning Policy 3.1 Residential Design Codes of Western Australia (in Draft Form) now classifies Ancillary Accommodation as a category of special purpose accommodation termed Supplementary Accommodation which is required to meet the normal Codes requirements for grouped dwelling development. We would expect that any provision of the State Planning Policy 3.1 which is applicable to Supplementary Accommodation to prevail.

4.2 Building Design

- 4.2.1 The maximum floor area of "Ancillary Accommodation" shall be in accordance with the Residential Design Codes of Western Australia, excluding verandahs, patios, pergolas and carports.

Comment

We have no objection to this provision.

We note that State Planning Policy 3.1 limits Supplementary Accommodation to a size of 70m².

- 4.2.2 The "Ancillary Accommodation" shall not consist of more than two (2) bedrooms.

Comment

We have no objection to this provision.

We note that State Planning Policy 3.1 does not limit Supplementary Accommodation to two (2) bedrooms but acknowledge that the limitation on size to 70m² would make it impracticable to accommodate more than two bedrooms.

Submission to Town of Port Hedland: Proposed Local Planning Policy 12-005 - Ancillary Accommodation

- 4.2.3 The "Ancillary Accommodation" shall be where practicable of an appearance and style similar to the existing "Single House".

Comment

We strongly object to this provision on the basis that an affordable modular or manufactured product is produced to a standard design and specification. A planning provision such as this would require any Supplementary Accommodation to be designed and constructed on a site-by-site basis, utilising traditional construction products and methods. This provision is not only unrealistic from the point of view that new dwellings be designed and constructed to complement significantly older and less attractive dwellings, but also is at odds with the Town's recommendation that it promote the uptake of modular or manufactured housing solutions to provide new housing stock. Nevertheless, to allay initial concerns expressed by the Town's Planning Department, Leimac has put considerable effort into providing a more flexible product, in terms of colour, cladding and roof pitch.

We would support a more flexible version of this provision, whereby Supplementary Accommodation which is visible from the street or neighbouring properties be constructed in a manner which **does** not detract from or conflict with the design and construction materials of the existing dwelling.

- 4.2.4 The "Ancillary Accommodation" shall be restricted to a single level only.

Comment

We have no objection to this provision.

- 4.2.5 "Ancillary Accommodation" located in the front of, or on the side of the existing "Single House" or on a corner lot shall be designed in such a manner that it appears to be part of the existing "Single House".

Comment

We object strongly to this provision on the basis that it places unreasonable limitations upon a land owner's right to construct an autonomous supplementary dwelling on the same lot as an existing single house. We point to the State Planning Policy's emphasis upon the creation of a category of accommodation which is an independent additional dwelling and which provides a means for residents to live in proximity but with autonomy.

We would also comment that this provision is at odds with strategies identified and endorsed by the Town to address the critical housing shortage through utilising high quality modular construction methods.

We would support a more flexible version of this provision (along the same lines as suggested at 4.2.1 above) whereby Supplementary Accommodation which is located in the front of, or on the side of the existing "Single House" or on a corner lot be designed and constructed in a manner which **does** not detract from or conflict with the design of the existing dwelling.

4.3 Building Siting

- 4.3.1 "Ancillary Accommodation" shall not be located within the primary street setback area.

Comment

We have no objection to this provision.

- 4.3.2 "Ancillary Accommodation" shall not be located within the secondary street setback area.

Comment

We have no objection to this provision.

5 DEVELOPMENT REQUIREMENTS

- 5.1 Where the existing house detracts from the streetscape and amenity, the approval of an "Ancillary Accommodation" unit should be conditional upon the existing dwelling being reclad in a similar cladding proposed for the "Ancillary Accommodation".

Comment

We object strongly to this provision.

We would comment that the provision is procedurally unfair because it places an unreasonable financial

Submission to Town of Port Hedland: Proposed Local Planning Policy 12-005 - Ancillary Accommodation

burden on a land owner to upgrade an existing dwelling (which otherwise would not attract any attention or penalty from the local authority) simply because the land owner has elected to add an independent additional dwelling to the lot.

Shire minutes attest to an accepted understanding that access to finance and high construction costs are significant barriers to investment in new dwelling creation. We would argue that making new dwelling creation conditional upon additional investment in existing housing will likely produce a situation whereby individual home-owners and investors will be unable (or simply unwilling) to finance the supplementary accommodation which is so critical (especially in the short to medium term) to alleviating Port Hedland's accommodation issues.

- 5.2 Vehicular access to an "Ancillary Accommodation" on a lot with a single street frontage shall be restricted to the existing access.

Comment

We strongly object to this provision.

We note that item 2.14 of the Town of Port Hedland's Crossover Policy currently enables land owners to construct two crossovers per lot frontage. We would comment that this provision is procedurally unfair because it appears to prevent a land owner from enjoying the benefits of the Town's Crossover Policy simply because the land owner has elected to add an independent additional dwelling to the lot.

We would also comment that the provision is too narrow in that it does not contemplate developments where pedestrian and vehicular safety would be compromised by limiting access to the existing access.

We also refer to verbal advice from Shire's planning officers that sufficient car parking and vehicular access to off-street parking is desirable, in order to limit any negative reaction from residents who may object to excessive on-street parking.

We would support a responsible access/crossover provision which would encourage safe off-street parking proportionate to the number of residents located on the relevant site.

- 5.3 Vehicular access to an "Ancillary Accommodation" on a corner lot shall be restricted to one access point per street frontage.

Comment

We have no objection to this provision.

6 APPLICATION & APPROVAL PROCESS

- 6.1 Where the development of "Ancillary Accommodation" is in line with this policy a development assessment application is required to be considered by Council.

Comment

We have no objection to lodging the planning application as currently required by the Town of Port Hedland.

- 6.2 Where the development of "Ancillary Accommodation" is not in line with this policy a development assessment application is required to be considered by Council after giving notice of the application in terms of clause 4.3 of *The Scheme*.

Comment

We would make the general comment that whilst we do object to several of the proposed provisions of this draft policy, we do not object to the function of this provision.

Should you have any further queries, please do not hesitate to contact our office.

Yours faithfully



LEIMAC BUILDING PTY LTD

11.1.2 Proposed Eight (8) - "Multiple Dwelling" on Lot 1 (8) Moseley Street, Port Hedland (File No.: 400100G)

Officer Michael Pound
Senior Planning Officer

Date of Report 26 April 2012

Disclosure of Interest by Officer Nil

Summary

As a result of the refusal of the application submitted by RPS on behalf of Vladimir Ejov to construct eight (8) Multiple Dwellings on Lot 1 (8) Moseley Street, Port Hedland, the applicant has lodged an appeal with the State Administrative Tribunal requesting the matter be reviewed. The State Administrative Tribunal has made the following order:

"Pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision by 8 August 2012. If the respondent decides to affirm its earlier decision to refuse to grant development approval, it is to provide clear reasons for its refusal."

Council Officers recommend the favourable reconsideration of the application.

Background

At the Ordinary Council Meeting of 9 May 2012, Council resolved (9 May 2012, Council Decision 201112/443, page 54) to refuse an application submitted by RPS on behalf of Vladimir Ejov to construct eight (8) Multiple Dwellings on Lot 1 (8) Moseley Street, Port Hedland (site).

Original Proposal

The original application submitted by the applicant was for the construction of ten (10) single bedroom dwellings. The proposal was advertised and property owners within the area notified. As a result of consultation twenty three (23) objections were received.

After negotiations with the applicant the development was reduced from ten (10) single bedroom units to eight (8) single bedroom units. This proposal was re-circulated to property owners and only five (5) objections were reaffirmed.

Site Description (Attachment 1)

The site is located toward the eastern side of Port Hedland approximately five kilometres from the Port Hedland town site. The land faces north toward the coast and is zoned 'Residential R-30' pursuant to the Town of Port Hedland Town Planning Scheme No. 5 (TPS5). The site is 1030m² in size, is relatively rectangular and has access to reticulated sewer.

There is an existing single dwelling on the site which will eventually be demolished to make way for the proposed development. In addition to the existing single dwelling on the site there are two (2) small outbuildings to the rear of the dwelling. A driveway and crossover is located along the western frontage of the lot towards the southern boundary.

A former Reserve to the west of the lot has recently been amalgamated into the lot. The fence line is still currently located in its original position and will be realigned to incorporate the easement area as a part of this development.

Proposal (Attachment 2)

The applicant is proposing to construct eight (8) Multiple Dwellings on the site. Four (4) "Multiple Dwellings" will be located to the rear of the lot in a single building structure while another four (4) "Multiple Dwellings" will be located across the front of the lot in two (2) separate building structures.

The proposed eight (8) "Multiple Dwellings" will be developed in a staged manner, whereby the rear four (4) "Multiple Dwellings" will be developed as part of the first stage and the existing dwelling at the front will be retained. The remaining four (4) proposed "Multiple Dwellings" at the front will then be constructed at a later stage.

Consultation

The consultation procedure for the application was undertaken in accordance with clause 4.3 of the Port Hedland Town Planning Scheme No 5, for the original submission. Twenty three (23) objections were received during the consultation period. The same consultation was again undertaken for the amended application which received only five (5) objections.

However, the reduced amount of objections (twenty three (23) down to five (5)) may be attributed to the objectors not being aware of having to reaffirm their objection.

Due to the State Administrative Tribunal's request to reconsider the matter, written requests have been mailed as well as hand delivered to all twenty three (23) objectors requesting their comment on the amended application.

As a result of the above further consultation two objections have been received / reaffirmed.

Summary of Comments / Objections received during the initial consultation process (pertaining to the original application for ten 10 “Multiple Dwellings”):

Objections Received during initial Consultation Process (Attachment 3)	Applicant’s Response to objections received during initial Consultation Process (Attachment 4)
<p>Overcrowding –</p> <p>Proposed development is trying to fit too many dwellings and people on a standard size block.</p>	<p>Consistency with the R-Codes –</p> <p>The density of the development complies with the Residential Design Codes of Western Australia (R-Codes) and is in accordance with its density coding pursuant to the Scheme (i.e. R30).</p>
<p>Noise –</p> <p>The increased traffic flow of residents, construction noises and then the noise level from people living there will be increased.</p>	<p>Any potential noise created due to the increased number of dwellings is attempted to be minimised through the use of screening and appropriate orientation of the dwellings that face internally away from the surrounding dwellings.</p> <p>The increased traffic flow is consistent with the density of the zone. Construction noise is inevitable with any construction site and is subject to the approval of a construction/operations management plan.</p>
<p>Privacy –</p> <p>As the development is two storey high it will be overlooking all its neighbours properties privacy.</p>	<p>Consistency with the R-Codes –</p> <p>The proposed development meets the privacy requirements of the R-codes, however further screening could be provided if required by the Town of Port Hedland. An example of further privacy measures that could be taken are further screening along the fence lines of affected homes and planting of vegetation buffers. Screening is not required on stairways as they are not considered a ‘medium to long term location for habitation’ within the R-codes.</p>

	<p>These screening requirements have been conditioned.</p> <p>Please note screening for the rear left unit has been included on the attached revised plans.</p>
<p>Parking (design and number) –</p> <p>Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on the other residents verges.</p>	<p>Recent liaison between the project building designer and Council staff has lead to preparation of revised drawings which address identified car parking design issues. Accordingly, the parking layout only required a slight re-design to comply with Australian Standards and the R-codes with particular attention being given towards, dimensions, turning areas, and layout and visitor car parking bays.</p>
<p>Quality of Life –</p> <p>Proposed development is trying to fit too many dwellings and people on a standard size block reducing the quality of life of which I am opposed to</p>	<p>Consistency with the R-Codes –</p> <p>The proposed development is consistent with the provisions of the R-codes, the objectives of which include the provision of a full range of housing types and densities and to ensure appropriate standards of amenity are provided for all dwellings and adjoining properties.</p>
<p>Dwelling Size –</p> <p>Indicates transient residents will be preferred to live in these size units with no room outside for living and inside is very contained with basic amenities only.</p>	<p>Consistency with the R-Codes –</p> <p>The dwellings are compliant with the R-codes and the Scheme which permits one bedroom dwellings to be developed on land zoned residential R30. In order to provide some variation to the proposed dwellings, two bedroom dwellings are also proposed within the development which is also consistent with Liveable Neighbourhood objectives. These objectives provide emphasis on supporting sustainable urban development through land efficiency across all elements and a variety of lot sizes and housing types to cater for the diverse housing needs of the community. The proposal supports and achieves these objectives.</p>

<p>Environmental Impact –</p> <p>The impact on surrounding nature and trees in the area.</p>	<p>The subject site is zoned 'Residential' under the Scheme which applies a density of R30. The proposed development is consistent with this density and will be used for residential purposes. Any perceived environmental impacts resulting from the development will be appropriately managed through building and development controls.</p>
<p>Communication –</p> <p>Request more consultation about the time frames to build and the storing of building equipment and materials if the development goes ahead.</p>	<p>Public consultation was undertaken by the Town of Port Hedland in accordance with the Scheme requirements. In this regard, the proposal was advertised and all submissions received have been considered by Council staff in its assessment of the proposal.</p> <p>Construction of the proposed development will be undertaken in accordance with a construction management plan.</p>
<p>Compliance with Building Codes of Australia (BCA) –</p> <p>The design of the buildings are not in line with Section 3 of the Building Code.</p>	<p>Subject to issue of planning consent the proposal will then be assessed under the Building Codes of Australia as part of the building licence process. A building licence is required to be issued by the Council prior to any development taking place on the site.</p>
<p>Construction Storage, Noise and Cleanliness –</p>	<p>The development is proposed in two stages which will minimise the impact of construction on the surrounding properties. It is proposed to develop the rear four dwellings as the first stage, whereby construction materials will be confined to the rear section of the lot. The second stage of development (remaining 6 dwellings) will not occur until the Water Corporation has confirmed water supply is available to the remaining 6 proposed dwellings, which is currently expected by 2014.</p>

	The site will be managed in accordance with a construction management plan.
<p>Sewerage –</p> <p>Strained sewerage problems in the street already with the last development of two houses not 10.</p>	The Water Corporation has advised that sewer connection to the first stage (i.e. 4 dwellings) is currently available. It also advised that waste water headwork's are scheduled for upgrade in 2014, whereby suitable capacity will be available to service the proposed second stage of development.
<p>Local Amenity –</p> <p>Will be out of character from the other dwellings in the street and could affect land values.</p>	The proposed development has been designed to minimise any impacts on the amenity of the existing residential locality and includes measures such as screening and building orientation to mitigate any perceived or potential impacts. The proposed dwellings to the front of the lot address the street and the majority of car parking spaces are located behind buildings or street trees to soften the impact on the street. Furthermore a detailed landscaping plan will be required as a condition of planning consent which will further assist and alleviate any perceived visual impacts.
<p>Stormwater Disposal –</p> <p>The effect of flood levels on adjoining properties in the yearly cyclonic season</p>	Stormwater disposal is addressed on site and as indicated on the attached plans, an on-site facility to pump stormwater into the public drainage network after a storm event is also provided.
<p>Water Supply –</p> <p>WaterCorp objects to the development of five or more dwellings until 2014</p>	It has been advised by the Water Corporation has advised the area requires upgrading of current water supply services and until such time that this upgrade occurs the site cannot support more than 5 dwellings. It is the intent of the owner therefore, to develop the land in a staged manner whereby the rear four dwellings will be developed as part the first stage and the existing dwelling at the front will be retained. The remaining six proposed dwellings

	at the front will then be constructed at a latter stage when water supply is available. As mentioned above, this is anticipated by 2014. As discussed with Council staff, a condition of planning consent, with a corresponding advice note, to acknowledge the staged approach will be imposed.
Removal of Street Trees – Tech Services	In accordance with the revised plans (attached) the southern crossover has now been altered to retain the existing street tree previously proposed for removal. The driveway now veers to the north of the tree avoiding the need to remove it. The main driveway to the rear dwellings and services box has also been moved in order to retain the street tree closest to the western boundary. Accordingly, all street trees have been retained by the developers building designer, ensuring the existing amenity of the streetscape is preserved.
Number of Crossovers – Tech Services	The proposed crossovers servicing the front dwellings are required in order to retain all the street trees, whilst providing appropriate access to all dwellings.

Summary of Comments / Objections received during the second consultation process (pertaining to the amended application consisting of eight (8) “Multiple Dwellings”:

Objections Received during second Consultation Process (Attachment 5)	Applicant’s Response to objections received during second Consultation Process (Attachment 6 & 7)
Overcrowding – Proposed development is trying to fit too many dwellings and people on a standard size block.	Consistency with the R-Codes – The density of the proposed development is compliant with Section 7 of the Residential Design Codes which stipulates that the maximum plot ratio of a multiple dwelling development in the R30 density coding shall be 0.5. the proposed development does not exceed this plot ratio.

<p>Noise and Safety –</p> <p>The increased traffic flow of residents, construction noises and then the noise level from people living there will be increased.</p>	<p>The density of the application is consistent with Section 7 of the Residential Design Codes and the Town of Port Hedland's Local Planning Scheme. While any potential noise created due to the increased number of dwellings is minimised through the use of screening and appropriate orientation of the dwellings that face internally away from the surrounding dwellings as per the residential design codes, it is essentially management issue which can be enforced through local laws and the town planning scheme .</p>
<p>Construction Stage –</p> <p>Noise levels and location of construction vehicles</p>	<p>Development of the site will be carried out in accordance with requirements of a building licence to be issued by Council. This will incorporate measures to ensure residential amenity of the area is protected. The development is proposed in two stages which will minimise the impact of construction on the surrounding properties. It is proposed to develop the rear four dwellings as the first stage, whereby construction materials will be confined to the rear section of the lot. The second stage of development (remaining 4 dwellings) will not occur until the Water Corporation has confirmed water supply is available to the remaining 4 proposed dwellings, which is currently expected by 2014.</p>
<p>Privacy –</p> <p>Overlooking to the rear of the property and staircase with no screening.</p>	<p>Consistency with the R-Codes –</p> <p>The proposed development meets the privacy requirements of the R-codes including screening of all windows and outdoor activity areas which may overlook neighbouring properties. However, further screening could be provided if required by the Town of Port Hedland. An example of further privacy measures that could be</p>

	<p>taken are further screening along the fence lines of affected homes and planting of vegetation buffers. Screening is not required on stairways as they are not considered a 'medium to long term location for habitation' within the R-codes.</p>
<p>Parking) –</p> <p>Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on the other residents verges.</p>	<p>Parking is compliant with the Residential Design Codes and the Town of Port Hedland's Local Planning Scheme. The Town of Port Hedland's engineering department is satisfied with the parking that is provided and that it is compliant.</p>
<p>Unit Design –</p> <p>Unit design indicating to be used by FIFO workers</p>	<p>Consistency with the R-Codes –</p> <p>The units have been designed in accordance with the Residential Design Codes for multiple dwelling developments. There is no requirement for a bath or private yard, however private courtyard areas are provided in accordance with the residential design codes for use of each dwelling including clothes drying.</p> <p>Any other requirements for the unit design will be assessed during the Building Licence stage of the proposal.</p>
<p>Amenity of Building –</p> <p>Design and materials of the proposed development will be out of character to the surrounding area.</p>	<p>The proposed dwellings have been designed to have a minimum impact on the local amenity. Dwellings have been designed to address the street and screening has been incorporated to minimise visual impact from neighbouring properties. Further screening and buffer vegetation planting can be required as a condition of approval. The materials of the proposed development will be subject to the issue of a building licence.</p>
<p>Storage Shed/ Shed Facilities –</p> <p>Removal of storage sheds and parking of boats</p>	<p>The separate storage facility has been removed each storage facility has been incorporated into each dwelling. The storage areas were included to comply with Section 7.4.7 A7.1 of the Residential</p>

	Design Codes. Although the storage areas have been incorporated into each dwelling they are still in compliance with the Residential Design Codes and there is no requirement for them to be provided as a separate structure or to provide parking for boats or other large equipment.
Water Drainage – Not enough drainage/water runoff has been indicated in the plans supplied, threat to neighbouring properties.	Stormwater disposal is addressed on site and as indicated on the attached plans, an on-site facility to pump stormwater into the public drainage network after a storm event is also provided, as recommended by Council staff.
Effect on Neighbours – Site plan does not show location of surrounding houses, their entertaining areas/living areas and the effect on neighbouring families.	As addressed in 'Amenity of building' and 'Privacy' and 'Noise and safety'.
Is the Developer Local – If the developer is not a local, he/she will not care about the many impacts these units will have on existing locals/neighbours/families	The developer is the owner of the land and has right to develop that land within the requirements of the Town of Port Hedland's local Planning Scheme and the Residential Design Codes.
Dust Zone – Design and purpose of units more suited for the 'Dust Zone/West End'	The land is zoned within the Town of Port Hedland's Local Planning Scheme 'Residential R30' in which a multiple dwelling development to a maximum 0.5 plot ratio is appropriate. This proposal complies with those details.
Families First – The need to build more 4/3 bedroom houses which include all amenities that a normal family house would have.	This development is appropriate for a wide range of the demographic, including small families, couples of all ages and singles of all ages. It is a requirement of the Liveable Neighbourhoods document that dwellings be provided which will accommodate for a range of people with a range of living arrangements. Providing only large four and three bedroom homes will create housing which is only

	suitable for one section of the full demographic. It will also contribute to inefficient use of land for affordable housing within the town which is a problem that Council is trying to avoid via upcoding many areas within the town site, this property being one of them.
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Planning Response

The Planning Unit considers the applicant's response to all the objections raised to be satisfactory. In summary, the applicant has responded to the original issues raised by the community by decreasing the density from 10 to 8 dwellings, modifying the site layout, providing improved access and manoeuvrability for vehicle movement, increasing usability of the dwellings and placing greater emphasis on maintaining amenity to the existing streetscape.

Council Resolution

At the Ordinary Council Meeting of 9 May 2012, Council resolved to refuse the application, providing the following reasoning:

"Council believes the application for development contains bad planning principles and that it should acknowledge the widespread opposition from the community."

Council's reasons for refusal can be summarized as follows:

Bad planning principles; and
Community opposition.

In this regard it is important Council recognize the proposed development complies with the relevant development controls imposed by both the Port Hedland Town Planning Scheme No.5, as well as the "Acceptable development" and / or "Performance criteria" imposed by the Residential Design Codes of Western Australia.

Taking this into consideration, should Council resolve to reaffirm its refusal will as requested by the State Administrative Tribunal have to provide clear reasons for its refusal on the grounds of bad planning principles.

Further, the second reason provided by Council, whilst not the same type of development, the State Administrative Tribunal in the matter between J & P Metals Pty Ltd and the Shire of Dardanup, in which the Shire noted "Community Opposition as Sole Consideration" determined as follows:

“.....The Tribunal determined that community opposition could not of itself be a determinative matter, as it was but one of many considerations relevant to the determination of the application ...”

If Council resolves to approve the development, an objector may seek a review in respect of the approval. Legal advice was sought from the Town’s solicitors with regard to this possible outcome and the following advice was provided:

“Objectors do not have rights to seek review in the State Administrative Tribunal.

That only leaves the option of seeking judicial review (eg Writ of Certiorari, declaration or injunction) in the Supreme Court of Western Australia.

However, in order to seek judicial review in the Supreme Court, the objector would need to point to some legal error by the Town in approving the development. The Supreme Court, unlike the SAT, does not have merits review jurisdiction.

Examples of legal error would be approving a use class within a zone in which it is not permitted; approving a development in contravention of obligatory standards under the Scheme for which there is no discretion to relax; failing to consider submissions advanced in opposition etc.

Subject to there being no legal error by Council in the exercise of its discretion under the reconsideration, I do not see that an objector could validly seek review in any jurisdiction”

Statutory Implications

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

Local Government (Administration) Regulations 1996 Section 10 ‘Revoking or changing decisions made at Council or Committee meetings – s5.25(e)’.

Policy Implications

At the Ordinary Council Meeting of 25 July 2012, Council Resolved to initiate the amendment of Local Planning Policy No. 11.

The proposed amendment to the Local Planning Policy 11, includes variation to “Acceptable Development” standards of the R-Codes relating to Multiple Dwelling developments to ensure the provision of housing diversity.

Section 7.4.3 “Dwelling Size” of the Residential Design Codes reads as follows:

“A3.1 Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows: -

*minimum 20 percent 1 bedroom dwellings, up to a maximum of 50 per cent of the developments; and
minimum of 40 per cent 2 bedroom dwellings.*

and

A3.2 The development does not contain any dwellings a smaller than 40 sqm plot area, excluding outdoor living areas and external storage.”

Should the amendment to Local Planning Policy No. 11 be adopted by Council, it will be required, any permanent residential development is only permitted to have a maximum of 25% of the development comprising of single bedroom units.

However, the subject application has been submitted prior to Council initiating the amendment to Local Planning Policy No 11, as a result the proposed development complies with the Residential Design Codes.

Strategic Planning Implications

The following sections of Council’s Plan for the Future 2010-2015 are considered relevant to the proposal:

Key Result Area 4:	Economic Development
Goal 1:	Land Development Projects
	Fast-track the release and development of commercial, industrial and residential land.

Budget Implications

There are a number of potential budget implications:

Should Council resolve not to reconsider the matter, Council may appoint a Town Planning Consultant to represent Council at the State Administrative Tribunal, preliminary cost obtained by Council Officers suggest this cost may be between \$20,000 and \$30,000.

Alternative Council can nominate Councillors to represent Council at the State Administrative Tribunal.

In a previous decision made by the Shire of Dardanup to refuse an application on similar grounds as resolved by Council, the State Administrative Tribunal ordered as follows:

“...The Shire of Dardanup pay the applicant’s reasonable professional costs and disbursement arising from the application for review on the basis that the Shire failed to genuinely attempt to make a decision on the merits of the application.....)

In this regard the applicant requested costs of \$85,000 but was only awarded costs of \$10,288.

Officer's Comment

As a result of the order handed down by the State Administrative Tribunal, Council is invited to reconsider its decision. Should Council reaffirm its previous resolution for refusal, the State Administrative Tribunal requires clarity on the reason Council has provided.

"Council believes the application for development contains bad planning principles and that it should acknowledge the widespread opposition from the community."

Technical Planning Assessment

In terms of TPS 5, the site is identified as "Residential R30". Under the zoning table the proposed land use is specified as follows:

Multiple Dwellings: "SA" (the development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3)

R-Code Assessment for Multiple Dwellings

The proposed "Multiple Dwellings" have been assessed in accordance with Part 7 of the Residential Design Codes of Western Australia (R-Codes).

Clause 7.1.4 – Side Setbacks

The applicant is seeking a variation to the side setback for the ground units 1 - 4 (south elevation) and the ground units 5 – 6 (east elevation). The south elevation requires a minimum side setback of 3.9m. The applicant has provided a setback of 2.0m. The east elevation requires a minimum side setback of 3.1m. The applicant has provided a setback of 1.8m. In order to support the variation, the applicant must be able to address this in accordance with Clause 7.2.3 which states:

"Building setback from the 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 adequate to daylight and direct sun for adjoining properties; and*
- *Assist in protecting privacy between adjoining properties."*

While there are a number of inconsistencies with the setback requirements, the proposed setbacks do provide a more efficient use of the land and design of the building has been used to minimise imposition of the building onto neighbouring properties. This has been done through facing the dwelling units to the inside of the site and addressing the street frontage for the majority of the dwellings. Dwelling layout and windows have been designed to ensure minimal overlooking, and obscured glazing and window screening will be used where required and have been indicated on the plans.

In light of the above, it is recommended the proposed variations are supported.

Clause 7.3.2 – Landscaping

In accordance with the Clause 7.3.2 of the R-Codes, the Street setback areas are to be developed without car parking, except for visitor bays and with a max of 50% hard surface. In accordance with the Performance Criteria P2 the applicant has provided the following justification:

“Although the carports are located within the street setback area, they are in line with the dwellings and their open form allows sight through the carports. These factors minimize the impacts of the carports on the streetscape, allowing for a favorable outcome.”

In light of the above, it is recommended the proposed variation is supported.

Clause 7.3.3 – On-site Parking provisions

In accordance with the Appendix 7 of TPS5 and Clause 7.3.1 of the R-Codes, the applicant is required to provide a minimum of ten (10) car parking bays. The applicant has provided ten (10) car parking bays on-site.

Access & Parking – Appendix 7 of TPS5			
NLA – Nett Lettable Area			
Acceptable Development Standards	Units	Required	Provided
Multiple Dwellings Unit size: <75m ² = 1.0 Visitors: 0.25 bays per unit	8	8 2	8 2
Total		10	10

Clause 7.3.5 - 7.3.6 Vehicular Access

In accordance with Clause 7.3.5 – 7.3.6 of the R-Codes, Vehicular access is required to be limited to one per 20m street frontage visible from the street. Technical Services allow for a maximum of two (2) crossovers per property. In accordance with the Performance Criteria the applicant has provided the following justification:

“It is considered that the three driveways are necessary in order to preserve the street trees that exist on the verge. Preservation of all street trees on the verge is a requirement of the Shire officers.”

In light of the above, it is recommended the proposed variation is supported. Furthermore, Technical Services have no objection to the proposed additional crossover.

Clause 7.4.1 – Visual Privacy

In terms of visual privacy to the adjoining neighbours, the proposed development is consistent with Clause 7.4.1 of the R-codes. The applicant has also provided privacy screens along the balconies of dwellings 3 & 4 to assist in addressing any privacy concerns.

Attachments

1. Locality Map
2. Site Plan, Floor Plan and Elevations
3. Councilor Objection
4. Applicant's response

NOTE: Mayor to call for a show of hands in favour (1/3 of members) to consider the revoking of Resolution 201112/443 of Agenda Item 11.1.2 “Proposed Eight (8) – Multiple Dwellings on Lot 1 (8) Moseley Street, Port Hedland.” presented to Council's Ordinary Meeting Held on 9 May 2012, and recorded on page 54 of those Minutes

The following Councillors indicated their intent to do so:

*Cr Hunt
Cr Jacob
Cr Daccache*

201213/101 Officer's Recommendation 1/Council Decision

Moved: Cr Hunt

Seconded: Cr Jacob

That Council:

1. **Revokes Council decision 201112/443 of Agenda Item 11.1.2 “Proposed Eight (8) – Multiple Dwellings on Lot 1 (8) Moseley Street, Port Hedland.” held on 9 May 2012 and recorded on page 54 of those Minutes, that states:**

“That Council refuse the application.

REASON: Council believes the application for development contains bad planning principles and that it should acknowledge the widespread opposition from the community.”

CARRIED BY ABSOLUTE MAJORITY 5/3

201213/102 Officer’s Recommendation 2/Council Decision

Moved: Cr Daccache

Seconded: Cr Jacob

That Council:

- i. Approves the application submitted by RPS on behalf of Vladimir Ejev to construct eight (8) Multiple Dwellings on Lot 1 (8) Mosely Street, Port Hedland, subject to the following conditions:**
 - 1. This approval relates only to the proposed Eight (8) “MULTIPLE DWELLINGS” and other incidental development, as indicated on the approved plans (DWG2012/23/1 – DWG2012/23/9). It does not relate to any other development on this lot;**
 - 2. The development shall only be used for the purposes which are related to “Multiple Dwelling”. In terms of the Town of Port Hedland’s Town Planning Scheme No. 5, a “Multiple Dwelling” is defined as:

“Multiple Dwelling”

“a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.”**
 - 3. This approval shall remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval shall remain valid for twelve (12) months only;**
 - 4. A minimum of 10 car bays shall be provided on-site in accordance with the approved site plan;**
 - 5. No parking bays shall be obstructed in any way or used for any purposes other than parking;**
 - 6. Front walls and fences within the primary street setback area and / or adjoining any public area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;**

7. 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;
8. Stormwater shall be retained onsite in accordance with Council's Technical Services Guidelines to the satisfaction of the Manager Technical Services;
9. 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;
10. Dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Environmental Health Services;
11. Alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the satisfaction of the Manager Technical Services, at the developer's expense;

Conditions to be complied with prior to the submission of a Building Permit application.

12. Prior to the submission of a building permit application, an Erosion Prevention and Sediment Control plan shall be submitted and approved by the Manager Planning Services;
13. Prior to the submission of a building permit application a detailed landscaping and reticulation plan including adjoining street verges and / or common area, shall be submitted and approved by the Manager Technical Services. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;
14. Prior to the submission of a building permit application, a Rubbish Collection Strategy/Management Plan shall be submitted for approval by the Manager Technical Services. The strategy/plan shall consider service vehicle maneuvering on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of the Manager Technical Services;

15. Prior to the submission of a building permit application, 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 and storage of materials and equipment to the site;
 - b. The parking arrangements for the contractors and subcontractors;
 - c. Impact on traffic movement;
 - d. Operation times including delivery of materials; and
 - e. Other matters likely to impact on the surrounding residents / businesses;

Conditions to be complied with prior to the submission of an Occupation Permit.

16. Prior to the submission of an occupation permit, 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;
17. Prior to the submission of an occupation permit, 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 developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of the Manager Technical Services;
18. Prior to the submission of an occupation permit, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of the Manager Technical Services;
19. Prior to the submission of an occupation permit, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning are(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of the Manager Technical Services;

20. Prior to the submission of an occupation permit, the applicant shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians to the satisfaction of the Manager Technical Services;
21. Prior to the submission of an occupation permit, the development shall be connected to reticulated mains sewer.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements;
2. Waste receptacles shall be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999;
3. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times;
4. Waste disposal and storage shall be carried out in accordance with Council's Health Local Laws 1999;
5. The owner / developer will be required to obtain a Demolition Licence prior to the demolition of the existing dwelling;
6. The proposed development is to comply with Part D3 of Vol 1 of the BCA – Access for people with disabilities;
7. The proposed development is to comply with Section c of Vol 1 of the BCA – Fire separation between each sole occupancy unit;
8. The developer shall take note the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure measures adopted to avoid that risk shall be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding;

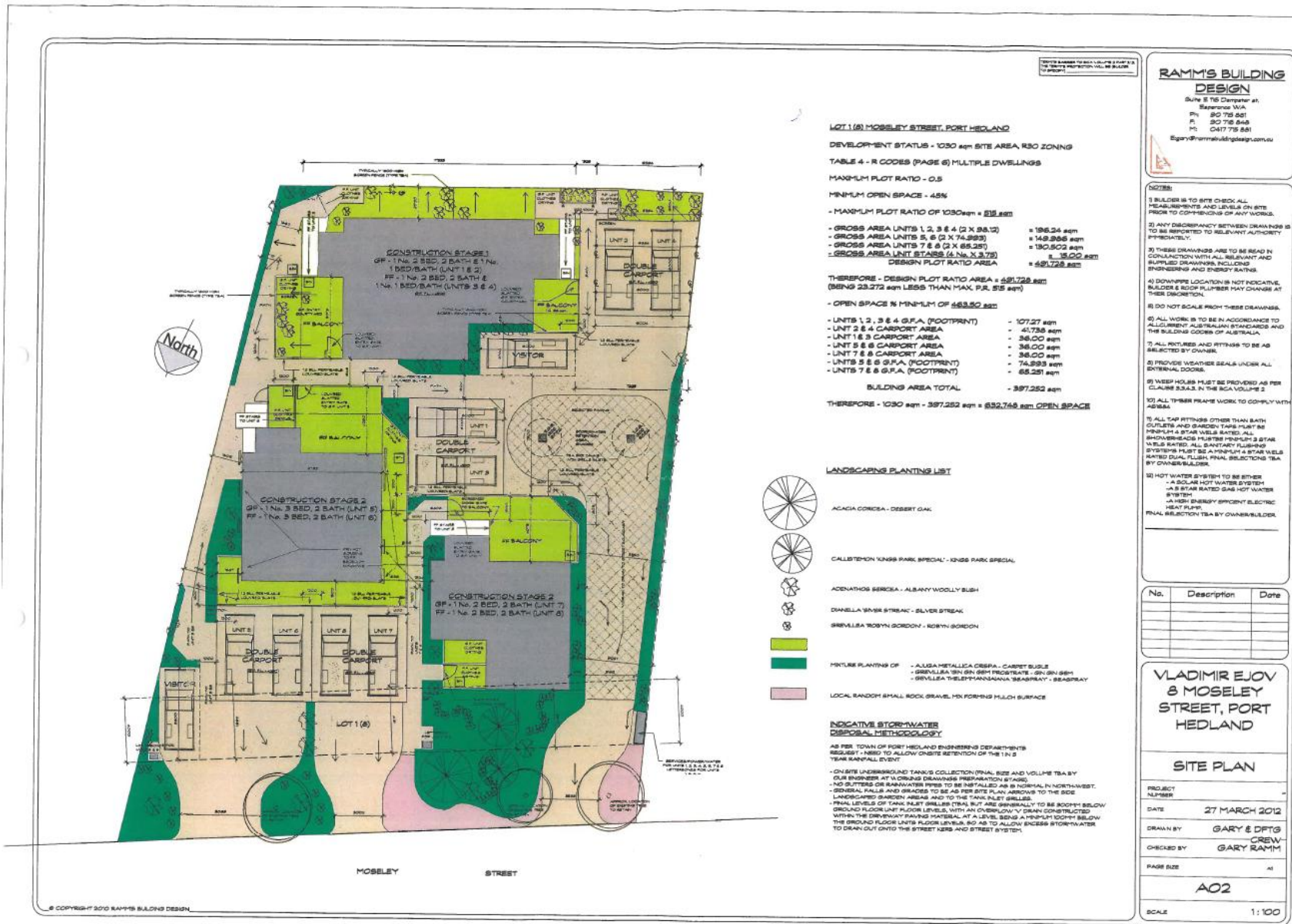
10. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

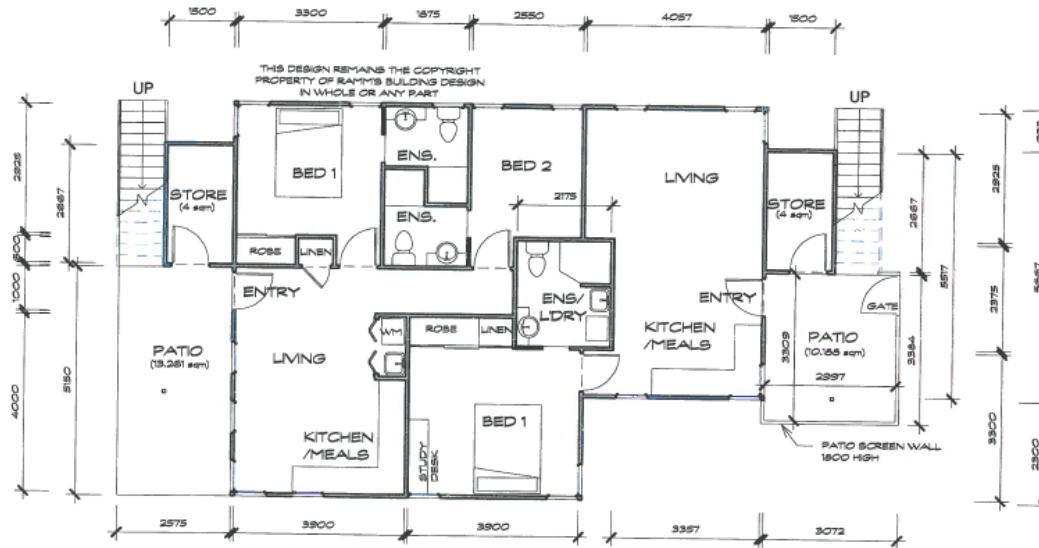
CARRIED 5/3

ATTACHMENT 1 TO ITEM 11.1.2



ATTACHMENT 2 TO ITEM 11.1.2





GROUND FLOOR PLAN 1:100
 1 No. 2 BED, 2 BATH & 1 No. 1 BED, 1 BATH UNIT
 TOTAL FLOOR AREA (INCLUDING STORES) = 107.27 SQM
 (2 BED UNIT AREA - 56.17 SQM WITH STORE)
 (1 BED UNIT AREA - 51.10 SQM WITH STORE)

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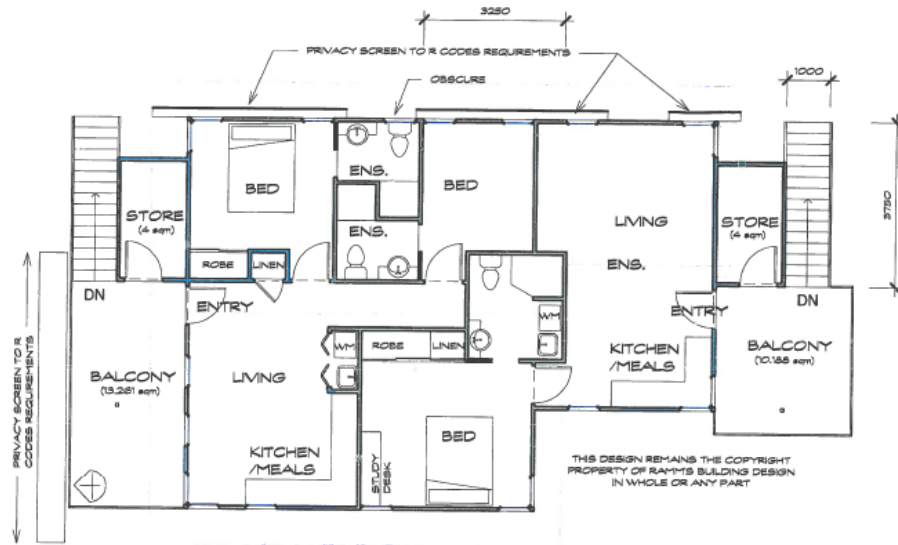
RAMM'S BUILDING DESIGN
 SUITE E 116 DEMPSTER ST ESPERANCE
 Ph: 90 715 881
 F: 90 716 848
 M: 0417 715 881
 E: gary@rammsbuildingdesign.com.au

VLADIMIR EJOV
 8 MOSELEY STREET,
 PORT HEDLAND

GROUND FLOOR PLAN

PROJECT NO.	-	A03	SHEET SIZE
DATE	27 MARCH 2012		A3
DRAWN BY	GARY/DFTG CREW		
CHECKED BY	GARY RAMM	Scale	1:100

27/03/2012 3:57:54 PM



FIRST FLOOR PLAN 1:100
 1 No. 2 BED, 2 BATH UNIT AND 1 No. 1 BED, 1 BATH UNIT
 TOTAL FLOOR AREA (EXCLUDING STORES) = 98.12 SQM

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VLADIMIR EJOV
 8 MOSELEY STREET,
 PORT HEDLAND

FIRST FLOOR PLAN

PROJECT NO.		A04	SHEET SIZE
DATE	27 MARCH 2012		A3
DRAWN BY	GARY/DTS CREW		
CHECKED BY	GARY RAMM		Scale
			1:100

27/03/2012 9:57:54 PM

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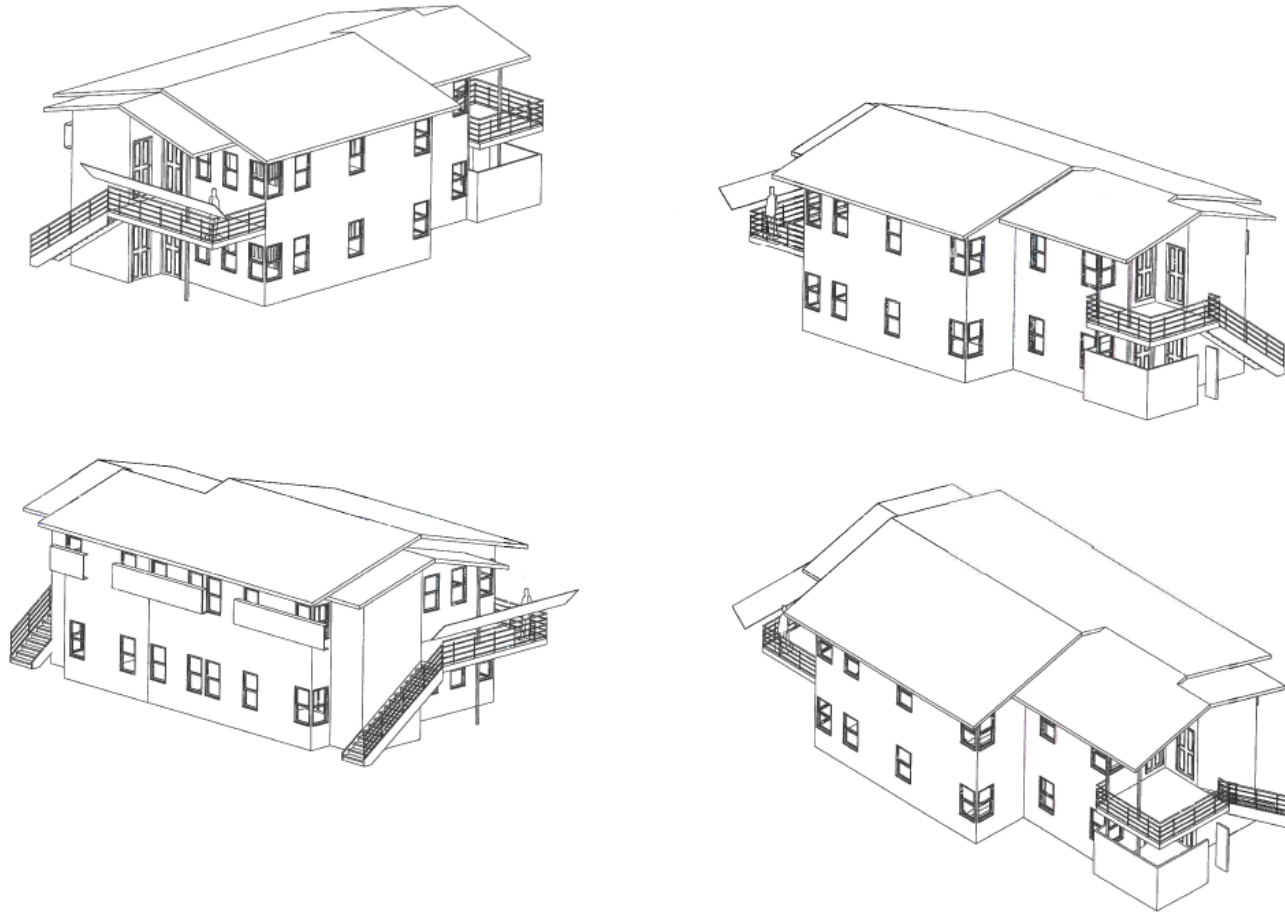


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 F: 90 716 848
 M: 0417 715 881
 Et: gary@rammsbuildingdesign.com.au

VLADIMIR EJOV
 8 MOSELEY STREET,
 PORT HEDLAND

ELEVATIONS		SHEET SIZE
PROJECT NO.		
DATE	27 MARCH 2012	
DRAWN BY	GARY/OFTS CREW	
CHECKED BY	GARY RAMM	
Scale		1:100

14/03/2012 9:51:58 AM



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 E: gary@rammsbuildingdesign.com.au

VLADIMIR EJOV

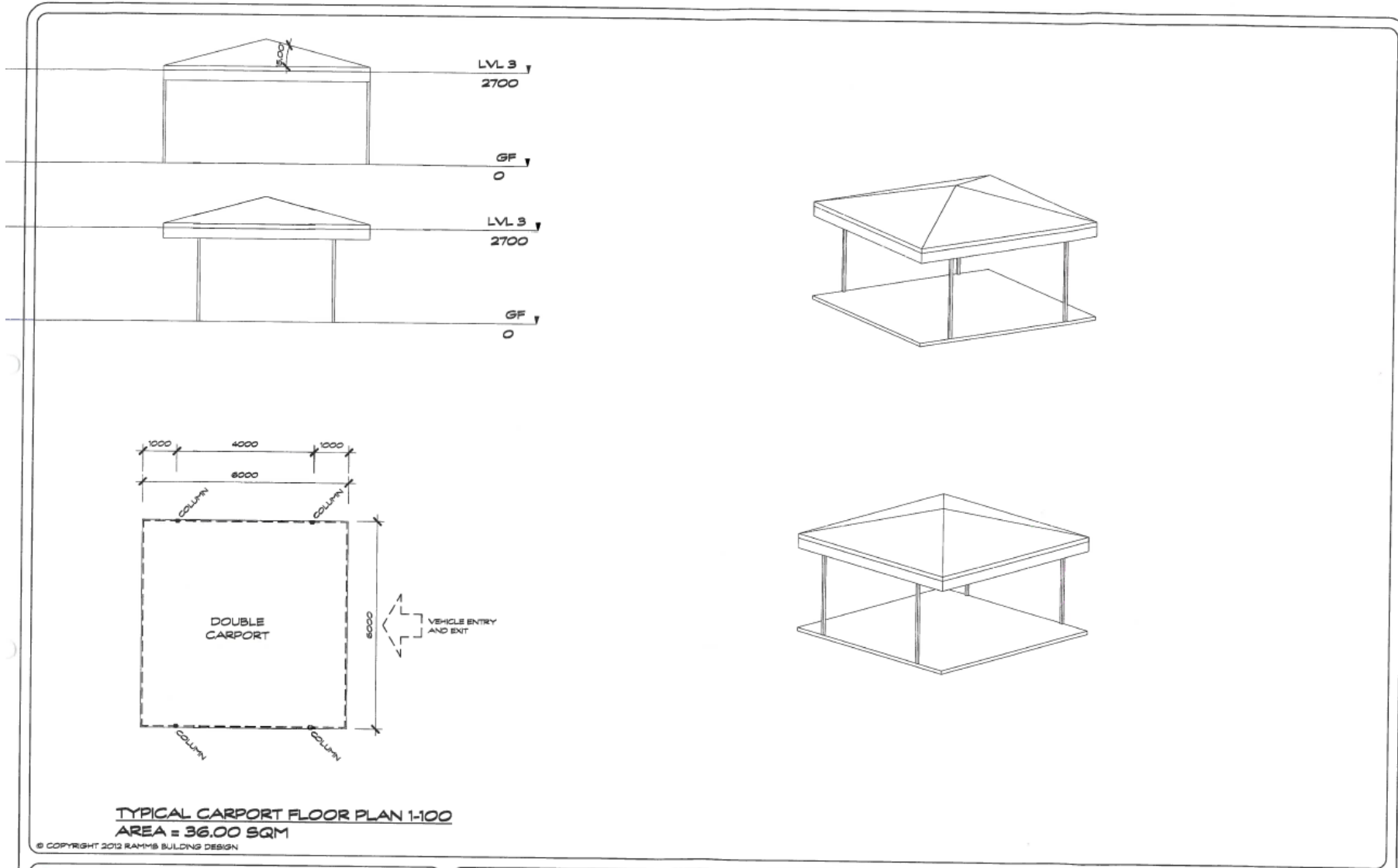
**8 MOSELEY STREET,
 PORT HEDLAND**

3D VIEWS

PROJECT NO.		A06	SHEET SIZE
DATE	27 MARCH 2012		A3
DRAWN BY	GARY/DFTS CREW		
CHECKED BY	GARY RAMM	Scale	

27/03/2012 3:57:56 PM

Z:\PROJECTS\RAKOC - PETER - MOSELEY ST. PT. HOUND - ORIGINAL FILE AS AT
 17/03/2012 3:57:56 PM



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 F: 90 716 848
 M: 0417 715 881
 E: gary@rammsbuildingdesign.com.au

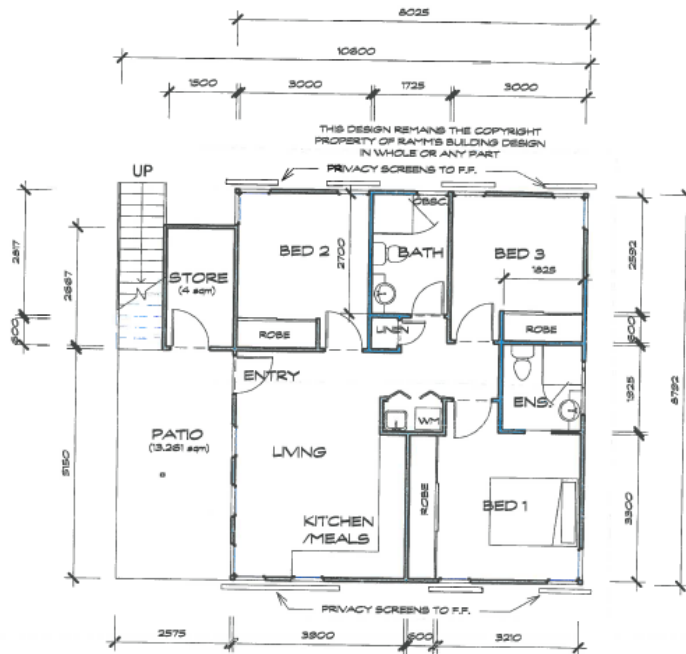


VLADIMIR EJOV
 8 MOSELEY STREET,
 PORT HEDLAND

CARPORT			
PROJECT NO.	-	A-03	SHEET SIZE
DATE	27 MARCH 2012		A3
DRAWN BY	GARY/DFTS CREW		
CHECKED BY	GARY RAMM	Scale	1:100

27/03/2012 4:02:54 PM

Z:\PROJECTS\RAKIC - PETER - MOSELEY ST. PT. HEDLAND - 08/21/12.DWG FILE AS AT

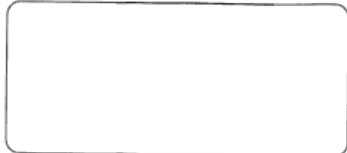


TYPICAL GROUND FLOOR &
FIRST FLOOR PLAN 1:100
1 No. 3 BED, 2 BATH UNIT
TOTAL FLOOR AREA
(INCLUDING STORES)
= 74.993 SQM EACH

NOTE - READ
PLAN REVERSE
HAND TO SUIT
SITE PLAN

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VLADIMIR EJOV
8 MOSELEY STREET,
PORT HEDLAND

GROUND FLOOR PLAN		
PROJECT NO.		SHEET SIZE
DATE	27 MARCH 2012	A3
DRAWN BY	GARY/DFTG CREW	
CHECKED BY	GARY RAMM	Scale 1:100

27/03/2012 8:13:40 PM

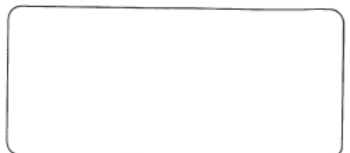
Z:\PROJECTS\RAKIC - PETER - MOSELEY ST BY WD NO. 020116 A 3 E 12 12



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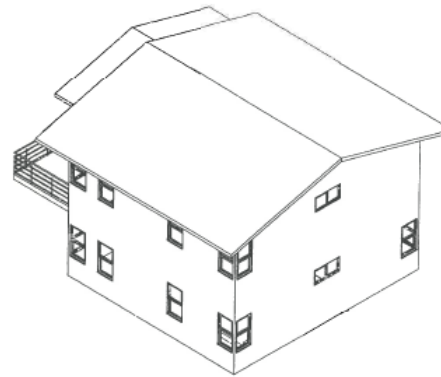
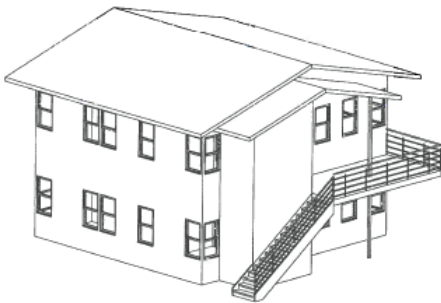
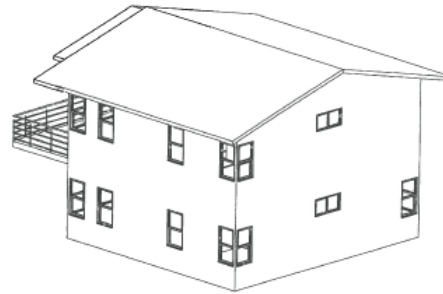
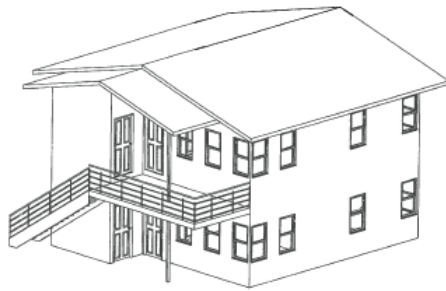


VLADIMIR EJOV
 8 MOSELEY STREET,
 PORT HEDLAND

ELEVATIONS		
PROJECT NO.		
DATE	27 MARCH 2012	A05
DRAWN BY	GARY/DFTS CREW	
CHECKED BY	GARY RAMM	
Scale		SHEET SIZE A3
		1:100

Z:\PROJECTS\RAKIC - PETER - MOSELEY ST. PT. HEDLAND - 091210.DWG FILE AS AT

LH:RST B002/041210



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VLADIMIR EJOV

8 MOSELEY STREET,
PORT HEDLAND

3D VIEWS

PROJECT NO. -
DATE 27 MARCH 2012
DRAWN BY GARY/DFTG CREW
CHECKED BY GARY RAMM

A06

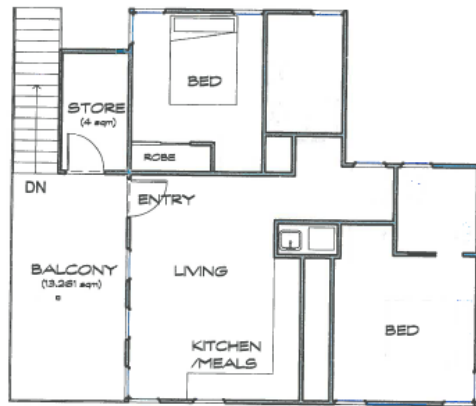
Scale

SHEET SIZE
A3

Z:\PROJECTS\RAKIC - PETER - MOSELEY ST, PT. HOUND - 09121.DA FILE A3 AT

27/03/2012 3:04:45 PM

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VLADIMIR EJOV

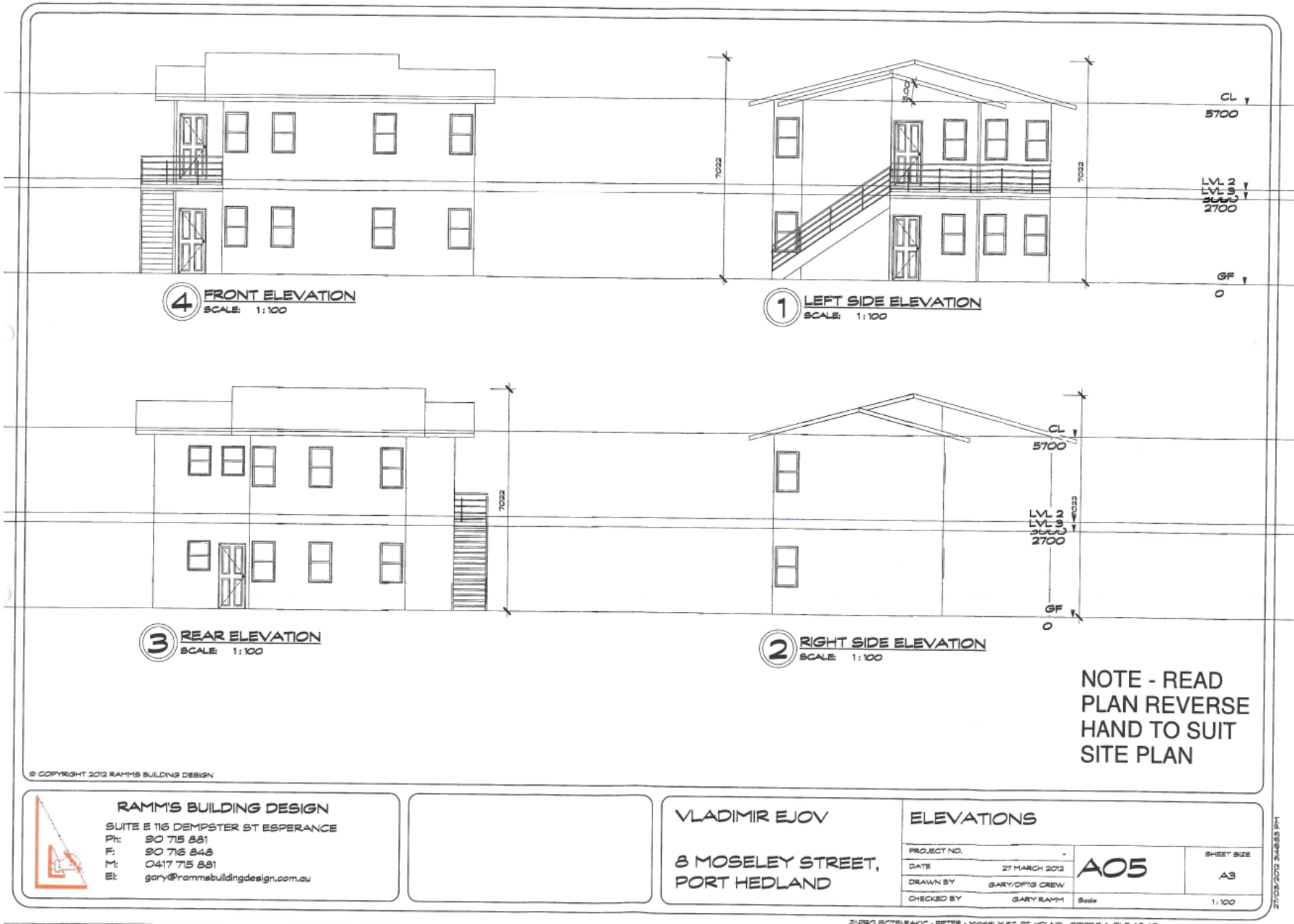
8 MOSELEY STREET,
PORT HEDLAND

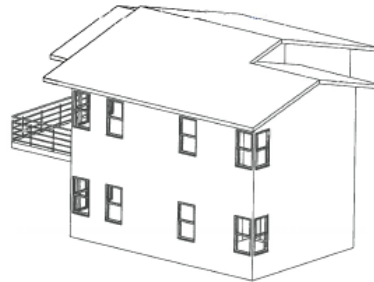
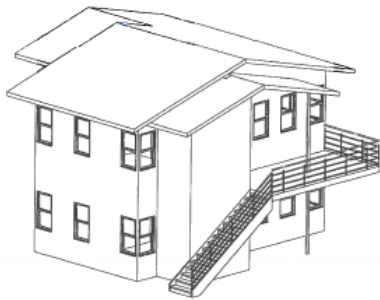
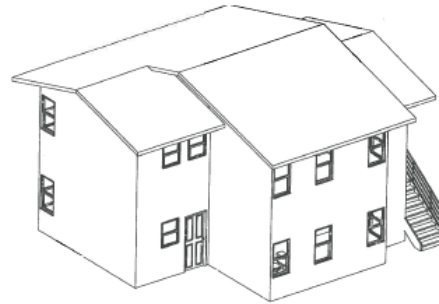
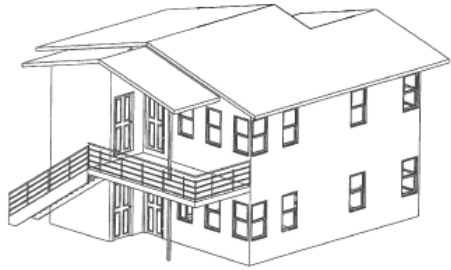
FIRST FLOOR PLAN

PROJECT NO.		A04	SHEET SIZE
DATE	27 MARCH 2012		A3
DRAWN BY	GARY/DFTG CREW		
CHECKED BY	GARY RAMM	Scale	1:100

27/03/2012 3:46:52 PM

Z:\PROJECTS\BANK - 0978 - MAKE WAY FOR THE ROCKET 12.12.11





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SITE PLAN

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VLADIMIR EJOV
8 MOSELEY STREET,
PORT HEDLAND

3D VIEWS

PROJECT NO.		A06	SHEET SIZE
DATE	27 MARCH 2012		A3
DRAWN BY	GARY/DFTG CREW		
CHECKED BY	GARY RAMM	Scale	

27/03/2012 3:46:53 PM

Z:\PROJECTS\RAMC - PETER - MOSELEY ST, PT. HEND - 09210.A FILE AS AT



IPA 23658 linked to 2012/23

ENTERED	
DATE	BY
19-2-12	Michelle

Capes handed to
Michelle in
Planning

Thursday 9th February 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721



Document #: IPA23658
Date: 15.02.2012
Officer: LEONARD LONG
File: 400100G

Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead for the following reasons:

- **OVERCROWDING** – Proposed development is trying to fit too many dwellings and people on a standard size block
- **NOISE** – the increased traffic flow of residents, the months of construction noises to develop and then the noise level from people going about their daily lives will be increased dramatically for such a quiet neighbourhood

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely

Wayne & Sonia Marten
7 Moseley Street

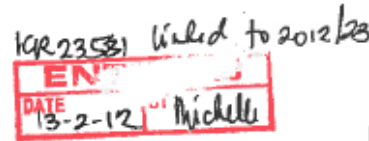
02 SEP 2011 4:07AM CUCRH

91589999

P. 1

Thursday 9th February 2012

Attn: Michael Pound
 Planning Officer
 Town of Port Hedland
 PO Box 41
 Port Hedland 6721



1CR23581

File Number: 401106

Int. Correspondent: Leonard

Lot 1 (8) Moseley St

Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead for the following reasons:

- **PRIVACY** – as the development is two storey high it will be overlooking our property and this will impact on any privacy that we have
- **PARKING** – Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on other residents verges inconveniencing them.

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,



Tania & Tim Wiley
 23 McGregor Street

Pound Michael

From: fraser adam [fraser.adam@cucrth.uwa.edu.au]
Sent: Monday, 13 February 2012 3:01 PM
To: Pound Michael
Subject: FW: Application 2012/23 for 10 multiple dwellings at lot 1 (8) Moseley Street

Michael Pound
Planning Officer

Dear Michael,

Thank you for forwarding the plans for this proposal. In our discussion today, I raised our concerns regarding privacy of our staff accommodation, given this development overlooks the backyards of several other properties including our own.

You indicated that the building complies with R codes in regards to privacy which I can appreciate, however the plans appear to have little or no screening from upper storey walkways or stairs and would have clear views into the yards of several houses at the rear and most probably the sides of the development. This, coupled with the harsh natural environment which causes difficulties in growing screening plants, give me reason to believe that the privacy in the rear yard of our property will be negatively impacted upon.

Our preference would be for a single level development which is more in keeping with the area and which would not negatively impact on the privacy and amenity of surrounding properties as this current development certainly appears to.

Regards

Fraser

Fraser Adam ✓
Centre Manager
Combined Universities Centre for Rural Health
167 Fitzgerald Street, Geraldton WA 6530
Tel: (08)99560230. Fax: (08) 99642096

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For more information please visit <http://www.symanteccloud.com>

Tuesday 14th February 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721

Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead for the following reasons:

- ***OVERCROWDING / QUALITY OF LIFE – Proposed development is trying to fit too many dwellings and people on a standard size block reducing the quality of life which I am opposed to***
- ***DWELLING SIZE – indicates transient residents will be preferred to live in these size units with no room outside for living and inside is very contained with basic amenities only – are they for FIFO people only??***
- ***ENVIRONMENTAL IMPACT – on surrounding nature and trees in area***
- ***PRIVACY – as the development is two storey high it will be overlooking other properties and this will impact on any privacy that families have especially with children***
- ***COMMUNICATION – I and other property owners would like more consultation about the time frames to build and the storing of building equipment and materials if the development goes ahead***

I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Beth Walsh ✓
4A Wodgina Street

Speakman Chloe

From: Bale Kate
Sent: Wednesday, 15 February 2012 9:22 AM
To: Butron Eber
Cc: Records
Subject: ICR23674 - FW: proposed site at 8 Moseley Street
Attachments: protest 8 Moseley Joanie.docx; BETH 4A Woodgina objection letter.docx; 8_Moseley_St_Dev from Sue.docm; protest 8 Moseley Anika.docx

SynergySoft: ICR23674

Hi Eber

Please find attached objection letters to 8 Moseley Street.

Records – can you please record? Thanks

Cheers

Kate

**Kate Bale**

Executive Assistant to CEO, Paul Martin & Mayor Kelly Howlett
 PO Box 41 Port Hedland WA 6721
 Ph: (08) 9158 9313 Fax: (08) 9158 9399
 M: +61 448 055 013
 Email: ea@porthedland.wa.gov.au
 Web: www.porthedland.wa.gov.au

The information in this email and any attachments are confidential matters of Council. If you are not the intended recipient, please notify me immediately by telephoning +61 9158 9313 or by returning the email. You should not copy it or use it for any other purpose, nor disclose its contents to any other person.

From: Mayor Kelly Howlett [<mailto:kellyhowlett35@hotmail.com>]
Sent: Wednesday, 15 February 2012 9:08 AM
To: Bale Kate
Cc: jsfoley@westnet.com.au
Subject: FW: proposed site at 8 Moseley Street

Dear Kate,

Can these attached letters please be sent off to Records and to Planning??

Thank you,

Kelly Howlett
 (mob) 04399 41431

Date: Wed, 15 Feb 2012 08:56:06 +0800
 From: jsfoley@westnet.com.au
 To: mayorkellyhowlett@porthedland.wa.gov.au; crjacob@porthedland.wa.gov.au;
crgillingham@porthedland.wa.gov.au; rcarter@porthedland.wa.gov.au; crmartin@porthedland.wa.gov.au;
crdziombak@porthedland.wa.gov.au; crhooper@porthedland.wa.gov.au; crdaccache@porthedland.wa.gov.au;
crhunt@porthedland.wa.gov.au
 Subject: proposed site at 8 Moseley Street

I am forwarding on some of the protest letters that were put into the council re the plans for 8 Moseley



Document #: IPA23661
Date: 15.02.2012
Officer: LEONARD LONG
File: 400100G

Thursday 9th February 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721



Copies handed
to Michelle in Planning



Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

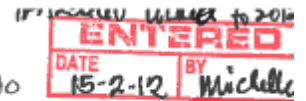
I strongly object to this development going ahead for the following reasons:

- **OVERCROWDING – Proposed development is trying to fit too many dwellings on a standard size block**
- **PRIVACY - Will be overlooking our property and our swimming pool area in particular removing our right to privacy**

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Sarah Feeney
25 McGregor Street



copies handed to
Michelle in Planning



3 Moseley Street
Port Hedland, 6721.
To Michael Pound
Town of Port Hedland
Box 41 Post Office
Port Hedland, 6721



Document #: IPA23660
Date: 15.02.2012
Officer: LEONARD LONG
File: 400100G

Dear Michael,

I write in protest of the idea of the 10 units proposed to be built at 8 Moseley Street, across from my home. The idea of building what amounts to a single man's camp in the midst of a street of families that have family lifestyles, living in single dwelling homes is totally unacceptable. The area that is used in the plan is surrounded by people who would have their life as they know it ripped apart with the addition of up to 20 more vehicles on this tiny space, the noise of a 24hour workforce coming and going and the inappropriate behaviours indulged in by the temporary workforce that this type of building would house. This design is not a plan that is compatible with family dwellings.

The design of these buildings are not in line with section 3 of the building code that requires any builder making more than 4 dwellings on the same piece of land must make every fourth home to universal design standards. This flouting of building requirements is also an indication of the plans being orientated for the single temporary residence.

A further huge concern to me is the lay down area to be used. There is no space anywhere on this very limited space of 8 Moseley Street for materials and having been subjected to the trauma's of having the full surrounds of my home being used as lay down area over the previous 2 years, just to construct 2 dwellings I am certainly not prepared to have all my verge used again for this purpose.

Should the development proceed the inadequate parking for the number of vehicles' ten dwellings would entail would cause a spill over on the tight and dangerous corner of Moseley and Wogina Street and I see my home again being subjected to the excess cars being parked on my verge edge and blocking the vision around this corner.

The lack of any knowledge of the area planned for is obvious when the view to the ocean is given as the area that overlooks the neighbour's home. This knowledge also leads one to understand that this construction is only being put together to maximise the financial advantage with no respect of the interest of long term locals and their lifelong residence.

While understanding there is a requirement for more housing in Port Hedland, this type is at odds with the councils expressed planning priority to see that Hedland remains family focused with reluctance for fly in fly out workers. Building and increasing accommodation, yes but not at all costs. Not at the cost of the way of life valued by our families that have lived here for years

These plans show no areas to entertain or have realistic extra car bays for visitors. Again having witnessed the number of vehicles that have been parked up in larger blocks with couples that have big incomes and industrial employment, my concern for the safety of the surrounding families, children and parents walking their babies with a single men' s camp and the associated behaviour, right in our midst, is huge.

Yet again I feel overwhelmed by a council that has difficulty remembering that we are an old and long established town and are determined to try to hold onto the valuable neighbourhood in the caring family atmosphere we value so highly

Yours Sincerely



Joan Foley ✓



Fernandez Michelle

From: Pound Michael
Sent: Friday, 10 February 2012 2:49 PM
To: Fernandez Michelle
Subject: IPA23519 - FW: Application No: 2012/23 for Ten (10) Dwellings at Lot 1 (8) Moseley Street Port Hedland

SynergySoft: IPA23519

Please link and register to 2012/23

From: Mandy [<mailto:mandyandpaul4@bigpond.com>]
Sent: Friday, 10 February 2012 2:36 PM
To: Martin Paul
Cc: Pound Michael
Subject: Application No: 2012/23 for Ten (10) Dwellings at Lot 1 (8) Moseley Street Port Hedland

Dear Mr. Martin,

I am writing to express my concerns in regards to the above mentioned Development Proposal. As a resident of Moseley Street of 5 years I can confidently say it is a very family orientated area where most people know and look out for each other, and the introduction of a dwelling such as this will certainly pose problems for our community.

Some key objections to this development are:

1. The majority of units are 1 bedroom and 2x2 bedroom. These units have windows facing neighbouring yards on all sides of the structure. The plans show screens on the windows which certainly is insufficient as far as privacy for the neighbouring yards is concerned as you can still see through them. Neighbouring yards are well and truly entitled to their privacy.
2. The units have an allocated car park per tenant which leaves visitors and friends parking on residents front verges, inconveniencing local residents and creating traffic congestion being located on a small corner in a built up area. I can only deem this a safety hazard.
3. The recreation area of this dwelling will be located alongside the fence of a family who have young children, and therefore the children may be subject to all forms of unwanted behaviour should there be any undesirable tenants.
4. The actual construction of this dwelling will incur months of noise whilst building, not only interfering with the daily lives of all who reside next to this block but other residents are shift workers who will be forced to endure major disruptions to their living arrangements.

I can only see negatives in this venture as far as the direct community is concerned, the positives I can't really see any.

I sincerely appreciate your time in reviewing my objections and would appreciate upcoming feedback on this situation.

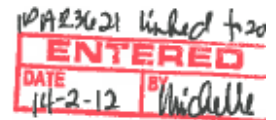
Kind regards

Paul Smeaton
26 Moseley Street
0400 229 674

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



Document #: IPA23631
Date: 14.02.2012
Officer: LEONARD LONG
File: 400100G



Thursday 9th February 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721



Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on 8 Moseley Street, Port Hedland which is a neighbouring property to some property I own in Moseley Street – 12A & 12B.

I strongly object to this development going ahead for the following reasons:

- ***This area is populated with families and we don't need single fly in, fly out***
- ***OVERCROWDING- Proposed development is trying to fit too many dwellings and people on a standard size block***
- ***DWELLING SIZE – indicates transient residents will be preferred to live in these size units with no room outside for living and inside is very contained with basic amenities only***
- ***SEWERAGE – Strained sewerage problems in the street already with the last development of two houses not 10***
- ***NOISE – the increased traffic flow of residents, construction noises and then the noise level from people living there will be increased dramatically for such a quiet neighbourhood and for my tenants***
- ***AMENITY OF BUILDINGS – will be out of character from the other dwellings in the street and could affect land values***
- ***PRIVACY – as the development is two storey high it will be overlooking all its neighbouring properties privacy***
- ***PARKING – Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on other residents verges***

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Darryl Brown ✓



11 February 2012

Mr Michael Pound

Planning Manager

Town of Port Hedland

PO Box 41

Port Hedland WA 6721

Dear Michael

APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

Thank you for the receipt of plans and letter of 25th January 2012. In regard to the above development I wish to voice my opinion. I am against and object the proposal I received yesterday.

I would prefer this Spinifex Hill precinct were intended to provide for development for low-density urban, town and village residential purposes and for compatible purposes which directly service residents in the locality. Densities I believe should be consistent with the desired character of existing individual precincts. Already this year, the Anglican Church has plans to erect a two-storey fitra's 8 villa style housing on the adjoining lots.

Below are my concerns:

1. Does the developer and planner ensure the new development is suitable for and take due account of Port Hedland's increasingly tropical and cyclonic climate. Does this development have adequate stormwater and flood runoff? What will be the effect on flood levels at adjoining properties in the yearly cyclonic season?
2. There are local concerns regarding a natural easement which torrents water in cyclones. The high land lies and starts in Padbury Close, Port Hedland, with the land low point finishing at the Moseley and Wodgina Streets junction. This natural easement lies between the properties of 6 Wodgina Street, Port Hedland and the Anglican Church lots. Where is this water to go if the existing strip of land has dwellings on it? Who will pay and install the pipe work and can it join up to existing storm water drains?
3. Is the land suitable for multiple dwellings? There is extreme density and no control of the residential development of 8 Moseley Street, Spinifex Hill. There is overcrowding and/or overbuilding on site. The height, bulk, form siting and character of development are NOT compatible in size and scale with the existing residential development in the locality. There appears to be no comfortable living environment with maximum cross-ventilation.

4. Concerns regarding ten (10) dwellings built on or around a 1000sqm block of land and overlooking of a neighbour's yards (swimming pool areas, children play areas, etc), are not unreasonable in the circumstances. Any windows in dwellings constructed on the relevant part of the subject land which would potentially allow a view of that area should be the subject of a screening condition for privacy.
5. The sewage system infrastructure and the existing Town's water services and other utilities having sufficient capacity to handle any extra load from the development. What of the disposal of garbage bins? From the plans, there is scant room on the verge to adequately support 10 or more garbage bins. Are all relevant services supplied to the development site and technically and environmentally carried out in a satisfactory manner that will not be an eye-sore?
6. As a local resident who recently bought 6 Wodgina Street, Port Hedland, I have a right to safe and decent housing. There appears only one driveway accessing the rear of the property from Moseley Street. The development site inflicts overcrowding for the land size. If a fire in the development combined with persistent high winds, other residential properties could be in line of fire and thus destroyed. There is little room for emergency services to stop the catastrophe and a potential life-threatening situation, if a fire broke out in the development.
7. Another safety aspect: Has the developer ensured that adequate provision is made for access to sunlight, breezes and outdoor living space for the occupants, particularly children, of the proposed complex?
8. Has the developer made reasonable arrangements or common space for the laundering and drying of clothes for the occupants?
9. Additional traffic generated by the development or the design of the development does not allow for the narrowness and bends in Moseley and Wodgina Streets, particularly where the driveway is situated. The intent surely, is to ensure that safe and convenient pedestrian and vehicle movement within and adjacent to the development site is achieved, and that the nearby road network is capable of accommodating additional traffic flows. Visitor Parking: The developer to ensure that adequate and convenient provisions are made on the development site for parking for both residents, company and visitors vehicles, boats, trailers and other 'toys'. Will this development and driveway deny the owners and tenants of 6 Wodgina Street, Port Hedland, and access to the existing driveway? Can the owner purchase from the Council the vacant land on the corner of Moseley and Wodgina Streets, to prevent this happening?
10. Will there be new residential (10) strata titles from a single strata title? Who will own these dwellings? Are there any specific building restriction codes that need to be met? What will happen if there is further development on the lot? Such as new resorting or future gas availability? What will the impact be on the existing neighbourhood in the future?
11. Is the development "Up For Sale" or leased out to Companies with Fly-In and Fly-Out Workers? The likelihood that "outsiders" moving through a residential area would be less respectful of it, and of the peace and quiet of residents, than the residents themselves, and that unwelcome intrusions, if only by way of noisy and disorderly behaviour, would happen. This development is not harmonious with "the precinct's character: ... of ... low-density and small scale of development".
12. We must ensure that the environment remains a central concern. I understand from the present rental tenants of 8 Moseley Street, Port Hedland; have been advised by new owners, the very large and stately trees on verge of said property have termites and will be destroyed. If this is the case, why didn't these extremely healthy/old aged shade trees suffer in our last Category 3 Cyclone?

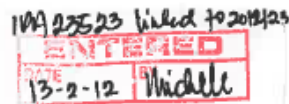
To ensure that the level of amenity enjoyed by neighbours and in the locality generally is preserved or enhanced,
I reject the above proposal.

I thank you Michael for taking the time to read my letter. Please do not hesitate to contact me if further queries arise. My mobile phone number is 0419 225 125.

Regards

SM Horsington ✓

PO Box 154, Port Hedland WA 6721



Document #: IPA23523
 Date: 10.02.2012
 Officer: LEONARD LONG
 File: 400100G

Wednesday 8th February 2012

Attn: Michael Pound
 Planning Officer
 Town of Port Hedland
 PO Box 41
 Port Hedland 6721



Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead as I believe the:

- no planning about*
- CONSTRUCTION STAGE – noise levels could disturb our children from a sleeping routine & the building work may damage our foundation for the house and concrete slabs we have everywhere
 - NOISE & SAFETY - the increased activity of traffic and noise levels from the new neighbours will be magnified for us as I have 3 young children and a baby on the way and I like that this street is quiet and safe for my family to reside in.
 - PRIVACY - From the plans it indicates that all of the units' balconies will have a direct view over the span of our yard with the proposed front units overlooking the front yard and side of the house and the rear 2 bedroom units will be overlooking our entertaining area in the backyard. – removing our right to privacy.. The current proposal reflects "oceans views" in the incorrect direction.
 - SEWERAGE – Plans don't indicate an upgraded sewerage system as the street is experiencing problems already with new developments across the road. Also our concerns are highlighted because the sewage line runs about 3m in from the back fence at 8 Moseley street and units will be built directly over the top. Has the water corporation been informed or a requested to build been submitted to them yet?
 - PARKING - what if there is an overflow of parking as there is 10 units with a minimum of 10 spaces for residents and 2 for visitors, will they be allowed to park in the street?
 - UNIT DESIGN – 1 bedroom, no bath in bathroom, no yard/private garden per unit and the same number of bathrooms to bedrooms – suggests that the housing won't be appropriate for families and indicates to be FIFO compliant.
 - AMENITY OF BUILDING - Streetscape on plans is non conclusive to the surrounding area and I believe the condensed dwelling will be out of character with the rest of the area as the building will be too tall, too close to our boundary and there is no indication of what screening or greenery will be used?
 - WATER DRAINAGE – Not enough drainage/water runoff has been indicated in the plans supplied.
 - EFFECT ON NEIGHBOURS – The current proposed site plan does not show the current location of surrounding houses, their entertaining/living areas and the effect on neighbouring families.
 - IS THE DEVELOPER A LOCAL? If the developer is not a local? He/She will not care about the many impacts these units will have on existing locals/neighbours/families.

- DUST ZONE – We believe the design and purpose of these units will be more suited to the 'dust zone/west end' and strongly recommend keeping the family streets for families.

Thank you for considering my objections above and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Camile Matthews & Mick Vukusich
10 Moseley Street
Port Hedland 6721



Document #: IPA23530
 Date: 10.02.2012
 Officer: LEONARD LONG
 File: 400100G



Thursday 9th February 2012

Attn: Michael Pound
 Planning Officer
 Town of Port Hedland
 PO Box 41
 Port Hedland 6721

Mike @ please forward a copy of the objections to the applicant.
 @ get admin to prepare an acknowledgment letter to each objector outlining the process that will follow.
 \$ 11/2/12.



Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead for the following reasons:

- **OVERCROWDING / QUALITY OF LIFE** – Proposed development is trying to fit too many dwellings and people on a standard size block reducing the quality of life which I am opposed to
- **NOISE** – the increased traffic flow of residents, the months of construction noises to develop and then the noise level from people going about their daily lives will be increased dramatically for such a quiet neighbourhood
- **PARKING** – Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on other residents verges inconveniencing them.

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Nick Mayo ✓
 5A Moseley Street



Document #: IPA23529
Date: 10.02.2012
Officer: LEONARD LONG
File: 400100G



3 Moseley Street
Port Hedland.6721
10 February 2012.

Mr Michael Pound,
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721

Dear Sir,

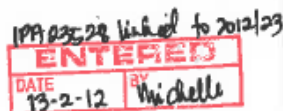
I wish to complain about the idea of building ten units on the block over the road from us at 8 Moseley Street and to say that I am completely against it being build because it will be difficult to have people all doing shifts when we are trying to sleep, with noisy mine vehicles coming in and out at all hours.

Last time there was building by my home, the bullders put their vehicles and building material all over the path that the shire made especially for me to use and be safe in my wheel chair on this dangerous corner. Three or four times I had to get the ranger to clear the pathway, just so i could get into my own home entrance. Also the families trying to get around the corner with prams and small children were forced to walk on the road.

As there is only Mum and I in our home, I will be very afraid to be alone in our home if I know there is a single men's camp over the road.

Thank you


Anika Coppin Foley



Document #: IPA23528
Date: 10.02.2012
Officer: LEONARD LONG
File: 400100G

Thursday 9th February 2012



Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721

Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

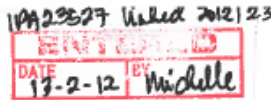
I strongly object to this development going ahead for the following reasons:

- ***OVERCROWDING – Proposed development is trying to fit too many dwellings on a standard size block***
- ***NOISE – the increased traffic flow of residents, the months of construction noises to develop and then the noise level from people going about their daily lives will be increased dramatically for such a quiet neighbourhood***

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Dharcim Patel ✓
1 Condon Street



Document #: IPA23527
Date: 10.02.2012
Officer: LEONARD LONG
File: 400100G

Thursday 9th February 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721



Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings at 8 Moseley Street, Port Hedland.

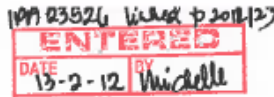
I strongly object to this development going ahead as I know from experience living on this location that it is a lovely quiet friendly place to live with your family. Unfortunately we are not the owners of this property and we will be sad to move and are saddened to hear of the proposal to overdevelop this block:
Our concerns for the neighbours are:

- **OVERCROWDING** – *Proposed development is trying to fit too many dwellings and people on a standard size block*
- **NOISE** – *the increased traffic flow of residents, the months of construction noises to develop and then the noise level from people going about their daily lives will be increased dramatically for such a quiet neighbourhood*
- **AMENITY OF BUILDINGS** – *will be out of character from the other dwellings in the street*
- **PRIVACY** – *as the development is two storey high it will be overlooking all of the neighbouring properties impacting on their privacy*
- **PARKING** – *Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on other residents verges inconveniencing them.*

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Ainsley Karala ✓
8 Moseley Street



Document #: IPA23528
Date: 10.02.2012
Officer: LEONARD LONG
File: 400100G

Thursday 9th February 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721



Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead for the following reasons:

- **OVERCROWDING** – *Proposed development is trying to fit too many dwellings and people on a standard size block*
- **NOISE** – *the increased traffic flow of residents, the months of construction noises to develop and then the noise level from people going about their daily lives will be increased dramatically for such a quiet neighbourhood*
- **PARKING** – *Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on other residents verges inconveniencing them.*

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Mark O'Reilly ✓
12B Moseley Street



Document #: IPA23525
Date: 10.02.2012
Officer: LEONARD LONG
File: 400100G

Thursday 9th February 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721

10 FEB 2012

Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead for the following reason:

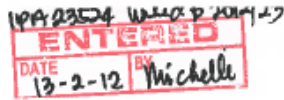
- ***OVERCROWDING – Proposed development is trying to fit too many dwellings on a standard size block***

Thank you for considering my objection and I am willing to discuss any future plans put forward for a smaller size development as I don't disagree with development just the size of this proposal is too big.

I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

John Lamb ✓
12A Moseley Street



Document #: IPA23524
 Date: 10.02.2012
 Officer: LEONARD LONG
 File: 400100G

Thursday 9th February 2012

Attn: Michael Pound
 Planning Officer
 Town of Port Hedland
 PO Box 41
 Port Hedland 6721



Dear Sir,

RE: APPLICATION No: 2012/23 FOR TEN (10) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 10 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead for the following reasons:

- **OVERCROWDING / QUALITY OF LIFE** – Proposed development is trying to fit too many dwellings and people on a standard size block reducing the quality of life which I am opposed to
- **DWELLING SIZE** – indicates transient residents will be preferred to live in these size units with no room outside for living and inside is very contained with basic amenities only
- **NOISE** – the increased traffic flow of residents, the months of construction noises to develop and then the noise level from people going about their daily lives will be increased dramatically for such a quiet neighbourhood
- **PRIVACY** – as the development is two storey high it will be overlooking our property and this will impact on any privacy that we have
- **PARKING** – Not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on other residents verges inconveniencing them.

Thank you for considering my objection and I am willing to discuss any future plans put forward for a smaller size development as I don't disagree with development just the size of this proposal is too big.

I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Tracey Young & Les Humberston ✓
 4B Woodgina Street



Unit 1, 8 Prince Street, Busselton WA 6280 • PO Box 749, Busselton 6280, Western Australia
T +618 9754 2898 F +618 9754 2085 E Busselton@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 11546

Email: hannah.paget@rpsgroup.com.au
Date: 07 March 2012

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

Attention: Michael Pound

Dear Sir

**Response to Submissions Received Regarding Development Application (21012/23)
at 8 Moseley Street, Port Hedland.**

Thank you for your letter attaching the various submissions received regarding the proposed development for ten (10) multiple dwellings at 8 Moseley Street, Port Hedland.

In order to address some of the issues (in particular carparking and amenity) please find attached revised plans to supersede those submitted in the original proposal.

Furthermore, it is our understanding that 18 submissions of objection were received by the Town of Port Hedland in respect of the proposal. Comments in response to each of the main issues raised are provided below.

Overcrowding

The density of the development complies with the Residential Design Codes of Western Australia (R-Codes) and is in accordance with its density coding pursuant to the Scheme (i.e. R30).

Noise

Any potential noise created due to the increased number of dwellings is minimised through the use of screening and appropriate orientation of the dwellings that face internally away from the surrounding dwellings.

Privacy

The proposed development meets the privacy requirements of the R-codes, however further screening could be provided if required by the Town of Port Hedland. An example of further privacy measures that could be taken are further screening along the fence lines of affected homes and planting of vegetation buffers. Screening is not required on stairways as they are not considered a 'medium to long term location for habitation' within the R-codes.

Please note screening for the rear left unit has been included on the attached revised plans.

RPSParking (design and number)

Recent liaison between the project building designer and Council staff has led to preparation of revised drawings which address identified car parking design issues. Accordingly, the parking layout only required a slight re-design to comply with Australian Standards and the R-codes with particular attention being given towards, dimensions, turning areas, and layout and visitor car parking bays.

Quality of Life

The proposed development is consistent with the provisions of the R-codes, the objectives of which include the provision of a full range of housing types and densities and to ensure appropriate standards of amenity are provided for all dwellings and adjoining properties.

Dwelling Size

The dwellings are compliant with the R-codes and the Scheme which permits one bedroom dwellings to be developed on land zoned residential R30. In order to provide some variation to the proposed dwellings, two bedroom dwellings are also proposed within the development which is also consistent with Liveable Neighbourhood objectives. These objectives provide emphasis on supporting sustainable urban development through land efficiency across all elements and a variety of lot sizes and housing types to cater for the diverse housing needs of the community. The proposal supports and achieves these objectives.

Environmental Impact

The subject site is zoned 'Residential' under the Scheme which applies a density of R30. The proposed development is consistent with this density and will be used for residential purposes. Any perceived environmental impacts resulting from the development will to be appropriately managed through building and development controls.

Communication

Public consultation was undertaken by the Town of Port Hedland in accordance with the Scheme requirements. In this regard, the proposal was advertised and all submissions received have been considered by Council staff in its assessment of the proposal.

Compliance with the Building Codes of Australia

Subject to issue of planning consent the proposal will then be assessed under the Building Codes of Australia as part of the building licence process. A building licence is required to be issued by the Council prior to any development taking place on the site.

Construction Storage, Noise and Cleanliness

The development is proposed in a two stages which will minimise the impact of construction on the surrounding properties. It is proposed to develop the rear four dwellings as the first stage, whereby construction materials will be confined to the rear section of the lot. The second stage of development (remaining 6 dwellings) will not occur until the Water Corporation has confirmed water supply is available to the remaining 6 proposed dwellings, which is currently expected by 2014.



Sewerage

The Water Corporation has advised that sewer connection to the first stage (i.e. 4 dwellings) is currently available. It also advised that waste water headwork's are scheduled for upgrade in 2014, whereby suitable capacity will be available to service the proposed second stage of development.

Local Amenity

The proposed development has been designed to minimise any impacts on the amenity of the existing residential locality and includes measures such as screening and building orientation to mitigate any perceived or potential impacts. The proposed dwellings to the front of the lot address the street and the majority of car parking spaces are located behind buildings or street trees to soften the impact on the street. Furthermore a detailed landscaping plan will be required as a condition of planning consent which will further assist and alleviate any perceived visual impacts.

Stormwater Disposal

Stormwater disposal is addressed on site and as indicated on the attached plans, an on-site facility to pump stormwater into the public drainage network after a storm event is also provided, as recommended by Council staff.

Water Supply

It has been advised by the Water Corporation that the area requires upgrading of current water supply services and until such time that this upgrade occurs the site cannot support more than 5 dwellings. It is the intent of the owner therefore, to develop the land in a staged manner whereby the rear four dwellings will be developed as part the first stage and the existing dwelling at the front will be retained. The remaining six proposed dwellings at the front will then be constructed at a latter stage when water supply is available. As mentioned above, this is anticipated by 2014. As discussed with Council staff, a condition of planning consent, with a corresponding advice note, to acknowledge the staged approach will be imposed.

Removal of Street Trees

In accordance with the revised plans (attached) the southern crossover has now been altered to retain the existing street tree previously proposed for removal. The driveway now veers to the north of the tree avoiding the need to remove it. The main driveway to the rear dwellings and services box has also been moved in order to retain the street tree closest to the western boundary. Accordingly, all street trees have been retained by the developers building designer, ensuring the existing amenity of the streetscape is preserved.

Number of Crossovers

The proposed crossovers servicing the front dwellings are required in order to retain all the street trees, whilst providing appropriate access to all dwellings.

We trust each of the above comments provides suitable response to the various matters raised during the consultation process and we look forward to favourable determination of the revised proposal by Council.



In the meantime should you have any queries or require further information, please do not hesitate to contact the undersigned, or alternatively Stan Lawrence –Brown at this office.

Yours sincerely
RPS

Hannah Paget
Town Planner

cc: Client – Peter Rakic

ATTACHMENT 5 TO ITEM 11.1.2

Speakman Chloe

From: Pound Michael
Sent: Wednesday, 18 April 2012 5:20 PM
To: Records
Subject: ICR25802 - FW: APPLICATION No: 2012/23 FOR EIGHT (8) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721
SynergySoft: ICR25802

From: john mathews [mailto:stb@westnet.com.au]
Sent: Wednesday, 18 April 2012 4:04 PM
To: Pound Michael
Subject: RE: APPLICATION No: 2012/23 FOR EIGHT (8) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I have concerns about the proposed development, they are the impact on the area of what appears to be dwellings for single or fifo persons, at present family's often walk along the road to the beach, they can't use the footpath (there isn't one) recently the road was blocked off completely at the east end for hours while building material was unloaded r.o notification to residents. This street is a family street kids dogs etc. if this project goes ahead I dread to think where all the parking of vehicles is going to be on a bend .
John mathews

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For more information please visit <http://www.symanteccloud.com>

File Number: 402006
Int. Correspondent: ..Leonard & Mike

Wednesday 18th April 2012

Attn: Michael Pound
Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721

Dear Sir,

RE: APPLICATION No: 2012/23 FOR EIGHT (8) MULTIPLE DWELLINGS AT LOT 1 (8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment in relation to the above application to construct 8 dwellings on the neighbouring property at 8 Moseley Street, Port Hedland.

I strongly object to this development going ahead as I believe the:

- CONSTRUCTION STAGE – noise levels could disturb our children from a sleeping routine & the building work may damage our foundation for the house and concrete slabs we have everywhere. The proposed development block is on a corner (quite blind) with nowhere to park equipment and vehicles through construction unless they park on footpaths and verges down the street and over the road. This has proven a problem in the past with vehicles & equipment parking on the path that was provided by the shire and local businesses for the young girl across the road whom requires wheelchair access, and was blocked in her own yard on a daily basis. I, myself also experienced difficulties walking with my children to the foreshore path and beach, had to walk through the middle of the road with a pram, dog and small child, on a busy blind corner on several occasions and encountered some near misses. Consequently having to drive the 100 Metres for the safety of my children.
- NOISE & SAFETY - the increased activity of traffic and noise levels from the new neighbours will be magnified for us as I have 3 young children and a baby on the way, which all our bedrooms are along that side of the house, which will only give a distance of approx 4 metres, and I like that this street is quiet and safe for my family to reside in.
- PRIVACY - From the plans it indicates that two of the unit's at the rear of the property upstairs balconies will have a direct view over the span of our backyard with the proposed front units overlooking the front yard and side of the house and the side three bedroom units will be overlooking our entertaining area in the backyard. – removing our right to privacy. Also two of the unit's staircases will run upwards right next to our fence with no screening or privacy protection.
- SEWERAGE – Plans don't indicate an upgraded sewerage system as the street recently had been experiencing problems with new developments across the road. Also our concerns are highlighted because the sewage line runs about 3m in from the back fence at 8 Moseley st. Units will be built directly over the top. Has the water corporation been informed or a requested to build been submitted to them yet?
- PARKING - What if there is an overflow of parking as there is 8 units with a minimum of 8 spaces for residents and 2 for visitors, will they be allowed to park in the street? The amount of bedrooms has not changed or reduced from the last plans, but the parking has reduced. I do not want to see another parking disaster like Pretty pool developments and park. By my calculations if two units indicate FAMILYS, they usually require two parking spots for two adults. Therefore 10 Parking bays should be provided at least for residence and then some for visitors ect.

- UNIT DESIGN – 1 bedroom, no bath in bathroom, no yard/private garden per unit and the same number of bathrooms to bedrooms – suggests that the housing won't be appropriate for families and indicates to be FIFO compliant. Although two units have been dropped, two units have added bedrooms, maybe suggesting families, however, still FIFO compliant and no private garden or shed to indicate a family friendly residence.
- AMENITY OF BUILDING - Streetscape on plans is non conclusive to the surrounding area and I believe the condensed dwellings will be out of character with the rest of the area as the building will be too tall, too close to our boundary, too many units and there is no real indication of what screening, greenery or what outside building facing materials will be used? Tilt panels? Cladding? Brick? Tin?
- STORAGE/SHED FACILITIES – The storage/shed block or facilities indicated on the last plans have been removed and the plans no longer allow for ample storage of bikes, man toys, gardening equipment, boats ect (the things normal families accumulate for the Pilbara living.) Will we be seeing boats ect parked on the street along with the excess of residing vehicles?
- WATER DRAINAGE – Not enough drainage/water runoff has been indicated in the plans supplied. The development site also runs from the street downhill onto the property, meaning water will not run out of yard, but across and into neighbouring yards.
- EFFECT ON NEIGHBOURS – The current proposed site plan does not show the current location of surrounding houses, their entertaining/living areas and the effect on neighbouring families.
- IS THE DEVELOPER A LOCAL? If the developer is not a local? He/She will not care about the many impacts these units will have on existing locals/neighbours/families.
- DUST ZONE – We believe the design and purpose of these units will be more suited to the 'dust zone/west end' and strongly recommend keeping the family streets for families.
- FAMILIES FIRST – We strongly recommend to council in order for the town to collectively encourage long term families and residences to continue or reside in town. We need to be building more 4/3 bedrooms houses in family areas. This needs to include all the amenities that a normal family house would have ie, Shed, pool, Play area/garden for kids and ample parking for 'Pilbara Toys'. There aren't many area's left in Port Hedland that can provide the safety, security and space any parent would want for their children.

Thank you for considering my objections above and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Yours Sincerely,

Camile Mathews & Mick Vukusich
10 Moseley Street
Port Hedland 6721

3 Moseley Street
Port Hedland, 6721.
To Michael Pound
Town of Port Hedland
Box 41 Post Office
Port Hedland, 6721

Dear Michael,

I write in protest of the idea of the 10 units proposed to be built at 8 Moseley Street, across from my home. The idea of building what amounts to a single man's camp in the midst of a street of families that have family lifestyles, living in single dwelling homes is totally unacceptable. The area that is used in the plan is surrounded by people who would have their life as they know it ripped apart with the addition of up to 20 more vehicles on this tiny space, the noise of a 24hour workforce coming and going and the inappropriate behaviours indulged in by the temporary workforce that this type of building would house. This design is not a plan that is compatible with family dwellings.

The design of these buildings are not in line with section 3 of the building code that requires any builder making more than 4 dwellings on the same piece of land must make every fourth home to universal design standards. This flouting of building requirements is also an indication of the plans being orientated for the single temporary residence.

A further huge concern to me is the lay down area to be used. There is no space anywhere on this very limited space of 8 Moseley Street for materials and having been subjected to the trauma's of having the full surrounds of my home being used as lay down area over the previous 2 years, just to construct 2 dwellings I am certainly not prepared to have all my verge used again for this purpose.

Should the development proceed the inadequate parking for the number of vehicles' ten dwellings would entail would cause a spill over on the tight and dangerous corner of Moseley and Wogina Street and I see my home again being subjected to the excess cars being parked on my verge edge and blocking the vision around this corner.

The lack of any knowledge of the area planned for is obvious when the view to the ocean is given as the area that overlooks the neighbour's home. This knowledge also leads one to understand that this construction is only being put together to maximise the financial advantage with no respect of the interest of long term locals and their lifelong residence.

While understanding there is a requirement for more housing in Port Hedland, this type is at odds with the councils expressed planning priority to see that Hedland remains family focused with reluctance for fly in fly out workers. Building and increasing accommodation, yes but not at all costs. Not at the cost of the way of life valued by our families that have lived here for years

These plans show no areas to entertain or have realistic extra car bays for visitors. Again having witnessed the number of vehicles that have been parked up in larger blocks with couples that have big incomes and industrial employment, my concern for the safety of the surrounding families, children and parents walking their babies with a single men's camp and the associated behaviour, right in our midst, is huge.

Yet again I feel overwhelmed by a council that has difficulty remembering that we are an old and long established town and are determined to try to hold onto the valuable neighbourhood in the caring family atmosphere we value so highly

Yours Sincerely

Joan Foley

6/4/2012

Further to the above for Application 2012/23 8 Moseley Street

See all the above items for my protest. None of these issues have been addressed with these new plans. As far as I can see the only thing that has changed is that our protest allowed the fools that drew up the original plans to re orientate themselves with the use of my 5th paragraph and identify the side of the block that faces the ocean.

Nothing else has changed and I remain totally opposed to this as well as the previous Transient Worked Accommodation men's camp proposal. You only have to look at the complete eye sore that the council has already permitted on the corner of Sutherland and Crawford Street to know that building at this scale is totally inappropriate in our area of family homes and our families don't want it.

I hope you will see how inappropriate this is and insist to further builders that the integrity of established family lifestyles must be honoured.

Again Sincerely

Joan Foley

3 Moseley Street

Port Hedland.6721

10 February 2012.

Mr Michael Pound,

Planning Officer

Town of Port Hedland

PO Box 41

Port Hedland 6721

Dear Sir,

I wish to complain about the idea of building ten units on the block over the road from us at 8 Moseley Street and to say that I am completely against it being build because it will be difficult to have people all doing shifts when we are trying to sleep, with noisy mine vehicles coming in and out at all hours.

Last time there was building by my home, the builders put their vehicles and building material all over the path that the shire made especially for me to use and be safe in my wheel chair on this dangerous corner. Three or four times I had to get the ranger to clear the pathway, just so i could get into my own home entrance. Also the families trying to get around the corner with prams and small children were forced to walk on the road.

As there is only Mum and I in our home, I will be very afraid to be alone in our home if I know there is a single men's camp over the road.

Thank you

Anika Coppin Foley

Tuesday 17th April

Attn: Michael Pound
Senior Planning Officer
Town of Port Hedland


Document #: IPA25827
Date: 19.04.2012
Officer: LEONARD LONG
File: 400100G → Leonard

Dear Sir,

RE: APPLICATION No 2012/23 FOR EIGHT (8) MULTIPLE DWELLINGS AT LOT 1(8) MOSELEY STREET, PORT HEDLAND WA 6721

I wish to comment again in relation to the above application for 8 Moseley St, Port Hedland.

The new plans are not acceptable to me. The new plans have even more bedrooms and less parking space. So we'll have even more overcrowding. The new plans now have a total of 16 bedrooms, that's potentially 16 to 32 adults if they have partners.

They are going to share one car bay per unit (10 car bays in total for the whole block).

Most people have their own car, that's potentially 16 to 32 cars.

What if some of them have a boat as well or a caravan?

I strongly object to the development going ahead for the following previous reasons:

- **OVERCROWDING / QUALITY OF LIFE - Proposed development is trying to fit too many dwellings and people on a standard size block. Reducing the quality of life, which I am opposed to.**
- **NOISE - the increased traffic flow of residents, the noise level from people going about their daily lives will be increased dramatically for such a quiet neighbourhood**
- **PARKING - not enough parking has been allowed for the size of the development and the overflow will affect the amenity of the street and cause problems in the area with parking on the other resident's verges inconveniencing them.**

Thank you for considering my objections and I wish to be kept informed of any outcome or if the matter will be considered at a future council meeting.

Your Sincerely



Nick Mayo
5A Moseley ST.

ATTACHMENT 6 TO ITEM 11.1.2



Unit 1, 8 Prince Street, PO Box 749, Busseton Western Australia 6280
T +61 8 9754 2898 F +61 8 9754 2085 E busseton@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 11546

Email: stan.lawrence-brown@rpsgroup.com.au

Date: 24 April 2012

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

Attention: Michael Pound

Dear Sir

**RE: Response to Submissions Received Regarding Development Application
(21012/23) at 8 Moseley Street, Port Hedland**

Thank you for providing us with the submissions received after advertising the revised development application (reduced from ten to eight grouped dwellings) at 8 Moseley Street, Port Hedland.

Following advertising of the original application, the proponent resolved to revisit the proposal and change the design, in response to submissions received to the original plans and subsequent discussions held with Council planning staff.

Upon receipt of the revised plans, Council staff resolved to advertise the revised proposal a second time in order to gauge community response. During the second round of advertising a total of five submissions were received, significantly below the eighteen submissions that were received during initial advertising period, thus indicating acceptance of the proposal by the majority of the community.

In this regard, the revised proposal was designed to primarily address issues/concerns raised during the initial advertising process and based on the lower rate of response it is apparent that most of the concerns previously raised have been satisfied. Conversely the majority of issues raised by the 5 submissions received the second time are generally the same as before with a general focus towards the issue of density increase. In response to this we wish to highlight the following points:

- The proposed density is in accordance with zoning and applicable density code (i.e. R30) of the locality pursuant to Council's Town Planning Scheme;
- The Town of Port Hedland's engineering department and other government authorities support the revised proposal;
- Car parking has been revised to ensure that all car bays meet the Shire's requirements for size and manoeuvrability;
- The revised proposal is consistent with the Residential Design Codes of Western Australia (R-codes) and therefore the town planning scheme with respect to residential layout and function. While it is acknowledged some variations to the R-codes have been

RPS

applied this is generally the case with medium density proposals and in order to minimise impacts on neighbouring properties a number of measures have been undertaken within the design including use of privacy screening, building orientation, setbacks not too mention decreasing the number of dwellings.

- The revised plans have been designed in accordance with Liveable Neighbourhoods, including the provision of varying dwelling types and housing mix in residential areas.
- The streetscape has been addressed through the minimisation of crossovers and visible car parking and the retention of existing street trees.

In order to provide a visual impression of the future development, we also attach a streetscape elevation of the proposal to be viewed in conjunction with the revised plans.

In summary, the proponent has responded to the original issues raised by the community by decreasing the density from 10 to 8 dwellings, modifying the site layout, providing improved access and manoeuvrability for vehicle movement, increasing usability of the dwellings and placing greater emphasis on maintaining amenity to the existing streetscape.

We trust that the revised proposal is now in order for Council approval and in the meantime, should you have any queries or require further information, please do not hesitate to contact the undersigned on 97542898.

Yours sincerely
RPS

Stan Lawrence-Brown
Technical Director – Town Planning

cc: Client – Vladimir Ejov and Peter Rakic

ATTACHMENT 7 TO ITEM 11.1.2

Pound Michael

From: Stan Lawrence-Brown [Stan.Lawrence-Brown@rpsgroup.com.au]
Sent: Friday, 27 April 2012 1:00 PM
To: Pound Michael
Cc: Hannah Paget
Subject: 11546 - 8 Moseley Street, Port Hedland

Hello Michael,

The following email has been prepared to further address the issues which have been raised by neighbouring landowners during the second round of advertising. The following issues were raised and each has been addressed –

Construction Stage –

Development of the site will be carried out in accordance with requirements of a building licence to be issued by Council. This will incorporate measures to ensure residential amenity of the area is protected. The development is proposed in two stages which will minimise the impact of construction on the surrounding properties. It is proposed to develop the rear four dwellings as the first stage, whereby construction materials will be confined to the rear section of the lot. The second stage of development (remaining 4 dwellings) will not occur until the Water Corporation has confirmed water supply is available to the remaining 4 proposed dwellings, which is currently expected by 2014.

Overcrowding –

The density of the proposed development is compliant with Section 7 of the Residential Design Codes which stipulates that the maximum plot ratio of a multiple dwelling development in the R30 density coding shall be 0.5. The proposed development does not exceed this plot ratio.

Noise and Safety –

The density of the application is consistent with Section 7 of the Residential Design Codes and the Town of Port Hedland's Local Planning Scheme. While any potential noise created due to the increased number of dwellings is minimised through the use of screening and appropriate orientation of the dwellings that face internally away from the surrounding dwellings as per the residential design codes, it is essentially a management issue which can be enforced through local laws and the town planning scheme.

Privacy –

The proposed development meets the privacy requirements of the R-codes including screening of all windows and outdoor activity areas which may overlook neighbouring properties. However, further screening could be provided if required by the Town of Port Hedland. An example of further privacy measures that could be taken are further screening along the fence lines of affected homes and planting of vegetation buffers. Screening is not required on stairways as they are not considered a 'medium to long term location for habitation' within the R-codes.

Sewerage –

Water Corporation has advised that sewer connection to the first stage (i.e. 4 dwellings) is currently available. It also advised that waste water headwork's are scheduled for upgrade in 2014, whereby suitable capacity will be available to service the proposed second stage of development. It has no objection to the proposal including location of dwellings.

Parking –

Parking is compliant with the Residential Design Codes and the Town of Port Hedland's Local Planning Scheme. The Town of Port Hedland's engineering department is satisfied with the parking that is provided and that it is compliant.

Unit Design –

The units have been designed in accordance with the Residential Design Codes for multiple dwelling developments. There is no requirement for a bath or private yard, however private courtyard areas are provided in accordance with the residential design codes for use of each dwelling including clothes drying. Any other requirements for the unit design will be assessed during the Building Licence stage of the proposal.

Amenity of Building –

The proposed dwellings have been designed to have a minimum impact on the local amenity. Dwellings have been designed to address the street and screening has been incorporated to minimise visual impact from neighbouring properties. Further screening and buffer vegetation planting can be required as a condition of approval.

Storage Shed / Shed Facilities –

The separate storage facility has been removed each storage facility has been incorporated into each dwelling. The storage areas were included to comply with Section 7.4.7 A7.1 of the Residential Design Codes. Although the storage areas have been incorporated into each dwelling they are still in compliance with the Residential Design Codes and there is no requirement for them to be provided as a separate structure or to provide parking for boats or other large equipment.

Water Drainage –

Stormwater disposal is addressed on site and as indicated on the attached plans, an on-site facility to pump stormwater into the public drainage network after a storm event is also provided, as recommended by Council staff.

Effect on Neighbours –

As addressed in 'Amenity of building' and 'Privacy' and 'Noise and safety'.

Is the Developer Local –

The developer is the owner of the land and has right to develop that land within the requirements of the Town of Port Hedland's local Planning Scheme and the Residential Design Codes.

Dust Zone –

The land is zoned within the Town of Port Hedland's Local Planning Scheme 'Residential R30' in which a multiple dwelling development to a maximum 0.5 plot ratio is appropriate. This proposal complies with those details.

Families First –

This development is appropriate for a wide range of the demographic, including small families, couples of all ages and singles of all ages. It is a requirement of the Liveable Neighbourhoods document that dwellings be provided which will accommodate for a range of people with a range of living arrangements. Providing only large four and three bedroom homes will create housing which is only suitable for one section of the full demographic. It will also contribute to inefficient use of land for affordable housing within the town which is a problem that Council is trying to avoid via upcoding many areas within the town site, this property being one of them.

Issues associated with the types of people or sections of the community who may or may not live in a proposed dwelling should not be a planning consideration. It should also be noted that the zoning of the site could also facilitate up to 3 grouped dwellings each with six bedrooms and less parking requirements. The proposal is an appropriate response to the current zoning of the land and is consistent with the relevant planning framework provisions provided by Council's Scheme for its residential area.

Regards,



Stan Lawrence-Brown
Technical Director
Planning & Development
RPS Australia Asia Pacific
Unit 1, 8 Prince St, Busselton, WA, Australia, 6280
P.O. Box 749, Busselton, WA, 6280
Tel: +61 8 9754 2898
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11.1.3 *Establishment of Coastal Foreshore Management Working Group*

Officer Eber Butron
Director Planning &
Development

Date of Report 14 September 2012

Disclosure of Interest by Officer Nil

Summary

Officers are recommending the disbandment of the Marrapikurinya Tower Working Group and the Spoilbank Marina Stakeholder Working Group which will be amalgamated into a newly formed Coastal Foreshore Management Working Group.

Background

At its Ordinary Meeting held on 16 November 2011, Council resolved to establish various working groups including the Marrapikurinya Tower Working Group and the Spoilbank Marina Stakeholder Working Group.

The Marrapikurinya Tower Working Group was established to provide advice to Council on the development of the Marrapikurinya Tower project and the Spoilbank Marina Stakeholder Working Group was established to provide advice to Council on the development of the Spoilbank Marina project.

At the Marrapikurinya Tower Working Group meeting held on 23 August 2012 it was unanimously resolved to disband the Marrapikurinya Tower Working Group and to create the Coastal Foreshore Management Working Group. At this meeting the chair advised, through their discussion with the chair of the Spoilbank Marina Stakeholder Working Group, that it was an appropriate time to disband the Spoilbank Marina Stakeholder Working Group and amalgamate and expand the focus of both groups.

Both Working Groups deal with foreshore developments with common stakeholders that meet periodically to discuss projects critical to the Port Hedland coastal foreshore.

Consultation

Consultation undertaken through the Marrapikurinya Tower Working Group.

The chair of the Marrapikurinya Tower Working Group consulted with the chair of Spoilbank Marina Stakeholder Working Group.

Discussion has been held internally between the Director Planning and Development and the Director Community Development.

Statutory Implications

Part 5, Division 2, Subdivision 2 of the Local Government Act (1995) specifically relates to the establishment and operations of committees of Council.

Council's Local Law on Standing Orders also provides information on how to establish committees.

Working Groups differ from Committees as they are not governed by the Local Government Act. This means that no statutory requirements apply. Working groups are not granted any delegations and can only make recommendations to Council.

Policy Implications

Policy 1/012 Authorisation of Council's Working Groups.

Strategic Planning Implications

6.4 Local Leadership

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

Costs associated with Committees, Working Groups and Forums are included in the Town of Port Hedland 2012/13 Budget as operational expenditures.

Officer's Comment

Council officers are sourcing funding for various coastal plans. Funding to develop the master plan for that portion of coastline between the West End and Pretty Pool is being sourced from the North West Planning Fund.

Other funding solutions are being explored to develop broader plans for the wider coastal expanse to address issues of coastal access.

Summary

Both being foreshore development projects, it is recommended the Marrapikurinya Tower Working Group and the Spoilbank Marina Stakeholder Working Group will be effectively amalgamated into the Coastal Foreshore Management Working Group, with the inclusion of the following.

1. Care for Hedland representative; and
2. Dianna Robinson, representative for the Kariyarra Community

Attachments

Nil

20201213/103 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

1. **Disbands the Marrapikurinya Tower Working Group;**
2. **Disbands the Spoilbank Marina Stakeholder Working Group;**
3. **Establishes the Coastal Foreshore Management Working Group as follows:**

Terms of Reference

The Coastal Foreshore Management Working Group has been established to:

1. **Provide advice to Council on the development of a coastal foreshore redevelopment master plan;**
2. **Provide advice to Council on the development of the Spoilbank Marina precinct;**
3. **Provide a means of engagement with key stakeholders about the project; and**
4. **Investigate and make recommendations to Council on management structures and operations of the Coastal Foreshore Management Working Group.**

Membership

**Councillor Carter
Councillor Hooper**

Tenure

The meeting is to be held every eight weeks

Responsible Officer

Director Community Development

- 4. Requests invitations be sent to current members of the Marrapikurinya Tower Working Group and the Spoilbank Marina Stakeholder Working Group with advice on how to join the Coastal Foreshore Management Working Group as a community member.**

CARRIED 8/0

11.1.4 Request for Proposals – Catamore Court Land Development Project. (File No.800240G)

Officer David Westbury
Manager Economic
Development and Strategy

Date of Report 26 September 2012

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland owns an approximately 9,000 square metre property on Catamore Court in South Hedland. This report seeks to provide different development scenarios and the recommendation to advertise a Request for Proposal (RFP) for the subject land.

Background

The Town of Port Hedland has been working over the past several years to implement several development scenarios for the Council-owned property on Catamore Court in South Hedland.

As part of this pre-development process necessary work such as environmental testing and civil engineering have taken place to prepare the site for development in conjunction with the Department of Housing. This site work is now ready for development and Council's share of the cost equals approximately \$1.6 million.

Council has budgeted \$1.095 million via loan funds for the work which is sufficient at this point to commence the civil works in partnership with the Department of Housing. This work should be completed in 6 months. The remaining balance will not be known until the actual tender process is completed and may not be needed at all.

Consultation

- Concept Briefing, Elected Members 5 September 2012
- Economic Development and Strategic Planning Officers
- Planning and Development Officers
- Department of Housing Officers

Statutory Implications

The Town will need to comply with section 3.58 of the *Local Government Act 1995*, dealing with the disposition of property by local governments.

Local Government Act 1995:

“3.58. Disposing of property

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

- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*
[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]”

Policy Implications

Nil

Strategic Planning Implications

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

Budget Implications

The report seeks authorization to issue an RFP for the Council owned property located on Catamore Court. This specific item will only incur costs in relation to advertisement, administrative and potentially legal advice. Expenditure of \$1.095 million has been incorporated into the 2012/13 budget funded via a loan.

Officer's Comments

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

Several different development scenarios can be pursued in relation to Catamore Court.

Build the Development as Council Staff Housing

Council could design and construct the development for staff housing and retain ownership. This would require substantial capital and would create a Council neighbourhood which is not ideal for obvious reasons.

Trade the Property for Department of Housing Existing Stock

The Department of Housing is considering a swap for existing housing. If the homes offered are of appropriate value, suitable size and quality then this could be a very compelling option. It allows Council to divest from the exorbitant rent being paid in the private market as soon as practical. This option is being pursued, but no formal offer has been made to Council by the Department of Housing.

Enter Land Swap with the Department of Housing

Utilizing this scenario the Department of Housing would take approximately 5 of the lots single-family within the property on Catamore Court to pay for the Council's share of civil works. These lots would then be sold to reimburse the Department of Housing. The 2 group dwelling sites would then be sold to the highest bidder which should generate enough money on the open market to build 4 houses on the remaining single-family parcels. These houses would be retained by Council and used for staff housing. This option would require a private treaty and does not test the market to determine if this is the most advantageous method of disposal.

Expression of Interest

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

- A public tender;
- A select group tender from those who expressed an interest; and
- A private treaty negotiation, if the Town receives one expression of interest that meets the relevant criteria.

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

Request for Proposals

An RFP allows the Town to assess development proposals in a much timelier manner while still ensuring that the objectives of Council are achieved. By eliminating the Expression of Interest step, Council will still be able to assess the development proposals against the criteria that would normally be obtained in a two-step process and proceed with the development as soon as all of the statutory obligations are completed.

It is important to note at this point that none of these options are mutually exclusive and Officers should and will pursue any transaction which provides creative solutions to the staff housing issue.

A RFP allows Council to enter into any number of development scenarios having thoroughly tested the market with a full picture of the properties possibilities/potential.

Attachments

1. Locality Map

201213/104 Officer's Recommendation/Council Decision**Moved: Cr Jacob****Seconded: Cr Hunt****That Council:**

- 1) **Requests the Acting Chief Executive Officer, or her delegate, to pursue a trade for existing housing stock with the Western Australian Department of Housing;**
- 2) **Requests the Acting Chief Executive Officer, or her delegate, to concurrently prepare and advertise a "Request for Proposal" for the property on Catamore Court in accordance with the provisions of section 3.58 of the *Local Government Act 1995*.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.4



11.1.5 Committee-for-Hedland Proposal

Officer	David Westbury Manager Economic Development and Strategy
Date of Report	14 September 2012
Disclosure of Interest by Officer	Nil

Summary

The Committee-for-Hedland is a proposal to develop an organisation to champion positive change in Port Hedland based upon successful advocacy groups elsewhere in Australia. The key purpose of the organisation would be:

- Supporting and promoting the Town of Port Hedland to ensure sustainable progress;
- Identifying and implementing opportunities that will enhance our cultural, social, business and economic prosperity;
- Providing a platform for community, business and government collaboration to effect positive change;
- Advocate/Lobbyist to State and Federal Government.

Background

The Town of Port Hedland is seeking to become Pilbara's Port City with a population of over 50,000 by 2035. In order to achieve this outcome the Town will need substantial assistance from government, community and businesses. The Town is fortunate to have very large and influential companies with substantial investment and a vested interest in the Town becoming a place where people want to live and are proud to call home. The agenda item seeks to organize a group of all of these interested parties into a "Committee-for-Hedland" which would be an independent apolitical organisation that develops partnerships with key stakeholders groups in business and the community, and works with all levels of government, to achieve its purpose. It would present a united front representing the collective interests of its broad membership including businesses, community, academia and other stakeholder groups in Port Hedland. Speaking with one voice will turn ideas into outcomes.

Potential membership could include but would not be limited to represent a true diversity of industry sectors. Representatives from the banking industry, resource sector, media, education, hospitality and tourism, recruitment, legal, accounting, design and IT. The Committee for Hedland would continually seek new members to increase this diversity and add to the bank of specialised knowledge and available expertise available to the Committee. The Committee would not be a Council organisation rather an external advocacy group with Council representation.

Potential memberships may include the following representatives.

- Major Business Interests
- Resource Companies
- Transport
- Finance/Banking
- Engineering
- Development Interests
- Civic/Community Members
- Community Groups
- Small Business Representation
- Council/Elected Representation

Other “Committee for” organisations have been the catalyst for positive change with their respective communities spearheading such projects as the Docklands in Melbourne, Place-making in Perth, and the Revitalisation of the Waterfront in Geelong.

Consultation

- Concept Briefing, Elected Members 5 September 2012
- Economic and Strategic Planning
- Planning and Development

Statutory Implications

This organisation would not be a Council body and thus the formation and operation would not evoke the Local Government Act 1995.

Policy Implications

Nil

Strategic Planning Implications

Council’s Strategic Community Plans 2012-2022 identifies Strategic Themes and Performance Indicators relating a wide-range of Projects. Virtually all of these Strategic Themes: Community, Economic, Environment and Local Leadership relate or could relate to the formation of the “Committee-For- Hedland”.

Budget Implications

No money is sought at this point. Some expenses might be incurred including the travel and the organisation of presentations to Council as the proposed committee progresses.

Officer's Comments

Many of the issues that have a direct affect on The Town of Port Hedland are not actually directly controlled by the Council. Infrastructure, affordable housing and land allocation all have a significant proportion of agencies outside of Council controlling where and what happens. While The Town of Port Hedland is fortunate to have many capable partners in both the public and private sector the Committee for Hedland will help ensure that our challenges and opportunities are addressed in ways that keep our town vital, inclusive progressive and sustainable over the long-term.

The Committee-for model has been used successfully by Australian Cities to advise and implement a wide-range of city building projects. By helping create a Committee-for-Hedland Council can have another significant partner organisation that can work collaboratively, refine policy and advocate for a better future.

201213/105 Officer's Recommendation/Council Decision**Moved: Cr Carter****Seconded: Cr Jacob**

That Council request the Acting Chief Executive Officer, or their delegate, to investigate the creation of a Committee-for-Hedland and provide a report back to Council at its Ordinary Meeting in December 2012.

CARRIED 8/0

11.1.6 *Proposed Excision and Acquisition of various properties from the Recreational Reserves for Land Development Project Purposes. (File No.: Various, 08/05/0001)*

Officer	David Westbury Manager Economic Development and Strategy
Date of Report	26 September 2012
Disclosure of Interest by Officer	Nil

Summary

On 25 July 2012 Council approved a request to proceed with the proposed acquisitions from various Recreational Reserves land parcels for land development purposes.

This report recommends Council seek to excise and acquire several properties from the Recreational Reserves identified as possible options for residential infill projects.

The acquisition of these properties has not been guaranteed by the Department of Regional Development and Lands and the excise of these properties from the various Recreational Reserves only forms the basis for negotiation.

Background

Pilbara Cities representatives met with Council Officers 21 June 2012 to scope the next round of the properties identified as potential residential infill parcels (Lazy Lands). Key parcels within South and Port Hedland were identified as having potential for residential infill.

On 25 July 2012 Council approved a resolution for the acquisition of 11 of the identified properties within the Recreational Reserves for Land Development Projects. Pilbara Cities has since responded to the request and identified 9 of the 11 properties as the basis for negotiations.

Council is now requested to consider excising all of the 9 properties from various Recreational Reserves and also to approve a request to acquire one additional parcel while having that property excised (identified in Table 2 of this report) from the Recreation Reserve. The request to excise these lands from the Recreational Reserve forms the basis for negotiation with Department of Regional Development and Lands.

Table 1

Properties to be excised from various Recreational Reserves within the Town of Port Hedland (Acquisition by TOPH not guaranteed).

	Reserve No.	Lot	Survey	Street Name	Area	Reserve Purpose	Vesting/ MO	Native Title	Planning/ Zoning	HLAP Reference	AOSS Recommended Action
	South Hedland										
1	44744	5930, Pt Lot 55, Lot 156	P13326 P13326 P13332	Traine Crescent	483m2	Recreation	ToPH, State, State	Extin-guished	Residential	SP01/321	Not Highlighted
2	47918	2	D100648	Oriole Way	493m2	Recreation and Drainage	ToPH 10/09/04	Extin-guished	Other public purposes water and drainage	SP07/44	Not Highlighted
3	45855	6070	P22662	Limpet Crescent	656m2	Recreation	ToPH 21/09/99	Extin-guished	Residential	SP07/152	Dispose
4	37564	3544	214186	Murdoch Drive & Koombana Avenue	3,371 m2	Parkland	ToPH 08/01/82	Extin-guished	Parks and Recreation	SP11/189	Not Highlighted
5	37547	3581	214186	Captain Way and Yanderra Crescent	6,515 m2	Parkland	ToPH 08/01/82	Extin-guished	Parks and Recreation	SP13/188	Dispose
6	40088	4051, 8007	215416 58916	Masters Way & Dowitcher Avenue	6,774 m2	Park	ToPH 31/07/87	Extin-guished NOT Extin-guished	Parks and Recreation	SP13/198	Dispose
7	40088	4000	215416	Egret Crescent	668 m2	Park	ToPH 31/07/87	Extin-guished	Residential	SP13/241	Dispose
8	35321	3706	214019	Kybra Close	726 m2	Parklands & Pedestrian	ToPH 18/12/81	Extin-guished	Other public purposes water and drainage	SP12/184	Dispose
	Port Hedland										
9	40652	5863	P191022	Butler Way	2156m2	Recreation	ToPH	Extin-guished	Residential	PH09/158	Dispose

Table 2

Additional Property to be requested from the Department of Regional Development and Lands for land development projects which was not in the original request (Acquisition by TOPH not guaranteed).

	Reserve No.	Lot	Survey	Street Name	Area	Reserve Purpose	Vesting/ MO	Native Title	Planning/ Zoning	HLAP Reference	AOSS Recommended Action
	37551	3685	214187	Masters Way	7344m2	Parkland	TOPH 18/12	Extin-guished	Residential	SP13/2323	Dispose

Consultation

- Concept Briefing, Elected Members - 18 July
- Economic Development and Strategy Officers
- Planning and Development Officers
- Active Open Space Strategy, final report September 2011

Should Council pursue the matter a further a report would be prepared for Council once acquisition costs and methods have been negotiated with the Department of Regional Development and Lands.

Statutory Implications

The disposal of Crown Land is regulated through the *Land Administration Act 1997*.

It should be noted that Section 20A specifies that conditional to any proceeds from the sale of the lots to be used for the capital improvement upgrade and/or redevelopment of Public Open Space (POS) within the vicinity of the land sold. Council may establish one section 20A Trust fund for proceeds from sale of all surplus section 20A land, subject to:

- Community consultation, including reference to where funds are likely to be expended;
- The community being given an opportunity to comment on where funds from a particular disposal should be expended; and
- Establishment of a separate Trust fund for a particular purpose, where the community attitude is that disposal funds should be allocated to a specific project

The *Local Government Act 1995* also applies:

3.55. Acquisition of land

A local government can only take land under Part 9 of the Land Administration Act 1997 if it is in, or is to be regarded as being included in, its own district.

[Section 3.55 amended by No. 24 of 2000 s. 22.]

Policy Implications

Nil

Strategic Planning Implications

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

Budget Implications

Land is to be acquired at 5% of the unimproved value. The financial implications will be known once a valuation and acquisition method is determined.

Council's 2012/13 Budget provides for the preparation of business cases/plans for the development of land within the Town.

Further costs associated with the development of individual parcels of land will become known upon the completion of various business cases. These items will be reported back to Council for consideration.

Officer's Comment

Currently the Town of Port Hedland is experiencing a severe staff housing shortage and is paying exorbitant rental rates on the open market. In line with Section 20A of the *Land Administration Act 1997*, *Public Recreation Reserves* Council has the ability to purchase recreational reserves, freehold, at 5% of the unimproved market value (as advised by the Valuer General). If Council considers acquiring the parcels of land referred to in Table 1 and 2, it would enable the administration to strategically plan how to use the purchased parcels of land to accommodate its own staff and investigate other avenues of potential revenue streams. Certain land parcels can then be rezoned to accommodate residential dwellings.

The process provides an opportunity for Council to enter into various land transaction arrangements including sale to developers and/or entering into joint venture arrangements. Land suitable to accommodate grouped/multiple dwelling developments would be ideal for these types of arrangements. Should any of the identified 10 land parcels be acquired, a business case will advise the best method of delivery at the least cost to Council.

If a decision is made not to acquire the identified parcels, Council may miss the opportunity for any future applications for them. The current informal intention for the parcels, if not secured by the Town, is that they may be advertised for expression of interest to the private sector, facilitated by the Department of Regional Development and Lands.

Attachments

1. Map 1 Traine Crescent
2. Map 2 Oriole Way
3. Map 3 Limpet Crescent
4. Map 4 Demarchi & Haines Road
5. Map 5 Captain Way and Yanderra Crescent
6. Map 6 Masters Way & Dowitcher Avenue
7. Map 7 Egret Crescent
8. Map 8 Kybra Close
9. Map 9 Butler Way
10. Map 10 Masters Way (not in the original request to RDL)

Officer's Recommendation

That Council:

- 1) Request State Land Services to excise from the Recreational Reserve those properties listed in Table 1 and Table 2 of this Council Report; and
- 2) Request that Regional Development and Lands consider the Acquisition of the property identified in Table 2 by the TOPH for land development purposes in accordance with the *Land Amendment Act 1997* and the *Local Government Act 1995*.

201213/106 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1) Request State Land Services to excise from the Recreational Reserve those properties listed in Table 1 and Table 2 of this Council Report;**
- 2) Request that Regional Development and Lands consider the Acquisition of the property identified in Table 2 by the TOPH for land development purposes in accordance with the *Land Amendment Act 1997* and the *Local Government Act 1995*;**
- 3) Requests a report be provided back to Council with full costing.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.6



Ver.	Date	By	Amendments
1	23.08.2011	RMM	Requested for Information

Scale @A0	1:300
Drawn	
Vec AHD - See Note	
Hvdc: INGA 250	
Job No:	118093
Description	
Drawn	SHDS
Rev	01

PROPOSED RESIDENTIAL INFILL

Project: **LOT SH3 - (R 44744 LOTS 5630, 156 & 55 ON P 13326 & P 13332)**

TRAINE CRESCENT, SOUTH HEDLAND

GRID REFERENCE: C10 LOCATION SKETCH 1

Field and Book: Digital Drawn by: RMM Approved by: NPW

CLIENT

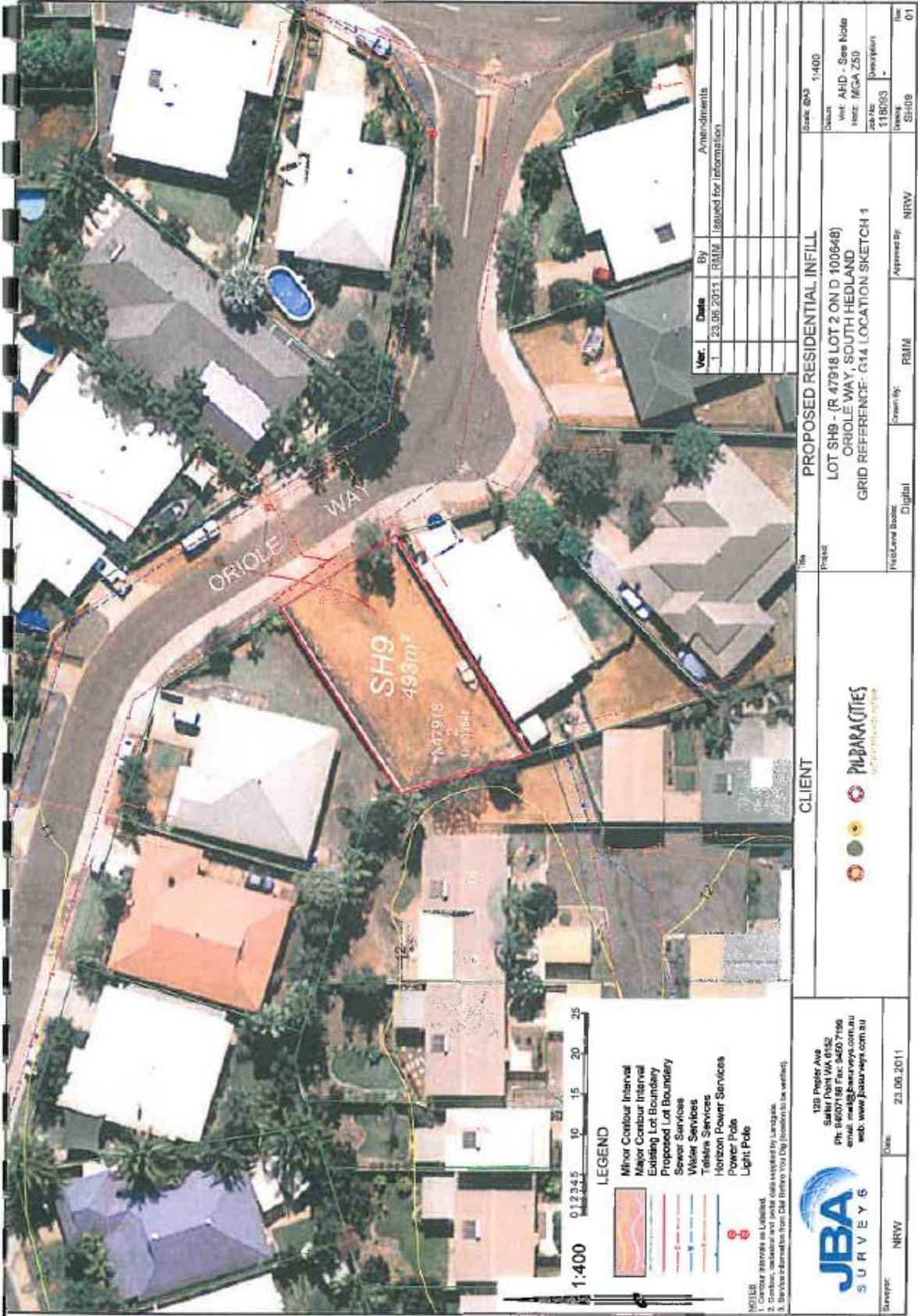
PURARACITIES

JBA SURVEYS

128 Poplar Ave
 Staker Point WA 6102
 Ph: 9450 7188 Fax: 9450 7199
 email: info@jbasureys.com.au
 web: www.jbasureys.com.au

Survey: NRW Date: 23.08.2011

ATTACHMENT 2 TO ITEM 11.1.6



ATTACHMENT 3 TO ITEM 11.1.6



ATTACHMENT 4 TO ITEM 11.1.6



Ver.	Date	By	Amendments
1	23.05.2011	RMM	Issued for Information

PROJECT		PROPOSED RESIDENTIAL INFILL	
LOT SH18 - (R. 37564 LOT 3544 ON DP 214186)		Scale: 1:1000	
MURDOCH DRIVE, SOUTH HEDLAND		Drawn: AHD - Site Note	
GRID REFERENCE: D8 LOCATION SKETCH 2		Issue: MGA 250	
Drawn by: RMM		Map No: 118003	
Approved by: NRW		Description:	
Scale: SH18		Rev: 01	

CLIENT

PULBARACITIES
Pulbaracities Pty Ltd

JBA SURVEYS

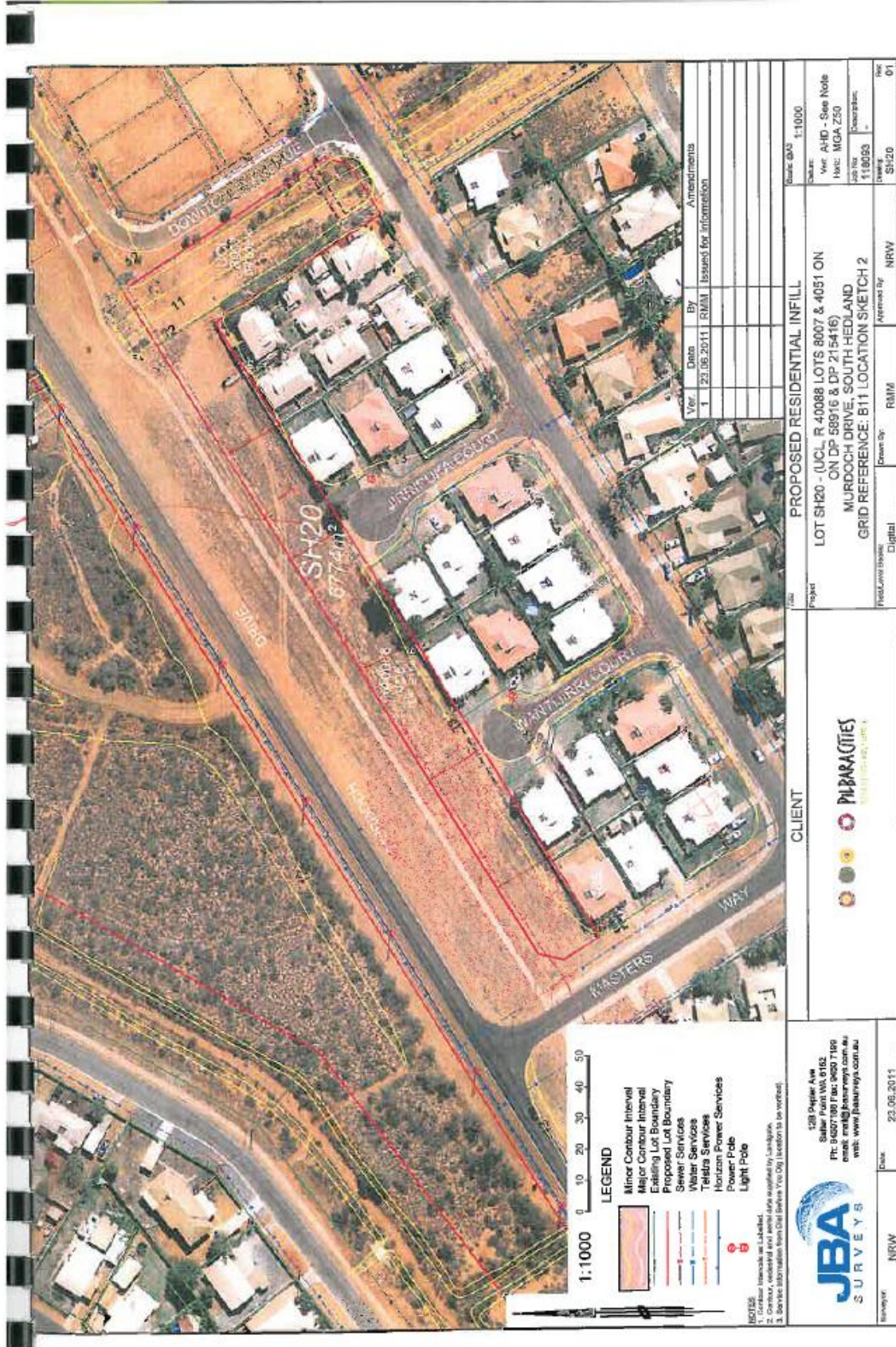
128 Fujler Ave
Satter Point WA 6150
Ph: 9407 388 Fax: 9407 700
Email: mail@jbasureys.com.au
www.jbasureys.com.au

Scale: NRW Date: 23.05.2011

ATTACHMENT 5 TO ITEM 11.1.6



ATTACHMENT 6 TO ITEM 11.1.6



Ver	Date	By	Amendments
1	23.06.2011	RMM	Issued for information

Scale: 1:1000
Drawn: AHD - See Note
Check: MGA Z50
Job No: 119093
Description:
Drawn: SH20
Rev: 01

PROPOSED RESIDENTIAL INFILL

LOT SH20 - (UCL R 40088 LOTS 8007 & 4051 ON ON DP 58916 & DP 215416) MURDOCH DRIVE, SOUTH HEDLAND
 GRID REFERENCE: B11 LOCATION SKETCH 2

Drawn By: RMM
 Approved By: NRW

Project: LOT SH20 - (UCL R 40088 LOTS 8007 & 4051 ON ON DP 58916 & DP 215416) MURDOCH DRIVE, SOUTH HEDLAND
 GRID REFERENCE: B11 LOCATION SKETCH 2

Project Level Issues: Digital

CLIENT

PILBARA CITIES
 100% LOCAL GOVERNMENT

JBA SURVEYS
 128 Pepper Ave
 Sother Park Wa. 6112
 Ph: 0809 919 111 Fax: 0800 711 110
 Email: jba@jbasureveys.com.au
 web: www.jbasureveys.com.au

Scale: 1:1000
 Date: 23.06.2011

Surveyor: NRW

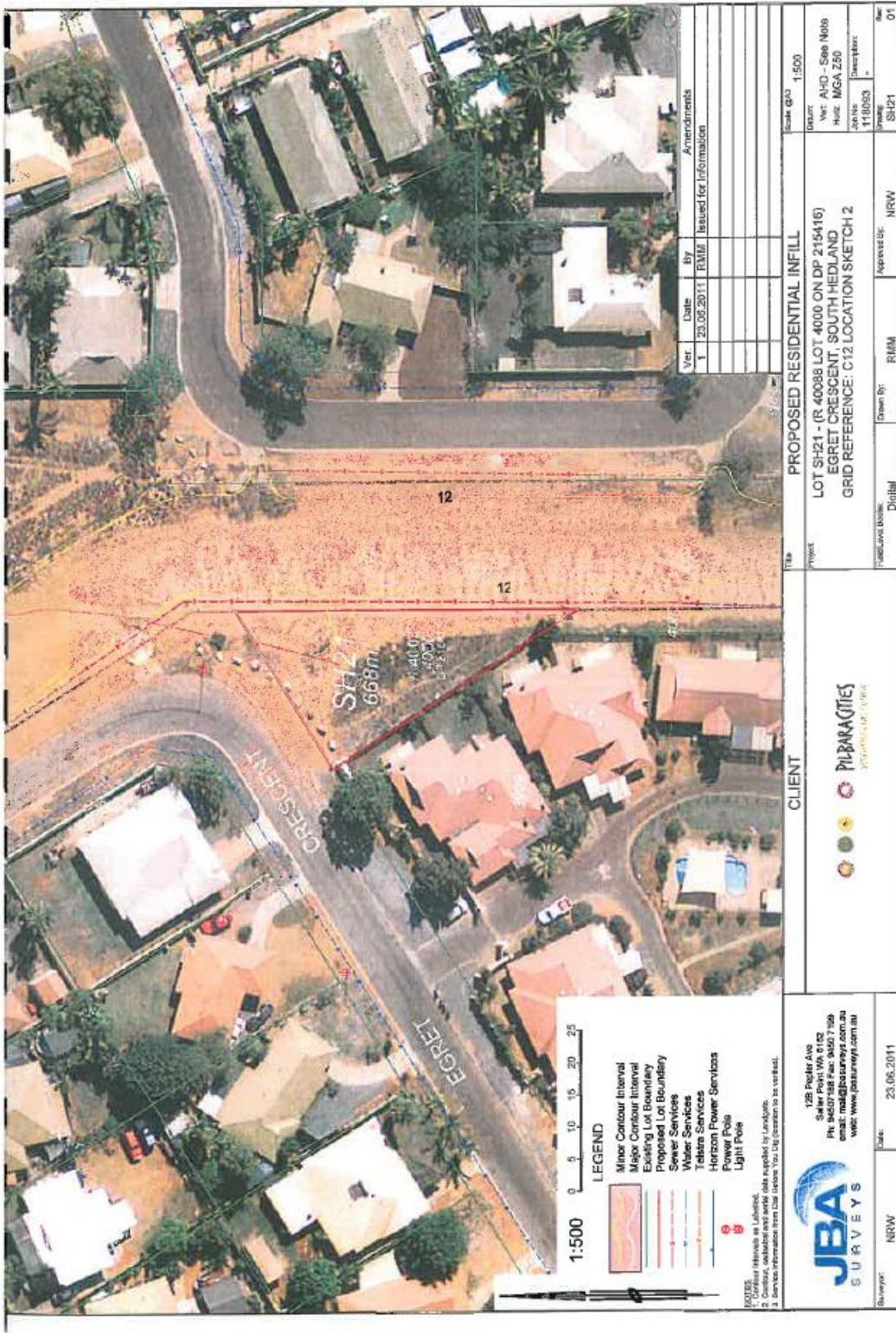
LEGEND

- Minor Contour Interval
- Major Contour Interval
- Existing Lot Boundary
- Proposed Lot Boundary
- Sewer Services
- Water Services
- Telstra Services
- Power Services
- Power Pole
- Light Pole

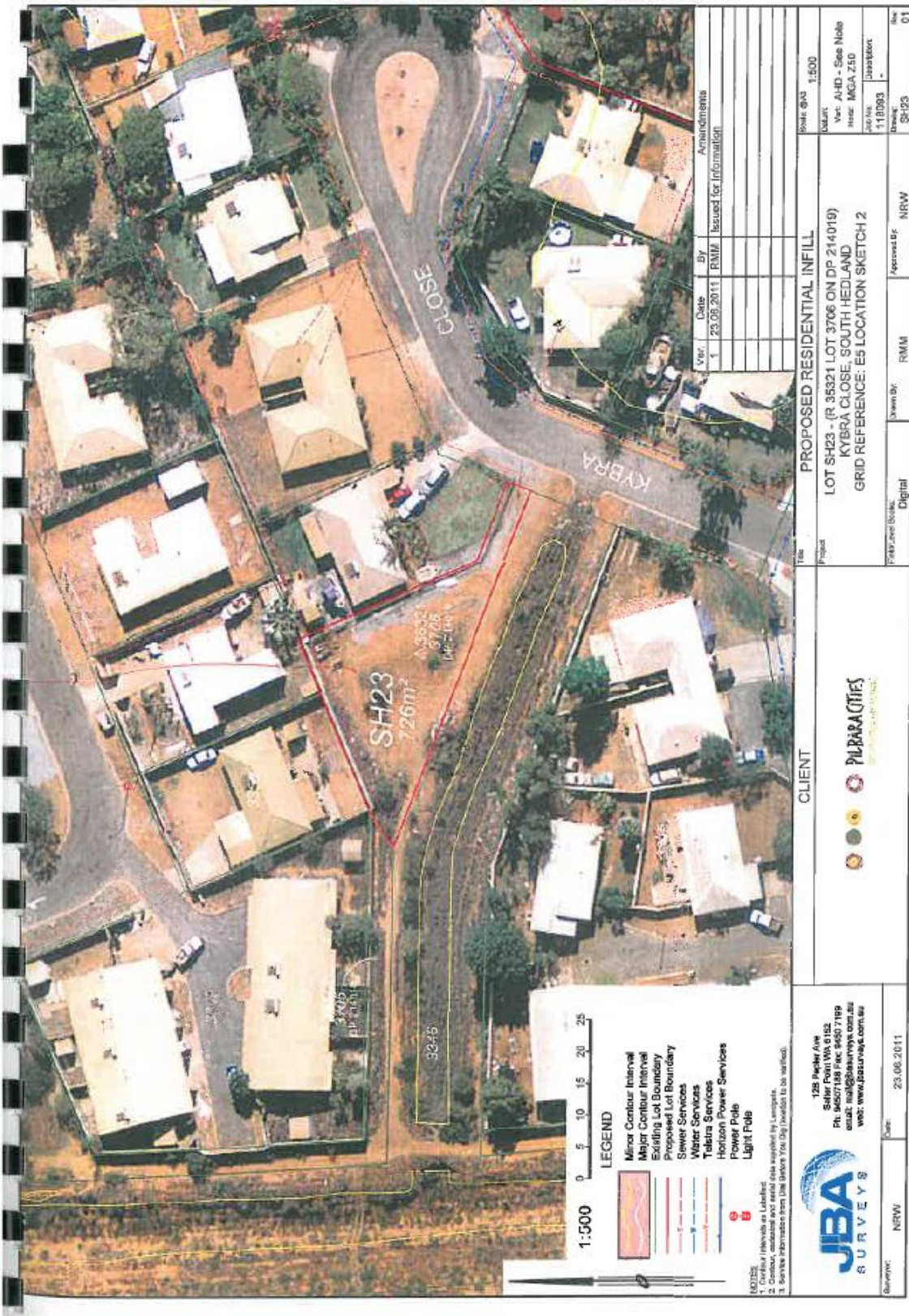
NOTES

- Contour Intervals are Labeled.
- Lot boundaries are shown in red.
- Service information from Civil Services (No Dig) location to be verified.

ATTACHMENT 7 TO ITEM 11.1.6



ATTACHMENT 8 TO ITEM 11.1.6



1:500 0 5 10 15 20 25

LEGEND

- Minor Contour Interval
- Major Contour Interval
- Existing Lot Boundary
- Proposed Lot Boundary
- Sewer Services
- Water Services
- Telestra Services
- Horizon Power Services
- Power Pole
- Light Pole

NOTES:
 1. Contour intervals as labelled.
 2. Contour, existing and aerial data supplied by Landgate.
 3. Service information from Dig before You Dig (subject to be verified).

JBA SURVEYS

128 Necker Ave
 Saker Point WA 6152
 Ph: 94507188 Fax: 94507199
 email: info@jbasurveys.com.au
 web: www.jbasurveys.com.au

Generator: NRW Date: 23.06.2011

CLIENT		PROPOSED RESIDENTIAL INFILL	
		LOT SH23 - (R 35321 LOT 3706 ON DP 214019) KYBRA CLOSE, SOUTH HEDLAND GRID REFERENCE: E5 LOCATION SKETCH 2	
Field Area Book:	Digital	Drawn By:	Approved By:
		RMM	NRW
Title:		Scale @A3:	1:500
Project:		Author:	Ver: AHD - Seb Noble
		Issue:	MGA 25D
		Drawn:	11/09/03
		Issue:	01

Ver.	Date	By	Amendments
1	23.06.2011	RMM	Issued for information

ATTACHMENT 10 TO ITEM 11.1.6



11.1.7 Addition to Trading in Public Places Policy (File No.: 19/04/0001)

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 5 September 2012

Disclosure of Interest by Officer Nil

Summary

In March 2012 Council authorized an amendment to the existing policy to assist in the determination of applications to trade in public places.

It is proposed that the current licensing procedure for food vans be amended to establish a single licensing period each year for yearly licenses thus reducing time spent on assessment and administration of food van applications and providing a fairer system for all vendors.

To allow the Town the ability to ensure that the community receives the best possible services it will be recommended that Council make the final assessment on food van applications for the upcoming licensing period as Council is the representative voice for the community in Town matters. This will be by means of a report being put to Council, once a year in June, providing Council with the details of each compliant food van application and any relevant supporting documentation. It is then proposed that Council select the food vans that they believe will provide the greatest service to the community for the upcoming operating period.

Background

In March this year Council authorised the issue of five (5) Trading in Public Places licenses for various types of takeaway food. Of the five approved only three (3) have requested a license being Robkins Coffee, Sue's Place Takeaway (Kebab Van) and Las Patronas (Mexican Food). Brazilian catering and another Kebab Van have not requested any licenses to operate.

At that time Council approved the applications to "Trade in a Public Place" to give food vendors the opportunity to get started in the next 12 months, as there was a lack of affordable facilities in the town.

At the time of writing this report eleven (11) Trading in Public Places licenses were active (one under consideration) for the following uses:-

Coffee Vans	3
Medium Risk Takeaway Food	3 (1 pending)
Frozen and vacuum sealed Meat traders	2
Fish van	1
Grocer	1
Ice cream van	1

Guidance and input on this matter was sort by officers at the Concept forum held on 5 September 2012 following an influx of applications for food vendor licenses.

At the Concept Forum, Councillors confirmed that they would like to see an addition to the policy to give officers guidance on the administration of food vendor applications.

Elements of the proposed updated policy are to include :-

- Categorisation of vendors and detailed approval process.
- Maximum approval period.
- Limit to number of vendors at one site.
- Preferred locations and times for vendors to operate.
- Approvals to be in line with other registration processes.

A review of the fee structure for trading in a public place was also requested and is shown in the budget implications section of this report.

Consultation

The officer has requested feedback on food vendors generally from the South Hedland Business Association, Wedgefield Association and the Chamber of Commerce.

Feedback was requested to be supplied by 4.00pm on Wednesday 12th September and at that time no formal feedback was received.

Statutory Implications

Trading in Public Places is administered by the Town of Port Hedland "Trading in Public Places" Local Law and Council Policy. Food preparation is governed by the *Food Act 2008* and subsidiary legislation.

Policy Implications

There are two policies used in association to the "Trading in Public Places" Local Law. Policy 13/009 relates to the exemption of fees for Community Associations and Policy 13/013 relates to the process to be followed if objections are raised to an application.

Strategic Planning Implications

6.2	Economic
6.2.1	Diverse Economy
	Encourage entrepreneurship through local programs, including business incubation, business advisory, local investment funds and other programs geared toward generating new products, services and businesses.
6.2	Economic
6.2.1	Diverse Economy
	Work closely with businesses to achieve sustainable economic growth and a broad economic base.

Budget Implications

A trading in public place permit attracts a \$52.00 application fee and the following additional fees apply for all vendors.

1 Day	\$52.00
1 Week	\$120.00
1 Month	\$240.00
1 Year	\$589.00

A review of the fee structure was undertaken by comparing our fees with adjoining Shires and one City Council which is outlined below.

Karratha

1 day	=	\$40.00
1 week	=	\$100.00
3 Months	=	\$260.00
6 months	=	\$390.00
12 Months	=	\$600.00

East Pilbara

1 day	=	\$45.00
1 week	=	\$100.00
1 month	=	\$200.00
1 year	=	\$500.00

Broome

Application fee	=	\$75.00
1 week	=	\$24.00
1 month	=	\$80.00
1 year	=	\$825.00

City of Rockingham

Application fee	= \$50.00
1 day	= \$10.00
1 week	= \$50.00
1 month	= \$100.00
1 year	= \$1000.00

During consideration of this item officers checked the relationship between medium/low risk food preparation vans and the requirements of *Food Act 2008*. It is considered that vendors preparing medium/low risk foods in their vans and not associated with a commercial kitchen need to be registered under the Act. These activities attract a one off \$53.00 food notification fee and a \$426.00 annual license fee for medium risk food vendors and \$213.00 for low risk food vendors in addition to trading in public places fees. Officers intend to enforce this provision to comply with the Act which will also open up enforcement action options to officers under that legislation.

The fee structure is outlined below.

Category 3 - Medium Risk Food vendors.

Annual Trading in Public Places Fee	\$589.00
Initial Application Fee	\$52.00
One Off - Food Act notification fee	\$53.00
Food Act Medium Risk Annual Fee	\$426.00

Officers are prepared to accept the trading in public places application fee and the one off Food Act notification fee as one charge and therefore the total fees for a annual license in the first year would be \$1068.00

Category 1 & 2 – Low Risk Food Preparation

Annual Trading in Public Places	\$589.00
Initial Application Fee	\$52.00
One off – Food Act notification fee	\$53.00
Food Act Low Risk Annual fee	\$213.00
Total first year	\$855.00

If approved the application will attract the above fee's and also a Food Act notification fee of \$53.00 and a resignation fee of \$426.00 per annum. The licensing period will be issued to 30 June 2013 so that all food vendors are renewed at the same time and a pro rate yearly cost will apply to this application.

With increased Food Act fees to apply to Category 1, 2 & 3 food traders an increase in trading in public places fee's will not be recommended to Council at this time.

Officer's Comment

At the concept forum in September Councillors confirmed that they would like to see an addition to this policy to give officers guidance on the administration of food vendor applications.

The required elements of the policy are discussed on the following page.

Categorisation of Food Vendors

Many Traders such as the fish van have been operating in the Town for many years and travel to different Pilbara Towns offering their services which is well received by the public and has a minimal affect on existing businesses.

It is felt that categorizing the food vendors to align with the provisions of the *Food Act 2008* is required in this circumstance and will assist Council with their determination. Outlined below are the recommended categories that could be considered by Council in the amended policy.

Category 1 – Very Low Risk Food Premises

Traders that offer a specialized service that have minimal food preparation and impact on existing businesses.

- Vegetable sales
- Low risk packaged food sales.

Other vendors such as sheep skin products vendors, flowers, etc would not trigger this category system as they are not food related thus posing no risk.

Category 2 - Low Risk – (No Food Preparation)

These sell frozen or chilled pre-packed food or have minimal food preparation. They have minimal impact on existing business and offer a service to the region and Port Hedland on a regular timetable.

These are low risk as minimal food preparation is undertaken and include the following:-

- The Fish Van.
- Outback Butcher.
- Muka Meats
- Itinerant Ice Cream vendors
- Coffee Vans

Category 3 - Medium Risk Food Premises (Food Preparation)

These Traders prepare medium risk food.

- Take away food vans.

High Risk food activities as determined by the *Food Act 2008*, cannot be undertaken from a non - approved premise.

Maximum Approvals Period

It will be recommended that any trader in category 3 be given a maximum period of 2 years to operate in the Town of Port Hedland to allow time for the establishment a permanent business.

Re-application will be required after 12 months but will not guarantee the vendor a renewed permit as an assessment based on performance, compliance and service to the community will be undertaken with the final decision resting with Council. Each year, after the first licensing period, the June report to Council will list compliant re-applications and any new applications with priority recommendation given to vendors wishing to continue and complete their 2 year approval period.

Limiting the number of Vendors at one Site at any one Time

Compliance to the policy will be a condition of approval which states that there should be no more than 3 vendors at any one of the nominated sites at any one time and the "first come first served" statement will apply.

This limitation has the ability to create "turf wars" however it is considered fair to all vendors. Officers do not enter into any disputes between vendors relating to access to the sites and the proposed policy will not prioritize any one vendor above another to access vending locations.

If disputes arise that cannot be resolved by vendors and the Town is called in to adjudicate a report will go to Council recommending cessation of all licenses involved in the dispute until the matter is resolved.

Existing approvals will be honoured however; once they expire the requirements of the policy will determine business location and operational times.

Nominated Locations and Times for Vendors to Operate

At present the following sites are currently being utilized by Category three 3 traders and it will be recommended that trading only be authorised at these sites with the addition of the Port Hedland Boat ramp.

- The Big Wheelbarrow site in Wedgefield.
- Adjacent to Wanangkura Site South Hedland.
- The Don Rhodes Museum site in Port Hedland.
- Airport Information Bay.
- Port Hedland Boat Ramp.

There is concern at the lack of space for vendors to operate safely in the various locations especially the wheelbarrow site in Wedgefield and the Don Rhodes Museum site which will be subject to further development. Limiting each site to only 3 vendors will assist in ensuring that parking and access issues are minimized.

Itinerant ice cream vendors and coffee vans utilize other sites and work places which will be considered at officer level.

It will also be recommended to Council that approvals to operate be issued between the times of 5.00am – 10.00pm at any of the approved locations seven (7) days a week.

Approvals to be in line with other Registration processes

Councils Environmental Health Services register many activities under statute each financial year. Having food vendors approved at different times of the year for various periods is challenging to monitor and onerous to administer.

It will be recommended that an application period over the month of May be established which will require all Category 3 food vendors requiring a yearly license to apply for a Trading in Public places license and registration as a food premise. This will allow for a detailed report to be submitted to Council in June enabling a fair and just assessment of stall holder applications to be undertaken by Council and compliance to the Food Act.

The officer has little concern with approving traders in category 1 & 2 however category 3 applications are more difficult to determine and objections have been raised by established businesses in the past.

The question of permitting takeaway food vendors to operate in Public Places in direct competition to established businesses needs to be carefully considered by Council. A significant number of Food vendors have approval to operate in a range of different locations selling a range of different foods and compete with established food premises.

In March 2012 Council approved applications to “Trade in a Public Place” to give food vendors the opportunity to get started in the next 12 months, as there was a lack of affordable facilities in the town.

It could be considered that food van traders offer a temporary support to the takeaway food industry in these times of high demand for takeaway food however; the interests of established businesses should be considered.

Based on the information above it will be recommended that Council adopt an addition to its existing policy 15/003 for "Trading in Public Places" applications.

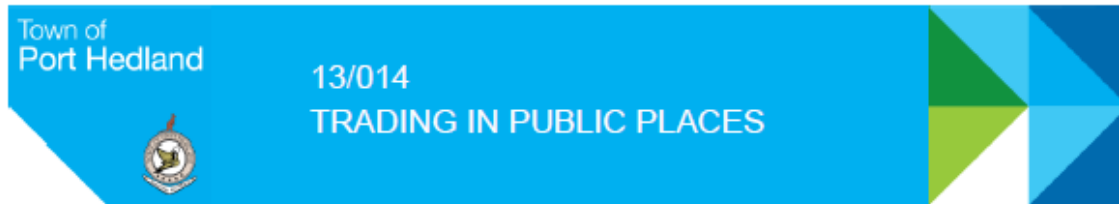
Attachments

1. Proposed Policy 13/014 'Trading in Public Places'

201213/107 Officer's Recommendation/Council Decision**Moved: Cr Jacob****Seconded: Cr Hunt****That Council**

- i) Rescind Policy 13/009 'Trading in Public Places – Community Events' and Policy 13/013 'Trading in Public Places Policy' on the proviso that the contents of these policies be amalgamated into a new policy;**
- ii) Adopt Policy 13/014 'Trading in Public Places' as per Attachment 1 to Item 11.1.7 with immediate effect;**
- iii) Advise all vendors in writing of the addition to Council's policy on trading in public places and note that the Town will honour existing, approved arrangements until current licenses expire, at which time the new policy arrangements will take effect; and**
- iv) Endorse the action that all future licenses issued be conditioned to comply with Policy 13/014 'Trading in Public Places'.**

CARRIED 8/0



13/014 TRADING IN PUBLIC PLACES

1. Exemption for Community Events

That private stallholders be exempt from applicable Council fees for Trading in Public Places Permits where it can be demonstrated that they are operating under a blanket permit held by a Community Association for that event.

The Community Association, in applying for its blanket permit must:

- Supply all relevant details of proposed stallholders working at the event in the prescribed manner for the purpose of assessment and approval;
- Supply a copy of public risk insurance certificates held for the event;
- Pay the applicable fee or seek exemptions under Clause 15 of the Local Law.

(Adopted by Council at its Ordinary Meeting held 24 November 2004)

2. Procedure When Objections Are Received To An Application

Trading in Public Places applications are assessed as per the requirements of the Town of Port Hedland Trading in Public Places Local Law 1999.

Where complaints are received regarding the operation of a Trading in Public Places Applicant the Town's Environmental Health Services team will investigate the matter and take any required action to resolve any problems in accordance with the Town of Port Hedland Trading in Public Places Local Law 1999.

If objections to a proposed or current permit are received or complaints have been raised in the past concerning a Trading In Public Places permit that is due for renewal the matter will be referred to the Chief Executive Officer for resolution. If the matter cannot be resolved by the CEO the matter will then be referred to Council, in the form of a detailed report, for determination.

(Adopted by Council at its Ordinary Meeting held 10 November 2010)



3. Approval/Administration Procedure for Trading in Public Places Applications

Categorisation of Traders

All Traders will be considered in three (3) categories:

Category 1 – Very Low Risk Food Premises

Traders that offer a specialized service that have no food preparation and have minimal impact on existing businesses.

- Vegetable Sales
- Low risk packaged food sales

Other vendors such as sheep skin products vendors; flowers, etc are included in this category for expedience of applications.

Category 2 - Low Risk – (Limited Food Preparation)

These sell frozen or chilled pre-packed food that has minimal impact on existing business and offer a service to the region and Port Hedland on a regular timetable.

These include the following:-

- The Fish Van.
- Outback Butcher.
- Muka Meats.
- Itinerant Ice Cream Vendors
- Coffee Vans.

Category 3 - Medium Risk Food Premises (Food Preparation)

These Traders prepare medium risk takeaway food in their vans.

- Take away food vans.

High Risk Food Preparation Activities

High Risk food activities premises, as determined by the *Food Act 2008*, cannot be undertaken from a non- approved premise.



Maximum Approvals Period

Category 3 traders will only be approved for the maximum period of 2 years to operate in the Town of Port Hedland to give them time to establish a permanent business.

Re-application will be required after 12 months which will incorporate an assessment based on compliance, any complaints received and service to the community with the final decision to renew the permit resting with Council. Priority will be given to compliant vendors wishing to complete the 2 year license term.

Limiting the number of Vendors at one Site at any one Time

There is to be no more than 3 vendors at any one time at any of the nominated sites and the "first come first served" statement will apply.

Each food van will be required to be removed from the site after the designated hours of operation expire.

If disputes arise that cannot be resolved by vendors and the Town is called in to adjudicate a report will go to Council recommending cessation of all licenses involved in the dispute until the matter is resolved.

Nominated Locations and times of Operation

Category 3 vendors can only locate their vans on the sites listed below between 5.00am to 10.00pm.

The Big Wheelbarrow site in Wedgefield.
Adjacent to Warangkula Stadium Site South Hedland.
The Don Rhodes Museum site in Port Hedland.
Airport Information Bay.
Port Hedland boat ramp.

Period of Approvals

Yearly licenses will only be approved from the 1st July – 30th June each year.

Approval Procedure

Category 1 & 2 Traders can be processed at officer level with due consideration to the policy.



Category 3 vendors seeking yearly approvals must submit an application before the 31st of May each year. Applications to Trade in a Public Place and application to be registered as a food van under the Food Act 2008 are required.

Applications will be compiled into a report which will be included for Council consideration in June of each year. Council can then make the determination on which food vans are to be approved. This process should take into consideration which vans can provide the best service to community, performance, compliance and any recommendations made by the reporting officer.

Relevant Legislation	Food Act 2008
Delegated Authority	
Council Approval Date and Resolution No.	
Last Date of Review	18 September 2012
Review Frequency	Annually
Responsible Unit/Directorate	Environmental Health / Planning and Development

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

11.1.8 Adoption of Organisational Policy for CCTV (Closed Circuit Television) Operations (File No.: 13/04/0001)

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 12 September 2012

Disclosure of Interest by Officer Nil

Summary

This item relates to Council considering the adoption of a new council organisational policy for its new CCTV (Closed Circuit Television) Operations. This matter was previously considered by Council however the matter was laid on the table due to a want of a quorum.

The proposed Organisational Policy for CCTV Operations is to be supported by a CCTV Management & Operation Manual which is still under development but is in draft form and will detail the general operation of the system. Both documents outline the manner in which the CCTV Operation will be operated, managed and the reporting protocols to the Town of Port Hedland's Community Safety and Crime Prevention Committee, Council and WA Police.

Background

In 2009, the Town of Port Hedland, in conjunction with BHP Billiton and the Office of Crime Prevention embarked on an ambitious project to roll out CCTV Video Surveillance across Port and South Hedland.

The aim of implementing the CCTV system is to improve the safety of members of the community, the town's businesses and retailers, workers and visitors to Hedland and to deter offences against property in the Town.

The CCTV system will attain an appropriate balance between the personal privacy of individuals utilising the Town's infrastructure or public spaces with the objective of recording incidents of alleged criminal or unwanted behaviour.

Consultation

- Office of Crime Prevention
- WA Police
- BHP Billiton
- South Hedland New Living
- CCTV Working Group
- Community Safety Crime Prevention Committee.

Statutory Implications

Commonwealth Legislation

- Privacy Act 1988
- Surveillance Devices Act 2004

Western Australian Legislation

- Criminal Investigation Act 2006
- Occupational Health and Safety Act 1984
- Surveillance Devices Act 1998
- Security and Related Activities Act 1996
- Security and Related Activities Regulations 1997

Policy Implications

A copy of the proposed Organisational Policy for CCTV Operations is attached in appendix 1

Strategic Planning Implications

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

Budget Implications

A total of \$1,270,000 was allocated towards getting the CCTV network up and running in Hedland.

Funding partners include; BHP Billiton, Office of Crime Prevention, Royalties for Regions, Regional Grants Scheme, Country Local Government Fund, South Hedland New Living and Town of Port Hedland.

Officer's Comment

The purpose of developing a CCTV Operational Policy and Operation Manual is to provide a functional means of managing CCTV in accordance with the WA CCTV Guidelines and related publications, legislation and standards.

The Organisational Policy for CCTV Operations sets out a number of statements that will result in the Town maintaining best practice and standards for operating the CCTV system in Hedland.

Monitoring screens are located at the South Hedland Police Station, Coordinators of Rangers office at the Depot and the Manager of Environmental Health's office and access is password protected.

Attachments

1. Organisational Policy for CCTV Operations.

201213/108 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council adopt policy 15/003 "Organisation Policy for CCTV Operations".

CARRIED 8/0

**TOWN OF PORT HEDLAND
ORGANISATION POLICY FOR CCTV OPERATIONS**

The Town of Port Hedland's CCTV Organisation Policy provides for the manner in which the CCTV Operation will be operated, managed and the reporting protocols to the Town of Port Hedland's Community Safety and Crime Prevention Committee, Council and WA Police.

The CCTV Organisational Policy will ensure the operations will be conducted in accordance to the following policy statements:

1. Maintain best practice and standards with reference to the Western Australian CCTV Guidelines, available at www.crimeprevention.wa.gov.au.
2. Manage CCTV Operations in compliance with Australian Standards 4802:2006, Parts 1 – 4, and future or superseding standards.
3. Manage CCTV Operations in compliance with Commonwealth and Western Australia legislation and amendments which may affect the use of CCTV and recorded material. The relevant and primary areas of compliance are privacy laws, camera field's of view and recording parameters, data storage, access control, and freedom of information provisions
4. The CCTV System will be operated within applicable law, and for the ethical and beneficial purposes for which it is established or which are subsequently agreed in accordance with these approved policy statements.
5. The CCTV System will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
6. The public interest in CCTV Operations will be recognised by ensuring the security and integrity of recorded material.
7. Access to designated monitoring areas will be restricted to Authorised Personnel or with authorisation from the Manager Environmental Health.
8. The Town of Port Hedland will be accountable to its Stakeholders for the effective management and control of CCTV Operations.
9. CCTV Operations will be monitored and evaluated to verify compliance and report annually to the Community Safety and Crime Prevention Committee, WA Police and the Town of Port Hedland Council on nominated key performance indicators.

10. The Town of Port Hedland will prepare an annual report in relation to CCTV Operation to the Community Safety Crime Prevention Committee.
11. The retention of, and access to any recorded material will be only for the purposes provided by the CCTV Policy Statement.
12. Recorded material will be retained for thirty one (31) days unless otherwise specified or required in relation to an approved police operation or the investigation of crime or events for court or formal review proceedings by the Town of Port Hedland. Recorded material, hard copy or electronic will then be erased, deleted or destroyed, with released material destroyed following written confirmation on the original release request.
13. Contact and exchange of information between the Town of Port Hedland and WA Police will be conducted in accordance with a signed Memorandum of Understanding.
14. Legitimate access may be allowed to live CCTV images which may be required by Town of Port Hedland staff, authorised by the CEO, to view public areas for convenient public area familiarisation or reviewing, monitoring or verifying Town of Port Hedland maintenance services and public works.
15. CCTV Operations will make all reasonable attempts to serve the interests of all who may be affected by public space surveillance with a focus on community safety and crime prevention, and not be confined to the interests of the Town of Port Hedland or operational needs of the WA Police.

Statutory Implications

These types of applications are administered by Councils Trading in Public Places Local Law and Section 8 states:-

The Local Government may grant the licence or renewal, or may refuse to grant the licence or renewal and it may so be refused on any of the following grounds:

- a) The applicant is not a desirable or suitable person to hold the licence;
- b) The applicant has committed a breach of this local law;
- c) The needs of the district or a portion thereof for which the licence is sought is adequately catered for by established shops or by persons to whom licenses have been issued ;or
- d) There is inadequate means of access to or from, or inadequate parking space for a person(s) trading in a public place; or
- e) Such other grounds as may be relevant in the circumstances.

Policy Implications

Policy 13/013 Trading in Public Places states if objections are raised to a proposed or current permit or complaints received and the matter cannot be resolved it will be referred to Council for determination.

In order for officers to obtain guidance in the administration in the Trading in Public Places Local Law an addition to policy 13/013 is being formulated for Council consideration.

Strategic Planning Implications

6.2	Economic
6.2.1	Diverse Economy
	Work closely with businesses to achieve sustainable economic growth and a broad economic base.
6.2	Economic
6.2.1	Diverse Economy
	Encourage entrepreneurship through local programs, including business incubation business advisory, local investment funds, and other programs geared toward generating new products, services and businesses.
	Increased number of new business approvals processed annually.

Budget Implications

A trading in public place permit attracts a \$52.00 application fee and the following additional fees.

1 Day	\$52.00
1 Week	\$120.00

1 Month \$240.00
1 Year \$589.00

If approved a license will be issued until 30th June 2013 so that all food vendors are renewed at the same time and a pro rata yearly cost will apply to this application.

Officer's Comment

The availability of different takeaway foods adds some variety to the Towns takeaway menu for those who frequent these establishments.

The question of permitting takeaway food vendors to operate in Public Places in direct competition to established businesses needs to be carefully considered however, Council has shown it is prepared to approve applications of this nature in the past.

The officer's main concern is the preparation of food in a van as opposed to a commercial kitchen. The preparation of kebabs, hot dogs and chips is considered a medium risk food preparation activity.

An inspection of the van has been undertaken and Environmental Health Services has no objection to its proposed use.

Attachments

Nil

201213/109 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council

- i. approve the application from Mr and Mrs Andersen to operate their food van known as "Ando's Kebab Hut", in accordance with Council's policy on trading in public places, until 30 June 2013.**

CARRIED 8/0

11.1.10 Conclusion of Existing Management Arrangement and a Schedule of Works for the Port Hedland Visitor Centre (File No.: 05/09/0017; 20/01/0026)

Officer	Brie Holland Economic Development and Strategic Planning Officer
Date of Report	19 September 2012
Disclosure of Interest by Officer	Nil

Summary

GM Services Tourism Pty Ltd is currently the contract managers at the Port Hedland Visitor Centre (PHVC) which ends at 3pm Saturday 29 September 2012. In conclusion of the existing management arrangement GM Services have offered the option for Council to review the current listing of chattels fixtures and fittings with the options to purchase the items as listed.

At its Ordinary Council Meeting on 22 August 2012 Council appointed FORM Contemporary Craft and Design Inc as the preferred proponent to take over the management of the PHVC. The Town is currently in negotiations with FORM regarding a new 3 year contract. Council also noted at the 22 August 2012 meeting that a schedule of works for the refurbishment of the centre would be reported to Council at its September meeting.

This item reports the schedule of works for the refurbishment of the PHVC and requests a decision of Council on the purchase of existing chattels owned by GM Services.

Background

FORM Contemporary Craft and Design: Schedule of Works

FORM's refurbishment floor plan proposal in Attachment 1 includes the following; redesign of the display area, additional sitting and an upgrade of toilets. Within this refurbishment the following items are planned for the upgrade: re-flooring, internal and external painting, electrical and network upgrade, lighting, signing and upgrade to front window coverings.

The following schedule of works outlines the abovementioned noting dates and major milestones:

Table 1:

	Description	Date
1	Current contract with GM Services ends	3pm Saturday 29 September 2012
2	FORM contract signed in anticipation	Friday 28 September 2012
3	FORM take possession of the Visitor Centre project managing the refurbishment	Friday 28 September 2012
4	Contract with builder signed in anticipation	Friday 28 September 2012
5	Visitor Centre closed for refurbishment (approximately 9 weeks) Monday 1 October until 2 December 2012 – Visitors redirected to the Courthouse Gallery in the interim	Monday 1 October - 2 December 2012
6	Work anticipated commencing Monday 1 October - Sunday 2 December 2012: 1. Display area gutted, refitted 2. Toilets upgraded 3. Electrical and associated networks upgraded 4. Lighting, signage and window coverings refitted 5. Flooring replaced 6. Internal and external painting completed 7. Furnished and IT systems running	Monday 1 October - 2 December 2012
7	Visitor Centre Reopening ceremony, in anticipation of works completed on time	Monday 10 December 2012

GM Services: Sale of existing chattels fittings and fixtures

GM Services have sent the following list of existing chattels fittings and fixtures at the PHVC. GM Services state that these items were purchased from the Tourist Bureau before GM Services tenure and they do not have a receipt for the items.

Table 2:

CATEGORY	No.	DESCRIPTION	\$
Reception Furniture			
	1	Large reception Bench - complete with two sets drawers and two filing drawers	
	2	backless office chairs - reception	
	4	black tub chairs and leather cube footstools	

	2	small coffee style tables - laminex and metal	
	1	1 round wooden table	
	1	large attached desk for internet corner	
	1	corner desk with return and set of drawers - grey laminate	
	1	one mobile room divider - FABRIC	
		TOTAL	\$ 4,000.00
Office Furniture			
	1	executive desk with return and filing drawer	
	2	office chairs	
		TOTAL (no charge)	\$ -
Kitchen Furniture			
	1	laminex kitchen table	
	3	metal and vinyl chairs	
	1	wooden cupboard in kitchen	
		TOTAL (no charge)	\$ -
Storage cupboards & cabinets			
	5	double door cupboards with dark bench top - behind reception	
	1	wooden fitted cupboard on rear wall	
	1	wooden credenza type cupboard	
	1	three drawer white cabinet	
	3	4 drawer filing cabinets	
		TOTAL	\$ 2,500.00
Display racks & cupboards (fixed)			
		built in wooden cupboards -some with glass fronts all 4 walls of main section some	
		complete with large shelving units on one wall (5)	
	7	wooden and perspex brochure display racks - fixed to walls	
	1	one open shelving unit in middle of store - double sided with glass doors	
	5	metal shelving units for brochures	
	1	grey laminex shelving unit - 5 shelves	
	3	walls of wooden shelving in storeroom	

	3	Picture wall with three shelves for displaying pictures	
	1	Small picture wall holding pictures	\$ 5,000.00
		TOTAL	
Display fixtures & fittings (free-standing)			
	1	model ship in glass cabinet	
	2	glass and wood display cabinets	
	1	wood/glass 6 sided rotating display case	
	2	wooden bench top display cabinets - (Loveridge)	
	2	two mobile double sided large display units with fittings	
	1	freestanding wooden picture display unit	
	1	BHP display wall and cubes	
	2	chrome clothing display units	
	1	metal hat stand	
	1	Black Ice sunglasses display stand	
	2	mobile wooden jewelry display units	
	1	one round display rack - jewellery	
	1	Triangular wooden jewellery display stand	
	3	clothing display busts - one male, one female and one child	
	3	black velvet jewellery display busts	
	10	metal book/plate display stands	
	6	small wire/plastic book displays	
	4	coated wire display baskets and stands	
	1	wooden display bin	
	2	display whiteboards	
	1	display stand for advertising	
	3	mobile wire card holders	
		plastic brochure holders Large	
		plastic brochure holders medium	
		plastic brochure holders small	
	4	mobile banners - advertising	
	3	sandwich boards	
	3	sandwich boards	
	1	one guest book stand	
	2	portable shades covers and walls	
		TOTAL	\$20,000.00

Office, Store & Kitchen Equipment			
TV & Audio Equipment			
	1	TV Samsung flat screen	
	1	LG DVD player	
	1	Toshiba TV	
	1	LG Television within built DVD	
		TOTAL	\$ 3,000.00
Computer Equipment & Internet			
	1	Dray Tek Secure Wireless (Internet & Thermal Printer) for paid internet	
	3	computers and monitors	
	2	modems	
	1	wireless router	
		TOTAL	\$ 1,500.00
Other Office Equipment			
	1	Konica/Minolta bizhub 350 photocopier	
	1	Rexel shredder	
	3	Commander phone units	
	1	eftpos machine	
	2	hand held scanner units	
	1	Brother colour photocopier	
	5	air-conditioning units	
		TOTAL	\$ 6,500.00
Kitchen Equipment & White goods			
	1	fridge - Kelvinator	
	1	bar fridge - Kelvinator	
	1	Microwave	
	1	Toaster	
	1	vacuum cleaner	
		TOTAL (no charge)	\$ -
Other Equipment (General)			
	1	step ladder	

	1	metal ladder	
	1	metal trolley	
	4	plastic garbage bins	
	1	large safe	
	10	Assorted Uniforms	\$ 1,000.00
Intangibles			
	1	Website (construction)	\$ 6,500.00
Consumables			
		plastic coat hangers	
		plastic pants hangers	
		small paper bags	
		medium paper bags - white	
		medium paper bags - brown	
		large paper bags - brown	
		blue fabric carrier bags	
		assorted cutlery and crockery	\$ -
		TOTAL (no charge)	
Stock		Assorted stock value approx \$10,000	
		TOTAL (no charge)	\$ -
TOTAL VALUE			\$50,000.00

Table 3:

CATEGORY	No.	DESCRIPTION	\$
Reception Furniture			
	1	Large reception Bench - complete with two sets drawers and two filing drawers	To be negotiated
Storage cupboards & cabinets			
	5	double door cupboards with dark bench top - behind reception	To be negotiated
TV & Audio Equipment			
	1	LG Television with built-in DVD	
		TOTAL	To be negotiated
Stock		Assorted stock value approx \$10,000	
		TOTAL (no charge)	To be confirmed
TOTAL VALUE			To be negotiated under \$5,000

Consultation*Internal*

- Finance Department
- Director Community Development
- Economic Development and Strategic Planning Officer

External

- GM Services Tourism Pty Ltd
- FORM Contemporary Craft and Design

Statutory Implications

Local Government Act (1995):

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) Is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorized in advance by resolution*;* or
 - (c) is authorised in advance by the mayor or president in an emergency.”*

** Absolute majority required.*

Policy Implications

Nil

Strategic Planning Implications

6.1 Community

6.1.2 Vibrant

Develop Port Hedland's tourism industry to broaden the tourist opportunities available.

Budget Implications

If Council chooses to purchase all the stock listed in Table 2, a further \$50,000 is requested which has not been budgeted for the 2012/13 budget.

If Council chooses to only purchase the stock listed in Table 3 a funding request of \$5,000 and additional audit fees could be sourced within the first quarter budget review.

Officer's Comment

The end of GM Service tender finishes with the end of the peak tourist season. During the refurbishment of the PHVC visitors will be redirected to the Courthouse Gallery in order for service to be maintained to the travelling public and given contractor completion dates, FORM are confident in reopening a refurbished PHVC before Christmas.

FORM and the Town's officers have indicated that they wish for all items in the centre to be removed, except the items in Table 3;

Unfortunately, a fittings and fixtures audit has not been formally carried out by the Town during its vesting of the PHVC. This report requests a formal audit be carried out within 31 days of the new contract being signed. This request is also reflected in the draft contract.

Council does have three options in relation to purchasing GM Services existing chattel fittings and fixtures:

1. Agrees to purchase the items listed in Table 3, within the \$5,000 budget.
2. Agrees to purchase all items listed in Table 2.
3. Refuses to purchase any items.

Attachments

1. Refurbishment Plan of the Port Hedland Visitors Centre.

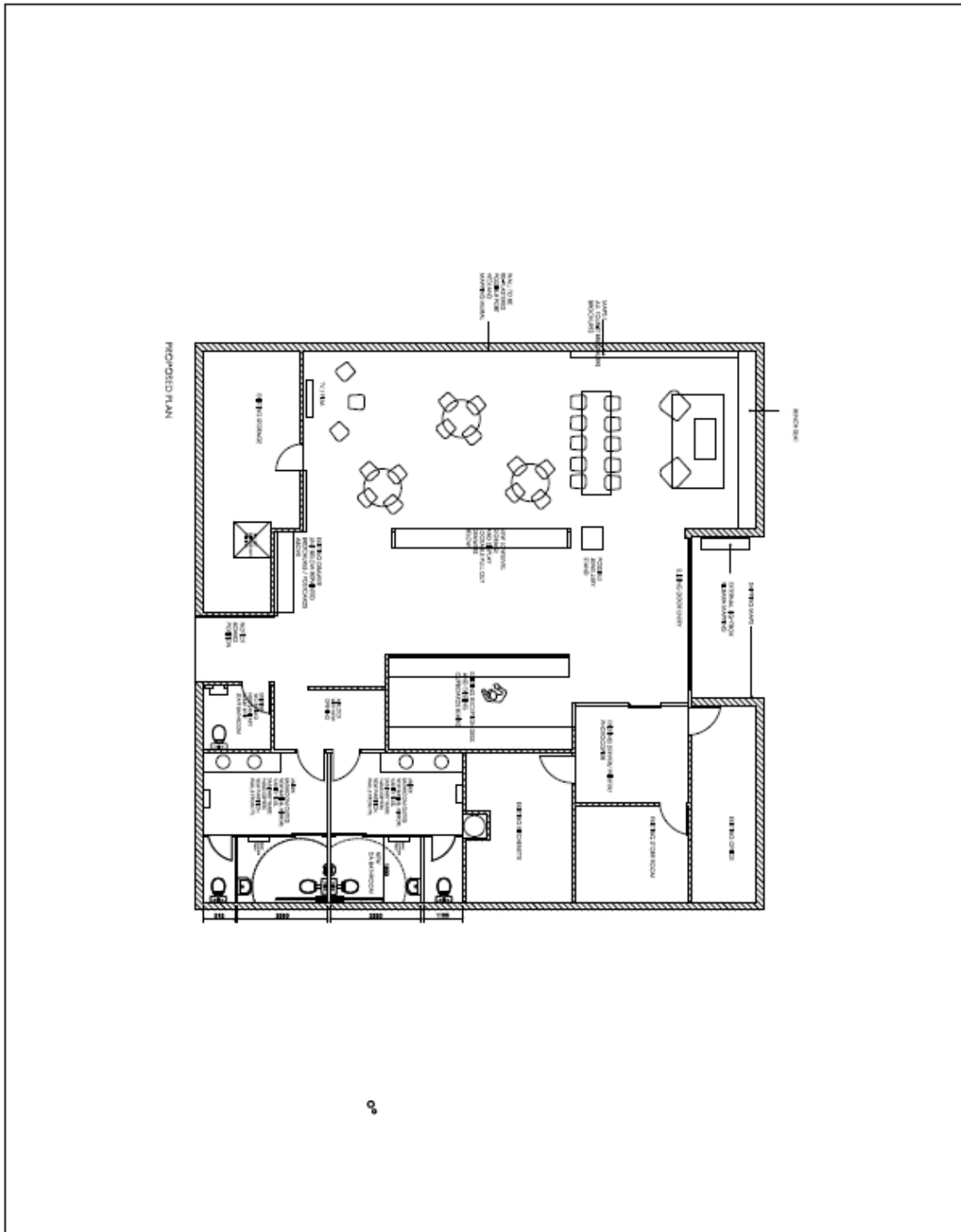
201213/110 Officer's Recommendation/Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council:**

1. **Endorses the Chief Executive Officer or delegated officer to further negotiate with GM Services a price for the items listed in Table 3 up to \$5,000 with funds to be sourced through the first quarter budget review;**
2. **Endorses the Chief Executive Officer or delegated officer to write a letter of discontinuation of management services to GM Services listing hand over requirements including but not limited to, intellectual data, all sets of keys, final monthly financial reports;**
3. **Notes the schedule of works to be projected managed by FORM, with the anticipation of reopening the PHVC early December 2012; and**

- 4. Requests a fixture and fittings audit to be carried out by a delegated officer, signed off by FORM and the Town within 31 days of the new signed management contract with funds being sourced through the first quarter budget review.**

CARRIED BY ABSOLUTE MAJORITY 8/0

ATTACHMENT 1 TO ITEM 11.1.10



1. A copy of this plan shall be available for inspection at the office of the Council Secretary, 10000 144th Street, Surrey, BC V3R 1C1, from 9:00 a.m. to 5:00 p.m., Monday to Friday, for a period of 14 days commencing on the date of the Council meeting at which this plan is presented.

2. A copy of this plan shall also be available for inspection at the office of the Council Secretary, 10000 144th Street, Surrey, BC V3R 1C1, for a period of 14 days commencing on the date of the Council meeting at which this plan is presented.

3. A copy of this plan shall also be available for inspection at the office of the Council Secretary, 10000 144th Street, Surrey, BC V3R 1C1, for a period of 14 days commencing on the date of the Council meeting at which this plan is presented.

4. A copy of this plan shall also be available for inspection at the office of the Council Secretary, 10000 144th Street, Surrey, BC V3R 1C1, for a period of 14 days commencing on the date of the Council meeting at which this plan is presented.

5. A copy of this plan shall also be available for inspection at the office of the Council Secretary, 10000 144th Street, Surrey, BC V3R 1C1, for a period of 14 days commencing on the date of the Council meeting at which this plan is presented.

Form

Project Name: Mafins Centre

Project Address: 10000 144th Street, Surrey, BC V3R 1C1

Project Description: Mafins Centre

Project Status: Construction

Project Number: 1550 - 102

11.2 Engineering Services**11.2.1 *Polar Aviation, Lease of Northern Hangar and Office site on part of lot 11, Port Hedland International Airport (File No: 05/05/0045)***

Officer Sara Bryan
Manager Investment and Business Development

Date of Report 28 August 2012

Disclosure of Interest by Officer Nil

Summary

This item seeks a decision of Council in relation to the formalisation of lease arrangements between the Town of Port Hedland (ToPH) and Polar Aviation in respect of the Northern Hangar and Office site at the Port Hedland International Airport (PHIA).

Background

Polar Aviation initially obtained a lease for the Northern Hangar and Office by way of assignment in November 1996. This lease agreement expired in April 2008.

Prior to the expiration of this lease, in April 2007, Polar Aviation approached ToPH Officers to discuss securing tenure on the land subject to the lease for a period of 21 years in support of 'major' renovations to the dilapidated ToPH owned hangar.

Subsequent to this initial request, a dialogue was ongoing between the parties which eventuated in the following decision of Council at Ordinary Council Meeting held 28 July 2008:

"That Council:

Authorises the CEO or his nominated officer to enter into negotiations with Polar Aviation in relation to the redevelopment of the Northern Hangar site, with a 15 + 15 year option lease in accordance with the Local Government Act, and utilise the valuation received by consultants in January 2008 as a guide."

Twelve months subsequent to this Council Decision, a new lease document was prepared by the Town; the terms suggested within this lease document are as follows:

Start Date:	1 July 2009
Term:	15 years
Option:	15 years
Option Commencement:	1 July 2024

Rent:	\$14,875 per annum (exc GST)
Rent Review:	Annual CPI increase
Market Valuation:	Every 4 years

This lease document was signed by the Lessee, however to date, remains unexecuted by ToPH.

During this period, various items were presented to Council in relation to the redevelopment of the site by Polar Aviation. In late 2010, Polar Aviation completed the redevelopment of the new hangar and office facility, investing close to \$1 million on the project.

The clauses within the lease document indicated above do not articulate that the building structures and improvements to the site are the property of Polar Aviation and clauses appear to protect the Town's interest in the assets.

From extensive searches of ToPH records in relation to this matter, it is apparent that the disposal of the land subject to this lease, dated July 2009, was not compliant with Section 3.58 of the *Local Government Act 1995*.

The duration of the lease, effectively a 30 year term, ordinarily requires approval from the Western Australian Planning Commission (WAPC). This approval was never sought.

Furthermore, Polar Aviation were never invoiced for the new rental amounts as indicated within the 'new' lease document and have continued to pay a monthly fee of \$312.51 inclusive of GST pursuant to the original, expired lease for the site. This effectively denotes that Polar Aviation have continued to operate under the 'holding over' provision of the original lease. In essential terms, this makes the Lessee a monthly tenant of the Lessor on the same terms and conditions of the original, expired agreement.

At the Airport Committee Meeting held Thursday 22 March 2012, the Airport Committee received an Officer's report detailing the current leasing arrangements in place between the ToPH and Polar Aviation in respect of the Northern Hangar site at the PHIA. On consideration of this item, the Airport Committee made the following decision:

"That the Airport Committee:

- 1. Agree for Officers to seek a Market Valuation for the Northern Hangar and Office in order to determine approximate purchase price; and*
- 2. Request the Market Valuation to be brought back to the Airport Committee prior to commencement of negotiations with Polar Aviation."*

Subsequent to this decision, a Market Valuation report was prepared by Australian Property Consultants in respect of the subject site in which the following rates were determined:

Guide Purchase Price	Ground Rental Value	Rental Value of Buildings/Improvements
\$2,250,000 - \$2,500,000 excluding GST	\$35,850 per annum excluding GST	\$258,000 per annum excluding GST

The market rental figures indicated in the table above, assume the Lessee is responsible for payment of all outgoings, inclusive of rates.

At the Airport Committee Meeting held Thursday 23 August 2012, the following recommendation was noted:

“That the Airport Committee request that a report be presented to the next Ordinary Meeting of Council detailing the disposal of the Polar Aviation, Northern Hangar by way of lease on new lease terms in accordance with Section 3.58 of the Local Government Act 1995.”

Consultation

External

- Managing Director – Polar Aviation
- Certified Practice Valuer – Australian Property Consultants
- McLeods Barristers and Solicitors

Internal

- Director Engineering Services
- Manager Airport Operations
- Leasing Officer

Statutory Implications

Local Government Act 1995:

“Section 3.58. Disposing of property

(1) In this section —

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“property” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

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

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

Section 6.12. Power to defer, grant discounts, waive or write off debts

- (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.”*

Policy Implications

Nil

Strategic Planning Implications

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 proceed with the Officer's Recommendation of this item to prepare a new lease reflective of current Ground Rental Value, the following budget implications would apply.

In mid-2011, Officers performed an audit of all leases held with the ToPH. At this time it was identified that Polar Aviation had signed the lease document for occupation of the Northern Hangar and Office, yet had continued to pay a monthly rental amount of \$321.88 which advocates that despite a new lease agreement being discussed and drafted in 2009, both parties had continued to accept the occupation of the Northern Hangar and Office site in accordance with the 'holding over' provision of the original, expired lease.

Subsequently, a calculation for lease fees pursuant to the lease document dated 1 July 2009 was prepared and an invoice for the recovery of deficit rental amounts for the duration of the 2009 lease was forwarded to Polar Aviation to the sum of \$43,123.05. Monthly invoices have continued to accrue at this revised rate and an additional \$14,389.80 has been invoiced for occupation of the Northern Hangar and Office site to date.

Should Council proceed with the Officer's Recommendation of this item, the total amount of \$57,512.85 would need to be credited from the airport lease revenue account due to the absence of an executed agreement to support these figures, and ongoing charges would become the rental amount reflected within the new lease document detailed below.

Pursuant to the market valuation report prepared by Australian Property Consultants in May 2012, the ground rental figure for the site will commence at \$35,850 per annum, exclusive of GST.

Should a new lease document be prepared and executed, utilising a commencement date of 1 October 2012, the base rental figure would commence at \$35,850 per annum, exclusive of GST and outgoings. An annual CPI increase would be applied, with a market valuation to take place every 3 years.

A simple calculation of this figure, exclusive of the consideration of CPI and market valuation increases, over the initial 15 year term, would generate a minimum of \$537,750 to the airport lease revenue account.

Officer's Comment

On approaching this matter, it appeared that there were three options available in rectifying the outstanding issue. These options were presented to the Airport Committee, and are summarised below.

Option 1 – Revisit initial lease negotiations of July 2009

There is sufficient evidence to support that considerable discussions were undertaken between ToPH Officers and Polar Aviation from the expiry of the original lease document in April 2007 to the completion of the site redevelopment in 2010, in view of negotiating a new lease agreement.

On consideration of this, it would be possible to revisit the intentions of the most recent lease document to reflect terms and clauses relevant to a ground lease for the land only in view of protecting the Lessee's interest in improvements to the site.

Should this option be explored further, the disposal of the property and subsequent WAPC approval can be actioned retrospectively for the grant of the lease.

In this scenario, Polar Aviation would be liable to pay deficit amounts from backdated rents for the duration of the lease term to date.

This option is not recommended by the Officer, as there is heavy reliance on historical lease negotiations and discussions with previous Officers which are difficult to substantiate retrospectively. Specifically, the rental figure agreed to at this time is not related to a market valuation prepared within six months of the disposal, which leads to non compliance with the Local Government Act.

Option 2 – New lease prepared, reflective of current Ground Rental Value

This option would utilise the current ground rental value of \$35,850 per annum, exclusive of GST in the preparation of a new lease document to commence from October 2012. Use of the site to date would remain under the terms and conditions of the 'holding over' provision of the original lease.

This option would enable a fresh look at the terms of the lease and enable compliance with section 3.58 of the *Local Government Act 1995*.

It is the Officer's opinion that this option would offer a transparent solution to the resolution of this issue and enable current ToPH Officers a clean slate with which to work with moving forward.

To pursue this option would be fair and equitable to both parties and would mitigate any potential issues that could arise in utilising historical negotiation foundations set by previous ToPH Officers.

Option 3 – ToPH to purchase Hangar and Office in view of entering into lease negotiations with Polar Aviation for the lease of the site encompassing the buildings and improvements of the lease area

The third and final option in exploring the resolution of this matter would be for ToPH to investigate purchasing the Hangar and Office facilities from Polar Aviation, in view of preparing a lease agreement between the parties for ongoing use of the site.

As indicated within the table of figures in the background of this item, a guide purchase price for the hangar and office has been indicated to be between \$2,250,000 and \$2,500,000.

On consultation with officers in relation to this final option, it was identified that current capital expenditure commitments for the Airport business unit over the next 5 years would not support this purchase.

Summary

In conclusion, it is recommended that this matter be resolved by pursuing option 2 as detailed above. On consultation with the Managing Director of Polar Aviation it is noted that this decision would be agreeable to both parties.

Attachments

Nil

201213/111 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. That Council write-off the following debts**

Debtor Number	Invoice Number	Amount (Inc GST)
1691	32777	\$43,123.05
	32775	\$1199.15
	33054	\$1199.15
	33406	\$1199.15
	33682	\$1199.15
	33856	\$1199.15
	34134	\$1199.15

	34616	\$1199.15
	34842	\$1199.15
	35223	\$1199.15
	36348	\$1199.15
	36338	\$1199.15
	36470	\$1199.15

2. Agree to dispose of part of Lot 11 on deposited plan 114237 at the Port Hedland International Airport by way of lease on the following terms and conditions;
- a. Vacant land area of 1195m²;
 - b. Commencement date of 1 October 2012;
 - c. Annual base rental of \$35,850 exc GST;
 - d. Annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;
 - e. Market Valuation every 3 years;
 - f. Term of 15 years, with a 15 year option;
 - g. For the permitted purpose of Aircraft Hangar and Office Facilities;

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

CARRIED BY ABSOLUTE MAJORITY 8/0

11.3 Community Development**11.3.1 *Report on Disability Access and Inclusion Plan 2011/12
(File No.: 03/01/0022)***

Officer **Mark Davis**
Community Development
Officer

Date of Report **14 September 2012**

Disclosure of Interest by Officer **Nil**

Summary

The Town of Port Hedland is required to report activity against the Disability Access and Inclusion Plan (DAIP) to the Disability Services Commission (DSC) annually. This report outlines progress achieved this year against the Town's DAIP and seeks Council's approval to submit a formal copy of the progress report to the DSC.

Background

Section 29 of the Disability Services Act (1993) requires all public authorities to report on the implementation of their Disability Access and Inclusion Plan. Local government authorities are required to report on the status of their Plan in their Annual Report, and to the Disability Services Commission.

To oversee the outcomes of the Plan, a Disability Access and Inclusion Working Group meets on a bimonthly basis. This group comprises relevant ToPH officers, representatives from the community and government agencies to provide feedback on access and inclusion in relation to TOPH facilities, events or services.

Consultation

- Disability Access and Inclusion Plan Working Group
- Community Development Directorate
- Manager Infrastructure Development
- Manager Community Development
- Coordinator Library
- Manager Recreation Services and Facilities
- Administration Officer Governance.

Statutory Implications

Section 29 of the Disability Services Act (1993) requires all public authorities to report on the implementation of their Disability Access and Inclusion Plan. Local government authorities are required to report on the status of their Plan in their Annual Report, and to the Disability Services Commission.

Policy Implications

Policy 8/003 - Access Policy for people with disabilities, their families and carers outlines the Town of Port Hedland commitment to 'recognizing a community for its diversity and supports the participation of all of its members towards making a richer community life'.

Strategic Planning Implications

Key Result Area 3: Community Development

Goal 3: Health
That the community has access to high quality health services and facilities and the Town is taking appropriate preventative measures to ensure a healthy environment.

5. Review the Town's Disability Service Plan and undertakes actions to improve access to services and all facilities.

Budget Implications

Budgetary implications associated with the activities in this Plan have been included in the various Directorate budgets for 2012/13.

Officer's Comment

Attached to this report is the Town of Port Hedland's DAIP 2008/09 and the Strategies with 2011/2012 report updates, as well as the progress report required by the Disability Services Commission.

Some highlights of the activities report include:

- Further training for TOPH staff in engaging people living with disabilities - including Workplace Discrimination and Harassment Training
- Inclusion of community members with disabilities in the development process for the new South Hedland Town Centre, with specific focus on accessibility. This included a thorough walk through and meeting at the site.
- Town of Port Hedland's purchase of accessible toilets, and provision for the Port Hedland Turf Club, and transport of these to major events such as the Welcome to Hedland Expo
- Support of the Great Bike Hike 2012, with outdoor screening of Murderball and collaboration with the Hedland Community Living Association to deliver the Hedland Inclusion Festival

This coming financial year (2012/2013), an extensive review of the DAIP is planned in consultation with the committee and community to ensure its ongoing relevance and inclusion of the new Council facilities.

Attachments

1. Town of Port Hedland DAIP Progress Report for submission to Disability Services Commission as a formal document.
2. Town of Port Hedland DAIP Activity Report 2011/2012.

201213/112 Officer's Recommendation/Council Decision

Moved: Cr Gillingham

Seconded: Cr Hooper

That Council:

1. **Notes the attached progress report for the Disability Services Commission;**
2. **Submits the attached report to the Disability Services Commission as a formal document;**
3. **Includes the DAIP activity report in the Annual Report 2011/2012.**

CARRIED 8/0

Disability Access and Inclusion Plan (DAIP) Progress Reports

Under the Disability Services Act 1993 (amended 2004), the Minister for Disability Services is required to table a report in Parliament each year on the progress of Disability Access and Inclusion Plans (DAIPs) in Western Australia.

The information provided by public authorities will inform this report for 2011–2012 and show how DAIP strategies have been progressed to meet the desired outcomes specified in the Act. This includes services to the public delivered by agents and contractors.

Agents and contractors can include non-government and not-for-profit organisations and businesses that undertake work on behalf of a public authority involving interaction with the community. Examples might include consultants who engage with the community, undertake website-related work, public building or renovation work in areas accessible to the public. Contracted employees should not be considered as contractors for this report.

While many strategies supporting DAIP outcomes have an ongoing effect, strategies should be reported as being completed in 2011–2012 if they were implemented as intended during the year.

In addition to compliance with the Act, the DAIP progress report helps identify best practice and showcases innovative ideas that assist the development of resources and information-sharing.

A copy of the template is available at www.disability.wa.gov.au

Please submit the DAIP progress report by 31 July 2012 to:

Post: Inclusion and Community Education Branch
Disability Services Commission
PO Box 441
West Perth WA 6872

Email: access@dsc.wa.gov.au

Fax: 9481 6808

Disability Access and Inclusion Plan (DAIP) Progress Report 2011–2012

Name of public authority: Town of Port Hedland_____

Name of contact person: Community Development Officer_____

Phone number: 08 9158 9687_____

Email: cdo@porthedland.wa.gov.au_____

Please complete and forward to the Disability Services Commission by 31 July 2012.

1. For 2011–2012, please indicate in each of the outcome areas of your DAIP:

- number of strategies that were planned
- number of strategies that were completed
- number of strategies progressed through contractors.

	Number of strategies planned (Strategies planned whether implemented or not).	Number of strategies completed (Strategies that were completed. Include on-going strategies).	Number of strategies progressed through contractors (Strategies implemented by contractors. Not the number of contractors).
Outcome 1	13	13	nil
Outcome 2	20	20	10
Outcome 3	2	2	2
Outcome 4	6	6	nil
Outcome 5	3	3	nil
Outcome 6	7	7	1

2. For 2011–2012, how have you informed agents and contractors of your Disability Access and Inclusion Plan? (please tick)

Provided a copy of your agency DAIP	No
Provided a link to the DAIP	No
Sent a letter	No
Referenced in a contract(s)	YES
Referenced in a contract variation(s)	No

3. Please provide a brief description of any significant DAIP initiatives undertaken by, or on behalf of your organisation by agents and contractors, in 2011–2012. Photographs and additional information can be attached if desired.

- Further training for TOPH staff in engaging people living with disabilities - including Workplace Discrimination and Harassment Training
- Inclusion of community members with disabilities in the development process for the new South Hedland Town Centre, with specific focus on accessibility. This included a thorough walk through and meeting at the site.
- Town of Port Hedland's purchase of accessible toilets, and provision for the Port Hedland Turf Club, and transport of these to major events such as the Welcome to Hedland Expo
- Support of the Great Bike Hike 2012, with outdoor screening of Murderball and collaboration with the Hedland Community Living Association to deliver the Hedland Inclusion Festival

Key outcomes linked to these initiatives have included:

- Positive feedback from people with disabilities about feeling inclusive at major community events
- Engagement of people with disabilities in the planning and delivery of major community events
- Greater attendance by people with disabilities at community events
- Further works to improve disability access in the South Hedland Town Centre
- Feedback from people with disabilities incorporated and reported on in post event

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Disability Access and Inclusion Plan Strategies 2011 – 2012

Annual Update



2011-2012 update on Disability Access and Inclusion Plan Strategies

Outcome 1: People with disabilities have the same opportunities as other people to access services of, and any event organized by, a public authority
Objective: Council to adapt and maintain services to ensure they are accessible to people with disabilities.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
Community Services					
Library Services	Limited range of resources specific to people with disabilities	Increase resources	Ongoing	CLS	Increase in Large Print formats and Audio Resources E audio, E books, Mp3 books and CD books now available.
	Obtaining information on what is available	Investigate developing information CD	Ongoing	CLS	No update. Investigations continuing into alternative audio formats.
	Library services not promoted to people with disabilities	Develop appropriate promotion strategy	Ongoing	CLS	Housebound Service has been extended to people who are unable to attend the library in person. Continue to develop appropriate promotion strategies in partnership with service providers in Hedland.
Recreation Services	Staff not sure how existing activities can allow a person with a disability to participate	Employ a Recreation facilitator for PWD	Ongoing	MRS	Department of Sport and Recreation training provided to staff to ensure PWD can be included within all programming.
	Lack of recreational activities	Employ a Recreation Facilitator for PWD	Ongoing	MRS	Department of Sport and Recreation training provided to staff to ensure PWD can be

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
					included within all programming. Partnerships commenced with local Service providers to encourage participation at events and activities.
		Provide information to clubs	Ongoing	MRS	Information provided by WADSA on a regular basis. Suggest continuing.
Service Provider	Lack of awareness for PWD	Develop booklet on service	Annual update	CDO	Project on hold while new facilities are completed
Home & Community Care	Promotion and publicity and effective communication with other service providers	Continue to promote to service providers on HACC	Ongoing	MCD	Ongoing where appropriate.
Transport	Transport services limited in this region	Council to continue to actively lobby to improve transport	Ongoing	MCD	Council raises this issue when appropriate.
Parking for people with disabilities	People w/out ACROD card park in bays	Community Education campaign. Rangers to enforce. Penalty to be promoted	Ongoing	RS	Monitoring of disabled parking to continue. Remediation works to improve access in front of the Courthouse Gallery undertaken.
Accommodation	No appropriate accommodation	Liaise with relevant Government agencies	Ongoing	MCD	MCD has assisted with the establishment of a Reference Group hosted by Foundation Housing to address this issue.
Respite Services	Lack of respite services - particularly on weekend	Liaise with relevant Government agencies	Ongoing	MCD	Liaison with community members re the nature of required services has continued through the DAIP

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
					meetings.
Services to Property					
Domestic Waste Problems	People with mobility unable to bring 240ltr mobile garbage bins to kerb side	People with disabilities to be informed through various channels that alternative arrangements for removal of domestic waste can be made upon request. Information included in booklet on Services for PWD		MES *CDO as well	No requests received for this service in the past year. Investigations regarding delivery of service will be made upon request.

Outcome 2: People with disabilities have the same opportunities as other people to access the buildings and other facilities of public authority
Objective 1: Council to ensure that Council offices and Chambers are accessible.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
Community Services/Facilities					
Playgrounds	Lack of accessible playground within Local Government area	Council to design an appropriate playground w/ community & Hedland Community Living Assoc.	Ongoing Consultation expected	MID / MCD	Inclusive playground equipment included in the development of Cemetery Beach Stage 2 (liberty swing set).
		Council to investigate indoor soft play area	Ongoing	MRS	Investigations to continue, with suitability to be examined within new facilities.
South Hedland Aquatic Centre	No accessible toilet	Install accessible toilet	Ongoing	MRS	Accessible facilities to be included in SHAC upgrade Stage 2.
Library (South)	Front doors of libraries too heavy.	Accessible doors installed in upgrade	Ongoing	CLS	New master plan for SH Library upgrade has been developed.
	No accessible toilet	Accessible toilet installed in upgrade	Ongoing	CLS	New master plan for SH Library upgrade has been developed.
Library (Port)	No accessible toilet	Included in upgrade	Ongoing	CLS	Library has not undergone upgrade.
Street Lighting	Lack of Lighting	Additional funding to be sought for new street lighting and associated annual costs	Ongoing Funding sought. Lighting upgraded in 06/07 & 07/08. Program ongoing	MID	SH and Wedgefield being progressed in parallel to underground power project.
Matt Dann Theatre Complex	Discussion with HSHS re: upgrade of the facility	Accessible toilet installed	Ongoing	MDCC/ MCD	Consider options for increasing accessibility, in context of future building upgrades with MDCC

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
					Shared Facilities Committee
Community Events	No supplier of accessible toilets. Ovals and sporting reserves not accessible	Liaise with hire companies to secure accessible event toilets or purchase accessible Toilets plan events to include more accessible venues	Completed	MCD	Portable toilets purchased by TOPH and provided at key community events (NW Festival, Welcome to Hedland, Turf Club)
Shared paths, Kerbs & pedestrian ramps	Shared paths & kerbs not consistently accessible	Council to establish priorities for upgrade	Ongoing 05/06 – 07/08: kerb programs have improved access. Works ongoing	MID	Ongoing kerbing program. Committee to provide areas of concern to be actioned. Five year plan for kerbing and footpaths approved.
	Paths covered in sand	Sweep paths	Ongoing	MES	Ongoing
	No wheelchair access off paths to road	Insert wheelchair access off paths at strategic points	As requested & as per kerb/path upgrades	MES / MID	Ongoing kerb/path program. Wheelchair access included in new developments (eg Marquee Park, MPRC) Modifications to parking and access outside of Courthouse Gallery.
	Gravel surfaces not accessible	Build with appropriate materials	As per path construction program	MID	Ongoing path program
	No access to beach	Create accessible pathways to beach	Not commenced. No budget	MID	Plans completed for accessible ramp to Cemetery Beach as part of Turtle Loop. Awaiting installation.
Road Crossings	Insufficient pedestrian islands	Council to audit all road crossings to establish		MID	Further design being undertaken

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
		priorities for upgrading			
Cemetery	No accessible parking bay. Car park and pathways not accessible	Develop a Cemetery Plan	Dec 2008 – Latest upgrades include road and car park upgrades, new shade shelters. Accessible by wheelchair	CDO/MI D	Plan being developed for ongoing improvements for entirety of site as part of revitalisation project.
Courthouse Arts Centre & Gallery	No accessible toilet. Entrance not accessible	Include accessibility in upgrade	Ongoing	MCD/ CHAG	Investigations into provision of accessible toilet to continue.
Emergency Evacuation Centres Cooke Point Youth & Family Centre	No accessible toilet. Entrance not accessible	Upgrade Y&FC. South's Evac centre now TAFE	Ongoing	MCD/ MBS	To be included in any future upgrade of Andrew McGlaughlin Centre

Outcome 3: People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

Objective: All information about Council functions, facilities and services to use clear and concise language and to be made available in accessible formats.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
Applies to all Council Functions, Facilities and Services	Information about all Council functions, facilities and services is not written in clear and concise language and not available in alternative formats	<p>Council to develop policies that all its community information to be written in clear and concise language. Council to inform community in alternative formats. The following formats to be made available upon request:</p> <ul style="list-style-type: none"> *Large print *Audio cassette *Computer disc *Brail 	<p>Ongoing</p> <p>Available in clear & concise print (local directory) and web. Public/Corporate (i.e. Council) documents prepared in 'Arial' 12pt font</p> <p>As requested & if available from town suppliers e.g. BRAILLE</p>		Simplification of text actioned where appropriate – especially on community event marketing. Alternative formats made available on request.
	PWD not made to feel welcome	To include People of all Abilities Welcome on information where appropriate	Ongoing	CD/PO all staff	People of all Abilities Welcome included on information where appropriate

Outcome 4: People with disabilities receive the same level and quality service from the staff of a public authority as other people receive from the staff of that public authority.

Objective: Council officers to be equipped with information and skills to enable them to appropriately provide advice and services to people with disabilities.



FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
Applies to all Council Functions, Facilities and Services	People with disabilities are not aware of how Council can support people with disabilities.	Regular updates on what's new in Council to be provided in local paper and on information radio	Ongoing	PO	Communication still ongoing, also updates in e-newsletter
		Council Information brochures to include a section about how the Council supports people w/ disability	Annually	PO	Information still included and updated annually
		Council information to include <i>People of all abilities welcome</i> when promoting activities & events.	Ongoing	MCLD	Event management team is working to implement where appropriate

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
		Council selection criteria for Identified positions to include that it would be desirable to have experience, knowledgeable or willingness to work with people with disabilities	Ongoing	HR	Review of position descriptions to ensure selection criteria have been updated for identified positions.
	People with disabilities who have difficulty communicating find that staff use language and acronyms which are not easily understood	Training to be incorporated with Equal Employment Opportunity Training	Ongoing	HR	Annual EEO training provided to all staff and attendance is compulsory.
	<p>In general people with disabilities find that:</p> <ul style="list-style-type: none"> *Staff appear to be unsure how to talk to them *Staff appear embarrassed *Staff do not know resources available *Staff assume that they cannot help *Staff assume only disability specific services can help 	<p>Disability Awareness Training to be included in Equal Employment Opportunity Training</p> <p>Staff induction training to include disability issues. Ongoing refresher training</p>	Ongoing	HR	All staff awareness training to be provided. Any gaps in this training not addressing these issues, staff will arrange further training within the training plan to ensure these requirements are met.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
	*Staff address the carer, not the person with the disability.				
Outcome 5: People with disabilities have the same opportunities as other people to make complaints to a public authority. Objective: People with disabilities to raise concerns and make complaints about any aspect of their services.					



FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
Administration *Information Services mechanisms are unknown	Complaint and appeal information about planning & electoral processes	Council to provide	Ongoing	MID/AC/CEO	Ongoing
	Grievance procedure not known by staff	Promote grievance procedure	29/7/12	HR	Procedure is explained during induction with all new employees and is available on our intranet.
	Positive undertakings not known	Promote 'good things'	Ongoing	PO	Ongoing through liaison between Community Development Officer and Publicity Officer
Outcome 6: People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority. Objective: People with disabilities to have opportunities to participate in decision – making processes, public consultations and complaint mechanisms.					

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
Council website	Council website does not comply with Access Standards	Audit of web site & upgrade	Under review	DCS	Review currently underway.
Government Processes					

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (Completion Date)	WHO	2011/12 Update
Council Meetings	Lack of information in appropriate formats about Council meetings and how residents can participate	Procedures in clear & concise language and to make these avail. In alternative formats upon request	Ongoing	GC / MOD	Alternative format offered to be provided upon request. Audio recordings are requested regularly.
Regulatory					
	Information about planning processes not available in alternative formats.	Information about planning processes to be provided in alternative formats	As requested	EAPD	To be provided upon request.
	Lack of auditory supports for people with hearing difficulties at planning & Council meetings	Council to advertise that it will provide auditory supports for those wishing to attend Council meetings	Ongoing	GC / MOD	Advertising that persons of all abilities welcome at TOPH meetings.
		WA Deaf Society to be contacted regarding arrangements for an interpreter is required	Ongoing	Planning Process	No community requests received for this service.
		Council to investigate use of audio loop or other types of amplification for all meetings.	On request Can arrange for an aid (sign) to be available if reasonable notice is given	GC	Quotes obtained.
		Council to use local media including Information Radio and local papers to publicize its meetings and the availability of access for people with disabilities	Ongoing	GC	Actioned on ongoing basis.

ACRONYMS

CLS	Coordinator Library Services
MRS	Manager Recreation Services
CDO	Community Development Officer
MCD	Manager Community Development
RS	Shire Rangers
MES	Manager Environmental Services
MBS	Manager Building Services
MDCC	Matt Dann Cultural Centre
MID	Manager Infrastructure Development
CHAG	Courthouse Art Gallery
PO	Publicity Officer
HR	Human Resources
CEO	Chief Executive Officer
GC	Governance Coordinator
MOD	Manager Organisational Development
EAPD	Executive Assistant Planning and Development

11.3.2 Port Hedland Turf Club – Needs Assessment and Key Findings (File No.: 05/09/0021)

Officer Graeme Hall
Manager Recreation Services and Facilities

Date of Report 16 September 2012

Disclosure of Interest by Officer Nil

Summary

This report seeks the endorsement of Council for recommendations of the Needs Assessment Report for the Port Hedland Turf Club and the broader equine industry long-term planning.

The needs assessment report is the first of three phases investigating the requirements of equine sport in Port Hedland. In order for the consultant ABV Leisure Consultancy Services to be able to proceed with phases two and three of the project, Council agreement is sought for the recommendation to retain the race track in the current location.

Background

The Council meeting of 22 February 2012 endorsed the appointment of ABV Leisure Consultancy Services (ABV) to undertake a Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club.

The tender documentation requested that all prospective consultants structure the project proposal in three distinctive phases. The phases were as follows:

- Phase One – Needs Assessment
- Phase Two – Concept Design
- Phase Three – Business and Implementation Plan.

In planning the project and phases within, it has been intended to seek Council support for the early, fundamental recommendations and key directions, allowing for subsequent project phases to proceed with certainty. The rationale for this approach is one of value for money by seeking to develop a single concept design and Business / Implementation Plan rather than plans for numerous sites.

By undertaking all of the essential consultation and site assessment tasks in the first phase of the project, it will be possible to proceed with a high degree of confidence regarding the proposed Turf Club site.

The key completion of phase one and key findings has involved a number of processes, each contributing to the recommendation as presented. These being:

- Consultation with all identifiable stakeholders
- Engagement with the Project Control Group
- Engagement of AEC as a sub-consultant to evaluate the existing turf club site for large scale redevelopment
- Completion a Community Survey (200 person random telephone survey).

The findings of the Needs Assessment Report provided by ABV are that the race track facilities are best located in their existing location. Retention of the current facilities will require enhancement to the supporting community and sporting amenities. The current SHOATA site remains the best location for the stabling / agistment of horses and as a future site for Pony Club activities. It is envisaged that in due course, the Pony Club will relocate from the current Styles Road site.

The longer term provision of stabling / agistment at the SHOATA site may be impacted by the development (including relevant buffer zones) of the Boodarie Industrial area and the expansion of the waste water treatment area in South Hedland.

A future 'greenfield' site may potentially be needed in the longer term to replace the SHOATA site and associated facilities.

Consultation

An overview of the Needs Assessment report and key findings were presented to Council at the briefing session on Wednesday 16 August 2012.

Internal

- Manager Recreation Services and Facilities
- Recreation Coordinator
- Elected members
- Executive Management Team.

External

- Project Control Group
- Port Hedland Pony Club
- South Hedland Owners and Trainers
- Port Hedland Turf Club
- Chamber of Commerce
- BHP Billiton Iron Ore.

Statutory Implications

There are no statutory requirements associated with this report at the current time.

Policy Implications

Nil

Strategic Planning Implications

The feasibility study will address several elements of Council's Strategic Community Plan 2012 - 2022. The predominant strategy is:

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

Budget Implications

There are no specific budget recommendations or implications at this phase of the project. Subsequent phases will present cost options for Council consideration.

Officer's Comment

The recommendations made by ABV are that Council:

- retain the turf club race course in its current location, with some significant re-working of the supporting amenities
- utilise the SHOATA site in South Hedland as the major facility in Port Hedland for all associated equine activity (stables, agistment, support industries etc.)
- integrate current operations of the Styles Road stables into the SHOATA facility.

There are three source documents that support these recommendations, being:

- Needs Assessment Report – ABV Leisure Consultancy Services
- Community Survey – Commissioned by ABV Leisure Consultancy Services
- AEC Evaluation of the Turf Club Site to Accommodate Large Scale Residential Development.

The recommendations made in this report are supported by the findings of these respective documents.

Needs Assessment Report

The key findings of the Needs Assessment Report are as follows:

1. 200 Hectare Site

Based on the combined areas of the three existing equine sports areas (existing race track, Pretty Pool stables, and SHOATA) it is envisaged that a single equestrian site would require 200 hectares. This estimate makes dispensation for duplication of specific facilities, and for future growth.

2. Cost Implications

To construct a race track at any site other than the existing site would have very significant cost implications.

3. Availability of land and environmental factors

The SHOATA site is not 200 hectares in size and is located within the Boodarie 'Special Buffer Zone', and close to the soon to be enhanced water treatment ponds. Due to these environmental and land availability issues the site is only suitable for use by equine sports in the short - medium term.

4. Shared Turf and Golf Club Facility

The opportunity to co-locate the Turf Club and Golf Club operations has been an option for consideration. The needs of the two clubs as identified from the consultation are disparate and therefore not a realistic option. The proposed use of the facility, the required location of the Club house, and the need for specialist amenities and a clash of seasons all combine to suggest this is not a viable option.

An overview of the key findings is that:

- The current site for the race track remains the most suitable
- The SHOATA site will need to absorb some of the current activities of the Styles Road facilities once residential development of Pretty Pool is initiated
- That SHOATA is a suitable short to medium term option but will need relocation and replacement within a 10 to 20 year window.

AEC Evaluation of Current Turf Club Site for Residential Development

Following an initial meeting between the consultant, the Project Control Group and the Town of Port Hedland, it was agreed that the draft Needs Assessment Report required some further investigation into the actual value of the existing Race Course land.

The AEC Group were commissioned by ABV to undertake an evaluation of the Port Hedland Race Course site to determine the site's potential to accommodate a large scale residential development. AEC presented information in accordance with the following key headings:

- Property Market Assessment
- Site Evaluation.

The key findings from the report provided by AEC are:

- The 43 hectare site has the potential for 1,169 dwellings of mixed types
- That an estimated three cubic meters of fill would be required across the site- which equates to a \$51.6 million cost
- With no requirements for fill across the site, an estimated value of the site would be around \$37.3 million
- Given the cost of fill exceeds the site value, the estimated net site value is -\$14.3 million, which equates to around minus \$33 per square meter

Community Survey – Commissioned by ABV Leisure Consultancy Services

A requirement of the project scope for ABV was to complete 200 person random phone surveys, to establish an understanding of the overall, broader community perceptions of the Turf Club and current location value and experience quality.

The key findings from the report are:

- 36% of respondents were aged 40 to 54 years of age
- 52% of respondents were male
- 47% of respondents were female
- 97% of respondents were aware of the Turf Club
- 70% has attended the races in the last three years
- 35% of respondents considered the experience of attending the races to be acceptable
- 34% of respondents considered the experience of attending the races to be good

- Respondents considered the following feature of the Turf Club to be 'Good' or 'Very Good':
 - Location of the Track
 - Views from the spectator area.

- Respondents considered the following feature of the Turf Club to be 'Bad':
 - Shelter
 - Toilets.

- Issues that were raised were:
 - Transport
 - Parking
 - Hospitality options.

- The community strongly agree that the Turf Club is an:
 - Important local asset
 - Impressive visual entry statement to the Town
 - Has an important social role
 - Could be an important shared sporting/community facility
 - Should remain within the Town
 - Is a potential location for a number of community activities.

- An overview of the overall findings of the community survey is:
 - 63% of respondents feel that the Turf Club should remain, the main reason being the historical significance
 - People would like to see children's recreation equipment provided and co-location with other sporting, social and community organisations
 - If relocated, 45% of people would still attend, while 47% would not attend.

The outcome of the consultation and research completed as part of the Needs Assessment, are compelling. There is no easily identifiable site of suitable size (200 hectares) that can easily accommodate all of the needs of equine sports. These being race track and associated amenities, stables, agistment and pony club training/ competition areas.

The existing site at SHOATA will be able to meet the stable, agistment and Pony Club requirements in the short to medium term. In the longer term, it is anticipated that the combined requirements of SHOATA and the Pony Club will have increased quite significantly. In order for SHOATA to operate properly for the foreseeable future, it will be necessary to provide significant improvements to the site.

The capacity of SHOATA to cater to the needs of members and users in the long term may be impacted by the environmental / industrial / infrastructure developments that are occurring in the area. There is a potential conflict between SHOATA users and the buffer zones of the sewer treatment ponds and the Boodarie Strategic Industrial area. The consultant will be required to liaise with the Water Corporation, and Landcorp/DSD regarding these matters during the second and third phase of the project.

McGregor Street / Turf Club Site

By remaining on the current race track site there will be an opportunity to improve the facilities provided for horse racing and to the sporting community. Shared usage of facilities will be essential to efficient usage and future sustainability. The optimisation of the site will require a philosophical shift from the current approach (being a race track with minor sporting facilities / usage).

The new overall philosophy will need to be one of a major integrated precinct that effectively caters for a range of sporting functions, including horse racing.

The ramifications of this report are that Council will provide a single direction to the consultant with regard to the future location of the race track in Port Hedland.

Stages two and three of this project are about the development of concept plans and a management /implementation plan. With this resolution in place, it is intended for the project to focus on a track in its current location and the enhancement of the facilities at SHOATA as a horse stabling facility

Attachments

1. AEC Group Report:
Port Hedland Race Course – September 2012
(Attached under separate cover)

201213/113 Officer's Recommendation/Council Decision

Moved: Cr Daccache

Seconded: Cr Jacob

That Council:

1. **Notes the Need Assessment report as presented by ABV Leisure Consultancy Services;**
2. **Endorses the recommendation of the consultant for the Port Hedland Race Track to remain at the existing site;**
3. **Notes ABV Leisure Consultancy Services will proceed with phases two and three of the project, being the Concept Design and Business/Implementation Plan on the understanding that the race track will remain in the same location;**
4. **Notes that that the consultant ABV Leisure Consultancy Services liaises with the Water Corporation and Landcorp regarding any potential conflict for the SHOATA site and any environmental buffer zones.**

CARRIED 8/0

11.3.3 *Schedule of Fees and Charges – Proposed Adoption of Additional Items (File Number 26/014/0006)*

Officer	Lorna Secrett Manager Community Development
	Graeme Hall Manager Recreation Services and Facilities
Date of Report	14 September 2012
Disclosure of Interest by Officer	Nil

Summary

This report seeks Council endorsement for suggested amendments to the Fees and Charges Schedule adopted as part of the 2012/2013 budget. The changes proposed within this report are a combination of new and amended fees.

The amendments requested to the fees and charges schedule have arisen since the 2012/13 annual budget was adopted.

Background

The amendments to the fees and charges outlined in this report respond to:

- Requests made by the YMCA
- Correspondence received from the Hedland Swimming Club
- Operational changes within the Town's Community Development Directorate.

The amendments are considered minor and believed to be of benefit to the community. The motivations for seeking Council approval to amend the fees and charges schedule are:

- The South Hedland Town Centre is a new community amenity that is now available for use by community groups and commercial organisations. The South Hedland Town Square is located directly adjacent to the South Hedland Shopping Centre. It comprises of an outdoor stage, and grassed open space area. The hire fees for the Town Centre will help cover the operational costs, power usage and ongoing maintenance costs of the stage. It is proposed that commercial and community groups are charged a hire fee to utilise this facility. The need for these fees has only been identified since the community has begun using the facility.

- Correspondence from the YMCA has sought amendments to the fees and charges. The changes requested seek to better reflect the programs and services they will deliver at the three leisure facilities.
- Correspondence from the Hedland Amateur Swimming Club sought a review of the cost of pool entry. The amended fees and charges address, in part, the Club's requirements.
- The JD Hardie Youth Zone and programs are evolving as the Centre transitions from a recreation to a youth facility. The changes to the fees and charges are required in order to reflect how the Centre is operating.
- In order to maximise the use of new specialist equipment, and provide a larger array of configuration options for the community and commercial operators, The Matt Dann Cultural Centre wish to add/modify some fees and charges. These changes will better reflect the operation of the Centre and align charges closer with other Performing Arts Centre's in the Western Australian Region.

The new fees and charges requested were either not identified during the budget process, or they are new program initiatives that have been identified for implementation since the budget was established.

In addition there are some fees that have been revised in order to meet the needs of the community (for example, the reduction of the court hire fee at Wanangkura Stadium to make it more affordable, and the exempting of parents/guardians of swimming club members to pay a spectator fee).

Consultation

Internal

- Director Community Development
- Manager Community Development
- Manager Recreation Services and Facilities
- Community Development Officer
- Recreation Coordinator
- Operations Coordinator Matt Dann Cultural Centre
- Coordinator Community and Cultural Development.

External

- YMCA Area Manager- Port Hedland
- Manager Wanangkura Stadium.

Statutory Implications

Section 6.16 of the Local Government Act 1995 states:

*“6.16. Imposition of fee’s and charges
A fee or charge may be imposed for the following –*

- *providing the use of, or allowing administration to, any property or facility wholly or partially owned, controlled, managed or maintained by the local government;*
- *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorization or certificate.*

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 –

- *its intention to do so; and*
- *the date from which the fees or charges will be imposed.”*

Policy Implications

Policy 6/011 ‘Recreation Reserves and Facilities – Casual Hire and Events’. This policy was developed in order to provide guidance to groups hiring Council Reserves.

Strategic Planning Implications

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

Budget Implications

Table 1 on the following page outlines the additions and amendments to the fees and charges schedule previously adopted by the Council.

The additional fees and charges are expected to generate varied levels of increased revenue. The potential additional revenue will be detailed as part of the budget review process.

Table 1 - Proposed Amendments to the Fees and Charges

Fees	Current	Proposed / Amended 2012/2013 (inc GST)
South Hedland Town Centre		
Town Centre Only–Not for Profit Community Groups (limited power, stage not included) half day (max 4 hours) full day (max 8 hours)	new fee new fee	\$50.00 \$100.00
Town Centre Full Access -Not for Profit Community Group (includes power, stage and open space) half day (max 4 hours) full day (max 8 hours)	new fee new fee	\$200.00 \$400.00
Commercial (includes power, stage and open space) half day (max 4 hours) full day (max 8 hours)	new fee new fee	\$350.00 \$700.00
Wanangkura Stadium –Sports Hire and Programs		
Badminton court hire (per hour)	new fee	\$16.00
Community - full court hire	\$90.00	\$60.00
Community- half court hire	new fee	\$30.00
Badminton/Squash racquet hire	new fee	\$10.00
Casual court usage	new fee	\$3.00
Ball hire (basketball, soccer, netball)	new fee	\$2.00
Upfront Payment Discount-Sporting Teams	new fee	10%
Forfeit fine (greater than 24 hours notice)	new fee	One game fee
Forfeit fine (less than 24 hours notice)	new fee	Two game fee
Wanangkura Stadium Memberships		
Replacement membership card	new fee	\$10.00
Non member locker hire	new fee	\$3.00
Replacement duress necklace	new fee	\$100.00
Gecko membership-joining fee(ages 5-13)	new fee	\$29.00
Gecko membership-direct debit (ages 5-13) per fortnight	new fee	\$27.90
TeenFit membership-joining fee(ages 14-16)	new fee	\$29.00
TeenFit membership-direct debit (ages 14-16) per fortnight	new fee	\$36.00

Fees	Current	Proposed / Amended 2012/2013 (inc GST)
Wanangkura Stadium-Facility Hire		
Internet access (per hour)	new fee	\$5.00
Telephone access (per hour)	new fee	\$5.00
Carpet laying for stadium floor	\$400.00	\$600.00
Carpet cleaning (post event)	new fee	\$200.00
Whole of facility hire (Major events) per 24 hour period. Limited to two per year, Town of Port Hedland approval required	new fee	\$3,200.00
Aquatic Centres		
Dive Pool area – Gratwick (per hour)	new fee	\$35.00
Dive Pool area – South Hedland Aquatic Centre (per hour)	new fee	\$35.00
Water Polo - Main Pool- South Hedland Aquatic Centre (per hour)	new fee	\$135.00
Entry Fee for swim club spectators	\$1.80	Nil
Single Entry for swim club members (swim club bookings only)	\$4.00	\$2.50
JD Hardie Youth Zone		
Staffing costs after hours (per hour)		
Program Officers (per hour)	new fee	\$75.00
Program Assistants (per hour)	new fee	\$50.00
Matt Dann Cultural Centre		
Lighting Packages – Moving Lights Package:	\$50.00*	\$500.00
Nexo GEO FOH Package– (Matt Dann Cultural Centre Technical Assistant Required) Choice of Console 2 x Nexo GEOS1210 2 x Nexo GEOS1230 2 x RCF Subs Amplifiers to suit Microphones as required Outboard/Processors as required Commercial Community	new fee new fee	\$2,000.00 \$1,500.00
Unique Hazer Commercial Community	\$140.00 \$85.00	\$140.00 \$120.00
Standard In House PA Rig – (Matt Dann Cultural Centre Technical Assistant Required)		

Fees	Current	Proposed / Amended 2012/2013 (inc GST)
Choice of Console 2 x Nexo GEOS1210 2 x Nexo GEOS1230 2 x RCF Subs Amplifiers to suit Microphones as required Outboard/Processors as required	new fee	\$500.00
Additional Monitors Per Pair (Must have House PA Rig already) – (Matt Dann Cultural Centre Technical Assistant Required) 2 x QM12MP or 1 x QM15 Drumfill Amps and cabling to suit Outboard/Processors as required	new fee	\$100.00
Cable Track per piece Community Commercial	new fee new fee	\$10.00 \$15.00

(*Please note this current rate was previously incorrect and should have read \$500.00)

Officer's Comment

The amendments to the Fees and Charges Schedule are essential in order to reflect some changes to the facilities and services being provided by Council. The changes as presented in Table 1 are either new fees or amendments to existing fees. The new fees are proposed in order to enable Council to charge for the services it provides. The amended fees are changes which were required in order to provide better outcomes for the community.

An outline of some of the amended fees is provided below. It is clear from the comments provided that the clear intent of the proposed changes is to offer better outcomes for both Council and the community:

- Community Court Hire**
An adjustment to encourage groups to book the facility. The original fee is considered too high and would be a deterrent to user groups.
- Carpet Laying**
The amended fee reflects the actual cost incurred to complete this task (a reduced fee option is to be offered to groups prepared to undertake this task themselves).

- **Phone and Internet Charges**
The large amount of interest in booking the facility for business purposes has identified a possible cost implication regarding the volume of phone and internet usage.
- **Whole of Facility Bookings**
The suitability of the facility for major events (concerts, trade shows and sporting events) has identified a need for an appropriate fee. A policy will be required regarding the number of events to be allowed.
- **Swimming Club Entry**
Swimming club members who choose not to have an aquatic centre membership will be offered a single entry fee (\$2.50). This fee is only applicable during swimming club bookings. The fee is in recognition of the high level of usage by swimming club members.
- **Swimming Club Spectators**
The imposing of a fee for parents/guardians of swimming club members was considered unreasonable. The spectator fee for club members is reduced from \$1.80 to nil.
- **JD Hardie Centre, Out of Hours Staffing**
The Centre is receiving a large number of requests for Sunday bookings for youth/family related activities. A fee is required so that staffing costs can be on-charged.

It should be noted that the YMCA did request to insert a member and non-member fee for the Crèche. The fee was \$6.00 for non-members and \$5.00 for members. This was not recommended by Officers on the basis that it is believed that the crèche is an important service that should be offered equitably to all users of Wanangkura Stadium.

The amendments as requested seek to ensure that there is a good outcome for all users of the Town's recreation and community facilities.

Attachments

1. Letter from the YMCA requesting changes to the fees and charges schedule
2. Letter from Port Hedland Swimming Club

Officer's Recommendation

That Council:

1. Endorse the amendments to 2012/2013 Schedule of Fees and Charges as outlined in the Table 1 above;
2. Endorse the advertising of the new fees and charges as per Local Government Act requirements, with the date of commencement of 1 October 2012.

201213/114 Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council lay this item on the table pending further clarification regarding how the fees and charges amounts have been set.

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.3.3



Our Ref:

YMCA Area Manager Port Hedland
Mr Daniel Murphy
Tel: (08) 9140 0400
Email: daniel.murphy@ymca.org.au

10 September 2012

Mr Graeme Hall
Manager, Recreation Services and facilities
Town of Port Hedland
PO Box 41
South Hedland WA 6722

Dear Graeme

RE: Town of Port Hedland Recreation and Aquatic Centres Fees and Charges for 2012/2013 Financial year- Request for additions

Thank you for meeting to discuss additions to the 2012/2013 fees and charges for the Town of Port Hedland Recreation and Aquatic Centres.

Please find attached to this correspondence a list of additional fees and charges the YMCA are requesting be added to the existing fee structure for the Town of Port Hedland Recreation and Aquatic Centres for the 2012/2013 financial year.

Should you require any further information regarding this matter don't hesitate to contact me on 0459 988 320.

Yours sincerely

DANIEL MURPHY
Leisure Facilities Area Manager
YMCA, Port Hedland

PORT HEDLAND LEISURE FACILITIES

www.porthedlandleisure.com.au

GRATWICK AQUATIC CENTRE McGregor Street, Port Hedland

(08) 9173 3303

SOUTH HEDLAND AQUATIC CENTRE 1 Leake Street, South Hedland

(08) 9140 1003

WANANGKURA STADIUM Hamilton Road, South Hedland

(08) 9140 0400



ATTACHMENT 2 TO ITEM 11.3.3

Hedland Amateur Swimming Club Inc.

PO Box 351 Port Hedland, WA 6721



ABN 196 77076 473

Dear Councillors

The Hedland Amateur Swimming Club is a not for profit sporting club which operates for 20 weeks of the year with an extended season of ~26 weeks for kids opting to compete in the short course championships in Broome in October. The club is hoping to extend this season when the SHAC opens with its heated pool which will even give kids the opportunity to keep swimming all year if they wish to. Currently the club trains on all 5 days during the weekdays with 'club days' on Saturdays where the kids will do time trials to measure their ongoing improvement.

The membership of the club is primarily children from the ages of 8-16 years and as is always the case with junior sporting clubs, it is the parents of the children that make up the committee and put in the hours of volunteering to run the club and do significant fund raising through the year to allow the kids to compete in events around the Pilbara and the state. We all do this gladly of course! Unfortunately the club has to cap numbers primarily due to availability of coaches and access to lanes at the pool however ultimately the club would love to grow its membership and offer many more children the opportunity to be part of the swimming club.

Not all kids enjoy or are drawn to traditional ball sports and swimming therefore provides a fantastic alternative (and healthy) sporting option for the kids of our growing city.

I am writing to explain the costs associated with swimming for the club children and would like to appeal to council for assistance and support for the club.

The facts:

Current Pool Entry = \$4 child = \$5 adult = \$1.80 spectator	Aquatic Centre Lane Hire = \$15/hour Club member numbers in 12/13 = 70
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Some relevant context:

- Swimmers are grouped according to ability with 'Tigers' being the lower age groups and/or beginner swimmers moving progressively up to 'White Pointers' who are the stronger and/or older swimmers who are particularly keen on competing.
- The club has historically struggled to find coaching staff and has been forced to offer a nominal hourly payment in order to secure coaching time.
- The following table shows the total costs borne by individual swimmers for a 20 week season. Please note that:
 - many families have more than one child in the swim club. While a small discount is offered for subsequent children from the clubs perspective the pool entry fees remain the same.
 - some children have an extended season which means further costs on top of those shown
 - club days or time trial days are held every second Saturday and none of these fees have been included in these calculations at this point in time
- It should also be noted that for safety reasons a ratio of parents to swim club children must always be maintained so parents bear the additional costs of 'spectator entry' fees of \$1.80 per entry

Swim Groups + Numbers/per group	Days per week of training	Hours training per week	Lane Hire (per week) \$	Coaches Fees (per week)	Season Total (20 wks) \$	\$ per person cost for lane hire + coaching per season	\$ per person cost for 'Swimming WA' membership, insurance and Admin charges	Total Club Membership Costs per swimmer	\$ per person pool entry costs (20 wks)	Total costs per person/child per 20 wk season to do swimming as chosen sport
Tigers (15)	2	2	30	40	1,400	95	150	245	200	\$ 445
Hammers (15)	3	3	45	60	2,100	140	150	290	280	\$ 570
Mekos (15)	3	4.5	67.50	90	3,150	210	150	360	280	\$ 640
White Pointers (15)	4	8	90	120	4,200	280	150	430	360	\$ 790
Recreational (10)	4	4	60	0	1,200	102	130	232	320	\$ 552

The Lane Hire charges and pool entry fees are charged to swimming club families by the YMCA as the Aquatic Centre operators for the use of council owned facilities.

Therefore the specific charge per/person for the use of council facilities in this case is as follows:

Swim Groups + Numbers	\$ per person cost for lane hire per season	\$ per person pool entry costs (20 wks)	Total costs per person/child per 20 wk season to use council facilities	Per season cost of required supervision by parents (up to . .)
Tigers (15)	40	200	\$ 240	\$ 72
Hammers (15)	60	280	\$ 340	\$ 108
Mekos (15)	80	280	\$ 370	\$ 108
White Pointers (15)	120	360	\$ 480	\$ 144
Recreational (10)	120	320	\$ 440	\$ 144

For your interest I have completed a table which shows the overall cost of undertaking certain other junior sports in town.

As you can see, the financial barriers to entry for kids choosing to swim rather than engage in ball sports is significant and the club has seen smaller and smaller numbers of lower income earners being able to afford to join swimming over the years due to the high costs.

Junior Sport	Club	Fees per season per child	Charge for use of council owned facilities per season per child	Cost of required supervision by parents
Cricknet	PH Cricket Club	\$65	0	0
Netball	PH Netball Club	\$60	0	0
TeeBall	Hedland Teeball Association	\$60	0	0
Football	Hedland Junior Football	\$90	0	0
Baseball	Hedland Baseball	\$70	0	0
Softball	Hedland Softball (no fees charged to encourage more people to compete)	0	0	0

On the grounds of equity for children undertaking sports in Port Hedland, we would therefore like to request the Town of Port Hedland's support for the following in relation to the swimming club:

1. That all pool entry charges for swimming club kids are waived on the basis of equitable access to sporting opportunities where use of council facilities are concerned.

Swim Groups + Numbers	\$ per swimmer pool entry costs (20 wks)	Cost to Council to Waive pool entry fees for 70 club swimmers
Tigers (15)	200	\$ 3,000
Hammers (15)	280	\$ 4,200
Makos (15)	280	\$ 4,200
White Pointers (15)	360	\$ 5,400
Recreational (10)	320	\$ 3,200
TOTAL		\$ 20,000

2. That consideration is given to waiving of pool lane hire charges for the swimming club. Other council owned facilities do not attract a hire charge and the club is aware that council have generously waived rates for clubs that operate as community sporting facilities.

Swim Groups + Numbers/per group	Days per week of training	Hours training per week	Lane Hire (per week) \$	Cost to Council to waive lane hire per 20 wk season
Tigers (15)	2	2	30	\$ 600
Hammers (15)	3	3	45	\$ 900
Makos (15)	3	4.5	67.50	\$ 1,350
White Pointers (15)	4	6	90	\$ 1,800
Recreational (10)	4	4	60	\$ 1,200
TOTAL			\$292.50/wk	\$ 5,850

3. That consideration is given to waiving pool entry fees for parents during swimming training and club days as they are only there to supervise swimming club children at those times.

Swim Groups + Numbers/per group	Days per week of training	Hours training per week	Maximum cost to waive pool entry for parents supervising per season
Tigers (15)	2	2	\$ 72
Hammers (15)	3	3	\$ 108
Makos (15)	3	4.5	\$ 108
White Pointers (15)	4	6	\$ 144
Recreational (10)	4	4	\$ 144
TOTAL			\$ 576

NB – Request 3 is of a lesser priority to the club than 1 and 2 however it would be a fantastic gesture to see this supported as well if council deems this appropriate.

The swim club acknowledges and is grateful for the previous support provided to it by Council and hopes that you will favourably consider this request.

Yours Sincerely



John Vandenhurk
President
Hedland Amateur Swimming Club

28 August 2012



Patrik Mellberg
Vice President
Hedland Amateur Swimming Club

28 August 2012

11.4 Corporate Services**11.4.1 Finance and Corporate Services****11.4.1.1 *Interim Financial Reports to Council for Period Ended 31 July 2012 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Jodie Ellis
Coordinator Finance
Management

Date of Report 31 July 2012

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present an interim summary of the financial activities of the Town to 31 July 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.

Background**1. *Interim Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 July 2012, are the:

- Interim Statement of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Interim Statement of Financial Activity for the period ending 31 July 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 26 September 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			
NMF020712	NMF020712	\$569.14	1	1	1	Municipal Fund	Photocopier Lease x 2 - South Hedland Library & JD Hardie
NMF020712	NMF020712	\$1,244.32	1	1	1	Municipal Fund	Photocopier Lease x 2 - Regulatory Services
NMF060712	NMF060712	\$284.57	90	90	1	Municipal Fund	Photocopier Lease x 1 - Community Development (Airport)
CHQ21447	CHQ21475		1	4	1	Municipal Fund	
CHQ21476	CHQ21476		-	-	1	Municipal Fund	Cancelled Cheque
CHQ21477	CHQ21482		5	8	1	Municipal Fund	
CHQ21483	CHQ21488		-	-	1	Municipal Fund	Cancelled Cheques
CHQ21489	CHQ21511	\$216,734.20	8	10	1	Municipal Fund	
EFT40748	EFT41025		11	57	1	Municipal Fund	
EFT41026	EFT41142		-	-	1	Municipal Fund	Cancelled EFT's
EFT41143	EFT41347	\$10,633,621.43	57	90	1	Municipal Fund	
PAY100712	PAY100712	\$395,293.19	90	90	1	Municipal Fund	
PAY240712	PAY240712	\$403,423.82	91	91	1	Municipal Fund	
WOW170712	WOW170712	\$1,919.14	90	90	1	Municipal Fund	Woolworths Direct Debit
	Muni Total	\$11,653,089.81					
3002276	3002282	\$24,818.60	95	97	3	Trust Fund	
	Trust Total	\$24,818.60					
	Sub-Total	\$11,677,908.41					
LESS: one-off pays							
	Total	\$11,677,908.41					

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

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:

- a) *10% of the Function amended budget; or*
- b) *\$100,000 of the Function amended budget*

whichever is the lesser, for the following categories of revenue and expenditure:

- i) *Operating Revenue*
- ii) *Operating Expenditure*
- iii) *Non-Operating Revenue*
- iv) *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
(Attached under separate cover.)
 - 1.1 Page 2–4. Schedule 2 being a Interim Statement of 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 – July 2012 Bank Reconciliations.
 - 1.3 Pages 19 to 65. Detailed Financial Activity by Program.
 - 1.4 Pages 66 to 68. Comparison Between 2012/13:2011/12 Utility & Fuel Costs.
2. July 2012 Accounts for Payment
(Attached under separate cover.)

201213/115 Officer's Recommendation/Council Decision**Moved: Cr Jacob****Seconded: Cr Daccache****That Council note the:**

- i)
 - a) **Interim Statement of Financial Activity (represented by Schedules 3 to 14);**
 - b) **Notes (1 to 11) to and forming part of the Interim Statement of Financial Activity for the period ending 31 July 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 July 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 8/0

11.4.2 Governance and Administration**11.4.2.1 *Town of Port Hedland Meeting and Briefing Framework (File No.: 00/00/00)***

Officer **Debra Summers
Manager, Organisational
Development**

Date of Report **10 September 2012**

Disclosure of Interest by Officer **Nil**

Summary

Following the Council's recent decision to revert to one Ordinary Council Meeting (OCM) a month, a proposed meeting and briefing framework has been developed for Council's consideration. This report also suggests an alternative date for the December OCM.

Background

Local governments utilise a variety of formal and informal meetings that support the legitimate decision making required of a Council. These include the formal meetings of Council being Ordinarily Council Meetings, Committee Meetings and Special Council Meetings.

Meetings of Council, at which no formal decision can be made, include Concept Forums, Agenda Briefings and Working Groups and other information forums. These more informal meetings of a Council provide regular and structured opportunities for officers to discuss important strategies and projects with all Elected Members

The Town of Port Hedland's previous meeting and briefing framework to support two OCM's a month now needs to be reviewed following the Council decision on 8 August 2012 (201213/066) to revert to one OCM per month.

The December OCM date will now be 26 December so an alternative date for this meeting needs to be considered by Council.

Consultation

- Chief Executive Officer
- Executive Team
- Councillors at a Concept Forum
- Department of Local Government
- WALGA

Statutory Implications

Local Government Act 1995 applies:

5.3. Ordinary and special council meetings

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than 3 months apart.*
- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) *if called for by either —*
 - (i) *the mayor or president; or*
 - (ii) *at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- (b) *if so decided by the council.*

5.5. Convening council meetings

- (1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*
- (2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting*

Town of Port Hedland Local Laws (Standing Orders) applies:

2.1 Kind of Meeting

Meetings shall be of two kinds, ordinary or special. Ordinary meetings are those called at such place and at such times as council, from time to time, appoints for the transaction of the ordinary business of the council. Special meetings are those called to consider specific business, the nature of which shall be specified in the notice convening the meeting. No business shall be transacted at a special council meeting other than that for which the special meeting has been called.

Policy Implications

Nil

Strategic Planning Implications

6.4	Local Leadership
6.4.2	Community Focused
	Local Leaders in the community who provide transparent and accountable civic leadership.

Budget Implications

Costs of the delivery of the Town of Port Hedland meeting and briefing framework are incorporated in the 2012/13 Budget as operating expenditure.

Officer's Comment

In presenting the proposed framework, officers have ensured a best practice and compliant approach through following the Local Government Operational Guidelines 5. Consideration has also been given to current issues and challenges that Elected Members, Town of Port Hedland officers, and the community has experienced with the previous framework.

As such the proposed framework has been developed to maximize the time commitments of all those involved and to ensure the highest quality of information delivered to Elected Members in adequate time to allow for careful consideration of matters leading to optimal decision making.

By formalising the framework and adhering to schedules this ensures maximum Elected Member participation in all aspects of the framework leading to better shared decision making. From time to time, Special Council Meetings are required. In accordance with the guidelines from the Western Australian Local Government Association (WALGA) a Special Meeting should only be called to discuss a particular matter which cannot be dealt with adequately at an Ordinary Meeting, or to deal with a matter that is so urgent that it cannot wait until the next OCM to be resolved. To ensure maximum Elected Member participation, where possible and if required, a Special Council Meeting will be arranged for the second Wednesday of the month.

It is being recommended that the Town of Port Hedland Meeting and Briefing Framework is now as follows:

Second Wednesday in Month	Fourth Wednesday in Month
4:00pm – 4:30pm Confidential Planning Briefing	2:30pm – 4:00pm Confidential Concept Forum
4:30pm - 6:30pm Confidential Concept Forum	4:00pm - 4:30pm Confidential Planning Briefing
6:30pm Special Council Meeting (if required)	4:30pm – 5:15pm Agenda Briefing (Open to Public)
	5:30pm Ordinary Council Meeting

The fourth Wednesday in December is Boxing Day so it is being recommended that Council advertise the December OCM as being held on Wednesday 12 December 2012 at 5.30pm.

Attachments

Nil

201213/116 Officer's Recommendation/Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That Council:

1. Adopts the Town of Port Hedland Meeting and Briefing Framework as follows:

Second Wednesday in Month	Fourth Wednesday in Month
4:00pm – 4:30pm Confidential Planning Briefing	2:30pm – 4:00pm Confidential Concept Forum
4:30pm - 6:30pm Confidential Concept Forum	4:00pm - 4:30pm Confidential Planning Briefing
6:30pm Special Council Meeting (if required)	4:30pm – 5:15pm Agenda Briefing (Open to Public)
	5:30pm Ordinary Council Meeting

2. Understands that the Meeting and Briefing Framework will be most successful if briefing sessions and forums are held on a regular basis with dates set in advance so that elected members can plan ahead for their attendance;
3. Requests the Acting Chief Executive Officer or their delegate advertise that the Ordinary Council Meeting scheduled to be held on Wednesday, 26 December 2012 will instead be held on Wednesday, 12 December 2012 at 5.30pm in Council Chambers;
4. Adopt and advertise the following Ordinary Meeting of Council dates and times for the year ahead:
 - Wednesday, 24 October 2012 at 5:30pm
 - Wednesday, 28 November 2012 at 5:30pm
 - Wednesday, 12 December 2012 at 5:30pm
 - Wednesday, 23 January 2013 at 5:30pm
 - Wednesday, 27 February 2013 at 5:30pm
 - Wednesday, 27 March 2013 at 5:30pm
 - Wednesday, 24 April 2013 at 5:30pm
 - Wednesday, 22 May 2013 at 5:30pm
 - Wednesday, 26 June 2013 at 5:30pm
 - Wednesday, 24 July 2013 at 5:30pm
 - Wednesday, 28 August 2013 at 5:30pm
 - Wednesday, 25 September 2013 at 5:30pm
 - Wednesday, 23 October 2013 at 5:30pm

CARRIED 8/0

11.4.2.2 Extraordinary Vacancy on Council

Officer	Ayden Férdeline Administration Officer Governance
Date of Report	4 September 2012
Disclosure of Interest by Officer	Nil

Summary

The resignation of Councillor Martin on 31 August 2012 has created a vacancy on Council. The position can either be filled through an extraordinary election or, with the approval of the Western Australian Electoral Commission (WAEC), remain vacant until the next ordinary election in October 2013. Council is requested to engage the WAEC to fill the vacancy and to set a date for the extraordinary election.

Background

On 31 August 2012 the Acting Chief Executive Officer received a letter of resignation from Councillor Stan Martin, effective immediately, after he served the community for over a decade as both a Mayor and Councillor.

Consultation*External*

- Department of Local Government
- Western Australian Electoral Commission

Statutory Implications

If the office of an elected Councillor, Mayor or President becomes vacant due to the death or resignation of a member, or another reason listed in section 2.32 of the *Local Government Act 1995*, section 4.9 of the Act states that an extraordinary election must be held within four months of the vacancy occurring unless Council, in accordance with section 4.17(3) of the Act, requests permission from the Commissioner to leave the office vacant.

The filling of extraordinary vacancies that occur after the third Saturday in January and up until the third Saturday in July in an election year can be deferred if approved by the Electoral Commissioner under sections 4.16 and 4.17 of the *Local Government Act 1995*.

As this is not an election year, section 4.9 of the Act states that Council, within one month of a vacancy occurring, must fix a date for an extraordinary election. If Council does not fix a date within this timeframe, the Electoral Commissioner is to fix a date for the holding of an election that allows enough time for the electoral requirements to be complied with.

There are provisions within section 4.17(3) of the Act that allow Council to request the Commissioner to leave the office vacant provided at least 80% of the number of member offices are filled.

Additionally, because the 2012/13 Budget has no provision for sustaining the costs of an extraordinary election, if one is held funds will need to be allocated to this function through the first quarter budget review, pursuant to s6.8 of the Act.

Policy Implications

Nil

Strategic Planning Implications

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance.

Budget Implications

The Electoral Commission is required under the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis. The estimated cost to conduct the extraordinary election would be \$18,000 plus GST, which has been based on the following assumptions:

- 5,600 electors;
- Response rate of approximately 30%; and
- Count to be conducted at one polling place in either Port Hedland or South Hedland.

The Electoral Commission has advised that it is standard practice to have only one polling place for extraordinary elections because even highly-publicised electoral campaigns for by-elections have lower turnouts than ordinary elections do.

Costs not incorporated in this estimate include:

- Non-statutory advertising (i.e. additional advertisements in community newspapers);
- Postage expenses incurred in updating the Non-Resident Owners and Occupiers Roll;

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- One local government staff member to work in the polling place on election day; and
- Training in Perth for the new elected member.

Should Council wish to proceed with an extraordinary election, it is suggested that \$23,000 plus GST be allocated to this function in the first quarter budget review.

Savings could potentially be realised by delaying the extraordinary election until the ordinary elections in October 2013 where advertising and other costs would be amalgamated into the one process.

Officer's Comment

The vacant position on Council can either be filled through an extraordinary election or, with the approval of the Western Australian Electoral Commission, remain vacant until the next ordinary election in October 2013.

There are significant responsibilities and commitments required to undertake the role of Councillor. Often, it will take the first three to six months of a Councillor's term for him or her to adapt to the role and its requirements, which include additional commitments in the first instance due to inductions, training and other matters of education. Therefore, filling this position now, rather than in twelve months time, will sooner strengthen the ability of the local government to deliver services to the Hedland community.

Council could also consider requesting permission from the Minister for Local Government to permanently reduce the number of elected members at the Town of Port Hedland Council from nine to eight. The Department of Local Government has advised that Minister John Castrilli supports local government reform that will create fewer but stronger Councils that better service remote communities. One of the cornerstones of this voluntary reform is reducing the number of elected members to no more than six to nine per Council.

It is the recommendation of Officers that Council not request a reduction of elected members but that an extraordinary election be undertaken to fill the vacant position as soon as practicable. This would mean that Council continues to operate as a body of nine elected members.

It is noted that having a ninth elected member would:

- Result in less tied votes;
- Increase community representation; and
- Assist in the reduction of applications required for a reduction in quorum.

Should Council wish to hold an extraordinary election, then, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commission has agreed in principal to be responsible for the conduct of the election.

Council, at its Ordinary Meeting held on 22 June 2011, engaged the Electoral Commissioner to run the October 2011 ordinary election on the basis that:

- There are virtually no barriers to voting in a postal election, which encourages participation;
- Elections are seen to be conducted by the Electoral Commissioner, who is impartial;
- Casting a vote at home is convenient, particularly for shift workers who may not be able to attend the Civic Centre on election day;
- Those without access to transport are not prevented from voting; and
- Statutory requirements are fulfilled and disputes are handled by the Commissioner.

Council will need to resolve by absolute majority that it requests the Commission be responsible for the conduct of this extraordinary election and that it be conducted as a postal election.

The Electoral Commission has suggested a polling day of Friday, 14 December 2012 as, statistically, by-elections held on a Friday receive a higher turnout of voters. Council has the opportunity to change this date, with the Commission suggesting the following alternatives which meet legislative deadlines:

15 December 2012	Saturday Election Date
20 December 2012	Thursday Election Date
21 December 2012	Friday Election Date

The Electoral Commissioner has proposed the following timetable for the extraordinary election:

Days to Polling Day	Requirement in Local Government Act	Date
70	Electoral Commissioner to appoint a person to be the Returning Officer for the election.	5 October 2012
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments.	5 October 2012 to 19 October 2012
56	Last day for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll.	19 October 2012
56	Advertisements to commence for nominations	19 October 2012
50	Close of Roll	25 October 2012
44	Candidate nominations open	31 October 2012
38	If a candidate's nomination is withdrawn not later than 4.00 pm on the 38th day before election day, the candidate's deposit is to be refunded.	6 November 2012
37	Close of nominations at 4:00pm	7 November 2012
36	Last day for the CEO to prepare & certify an owners & occupiers roll for the election. Last day for the Electoral Commissioner to prepare & certify a residents roll.	8 November 2012
25	Lodgement of election packages with Australia Post.	19 November 2012
22	The preparation of the consolidated roll must be completed on or before today.	22 November 2012
19	Last day for the Returning Officer to give Statewide public notice of the election.	25 November 2012
4	Electoral Commissioner to commence processing returned election packages	10 December 2012
0	Election Day Close of poll 6.00 pm	14 December 2012

201213/117 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council:

1. Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election;
2. Decide, in accordance with Section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the extraordinary election will be as a postal election;
3. Set the extraordinary election date for Friday, 14 December 2012; and
4. Pursuant to Section 6.8 (1) of *the Local Government Act 1995* approve the unbudgeted expenditure of \$23,000 plus GST to fund the extraordinary election process to be sourced during the first quarter budget review.

CARRIED 6/2

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

NOTE – The Extraordinary Election date set out in point 3 on page 229 of 26 September Minutes has had to be rescheduled to Saturday 15 December 2012.

This is because the date of Friday 14 December stipulated at the Ordinary Council of 26 September meeting is the 79th day after Council has made its decision, and the LG Act stipulates the earliest date should be the 80th day after a Council decision. The legislative requirements have therefore made Council's decision invalid.

In order to move forward, the Electoral Commission has been contacted to set the earliest date available, this now being Saturday 15 December 2012.

The reason for which the Electoral Commission has been requested to set the date is due to the fact that Council can only make a decision on the Election date within one month of an Elected Members' resignation, and as Cr Martin resigned on 31 August, Council could no longer reschedule an Election date.

(Amended by Council at the Ordinary Meeting held on 24 October 2012.)

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 13 REPORTS OF COMMITTEES

Nil

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

201213/118 Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That the meeting be closed to members of the public as prescribed in Section 5.23(2)(c) of the Local Government Act 1995, to enable Council to consider the following Item:

15.1 Recruitment of Program Director, Airport Redevelopment

CARRIED 8/0

15.1 *Recruitment of Program Director, Airport Redevelopment*

201213/119 Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That Council:

1. Supports the creation of the position of Program Director Airport Redevelopment for two years in lieu of formalising the position of Director Economic Development previously endorsed by Council;
2. Endorses a base salary of up to \$300,000 for the position plus standard contract components;
3. Approves the engagement of a recruitment agency in accordance with Policy 2/007, funded from the Airport Reserve, to assist the CEO in the recruitment of the position;

4. Requests that a report is presented to Council to approve the entire remuneration package to be offered, inclusive of performance bonus incentives, once recommendations have been received from the recruitment agency, and prior to advertising;
5. Notes that the financial difference between the Program Director Airport Redevelopment remuneration package and the remuneration package of the deferred position of Director Economic Development will be funded from the Airport Reserve.

CARRIED BY ABSOLUTE MAJORITY 8/0

201213/120 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the Meeting be opened to members of the public.

CARRIED 8/0

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

201213/121 Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That the following leave of absence:

- **Cr Gillingham – 29 September 2012 to 17 October 2012**
- **Cr Dziombak – 20 October 2012 to 5 November 2012 and 23 November 2012 to 5 December 2012**
- **Cr Jacob – 3 October 2012 to 18 October 2012**
- **Cr Hunt – 10 October 2012 to 11 November 2012**
- **Cr Hooper – 10 October 2012 to 13 October 2012**
- **Mayor Howlett – 4 October 2012 to 5 October 2012**

be approved.

CARRIED 8/0

ITEM 17 CLOSURE

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 October 2012, commencing at 5.30pm.

17.2 Closure

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

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by Council at its Ordinary Meeting held on _____.

CONFIRMATION:

MAYOR

DATE