



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 25 JULY 2012

AT 5.30 PM

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

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*Ian Hill
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 Acting Mayor declared the meeting open at 5:30pm and acknowledged the traditional owners, the Kariyarra people.

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

Councillor George J Daccache (Acting Mayor)
Councillor Arnold A Carter
Councillor Stan R Martin
Councillor Jan M Gillingham
Councillor David W Hooper
Councillor Michael (Bill) Dziombak
Councillor Gloria A Jacob

Officers

Mr Ian Hill	Acting Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Gordon Macmile	Director Community Development
Mr Eber Butron	Director Planning and Development
Mr Russell Dyer	Director Engineering Services
Ms Josephine Bianchi	Minute Taker/Governance Coordinator

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Mayor Kelly A Howlett
Councillor Julie E Hunt

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 11 July 2012*****3.1.1 Ms Jacque Rykers***

Is it the responsibility of Horizon Power, or of the Town of Port Hedland, to identify and install street lights where required?

Director Engineering Services advised that lighting in the Town of Port Hedland is a Horizon Power asset. Council is responsible for the maintenance and upgrade of lighting on pathways and parks. If a road safety audit or crash analysis report recommends street lights, local government can apply for funding through Federal or State Governments under the black spot program.

Will Council investigate installing street lights from the intersection of Hamilton Road and North Circular Road, up to the Great Northern Highway turnoff, and also increase the lighting along North Circular Road from Stanley Street to Murdoch Drive?

Director Engineering Services advised the scope of the current underground project in South Hedland does not include installing street lights in these locations.

The installation of street lights in these locations would be the subject of a road safety audit. If the recommendation was to install street lights this would be considered by Council along with possible funding opportunities.

3.1.2 Ms Louise Newbery Starling

Could the Town give me proof that the Building Department has approved the buildings at 65 and 75 Redbank Road?

Director Planning and Development advised that 65 Redbank Road is subject to a Freedom of Information request, therefore no further information on this matter can be provided in this forum.

The process for obtaining plans or information concerning 75 Redbank Road is to complete the 'Authority to Release Copies of Building Plans' form, available from the Customer Service Desk at the Civic Centre, and to pay the required \$165 application fee. The 'Authority to Release Copies of Building Plans' form will require the signed consent from the owners of 75 Redbank Road.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 11 July 2012

3.2.1 Councillor Hunt

Has there been any consideration given to the renaming of Precinct 3 to make it more a part of the town, rather than just another locality?

Acting Chief Executive Officer advised this had not occurred as yet; the proposal would be investigated, and a suggestion for a naming process reported back.

ITEM 4 PUBLIC TIME

Deputy Mayor opened Public Question Time at 5:35pm.

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

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 from January this year?

Director Engineering Services advised that the Town is currently reviewing its 'Street Tree Policy' which will soon be presented to Council for adoption. This policy will identify the type of trees that will be replanted in accordance with budget allocation.

Does Council know when Marquee Park will open? What will its name be?

Deputy Mayor advised that the Town is currently working towards ensuring that all aspects of the park are up to standard. The park will be opened as soon as all these matters will be dealt with. The Deputy Mayor is not aware of any proposed name change.

4.1.2 *Jan Ford*

An information evening was held at my office last night where a number of attendees were concerned as to whether the zoning in South Hedland will not be changed from R20 to R30. Can Council confirm whether this is happening?

Director Planning and Development advised that this matter is currently under review and that a report will be presented to Council for consideration next month. The report will make reference to and will try to alleviate the issue related to the proliferation of one bedroom units in South Hedland.

Seven years ago a Federal election was held here at the Civic Centre and a colleague of mine in a volunteer capacity fell down the stairs and broke a leg. I would like to know if Council can have the front doors of the Civic Centre remain open during public events?

Deputy Mayor advised that this matter will be looked into and that a response will be provided to Ms Ford.

4.1.3 Vickie Brooks

Would Council support the use of \$40M to start the Marina? Supporting this project would mean that the people who want to live here will get the benefits instead of putting more money into the fly-in-fly-out community.

Acting Chief Executive Officer advised that there is an item on tonight's agenda which will be considered by Council later in the meeting.

4.1.4 Louise Newbery Starling

Can I please have an answer to the question I raised at the Ordinary Council meeting on 23 May 2012 as to when the sitting area at the boat ramp would be cleaned? It still has not been cleaned at an acceptable standard for public use.

Director Engineering Services advised cleaning has taken place and he will look into this matter.

On 13 June 2012 the Director Engineering Services advised me that Redbank Road is an approved road train route for its full length. Can I please be advised as to when was this gazetted, when was this advertised and what was the consultation period for local residents?

Director Engineering Services advised that this question is taken on notice.

When will the Redbank road conditions be fixed or replaced?

Director Engineering Services advised that this will happen once the budget is adopted.

Could I please have a response to the question I raised at the Ordinary Council meeting on 23 May 2012 regarding the illegal use of properties?

Director Planning and Development advised that this question is taken on notice.

On 13 June I asked if Council could check with Pilbara Cities whether the redevelopment the Moorgunya community welfare hostel was going ahead. Has Council heard anything to this regard?

Director Planning and Development advised that no formal correspondence has been received by Pilbara Cities.

Why have I still have not received any information regarding the issue of illegal dumping at 65 Redbank Road?

Director Planning and Development acknowledged this was overdue and he will provide this information to Ms Starling.

I am also giving Council the Certificate of Title that shows who the land belongs to.

Deputy Mayor closed Public Question Time at 5:42pm.

4.2 Public Statement Time

Deputy Mayor opened Public Statement Time at 5:42pm.

4.2.1 Frank Parker

Stated that two years ago he brought to Council's attention the fact that a builder was utilising incorrect building practices. He recently noticed in the local newspaper that this same builder has been fined for operating without proper accreditation. This means that this building will now have to be redone or knocked down at the taxpayer's expense. Mr Parker expressed concern for the welfare of Aboriginal people in Port Hedland.

4.2.2 Sharon Bell, Well Women's Centre Representative

Statement in reference to agenda item 11.3.2 'Adoption of Feasibility Study into Library and Community Facilities in South Hedland Town Centre, including Co-location Opportunities'.

The Hedland Well Women's Centre (HWWC) strongly recommends that Council adopt the proposed Scenario 1 – 'Redevelopment then Relocation' as outlined in the Feasibility Study. The HWWC does not support Scenario 2 – to utilise the Edge building as transitional accommodation as this potentially represents a significant disruption to provision of services.

4.2.3 Frank Parker

I have been made aware that it has been proposed to reduced the 'Sobering-up' Centre's funding for the breakfast program to \$200 per week. How can anybody survive on this amount?

Deputy Mayor closed Public Statement Time at 5:50pm.

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

Is the Wildcats game at the opening of the Multi Purpose Recreation Centre costing Council \$100,000?

Director Community Development advised that this figure is part of the total cost for the Centre's opening ceremony which will amount to just over \$200,000 inclusive of all activities starting this Friday up until Monday. The funding partners are the Town of Port Hedland, BHP Billiton Iron Ore and Pilbara Cities, in accordance with a previous Council resolution.

What is the Town's contribution?

Director Community Development advised that the Town is contributing \$150,000 over two financial years, a similar contribution is being given by BHP Billiton Iron Ore and \$20,000 is coming from Pilbara Cities.

5.2 Councillor Gillingham

When is the cyclone clean up scheduled for?

Director Engineering Services advised these dates will be advertised soon.

Can the Town organise a presentation from the Health Department to the Council regarding the South Hedland hospital? I have been advised that a number of issues related to IT are currently being experienced at the hospital.

Deputy Mayor acknowledged Councillor Gillingham's request.

Following Ms Ford's question earlier, I remember that a few years ago discussions were held around organising a roll-down cage over the counter in the Civic Centre foyer. Can this go ahead?

Deputy Mayor acknowledged this question.

5.3 Councillor Hooper

When will Marquee Park be fenced?

Director Engineering Services advised that Marquee Park will be fenced along Cottier Drive. There is no funding available for fencing around other areas of the park. However the Town is having discussions with BHP Billiton Iron Ore to consider other areas that may require fencing.

Will this fenced area go from along Cottier Drive around to Kennedy Street?

Director Engineering Services advised that currently the fencing will only be on the Cottier Drive side, but other options can be looked into.

5.4 Councillor Jacob

Is it the Town's responsibility, and if so, can the Town progress a safety audit to see whether lighting is required on Hamilton and North Circular Roads from the roundabout by the Black Rock caravan park up until the intersection with Murdoch Drive? This section of the road carries heavy traffic, people jog along at night time and the lighting is insufficient. This matter needs to be followed up.

Director Engineering Services advised that it is the Town's responsibility to request a safety audit, however funds will have to be sought as this will be an independent assessment.

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

Cr G J Daccache	Cr A A Carter
Cr S R Martin	Cr J M Gillingham
Cr M Dziombak	Cr D W Hooper
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 11 July 2012

201213/025 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the Minutes of the Ordinary Meeting of Council held on Wednesday 11 July 2012 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION

The Deputy Mayor advised of his attendance at the following meetings:

- On 12 July - Key Worker Housing Committee meeting regarding affordable housing which has been set up to consider applications for affordable housing to key workers. The next meeting will take place on 10 August;
- Pilbara Joint Development Assessment Panel (JDAP) meeting with Councillor Carter regarding the water treatment plant reallocation and cost component.

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

Attended the International Mandolin Festival in Perth. Also encouraged two young local high school students, Mr David Clarke 14 and Mr Andrew Lenton 13, to perform at a civic reception in Perth where they both did very well, won trophies and had the opportunity to meet Mayor Logan Howlett. Public congratulations to both students.

9.2 *Councillor Dziombak*

Attended the Key Worker Housing Committee meeting as the Port Hedland Chamber of Commerce representative. A website will soon be launched to explain and highlight various issues surrounding this project. For example, the delivery of the second phase of the Osprey Estate which was announced last week by Minister Brendon Grylls. The contract has been awarded for the delivery of a 293 accommodation village with 80 units available before end 2012.

Acting Chief Executive Officer advised that 351 applications were received for registration process, which demonstrates the very high demand for housing.

9.3 *Councillor Jacob*

Attended the Key Worker Housing Committee as a representative from the South Hedland Business Association. The first 20 homes will be allocated mid to end of August, another 25 four weeks thereafter and another 80 before December 2012.

This morning also attended the South Hedland Business Association monthly breakfast event. The Association is working jointly with the Town of Port Hedland and other State Agencies to facilitate the leasing of small premises through the creation of a 'big barn' similar to Coventry Markets. Some Councillors will visit these markets next week as part of their visit to Perth to attend the WA Local Government convention.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.1 *Water Corporation*

Mr David Jeurs, External Relations Manager – Pilbara

Water Corporation discussed the allocation of recycled water in Port Hedland and its interest in entering into an Expression of Interest (EOI) process to assist with the further allocation of this water.

10.2 *Greg Rowe & Associates*

Mr Greg Rowe, Principal and Managing Director

Mr Rowe asked that Council support the Officer's Recommendation listed in Agenda Item 11.1.5 – Proposed Scheme Amendment No. 56 ("Marina Development" Zone).

Deputy Mayor closed Public Statement time at 6:13pm.

ITEM 11 REPORTS OF OFFICERS**11.1 Planning and Development Services*****11.1.1 Request to Commit Funds to Various Aspects of the Spoilbank Marina Development (File No.: 18/12/0014)***

Officer **Leonard Long**
 Manager Planning

Date of Report **9 July 2012**

Disclosure of Interest by Officer **Nil**

Summary

The Town received a request from LandCorp to assist in the development of the "Spoilbank Marina" through committing the \$40 million received through the "Precinct 3" business deal to various aspects of the proposed "Spoilbank Marina" development.

Council is requested to reaffirm its commitment to provide up to \$40 million of funds toward the development of the Spoilbank Marina Precinct.

Background

This report was presented to Council at its Ordinary Meeting held on 11 July 2012; however, due to a lack of quorum, this matter could not be considered.

The Special Council Meeting of 12 March 2012, resolved to support a business plan for the "Precinct 3" airport land which included a payment of \$40 million to the Town. Council further resolved to redirect the \$40 million from the "Airport Redevelopment Reserve" to the "Spoilbank Reserve".

That Council:

1. *Requests the CEO to present a report to a future Council meeting that outlines the financial arrangements of the Spoilbank Precinct Development and to gain Council direction for the aspects of the development that Council wishes to invest in;*
2. *Request the CEO to write to the Premier of WA and Minister for Regional Development indicating its commitment of \$40 million towards the Spoilbank Precinct Development and requests the government consider funding the project."*

Landcorp is recommending to deliver the Marina in full and the construction of the Caravan Park at a total cost of \$157 million (static loss of \$127 million).

Landcorp has presented Council with three options to deliver the Spoilbank Marina Precinct:

1. Delivery of Caravan Park Site
2. Delivery of Outer Breakwater
3. Delivery of Marina.

These costings are tabled below.

Option	Cost \$ mill	Revenue \$ mill	Static Profit/ (Loss) \$ mill
1. Construction of Caravan Park site Development south of Sutherland St	(\$7m) (\$11m) (\$18m)	\$5m \$25m \$30m	(\$2m) \$14m \$12m
2. Delivery of Outer Breakwater and Boat ramps Development south of Sutherland St	(\$50m) (\$11m) (\$61m)	Nil \$25m \$25m	(\$50m) \$14m (\$36m)
3. Full delivery of Marina Development south of Sutherland St	(\$143m) (\$11m) (\$154m)	Nil \$25m \$25m	(\$143m) \$14m (\$129m)

LandCorp has requested Council consider committing \$40 million to the following aspects of the Spoilbank Marina Development:

Item	Cost
North / South Road construction	\$ 6 000,000
North / South Road landscaping	\$ 600,000
Marina Fuelling facility	\$ 1 200,000
100 boat pen installations	\$ 9 200,000
4 boat ramp installations	\$ 4 800,000
Trailer parking area	\$ 3 200,000
Caravan park site only	\$ 7 000,000
Marina Landscaping	\$10 000,000
Planning and Approvals	\$ 3 000,000
Total	\$45 000,000

Consultation

- LandCorp's presentation to Members of Council 14 June 2012
- Subsequent discussions with LandCorp/Pilbara Cities Office

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development
Goal 1: Tourism
Immediate Priorities: Ensure that new caravan park / backpackers facilities are developed within the Town.
Progress the development of the Spoilbank Marina Precinct.

Budget Implications

The \$40 million received through the "Precinct 3" business deal was intended for the development of a caravan / tourist park and entertainment space together with all other community facilities, amenities and people spaces within the wider Spoilbank Precinct.

Through discussions with Landcorp and the Minister for Regional Development and Lands it is apparent the commitment being sought from Council is at the early stages of the project. It is advised the commitment being sought will support the funding submission to Cabinet to realise the overall Spoilbank Marina Concept.

Officer's Comment

The intention of Council's decision to consider funding from the Precinct 3 agreement towards the Marina, was understood to be towards the funding of "Community" type uses in the Spoilbank and broader Precinct. Community uses could include:

- A caravan / tourist park
- Boardwalks associated with the marina and other public facilities and spaces
- Amenities as an open air entertainment area / event space
- Opportunities for public swimming
- Play spaces – both dry and water based
- Fishing spaces and platforms
- Public interaction spaces incorporating cafes, bars and restaurants
- Picnic and BBQ areas
- Opportunities for public exercise, walking and healthy interaction
- Public artworks, including culture and heritage works.

All these items are within the Spoilbank Precinct although not necessarily directly associated with the Spoilbank Marina development.

LandCorp is requesting the majority of funds to be committed to the development of the Marina. Some aspects however being requested to commit funds does have a “Community” benefit albeit, long term and out of proportion to the overall contribution.

The Spoilbank Marina Precinct is a landmark project for Council and the Town and would provide considerable benefit to the community from a recreational, residential, economic, and tourist perspective. Council is recommended to support the development of this Precinct by reaffirming its previous commitment towards delivering an active Precinct to the community.

A focus of Council in committing funds towards the Spoilbank Marina Precinct should be towards broadly accessible spaces, facilities and amenities that offer a friendly and relaxed atmosphere for residents and visitors to Port Hedland.

Facilities and amenities provided at the Marina and broader Precinct should be inclusive of people of various ages and interests, visually attractive, clean with a sense of safety and featuring a range recreational and social opportunities available to the community.

Attachments

1. LandCorp letter of request.

Officer’s Recommendation

That Council:

1. Notes the request from LandCorp and supports option 3 as noted by LandCorp in Attachment 1.
2. Reaffirms its willingness to contribute up to \$40 million towards the Spoilbank Precinct development on the basis of:
 - a. Feasibility and due diligence being undertaken by Landcorp at its cost prior to final commitment
 - b. Deliverables for the Town and community including:
 - Caravan/tourist park site (freehold title to the Town at no cost)
 - Boardwalks associated with the marina and other public facilities and spaces
 - Amenities as an open air entertainment area / event space
 - Opportunities for public swimming
 - Play spaces – both dry and water based
 - Fishing spaces and platforms
 - Public interaction spaces incorporating cafes, bars and restaurants
 - Picnic and BBQ areas

- Opportunities for public exercise, walking and healthy interaction
 - Public artworks, including culture and heritage works.
3. A Memorandum of Understanding and appropriate contractual arrangements being entered into between the Town of Port Hedland, Landcorp and the Department of Regional Development and Lands.

NOTE: Councillors Daccache and Dziombak advised that following recent legal advice received they have decided to withdraw their declaration of financial interest previously submitted.

201213/026 Amended Officer's Recommendation/Council Decision

Moved: Cr Martin

Seconded: Cr Jacob

That Council:

- 1. Notes the request from LandCorp and supports Option 3 as noted by LandCorp in Attachment 1.**
- 2. Reaffirms its willingness to contribute up to \$40 million towards the Spoilbank Precinct development on the basis of:**
 - a. Feasibility and due diligence being undertaken prior to final commitment**
 - b. Deliverables for the Town and community including:**
 - Caravan/tourist park site (freehold title to the Town at no cost)
 - Boardwalks associated with the marina and other public facilities and spaces
 - Amenities as an open air entertainment area / event space
 - Opportunities for public swimming
 - Play spaces – both dry and water based
 - Fishing spaces and platforms
 - Public interaction spaces incorporating cafes, bars and restaurants
 - Picnic and BBQ areas
 - Opportunities for public exercise, walking and healthy interaction
 - Public artworks, including culture and heritage works.

3. Notes the provisional payments of the \$40 million contribution as:

2012/13 - \$1.5 million
2013/14 - \$5.7 million
2014/15 - \$23.1 million
2015/16 - \$9.7 million
\$40.0 million

4. Requires appropriate legal and contractual arrangements being entered into between the Town of Port Hedland, LandCorp and the Department of Regional Development and Lands prior to the commitment of funds.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1

Our Ref: A414289
Enquiries: 9483 7893

Mr Ian Hill
Acting Chief Executive Officer
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Western Australian
Land Authority
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Centre, Perth, WA 6849
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✉ landcorp@landcorp.com.au
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Dear Ian

PORT HEDLAND SPOILBANK MARINA OPTIONS / FUNDING SOURCES

Thanks for providing LandCorp the opportunity to update the Town of Port Hedland elected members and executive last week on the status of the Marina project.

In summary LandCorp were requested to review three options requested by Pilbara Cities and Town of Port Hedland comprising:

1. Delivery of caravan park site only (no internal roads / services / buildings)
2. Delivery of outer breakwater and boat ramps
3. Full delivery of marina (excluding development sites north of Sutherland Street)

All three options assume works (construction of north / south road) south of Sutherland Street to allow delivery of the hotel and old hospital sites.

Outlined below are the cost and revenue assumptions for each option.

Option	Cost \$ mill	Revenue \$ mill	Static Profit / (Loss) \$ mill
1. Construction of Caravan Park site Development south of Sutherland St	(\$7m)	\$5m	(\$2m)
	(\$11m)	\$25m	\$14m
	(\$18m)	\$30m	\$12m
2. Delivery of Outer Breakwater and Boat ramps Development south of Sutherland St	(\$50m)	Nil	(\$50m)
	(\$11m)	\$25m	\$14m
	(\$61m)	\$25m	(\$36m)
3. Full delivery of Marina Development south of Sutherland St	(\$143m)	Nil	(\$143m)
	(\$11m)	\$25m	\$14m
	(\$154m)	\$25m	(\$129m)



Considering the key deliverables of each option and the amenity provided to the community the recommended option is the construction of the full marina (excluding development sites) and caravan park site.

Recommendation	Cost \$ mill	Revenue \$ mill	Static Profit / (Loss) \$ mill
3. Full delivery of Marina	(\$143m)	Nil	(\$143m)
1. Construction of Caravan Park site	(\$3m)	\$5m	\$2m
2. Development south of Sutherland St	(\$11m)	\$25m	\$14m
	(\$157m)	\$30m	(\$127m)

The project costs still require more detailed review and are subject to change in particular the assumptions relating to the civil works, formal environmental assessment requirement (that could extend the program by 12 – 18 months) and cost escalation.

The assumed funding sources for the project comprise:

1. Project revenue (sale of development sites)
2. Town of Port Hedland (\$40m proceeds from BHPB Precinct 3 development)
3. Other government funding (still to be considered).

To assist us with the next stage of the project we require direction from council as to the support or otherwise of the recommended option above and the level of funding Town of Port Hedland may contribute to the Spoilbank Precinct including the items it wishes to contribute the proceeds towards.

To assist council in this process we have outlined below the cost allocations of items we believe council should consider contributing the \$40 million towards.

Item	Cost
North / South Road construction	\$6,000,000
North / South road landscaping	\$600,000
Marina fuelling facility	\$1,200,000
100 Boat pen installation	\$9,200,000
4 Boat ramps installation	\$4,800,000
Trailer parking area	\$3,200,000
Caravan Park site only	\$7,000,000
Marina Landscaping	\$10,000,000
Planning and Approvals	\$3,000,000
Total	\$45,000,000

An additional item requested of LandCorp during the presentation was to obtain the costs to complete the internal services, roads, caravan pads, amenities, chalets, reception area for the caravan park on the basis council could lease the caravan park to an operator. This information will take several weeks to collect and be very broad in nature as the layout and mix of pads and chalets requires operator expertise.

Another option for the caravan park is to ground lease the site only whereby the operator is responsible for constructing all the improvements. Whilst this will deliver a reduced return it doesn't burden council with the substantial initial capital outlay or ongoing capital replacement.

Whilst respecting council's position to contribute to what items it considers reasonable the likelihood of the project obtaining other external funding will be greatly improved if council is in a position to contribute the full \$40 million towards the items identified.

Beyond funding approval LandCorp will also require internal approval to proceed with the project.

Please advise if you require information at this point in time to assist council with its decision process.

Yours sincerely



Todd Wood
SENIOR PROJECT MANAGER
22 June 2012

11.1.2 Proposed Update to Local Planning Policy 12/005 – Ancillary Accommodation

Officer Leonard Long
Manager Planning

Date of Report 13 July 2012

Disclosure of Interest by Officer Nil

Summary

Through Local Planning Policy 11 – Regional R Code Variations Council approved the deletion of the need for “Ancillary Accommodation” to be occupied by members of the same family as the occupiers of the main dwelling.

As a result the existing “Ancillary Accommodation” policy needs to be updated to reflect this change. To ensure the development of “Ancillary Accommodation” does not detract from the amenity of the area or negatively impact on the streetscape, Council Officers are recommending additional amendments and additions to the current “Ancillary Accommodation” policy.

Council is requested to initiate the proposed amendment / update as requested.

Background

As a result of the National Affordable Rental 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 development 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

Should Council resolve to initiate the proposed amendment / updated Local Planning Policy, community consultation will be done in accordance with Section 5.1.4 of the Port Hedland Town Planning Scheme No. 5.

“Council,

- a. *Shall publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of*
 - i. *Where the draft Policy may be inspected,*
 - ii. *The subject and nature of the draft policy, and*
 - iii. *In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made, and*
- b. *May publish a notice of the proposed policy in such other manner and carry out such other consultation as it considers appropriate.”*

Statutory Implications

Section 5.1.9 of TPS5 enables the Council to amend a Local Planning Policy.

Policy Implications

The current “Ancillary Accommodation” policy needs to be updated to reflect Local Planning Policy 11.

Strategic Planning Implications

Nil

Budget Implications

The initiation of Local Planning Policy 12/005 will incur advertising cost, these costs can be absorbed in the current advertising budget.

Amendments / Updates Proposed

Existing	Proposed	Justification
Policy Objectives		
To ensure that Ancillary Accommodation will not adversely affect the amenity standards of the occupants of surrounding dwellings	To ensure “Ancillary Accommodation” will not be adversely impact on the streetscape and / or amenity of the surrounding area.	To ensure the proper and orderly planning of an area it is important to consider both the amenity and streetscape.
To ensure that any proposed Ancillary Accommodation will adequately provide for the comfort, safety, security and well being	deleted	

<p>of the occupant(s)</p> <p>To ensure that the applicants seeking Planning consent for Ancillary Accommodation are aware of the occupancy restrictions as per the Residential Planning Codes that any occupier of Ancillary Accommodation shall be a member of the family of the occupier of the main dwelling</p>	<p>Deleted</p>	<p>With the adoption of Local Planning Policy 11, the objective is no longer applicable.</p>
<p>Policy Provisions</p>		
<p>General</p>		
<p>ii) in all cases where Planning Consent is granted for the development of Ancillary Accommodation the following shall be imposed:</p> <p>The Ancillary Accommodation shall be occupied only by family members of the occupiers of the main dwelling. Occupancy of the Ancillary Accommodation by a person who is not a member of the family occupying the main dwelling is not permitted at any time.</p> <p>The owner shall enter into an agreement with the Town of Port Hedland, in a form approved by the Council, requiring that a Notification be placed on the Certificate of Title (under Section 70A of the Transfer of Land Act) advising owners and subsequent owners of land of restrictions</p>	<p>deleted</p>	<p>With the adoption of Local Planning Policy 11, the clause is no longer applicable.</p>

<p>that apply to ancillary accommodation. Council will require that this be placed on the Title prior to the issue of a building licence for the Ancillary Accommodation. All costs of and in relation to the implementation of this condition shall be borne by the applicant.</p>		
<p>Building Design and Siting</p>		<p>To make the policy user friendly Building Design and Siting has been separated</p>
<p>The maximum floor area of the Ancillary Accommodation is not to exceed 60m² excluding verandahs, patios, pergolas and carport.</p>	<p>The maximum floor area of "Ancillary Accommodation" shall be in accordance with the Residential Design Codes of Western Australia, excluding verandahs, patios, pergolas and carport</p>	<p>The maximum floor area is guided by the Residential Design Codes.</p>
<p>The Ancillary Accommodation shall not consist of more than two bedrooms, one area for cooking facilities, one bathroom, one living area and one laundry</p>	<p>The "Ancillary Accommodation" shall not consist of more than two (2) bedrooms.</p>	<p>As defined an "Ancillary Accommodation" unit is to be self contained, as a result it is required to include cooking facilities, one bathroom, one living area and one laundry</p>
	<p>"Ancillary Accommodation" located in the front of, or 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"</p>	<p>"Ancillary Accommodation" is proposed where a lot is unable to accommodate "Group Dwellings" this indicates the area have been designated for low density and not suitable for "Group Dwellings". It is important to ensure the development of "Ancillary Accommodation" does not detract from the intent of the area.</p>

Building Siting		
	“Ancillary Accommodation” shall not be located within the primary street setback area.	The intent of “Ancillary Dwelling” is to ensure the character of an area remains as intended. Restricting the location is outside of the primary setback will ensure the character will remain the same.
	“Ancillary Accommodation” shall not be located within the secondary street setback area.	As above
Development Requirements		
	Vehicular access to an “Ancillary Accommodation” on a lot with single street frontage shall be restricted to the existing access.	As mentioned “Ancillary Accommodation” is generally found in lower density areas. To ensure pedestrian and cycle traffic along footpaths are not compromised access is restricted to the existing access.
	Vehicular access to an “Ancillary Accommodation” on a corner lot shall be restricted to one access per street frontage	As above

Officer’s Comment

The ability for home owners, developers and investors 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.

Where the proposed “Ancillary Accommodation” unit complies with the Residential Design Codes it is difficult to refuse the application. Should an applicant not be willing to negotiate an acceptable outcome with Council Officers, a report is submitted to Council to resolve.

By adopting the proposed amendment / update to Local Planning Policy 12/005 the home owner, developer and investor will have clear guidelines on what is expected when proposing an “Ancillary Accommodation” unit.

As the Town continues to evolve into a City it is becoming increasingly important to ensure the amenity and streetscapes are attractive and inviting to encourage people to live in the area. The only way this can be achieved will be to ensure proper and orderly planning is encouraged and supported through an adopted Local Planning Policy.

Options

1. Initiate the amended / updated Local Planning Policy.

Initiating the policy will enable the community to be consulted and if adopted provide certainty to the market.

2. Refuse to initiate the amended / updated Local Planning Policy.

In this instance Council will have to rely on the developers to ensure the amenity and streetscapes are not affected.

Option 1 is recommended.

Attachments

1. Proposed amended / updated Local Planning Policy 12/005

Officer’s Recommendation

That Council:

1. Initiates the amendment / update to Local Planning Policy 12/005;
2. Gives notice of the proposed amendment / update to Local Planning Policy 12/005 – “Ancillary Accommodation” in accordance with Section 5.1.4 of Town of Port Hedland Town Planning Scheme No. 5. as follows:
 - a. Publishes a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:
 - i. Where the draft Policy may be inspected,
 - ii. The subject and nature of the draft Policy, and
 - iii. In what form and during what period (being no less than 21 days from the day the notice is published) submissions may be made, and

- b. Publishes a notice of the proposed policy in such other manner and carry out such other consultation as it considered appropriate.
3. Subject to not receiving any objections as a result of (2) above, Council formally adopts Local Planning Policy 12/005. The date of adoption shall be the date of the next Council Ordinary Meeting following the expiry date of the consultation period in (2) above.
4. Subject to (3.) above publishes the adoption of the Local Planning Policy in accordance with Section 5.1.6 of TPS 5, as follows:
 - a. Publishes notice of the policy once in a newspaper circulating in the Scheme area.

201213/027 Amended Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. **Initiates the amendment / update to Local Planning Policy 12/005, with the following inclusion:**
 - Part 5. 'Development Requirements'**
 - 5.3 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. **Gives notice of the proposed amendment / update to Local Planning Policy 12/005 – "Ancillary Accommodation" in accordance with Section 5.1.4 of Town of Port Hedland Town Planning Scheme No. 5. as follows:**
 - a. **Publishes a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:**
 - i. Where the draft Policy may be inspected,**
 - ii. The subject and nature of the draft Policy, and**
 - iii. In what form and during what period (being no less than 21 days from the day the notice is published) submissions may be made, and**

- b. Publishes a notice of the proposed policy in such other manner and carry out such other consultation as it considered appropriate.
3. Subject to not receiving any objections as a result of (2) above, Council formally adopts Local Planning Policy 12/005. The date of adoption shall be the date of the next Council Ordinary Meeting following the expiry date of the consultation period in (2) above.
4. Subject to (3.) above publishes the adoption of the Local Planning Policy in accordance with Section 5.1.6 of TPS 5, as follows:
 - a. Publishes notice of the policy once in a newspaper circulating in the Scheme area.

CARRIED 7/0



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 an “Ancillary Accommodation” on a lot with single street frontage shall be restricted to the existing access.
- 5.2 Vehicular access to an “Ancillary Accommodation” on a corner lot shall be restricted to one access per street frontage.

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*.

11.1.3 Proposed Section 70A Notification for Lot 105 Morgans Street, Port Hedland (File No.: 403190G)

Officer Ben McKay
Compliance Officer

Date of Report 27 June 2012

Disclosure of Interest by Officer Nil

Summary

Council has received a request from WA property Lawyers, on behalf of the owners of Lot 105 Morgans Street, Port Hedland, to affix the Towns Common Seal to a Section 70A notification form, which will enable lodgment of the form with the Registrar of Titles.

Background

A Development Application approval (2011/152) for Grouped Dwellings – 8 x single bedroom with 8 single bathrooms was granted on 25 May 2011, for Lot 105 Morgans Street, Port Hedland.

The following conditions were imposed as part of the approval:

“2. Prior to commencing works, the land owner is to prepare a notification pursuant to Section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:

The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;

Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts;

Should additional information be required in regards part ‘a’ or ‘b’, the prospective landowners should contact the Western Australian Department of Health.”

In order to finalise the Section 70A form and obtain the Town’s Common Seal, a Council resolution is required.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The required Section 70A notification is an important mechanism to ensure any prospective owners / buyers of the lot / unit are alluded to the restrictions / conditions pertaining to the lot / unit.

The use of the Town's Common Seal will only enable the lodgement of the application with the Registrar of Titles and will not complete the land owner / developers obligations under the conditions. To complete their obligation, a copy of the documentation confirming the registration of the notification must be supplied to the Town.

In light of the above, Council is requested to grant approval for the use of the Town's Common Seal.

Attachments

Nil

201213/028 Officer's Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Carter

That Council:

- 1. Approves the request WA property Lawyers, on behalf of the owners of Lot 105 Morgans Street Street, Port Hedland, to affix the Town's Common Seal to a Section 70A Notification form;**

- 2. Approves the use of the Town's Common Seal for the purposes associated with the registering of a Section 70A Notification on Lot 105 Morgans Street, Port Hedland;**
- 3. Advises the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that Condition 2 of the Development Application Approval (2011/152) has been satisfactorily complied with.**

CARRIED 7/0

11.1.4 Proposed Scheme Amendment No. 57 – Amend the Town of Port Hedland Town Planning Scheme No. 5 by Recoding Lot 513 Barrow Place, South Hedland from “R30” to “R50”

Officer	Luke Cervi Senior Planning Officer
Date of Report	29 June 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from RPS on behalf of Pindan Constructions to initiate an amendment to the Town of Port Hedland Scheme No.5 (TPS5) to recode lot 513 Barrow Place from “R30” to “R50”.

The land is to be released to Pindan Constructions as part of the Stage 1 lands release undertaken by Department of Regional Development and Lands and Town of Port Hedland. The amendment is required to facilitate the development proposed through the Request For Proposal process.

Background

The lot is irregular in shape, has an area of 5030m² and is currently vacant. The land was identified as suitable for development and is to be released to Pindan Constructions as part of the Stage 1 lands release undertaken by Department of Regional Development and Lands and Town of Port Hedland. Whilst the site has a significant frontage to Cottier Drive, access to the land is to be obtained from Barrow Place.

The proposed recoding will enable the land to be developed as envisaged through the Stage 1 land release program.

Consultation

Should Council resolve to initiate this amendment, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA) and then advertised for public comment.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following section of Council's Strategic Plan 2010-2015 is considered relevant to the proposal:

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

Budget Implications

The applicant has paid the prescribed application fee of \$7,556.20 for the initiation.

Officer's Comment

The Pilbara's Port City Growth Plan (Growth Plan) identifies the site as being contained in "Precinct 12 – South Hedland East". However, the site has not been specifically mentioned. In order to facilitate proper and orderly planning it is important to ensure that densification is undertaken in an orderly manner. In this regard the Planning unit has identified criteria that should be met before supporting increased density.

This 'criteria' is based on the accessibility to infrastructure and facilities (eg Transportation infrastructure, Park and Recreation facilities, education and health facilities and commercial facilities such as supermarkets). Spot rezoning are (individual sites) generally discouraged as they often result in conflict with adjoining property zonings and their associated planning controls and development opportunities.

In this instance the proposed recoding would be a spot rezoning however, it is generally consistent with adjoining development. The site to the west, which also has a frontage to Cottier Drive, is coded R50. Barrow Place is coded R30 and this would be inconsistent however, dual codes for a single lot is not desirable. The recoding is necessary to facilitate the intended development considered when releasing the land for development.

Options

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment

The recoding of the subject area will facilitate the development of the land as envisaged through the Stage 1 land release process.

2. Refuse to Initiate the Scheme Amendment

The coding would remain at R30 and the proposed development would need to be amended to comply.

Option 1 is recommended.

Attachments

1. Scheme Amendment Report

Officer's Recommendation

That Council:

- i) Approves the request from RPS on behalf of Pindan Constructions to initiate an amendment to the Town of Port Hedland Town Planning Scheme No 5 to amend the coding of lot 513 on Plan 71580 Barrow Place, South Hedland from "Residential R30" to "Residential R50" ;
- ii) Refers the formal amendment documentation to the Environmental Protection Authority for consent to advertise;
- iii) Following approval from the EPA to advertise the amendment, advertises the proposed amendment in accordance with section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum period of 42 days pursuant to section 84 of the PDA;
- iv) Should there being no submissions received objecting to the proposal during the statutory advertising period, Council formally adopts Scheme Amendment 48, in accordance with the provisions of the Planning and Development Act. The date of Council's final approval shall be the date of the next Ordinary Council Meeting following the closing date of the advertising period;
- v) Authorises the use of Council's Common Seal for endorsing documents relating to Scheme Amendment 57;
- vi) Delegates the Director Planning and Development in accordance with Delegation 40 to forward Town Planning Scheme Amendments to the Western Australian Planning Commission requesting that the Minister for Planning grants final approval.

201213/029 Council Decision

Corrected at the Ordinary Meeting of the Town of Port Hedland Council held on 8 August 2012 per Council Resolution 201213/050.

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- i) approves the request from RPS on behalf of Pindan Constructions to initiate an amendment to the Town of Port Hedland Town Planning Scheme No 5 to amend the coding of lot 513 on Plan 71580 Barrow Place, South Hedland from “Residential R30” to “Residential R50”;
- ii) refers the formal amendment documentation to the Environmental Protection Authority for consent to advertise;
- iii) following approval from the EPA to advertise the amendment, advertises the proposed amendment in accordance with section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum period of 42 days pursuant to section 84 of the PDA;
- iv) authorises the use of Council’s Common Seal for endorsing documents relating to **adopting Scheme Amendment 57**;
- v) delegates the Director Planning and Development in accordance with Delegation 40 to forward Town Planning Scheme Amendments to the Western Australian Planning Commission requesting that the Minister for Planning grants final approval.

CARRIED 7/0



**TOWN PLANNING SCHEME AMENDMENT
REPORT**

**Lot 513 (HN 22) Barrow Place, South
Hedland**

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Report No: 4014
Version/Date: Rev 0, June 2012

RPS Environment and Planning Pty Ltd (ABN 45 108 680 977)



Scheme Amendment Report
 Lot 513 (HN 22) Barrow Place, South Hedland

Document Status

Version	Purpose of Document	Orig	Review	Review Date	Format Review	RPS Release Approval	Issue Date
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FIGURES

(compiled at rear of report)

- Figure 1: Location Plan
- Figure 2: Site Plan
- Figure 3: Town Planning Scheme No.5 Zoning

1.0 INTRODUCTION AND BACKGROUND

This report seeks to amend the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5) by increasing the residential density coding of Lot 513 (HN 22) Barrow Place, South Hedland (the subject land) from 'R30' to 'R50', and amending the scheme map accordingly.

Pindan Construction (the client) were the successful proponent for the development through the Town of Port Hedland/Department of Regional Development and Lands (RDL) Expression of Interest (EOI) land release. The proposed amendment is sought to facilitate development of the subject land consistent with the Town of Port Hedland and RDL's preferred proposal for the site.

As part of the EOI, the client was required to submit a concept plan for development of the subject land. The clients' successful submission was based on a development scenario for sixteen (16) Grouped Dwellings.

A previous Town Planning Scheme Amendment (Amendment No. 40) sought an increase in density coding to "R30" to facilitate development of sixteen (16) grouped dwellings. Despite the preferred concept meeting the minimum average lot size of the R30 density code, the R30 density code does not facilitate approval of the preferred concept given the minimum site areas proposed for the grouped dwellings are less than what can be contemplated under the Residential Design Codes of Western Australia (R-Codes) and the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5).

Consultation with the Town of Port Hedland on this issue has therefore resulted in this request for a higher density coding being chosen as the only available method to facilitate eventual approval of the concept under TPS 5.

This Scheme Amendment report is largely consistent with that provided under Amendment No. 40, however provides additional information on:

- Policy context, in light of release of the draft Port Hedland City Growth Plan;
- The locational context of the subject land; and
- Proposed increase in residential density.

2.0 SITE DETAILS

2.1 Location, Land Ownership and Site Characteristics

The subject land is located to the immediate north-east of the South Hedland Town Centre, and is generally bound by Barrow Place to the north, Cottier Drive to the south and an existing residential development to the west (refer **Figure 1 - Location Plan** and **Figure 2 - Site Plan**).

The subject land is currently under the ownership of the State of Western Australia, subject to acquisition by Pindan Construction, and is undeveloped.

2.1.1 Surrounding land use and development

Development in the surrounding vicinity is comprised of predominantly residential land uses of varying density (R20 to R50) and type (single, grouped and multiple dwellings).

The land enjoys close proximity to the South Hedland Town Centre which is approximately 500m walk south-west and comprises numerous commercial, residential, services and other related land uses, and provides the main activity centre for the South Hedland Town Centre. Pedestrian access to the town centre can be achieved via a footpath located along Cottier Drive.

It is considered that increasing the residential density coding of the subject land from 'R30' to 'R50' is consistent with surrounding land uses and will increase the walkable catchment population of the existing Town Centre, increasing its potential future vibrancy and commercial viability.

3.0 PLANNING CONTEXT

3.1 Town of Port Hedland Town Planning Scheme No. 5

The subject land is currently zoned 'Residential R30' under TPS5 (refer **Figure 3 – TPS5 Zoning**).

Section 6.3 of TPS5 contains a number of provisions pertaining to the development of land in the 'Residential' zone, including restrictions on the parking and repair of vehicles and additional requirements for storage areas. It is not proposed to vary any of these provisions, nor any other part of the Scheme Text as part of the proposed scheme amendment.

The subject land is not affected by any Development Plan Areas or any Special Control Areas as identified by TPS 5.

3.2 Port Hedland City Growth Plan

The Port Hedland City Growth Plan (the Growth Plan) is a strategic response to the many growth pressures being faced by the Town of Port Hedland. The draft document was released for public comment in early October 2011 and it is anticipated that it will ultimately be adopted as the Local Planning Strategy for the Town of Port Hedland.

With the identification of Port Hedland and Karratha as 'Pilbara Cities', Port and South Hedland are each expected to provide for a local population of up to 50,000 people.

Together with pressures for mining resource expansion, issues of housing affordability, infrastructure supply and the coordination of soft infrastructure such as community facilities; the strategic direction provided by the City Growth Plan is now required.

The subject land is located within 'Precinct 12 – South Hedland East' of the Growth Plan and identifies the area as having significant on-going infill/redevelopment opportunities for existing residential land with the potential for up to 6,070 new dwellings.

3.3 Port Hedland Land Use Master Plan (2008)

The Port Hedland Land Use Master Plan (LUMP) identifies housing supply as a key issue for the area, and supports further renovation, redevelopment and release of land in South Hedland to improve housing choice and affordability. The Master Plan goes on to set a number of housing policies, the most relevant to the proposed Scheme Amendment is as follows:

- *2.5(d) Increase the density of residential development in areas with appropriate access, services and amenity, and support the improvement or provision of infrastructure where necessary to promote increased residential densities.*

The subject land is situated in close proximity to the South Hedland Town Centre and a range of surrounding community facilities. Hence, the proposed scheme amendment, which seeks to increase the residential density coding of the subject land, is consistent with policy 2.5(d) above and will assist in optimising the development potential of the vacant land.

3.4 Liveable Neighbourhoods

Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans and subdivisions to facilitate the development of sustainable communities. Whilst this application does not contemplate a structure plan or subdivision, it does provide an opportunity to improve the function of the subject land with regard to the principles and objectives of Liveable Neighbourhoods.

Of particular relevance to this site is Liveable Neighbourhoods Element 3, Requirement 12, which states that "in areas close to town centres, railway stations and major bus stops, lot sizes should be provided which enable sufficient amount of housing to support the facilities and/or public transport service. The subject land area is situated within 250-500m of the South Hedland Town Centre, and presents an opportunity for increased development potential via an increased residential density coding of R50 over the whole site. This will facilitate development of the site which will help to support town centre facilities and businesses.

4.0 PROPOSED SCHEME AMENDMENT

The proposed amendment to TPS 5 seeks to increase the residential density coding of Lot 513 Barrow Place, South Hedland from 'R30' to 'R50'.

The amendment is considered appropriate for the following key reasons:

- i. It will facilitate development of the subject land consistent with the Town of Port Hedland and RDL's preferred proposal for the site;

RPSScheme Amendment Report
Lot 513 (HN 22) Barrow Place, South Hedland

- ii. It facilitates the maximum potential utilisation of undeveloped land for residential purposes, consistent with the strategic planning framework and objectives for the area;
- iii. It will allow for the immediate development of more varied residential development types within close proximity to the South Hedland Town Centre, contributing to commercial vibrancy and the improvement of housing choice and affordability in South Hedland; and
- iv. The proposed density coding is consistent with the 'R50' coding for the adjacent property as well as a number of other 'R50' coded sites within close proximity to the subject land.

5.0 CONCLUSION

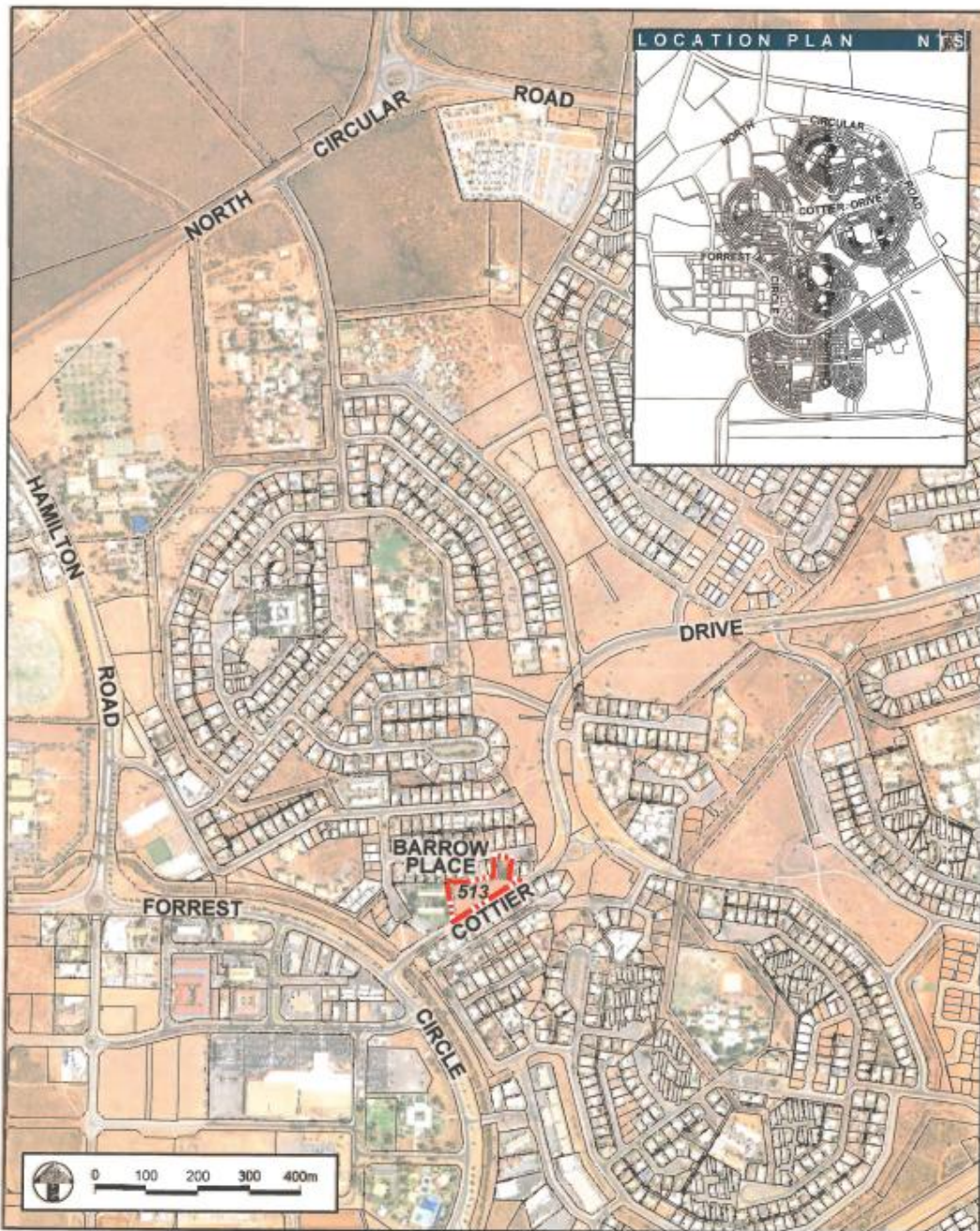
This report provides full details of the subject land area, considers the statutory planning and policy context, and presents adequate justification to increase the residential density coding of the subject land to 'R50'.

Given the success of Pindan Construction to develop the subject land, the proposed amendment will facilitate the immediate development of higher density housing in a highly accessible and centrally located area consistent with the objectives of the Port Hedland City Growth Plan.

In light of the preceding report and justification provided, the Town of Port Hedland's support for the proposed scheme amendment is respectfully sought at the earliest opportunity.

RPS

FIGURES



--- Subject Site

LOCATION PLAN

Property Description
**Lot 513 Barrow Place,
 SOUTH HEDLAND**

Base data supplied by Landgate. Aerial Photography dated 2009.
 Accuracy +/- 4m. Projection MGA Zone 50.
 Areas and dimensions shown are subject to final survey calculations.
 All cartageways are shown for illustrative purposes
 only and are subject to detailed engineering design.

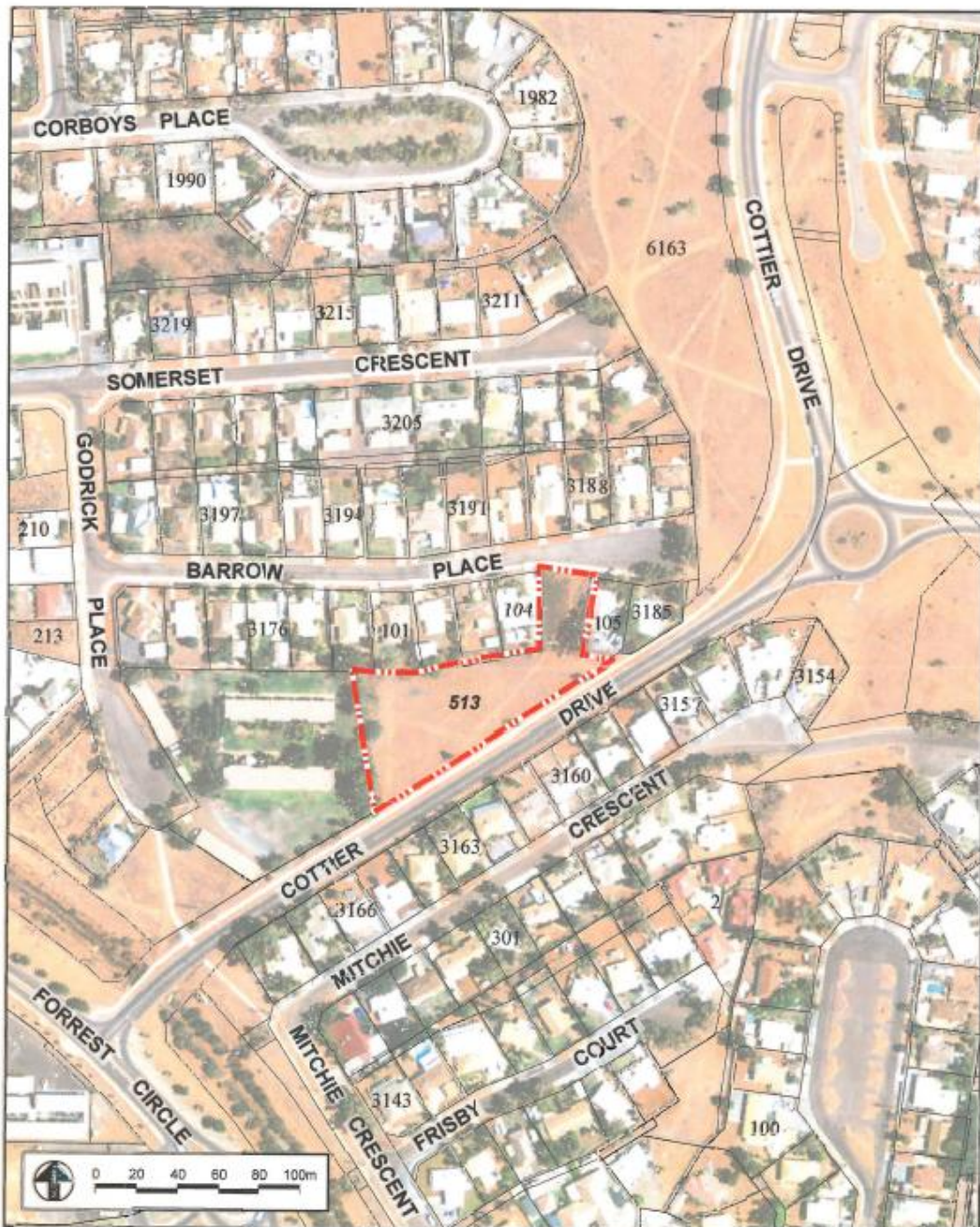
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 12 April 2012 : DATE
 4014-S-001.dgn : PLAN No
 - : REVISION
 T.K. : PLANNER
 R.F. : DRAWN
 N.T. : CHECKED



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FIGURE 1



--- Subject Site

AERIAL PLAN

Property Description
**Lot 513 Barrow Place,
 SOUTH HEDLAND**

Base data supplied by Landgas. Aerial Photography dated 2009.
 Accuracy +/- 4m. Projection MGA Zone 50.
 Areas and dimensions shown are subject to final survey calculations.
 All cartilages are shown for illustrative purposes
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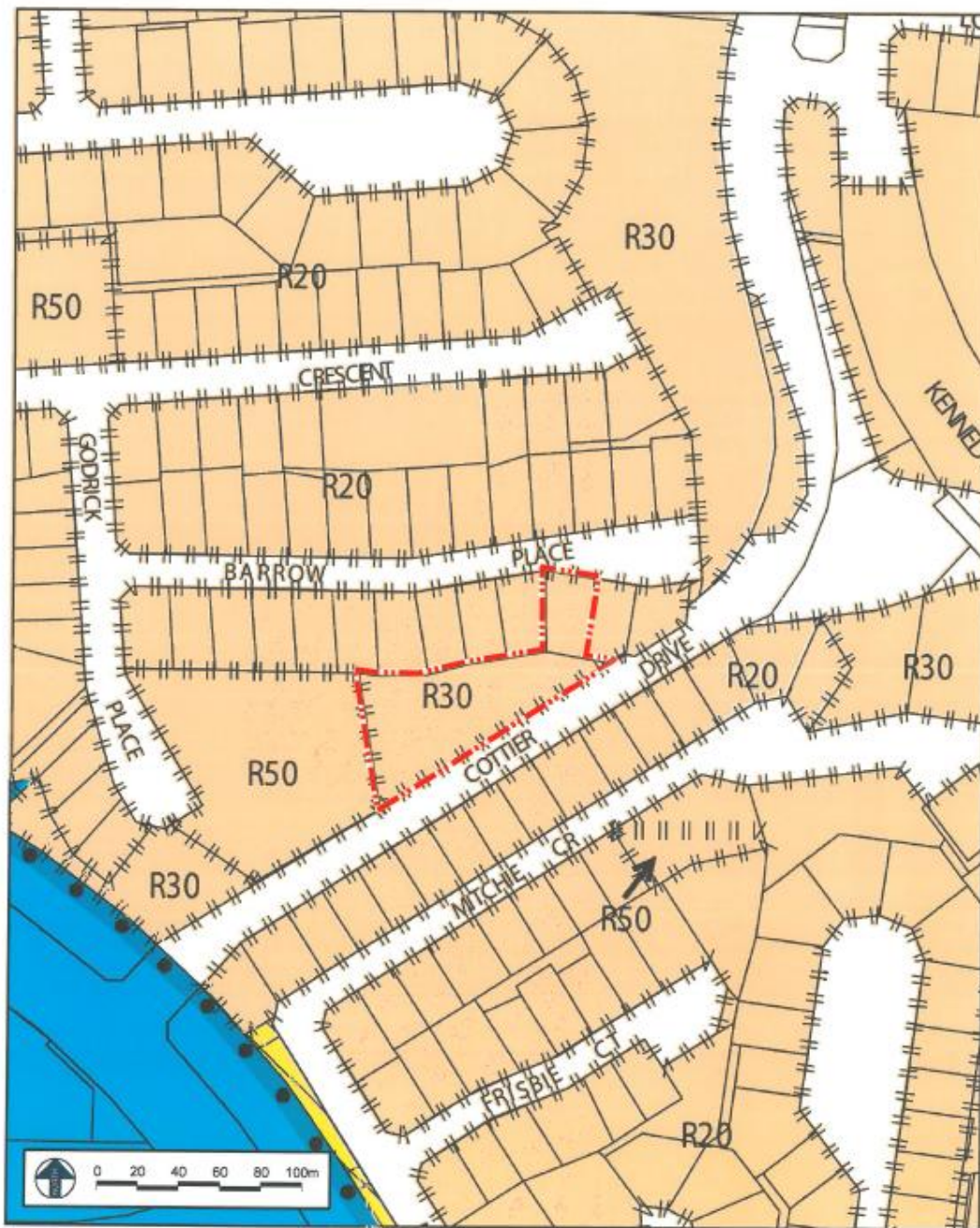
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FIGURE 2



--- Subject Site **TOWN PLANNING SCHEME No. 5**

Property Description
Lot 513 Barrow Place,
SOUTH HEDLAND

Base data supplied by Landgate. Aerial Photography dated 2009.
 Accuracy +/- 4m. Projection MGA Zone 50.
 Areas and dimensions shown are subject to final survey calculations.
 All cartlegways are shown for illustrative purposes only and are subject to detailed engineering design.

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FIGURE 3

11.1.5 Proposed Scheme Amendment No. 56 – Amend the Town of Port Hedland Town Planning Scheme No. 5 by Including a “Marina Development Zone” and Rezoning Part Lot 5751 Athol Street, Part Lot 5550 & 5178 Sutherland Street Port Hedland from “Parks and Recreation” Reservation to “Marina Development” Zone

Officer	Michael Pound Senior Planning Officer
Date of Report	26 June 2012
Disclosure of Interest by Officer	Nil

Summary

Council received a request from Greg Rowe & Associates on behalf of LandCorp to initiate an amendment to the Town of Port Hedland Town Planning Scheme No.5 (TPS5) to create a “Marina Development” Zone and rezone Part Lot 5751 Athol Street, Part Lot 5550 & 5178 Sutherland Street Port Hedland from “Parks and Recreation” Reservation to “Marina Development” Zone.

The amendment seeks to introduce a “Marina Development” Zone and necessary statutory provisions, development controls/objectives as well as the new zoning designation. The proposal zoning will facilitate development in a manner that is cognisant of contemporary planning principles and responds to and takes maximum advantage of the unique characteristics of the land.

Council officers support the proposed amendment, Council is requested to initiate the Scheme Amendment.

Background

Location & Site Details

The proposed “Marina Development” Zone comprises of Part Lot 5751 Athol Street, Part Lot 5550 & 5178 Sutherland Street Port Hedland (site).

The site forms part of the Spoilbank Development Area (SDA).

In regards to TPS5, the site is currently reserved for ‘Parks and Recreation’.

Technical Reports and Studies

LandCorp has commissioned the following reports/studies a number of reports and studies for the site to test its suitability with respect to the proposed Spoilbank Marina and Precinct development.

- Environmental Constraints Summary Report – Port Hedland Spoil Bank Development (prepared by RPS)
- Spoil Bank Marina Property Assessment (prepared by AEC Group)
- Port Hedland Coastal Vulnerability Study (prepared by Cardno)
- Geotechnical Studies – Spoil Bank Marina, Port Hedland (prepared by Golder Associates)
- Spoil Bank Marina Development at Port Hedland for LandCorp – Summary Report on Marine and Civil Engineering (prepared by VDM Consulting)

The Environmental Constraints Summary Report – Port Hedland Spoilbank Development concludes no key environmental risk factor poses a fatal flaw to the development and any identified environmental issue can be managed through engineering or environmental controls.

Consultation

Should Council resolve to initiate this amendment, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA) and then advertised for public comment.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following section of Council's Strategic Plan 2010-2015 is considered relevant to the proposal:

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

Budget Implications

The applicant has paid the prescribed application fee of \$7,556.20 for the initiation.

Officer's Comment

Pilbara's Port City Growth Plan

The Pilbara's Port City Growth Plan (Growth Plan) document identifies the SDA as being contained in "Precinct 1 – West End". The West End is categorised as the Port City's "soul" and a number of strategically important current or planned projects are earmarked for the Precinct. In this regard and directly associated with the subject site and SDA, the Growth Plan outlines the following:

- *"A small boating facility/harbour planned for Spoilbank, with associated accommodation facilities; and*
- *A key Precinct Highlight being the development opportunities (coastal access, boat ramp, moorings and major entertainment space) attributed to Spoilbank".*

The proposed 'Marina Development' Zone Scheme Amendment is consistent with the provisions of the Growth Plan.

Scheme Amendment No. 22

Scheme Amendment No. 22 (Amendment No. 22) to TPS 5 was gazetted on 27 April 2012 and a new 'West End Residential' Zone was created with the following key objectives:

- *Discourage the long-term residency by families with children or elderly persons;*
- *Add vibrancy to both the Subject Land and the nearby commercial area; and*
- *Maximise opportunities for workers in nearby employment nodes to reside close to work opportunities and commercial and entertainment facilities.*

All new residential development in the 'West End Residential' Zone is subject to design criteria and development controls which are incorporated into TPS5.

Given the site's proximity to the "West End Residential" Zone, these provisions shall be considered through the preparation of a Development Plan, over the "Marina Development" Zone.

Therefore, it is recommended the proposed "Marina Development" Zone require a Development Plan to be prepared and approved prior to subdivision and/or development taking place.

Development Plan

In order to provide the greatest flexibility with respect to the development of the subject site, it is recommended to amend TPS 5 to apply the provisions of Clause 5.2 (Development Plans) to the "Marina Development" Zone. Therefore, it is proposed to add the "Marina Development" Zone as item (i) under Sub-clause 5.2.1 of TPS 5. This applies all Development Plan provisions to the "Marina Development" Zone which, as stated in Sub-clause 5.2.1 of TPS 5, specifies that:

Council may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals.

To allow Council the discretion to support subdivision and approve development in the absence of an approved Development Plan in the "Marina Development" Zone, a clause shall be inserted following Sub-clause 5.2.1 of TPS 5, which reads:

The Council can support subdivision or approve development in the 'Marina Development' Zone in the absence of an approved Development Plan where it is satisfied such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area.

In addition, and with respect to a use not listed, the generic provisions of TPS 5 will allow for approval to be granted (subject to the above) for land uses in the "Marina Development" Zone that cannot reasonably be included in the definition of one of the development categories listed in the Zoning Table. That is, the specifics of Sub-clause 3.2.6 of TPS 5 will still apply to any use not listed.

Zoning Table

Where alternative, permitted uses, subdivision and development standards are adopted as part of a Development Plan those permitted uses and development standards shall apply. In the absence of an adopted Development Plan Council has the discretion to support subdivision or approve development in the "Marina Development" Zone.

Amendment Phases

The proposed amendment contains two distinct phases:

Phase 1: – Rezone the land to "Marina Development" Zone.

It is proposed the "Marina Development" zone be applied to the land. The "Marina Development" zone provides flexibility for the land to be developed for a number of purposes including residential, commercial, tourism etc.

Phase 2 – Adopt a Development Plan.

The change in zone will facilitate the preparation of a Development Plan over the site to guide the development of residential development, community facilities, marine use, tourist facilities and any other land uses deemed appropriate through the Development Plan process. The Development Plan will identify and provide guidance as to how the land is developed.

TPS 5 has the following provisions relating to Development Plans:

A Development Plan shall address matters set out in Appendix 6 (Matters to be Addressed by Development Plans) of the Scheme, such as – services, road/paths, heritage, open space, environment, drainage, demand for development, staging and so forth; and

A Development Plan may require additional conditions and these shall be outlined in Appendix 10.

Appendix 6 also requires Development Plans in the Urban Development zone to address:

- a) Location and density of housing, including lot and dwelling yields, population outcomes, net density and detailed subdivision standards relating to solar access, efficient use of water resources, design features and density rationale; and*
- b) Demand for commercial and community facilities, generated by the development and implications for the provision of these within the site or elsewhere.*

Conclusion

The “Marina Development” Zone is intended to provide for public marina uses, tourist, commercial and residential components for the local and visiting community. It is proposed development within the “Marina Development” Zone shall be in accordance with any Local Planning Policies, Development Plan/s or Design Guideline/s adopted for this Zone. The Development Plan shall be prepared in accordance with Section 5.2 of the Scheme. In the absence of a Development Plan, Council can support subdivision or approve development in the “Marina Development” Zone where it is satisfied such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area.

The proposed amendment is considered to be justified and appropriate for the following reasons:

- The proposed Scheme Amendment accords with the objectives of 'Precinct 1 – West End' as contained in Pilbara's Port City Growth Plan;
- The proposed Scheme Amendment will provide the necessary legal town planning mechanisms to facilitate the development (which has been in the preliminary planning phase for some time);
- The Environmental Constraints Summary Report – Port Hedland Spoil Bank Development concludes, no key environmental risk factor poses a fatal flaw to the development and any identified environmental issue can be managed through engineering or environmental controls;
- Much needed short-stay accommodation, permanent residential development, retail and commercial land will be made available with the development of the marina and associated precinct, as outlined in the Spoil Bank Marina Property Assessment; and
- Suitable mechanisms have been drafted into the proposed 'Marina Development' Zone (and associated provisions) to allow for certainty and flexibility in implementation.

Options

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment

The rezoning of the subject area will allow for the progressive subdivision and development.

2. Refuse to Initiate the Scheme Amendment

Refusal of the proposed Scheme Amendment will restrict future development of the Spoilbank.

Option 1 is recommended.

Attachments

1. Scheme Amendment Report

201213/030 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Martin****That Council:**

- 1. Approves the request from Greg Rowe and Associates on behalf of LandCorp to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No 5* to:**
 - a. Rezone land from:**
 - i. 'Parks and Recreation' Reservation to 'Marina Development' Zone;**
 - b. Insert, as an additional Zone in the Zoning Table, the 'Marina Development' Zone and associated permissibility of any development determined by an approved Development Plan. This will be notated in the Zoning Table, "Development is to be in accordance with an approved Development Plan";**
 - c. Create 'Development Plan Area Marina Development';**
 - d. Insert 'Marina Development' as item (i) under Sub-clause 5.2.1 of TPS 5;**
 - e. Insert the following text after Sub-clause 5.2.1 of TPS 5;**
 - i. The Council can support subdivision or approve development in the 'Marina Development' Zone in the absence of an approved Development Plan where it is satisfied such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area;**
 - f. Amend the Scheme Map to reflect zone and reserve changes described in 'a' above; and**
 - g. Amend the Scheme Map, Zoning Table and Scheme Text Appendix 5 – Development Plan Areas map to reflect the Development Plan Area changes described in 'c', 'd' and 'e' above.**
- 2. Advises the applicant accordingly and request the applicant provide a supporting environmental assessment report to enable referral of the amendment to the Environmental Protection Authority;**

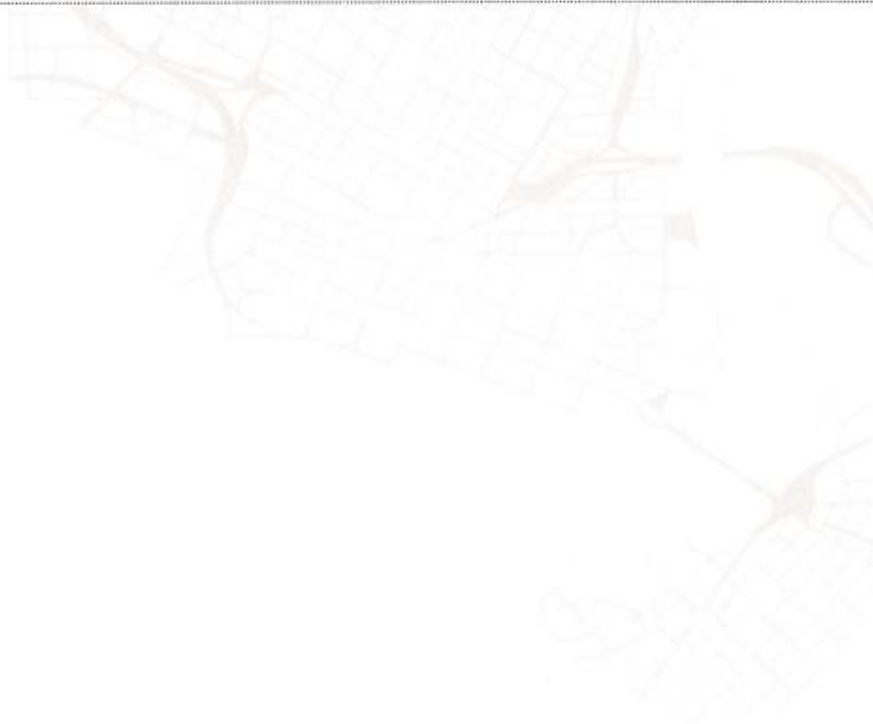
3. Following approval from the EPA to advertise the amendment, Council pursuant to section 83 of the *Planning Development Act* consults persons likely to be affected by the amendment, and advertise the amendment for a minimum of 42 days pursuant to section 84 of the *Planning Development Act*;
4. Should there be no objections received during the statutory advertising period, Council formally adopts Scheme Amendment 56 in accordance with the provisions of the *Planning and Development Act*;
5. Delegates the Manager Planning Services to forward Town Planning Scheme Amendments to the Planning Commission for final approval in the case of:
 - a. There being no objections received against the proposed scheme amendment;
 - b. The date of adoption by Council shall be the date of the next Council Ordinary Meeting following the closing date of the advertising period;
6. Approves the use of the Common Seal on amendment documents subject to 4 above.

CARRIED 7/0

GREG ROWE & ASSOCIATES
PLANNING AND DEVELOPMENT

SCHEME AMENDMENT REQUEST – MARINA
DEVELOPMENT ZONE

PT LOT 5751 ATHOL STREET, PT LOT 5550 & PT LOT 5178
SUTHERLAND STREET, PORT HEDLAND



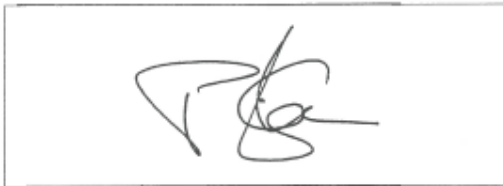
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DOCUMENT CONTROL

This report has been authorised by:

Document I
Printed 6 June 2012

Paul Cunningham Town Planner



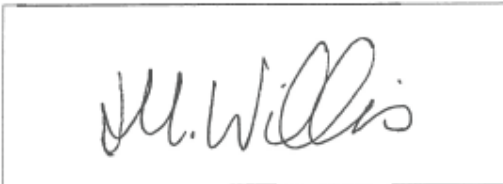
6/06/12

Greg Rowe Team Leader



6/06/12

Melissa Willis Quality Control



6/06/12

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SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE • PORT HEDLAND • 6 JUN 2012 • GRA REF 7533 • 2MAY02R_PC

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SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE - PORT HEDLAND - 6 JUN 2012 - GRA REF 7533 - 7533_12MAY02R_PC

1.0 Introduction

Greg Rowe and Associates acts on behalf of LandCorp, with respect to a proposed Scheme Amendment for Pt Lot 5751 Athol Street, Pt Lot 5550 & Pt Lot 5178 Sutherland Street, Port Hedland ('the subject land').

This report has been prepared in support of a Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 ('TPS 5') for the introduction of a "Marina Development" Zone (and associated provisions) and to rezone the subject land to "Marina Development" Zone.

This report includes a description of the following matters:

- » Location of the subject land;
- » Description of the existing land use and site attributes;
- » Overview of relevant planning and design issues;
- » Detailed explanation of the proposal; and
- » Justification for the proposed Scheme Amendment.

2.0 Description of Site

2.1 Regional Location

The subject land is located in the Municipality of the Town of Port Hedland, within the Pilbara region of Western Australia.

Refer Figure 1 – Regional Location.

2.2 Local Location

The subject land is situated in Port Hedland and is located generally north of Sutherland Street (generally between Howe Street and Simpson Street). All of the aforementioned roads are sealed, gazetted roads.

The subject land forms part of the Spoil Bank Development Area ('SDA'), which is under the control of LandCorp.

Refer Figure 2 – Local Location.

2.3 Cadastral Information

The subject site comprises four land parcels, being:

- » Part Lot 5751 on Deposited Plan 91579 contained on Certificate of Title Volume: LR3060, Folio: 422
- » Part Lot 5550 on Deposited Plan 240246 contained on Certificate of Title Volume: LR3060, Folio: 414
- » Part Lot 5178 on Deposited Plan 214191 contained on Certificate of Title Volume: LR3060, Folio 410

The subject site has a total land area of approximately 60 hectares.

Refer Figure 3 – Site Plan and Appendix 1 – Certificates of Title.

2.4 Existing Improvements

In September 2011, RPS (consultants in local solutions in energy and resources, infrastructure, environment and urban growth) was commissioned by LandCorp to prepare an Environmental Constraints Summary Report – Port Hedland Spoil Bank Development ('the Environmental Constraints Summary'). The Environmental Constraints Summary was prepared to undertake a series of preliminary environmental investigations to provide advice regarding key potential environmental impacts that may constrain the planned development [of the proposed Spoil Bank Marina and Precinct]. The characteristics of the subject land may be adequately summarised as follows:

A review of aerial photography confirms that vegetation on the site has either been cleared or degraded from past land uses.

The SDA south of Sutherland Street has largely been cleared of native vegetation, with some scattered mature trees and grasses remaining.

The Spoil Bank is a man-made feature formed by the deposition of dredge soil material excavated from the harbour. It is predominantly bare soil and contains sparsely covered patches of colonising coastal shrubs and grasses of which some are likely to be introduced species (weeds).

GREG ROWE & ASSOCIATES
FOCUS ON ACHIEVEMENT

With the exception of the Port Hedland Yacht Club and RSL (located on the subject land north of Sutherland Street) the subject land is either cleared or the existing vegetation is degraded.

SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE - PORT HEDLAND - 6 JUN 2012 - GRA REF 7533 - 7533_12HAY02R_PC

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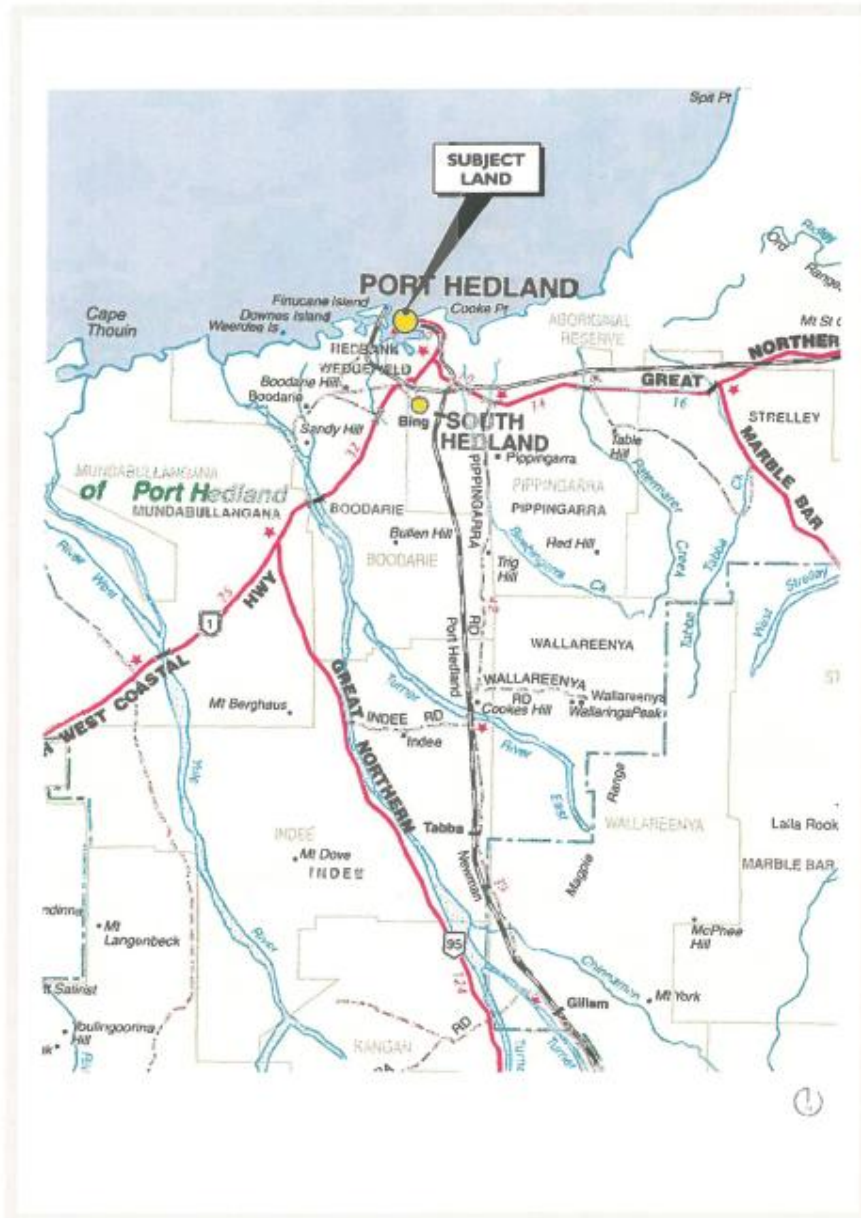


FIGURE 1 REGIONAL LOCATION

GREG ROWE & associates
ENGINEERS AND ARCHITECTS

SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE > PORT HEDLAND > 6 JUN 2012 > GRA REF 7533 > 7533_12MAY02R_PC

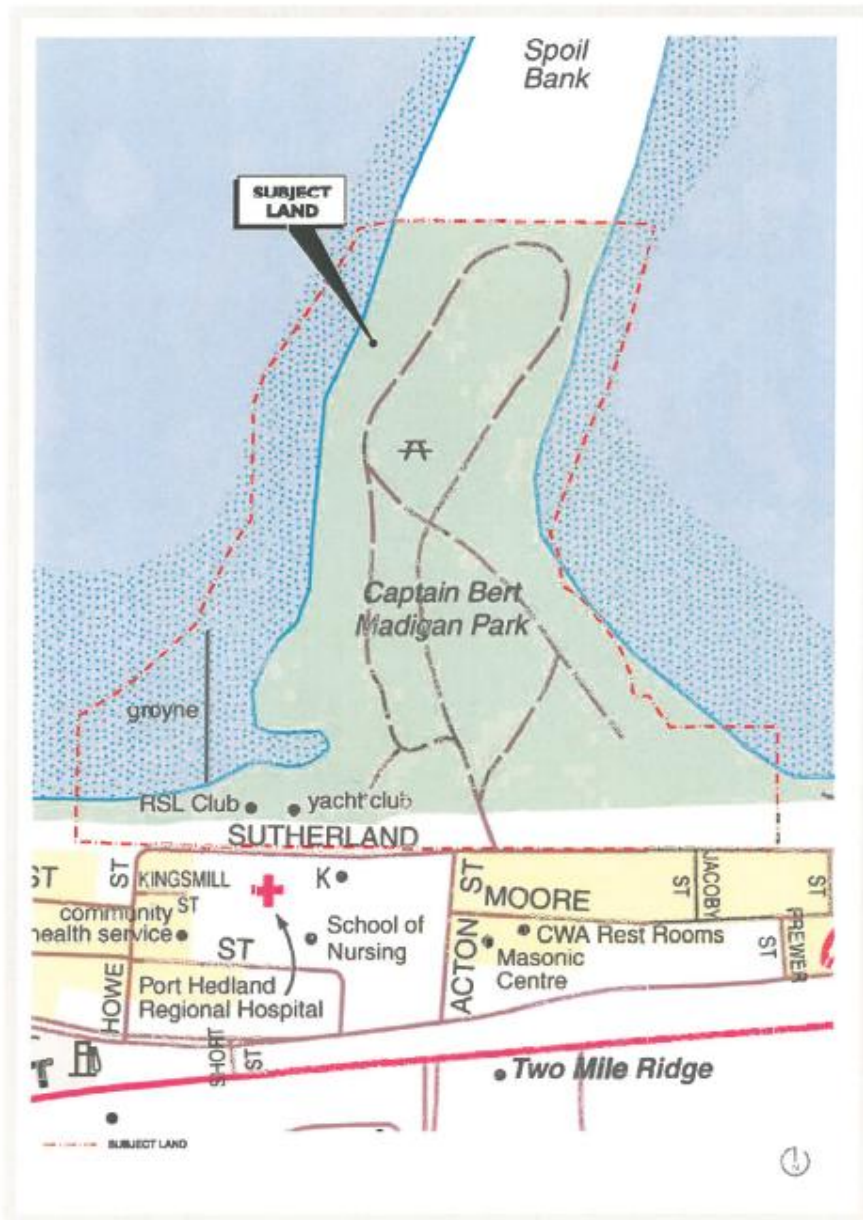


FIGURE 2 LOCAL LOCATION

SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE - PORT HEDLAND - 6 JUN 2012 - GRA REF 7533 - 7533_12MAY02R_PC

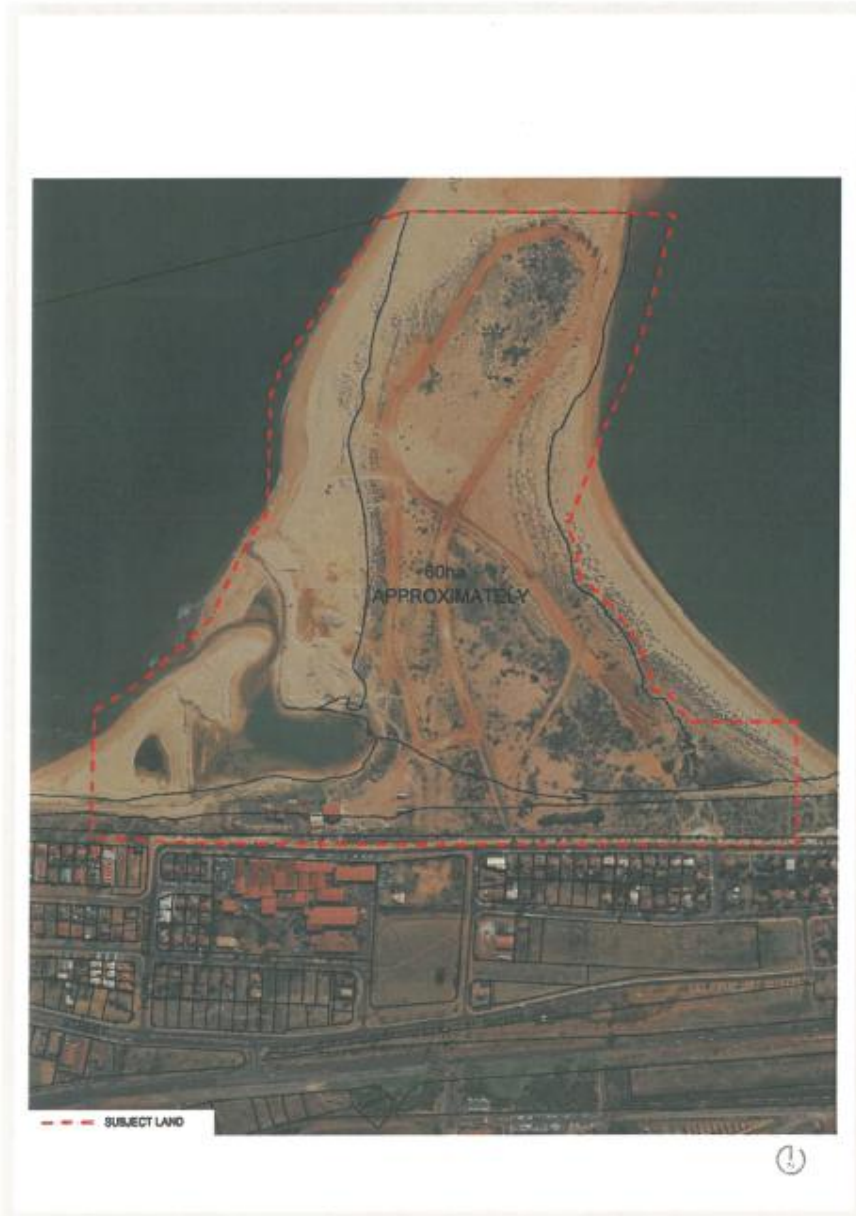


FIGURE 3 SITE PLAN

3.0 Town Planning Considerations

3.1 Zoning

3.1.1 Town of Port Hedland Town Planning Scheme No. 5

Under the provisions of TPS 5 the subject land is currently reserved for 'Parks and Recreation'.

TPS 5 does not contain a 'Marina Development' Zone and associated objectives/provisions, therefore it is the intent of this Scheme Amendment to introduce to TPS 5 all necessary statutory provisions and development controls as well as the new zoning designation.

3.1.1.1 Scheme Amendment No. 22

Scheme Amendment No. 22 ('Amendment No. 22') to TPS 5 was gazetted on 27 April 2012. Amendment No. 22 rezoned land bounded by Anderson, Withnell, Sutherland and Taplin Streets, and The Esplanade in Port Hedland from 'Residential' Zone to 'West End Residential' Zone and altered the density coding to "Minimum R30/Maximum R80". Amendment No. 22 also rezoned land bounded by Withnell, McKay and Anderson Streets, and The Esplanade from 'Residential' Zone to 'Town Centre' Zone.

The key objectives of Amendment No. 22 in relation to the new 'West End Residential' Zone were to:

- » Discourage the long-term residency by families with children or elderly persons;
- » Add vibrancy to both the Subject Land and the nearby commercial area; and
- » Maximise opportunities for workers in nearby employment nodes to reside close to work opportunities and commercial and entertainment facilities.

All new residential development in the 'West End Residential' Zone is the subject of strict criterion in order to achieve the above objectives. The above objectives were formulated to maximise the development potential of the West End and to ensure new residences are not developed in a manner that would attract residents at higher risk of respiratory issues associated with the dust issues characteristic of the West End (i.e. the young and elderly).

Amendment No. 22 contains a series of development controls (Clauses 6.3.8 – 6.3.16) that have now been incorporated into TPS 5 to control new residential development. These provisions (with respect to permanent residential development) may need to be considered in the preparation of a Development Plan, over the 'Marina Development' Zone, due to the subject land's proximity to the 'West End Residential' Zone. The proposed 'Marina Development' Zone will require a Development Plan to be prepared and approved prior to subdivision and/or development taking place. This mechanism will be outlined in greater detail below.

A copy of the Gazettal Notice for Amendment No. 22 is contained as Appendix 2.

3.1.1.2 Development Plan Provisions/Intent

Clause 5.2 and Appendix 6 of TPS 5 outlines the intent and requirements for the preparation and implementation of Development Plans. A Development Plan is intended to illustrate such factors and landform and topography, existing and proposed road networks, services and infrastructure and proposed lot layout and land uses (amongst other details).

It is intended that the Development Plan provisions outlined in Clause 5.2 of TPS 5 will be applied to the 'Marina Development' Zone. This is addressed in greater detail below.

3.2 Strategic Planning Context

3.2.1 Port Hedland Land Use Master Plan

The Port Hedland Land Use Master Plan ('LUMP'), endorsed by the Western Australian Planning Commission ('WAPC') in September 2008, was prepared to guide the growth and development of Port Hedland over a 20 – 25 year timeframe. Specific to the subject land, the LUMP states the following:

With its relatively high elevation, grand views of the coast and immediate access to the Spoil Bank, the Old Hospital occupies an extraordinary site with dramatic development potential...Plans are also progressing for development of a new marina on the west side of the Spoil Bank which will add a significant attraction to the area...A concept sketch of a possible town centre layout in this area [Spoil Bank area generally] (Figure 26) shows the excellent opportunities for an ocean-front development, with strong connections to the proposed marina and recreation areas of the Spoil Bank; hotel, restaurant and high density residential development lining a waterfront promenade; a mall of mixed retail and office uses with good visibility from the Anderson Street entry; and supporting medium density residential development on the Moore Street sites.

The proposed 'Marina Development' Zone Scheme Amendment accords with the intent of the LUMP with respect to its location and mix of land uses.

3.2.2 Pilbara's Port City Growth Plan (Draft March 2012)

The Town of Port Hedland recently prepared and advertised the Pilbara's Port City Growth Plan document ('Growth Plan') with the latest version of the document being a draft dated March 2012. With respect to the subject land, the Growth Plan identifies the SDA as being contained in "Precinct 1 – West End". The West End is categorised as the Port City's "soul" and a number of strategically important current or planned projects are earmarked for the Precinct. In this regard, and directly associated with the subject land and SDA, the Growth Plan outlines the following:

- » A small boating facility/harbour planned for Spoil Bank, with associated accommodation facilities; and
- » A key Precinct Highlight being the development opportunities (coastal access, boat ramp, moorings and major entertainment space) attributed to Spoil Bank.

As with the LUMP, the proposed 'Marina Development' Zone Scheme Amendment is consistent with the provisions of the Growth Plan.

4.0 Technical Reports and Studies

LandCorp has commissioned a number of reports and studies that have been undertaken for the subject land to "test" its suitability with respect to the proposed Spoil Bank Marina and Precinct development. The following reports/studies have been undertaken with a summary of each being provided in the sections below:

- » Environmental Constraints Summary Report – Port Hedland Spoil Bank Development (prepared by RPS)
- » Spoil Bank Marina Property Assessment (prepared by AEC Group)
- » Port Hedland Coastal Vulnerability Study (prepared by Cardno)
- » Geotechnical Studies – Spoil Bank Marina, Port Hedland (prepared by Golder Associates)
- » Spoil Bank Marina Development at Port Hedland for LandCorp – Summary Report on Marine and Civil Engineering (prepared by VDM Consulting)

Due to the size of the above reports and studies, none have been included in their entirety in this Scheme Amendment Request Report. Greg Rowe and Associates, on behalf of LandCorp, can provide the Town of Port Hedland with copies of the above should the Town not be in possession of any of these technical reports.

4.1 Environmental Constraints Summary Report – Port Hedland Spoil Bank Development

As previously outlined, RPS was commissioned by LandCorp to undertake a series of preliminary environmental investigations to provide advice regarding key potential environmental impacts that may constrain the planned development of the Spoil Bank Marina and Precinct at the subject land. The Environmental Constraints Summary outlines that 10 key environmental factors were tested in relation to potential impact/s upon the development of the subject land for a marina and associated residential/commercial precinct. In this regard, the following key environmental factors were tested:

- » Marine turtles
- » Migratory waterbirds
- » Coastal processes
- » Surface water hydrology
- » Marine water quality
- » Acid sulphate soils
- » Soil and groundwater contamination
- » Air quality (dust)
- » Aboriginal heritage
- » European heritage

The Environmental Constraints Summary concluded the following:

A key conclusion of this environmental constraints summary report is that none of the identified key environmental risk factors present as being a fatal flaw to the development, although elevated ambient dust concentrations at the site will constrain the final design of the development to a significant degree (as per the requirements of the Town Planning Scheme Amendment No. 22). All environmental constraints identified at the SDA are manageable through engineering and environmental controls.

It is anticipated that the Development Plan prepared for the 'Marina Development' Zone will adequately address the notion of appropriate land uses for the subject land.

4.2 Spoil Bank Marina Property Assessment

AEC Group was engaged by LandCorp to undertake a property analysis and to provide advice with respect to the demand for short stay accommodation and retail/commercial requirements at the proposed Spoil Bank Marina and Precinct. AEC Group provided detailed reporting in relation to short stay accommodation, retail floorspace and commercial floorspace. In short, AEC Group's Spoil Bank Marina Property Assessment concluded the following:

The Spoil Bank Precinct, developed in conjunction with the proposed Spoil Bank Marina, can positively contribute to supply of commercial and economic floorspace in the Town of Port Hedland over the next 15 years. The high amenity of the proposed Precinct and its attractiveness to a wide range of business and visitors generally underpin this role.

The amenity of the location supports a strong short-stay accommodation and café and restaurant offering, supplemented by shop retail and commercial office floorspace. The combination of uses and the comparatively small size of the market suggests that a mixed use approach to development is appropriate and the need for flexible design.

The above conclusions have been considered with regard to the mix and permissibility of land uses in the 'Marina Development' Zone. As stated above, it is anticipated that the Development Plan for the subject land will adequately address appropriate land uses.

4.3 Port Hedland Coastal Vulnerability Study

Cardno was commissioned by LandCorp to prepare the Port Hedland Coastal Vulnerability Study ('Coastal Vulnerability Study') for the Port Hedland region, specifically including the Spoil Bank area (i.e. the subject land), to inform future planning and development decisions in the region. The following, an extract of Table I.1 (as contained in the Coastal Vulnerability Study) presents a summary of the recommended design water levels for potential developments near the Spoil Bank. The Coastal Vulnerability Study, in this regard, states:

The recommended design water levels are based on a 2110 planning period. If infill development is being considered, it is recommended that general fill levels be based on the acceptable risk level design criteria for a 2110 planning period. Based on the uncertainty in the modelling and in estimating long return period design levels, it is recommended that floor levels in any fill development be specified at least 0.5m above the required design water level. For the Spoil Bank region which has wave setup included in the design water levels in Table I.1, the potential inundation as a result of wave run-up and overtopping will also need to be considered when determining the crest level for any shoreline structures.

ARI (YEARS)	DESIGN PEAK TOTAL STILL WATER LEVEL (mAHD) – SPOIL BANK AREA
2	4.4
10	5.7
20	5.8
50	6.1
100	6.8
200	7.0
500	7.8

Extract of Table I.1 (from the Coastal Vulnerability Report) – Summary of Design Peak Total Still Water Levels (TSWL) for Spoil Bank Developments – Selected ARI's for 2110 Climate Scenario

4.4 Geotechnical Studies – Spoil Bank Marina, Port Hedland

Golder Associates undertook a series of preliminary geotechnical studies in relation to the proposed Spoil Bank Marina and Precinct development. The resulting document, the Geotechnical Studies – Spoil Bank Marina, Port Hedland ('Geotechnical Studies'), contains a series of technical data and recommendations. The Geotechnical Studies outlines the objective and scope of work as:

The objective of the geotechnical studies was to undertake a preliminary investigation of the subsurface conditions along and to the north of the proposed entrance channel and in proposed marina areas. A summary of the scope of works is as follows:

- » review of available geotechnical information for the area;
- » perform a preliminary site investigation to assess ground conditions;
- » assess the stability of the seabed to support the proposed breakwater, seawalls and marine elements;
- » assess dewatering aspects for the construction of the marina; and
- » assess suitable footing options for the support of structures, including pile support for marina structures.

For the purposes of a Scheme Amendment to introduce a 'Marina Development' Zone into TPS 5 (and include the subject land into this Zone) detailed geotechnical solutions are not required at this juncture. Suitable remediation of any geotechnical issue/s should be addressed as part of the detailed design/construct phase.

Notwithstanding the above, the Geotechnical Studies conclude that sufficient remediation actions can be undertaken to support on-shore buildings, marine structures, dewatering, acid sulphate soils, dredging/excavation and breakwaters/seawalls as part of the proposed marina development at the subject site.

4.5 Spoil Bank Marina Development at Port Hedland for LandCorp – Summary Report on Marine and Civil Engineering

The Spoil Bank Marina Development at Port Hedland for LandCorp – Summary Report on Marine and Civil Engineering ('Marine and Civil Engineering Summary Report') was prepared by VDM Consulting. VDM Consulting was commissioned by LandCorp through NS Projects Pty Ltd. The Marine and Civil Engineering Summary Report was prepared primarily for utilisation in informing feasibility studies/options for a marina development in Port Hedland.

The executive summary (of the Marine and Civil Engineering Summary Report) provides clarity regarding the selection and suitability of the subject site for a marina development. In this regard, the Marine and Civil Engineering Summary Report states:

The need for consideration of a marina had been identified with work carried out by the Town of Port Hedland and a Spoilbank Marina Project Steering Group. LandCorp commissioned further studies to confirm boating demand and to investigate possible alternative sites for a recreational boating marina at Port Hedland.

The sites study reviewed seven possible sites and concluded that the Spoilbank site physically offered the most viable site, notwithstanding that it is within a dust-nuisance zone from port operations. The influence of this zone is subject of on-going monitoring which will influence possible development outcomes and timing.

Three separate marina and land-based development options have been investigated for the Spoilbank site. Servicing constraints and opportunities have been investigated, and preliminary options of probable orders-of-cost to develop the marina and subdivision in accordance with the selected options have been investigated. Cost estimates are presented for each option. Landscaping estimates have been prepared by Emerge Consultants.

5.0 Description of Scheme Amendment

LandCorp is seeking a Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 ('TPS 5') to introduce a 'Marina Development' Zone (into TPS 5) and to rezone the subject land to 'Marina Development' Zone. The intent of the Scheme Amendment is to provide the necessary and appropriate planning provisions to facilitate the development of the Spoil Bank Marina and Precinct (at the subject land) in a manner that is cognisant of contemporary planning principles and that responds to and takes maximum advantage of the unique characteristics of the land.

In recognition of the strategic location of the subject land, in its local and regional context, comprehensive planning needs to be carried out for the subject site.

LandCorp has prepared a Concept Plan for the development of a marina and associated residential/commercial precinct at the subject land. A copy of the Proposed Port Hedland Marina Concept – Option 2A is contained as Appendix 3. This Concept Plan is presented as indicative only. The initiation and finalisation of the proposed Scheme Amendment is not intended to give any status to the attached Concept Plan – the plan has been included simply to help guide consideration of the proposed Amendment.

5.1 Specifics of the Scheme Amendment

In order to provide the greatest flexibility with respect to the development of the subject land for marina and associated residential/commercial precinct purposes, it is intended to amend TPS 5 to apply the provisions of Clause 5.2 (Development Plans) to the 'Marina Development' Zone. Therefore, it is proposed to add the 'Marina Development' Zone as item (i) under Sub-clause 5.2.1 of TPS 5. This then applies all Development Plan provisions to the 'Marina Development' Zone which, as stated in Sub-clause 5.2.1 of TPS 5, specifies that: *Council may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals.*

It is proposed to include, as an additional Zone in the Zoning Table, the 'Marina Development' Zone and associated permissibility of any development determined by an approved Development Plan. It is proposed to notate, in the Zoning Table, that development is to be in accordance with an approved Development Plan.

To allow Council the discretion to support subdivision and approve development in the absence of an approved Development Plan in the 'Marina Development' Zone, it is proposed to include suitably worded text following Sub-clause 5.2.1 of TPS 5. In this regard, the following text is proposed:

The Council can support subdivision or approve development in the 'Marina Development' Zone in the absence of an approved Development Plan where it is satisfied that such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area.

In addition, and with respect to a use not listed, the generic provisions of TPS 5 will allow for approval to be granted (subject to the above) for land uses in the 'Marina Development' Zone that cannot reasonably be included in the definition of one of the development categories listed in the Zoning Table. That is, the specifics of Sub-clause 3.2.6 of TPS 5 will still apply to any use not listed.

The proposed Scheme Amendment provisions have been drafted in a manner that may require the preparation of a Development Plan (for the 'Marina Development' Zone). Sub-clause 5.2.10 of TPS 5 states that: *A Development Plan may indicate development categories in the zoning table which, upon final Development Plan approval, shall be considered permitted (P), (AA) or otherwise by Council in the area of the plan.*

SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE - PORT HEDLAND - 6 JUN 2012 - GRA REF 7533 - 7533_12MAY02R_PC

5.2 'Marina Development' Zone

5.2.1 Purpose and Intent of the Zone

The 'Marina Development' Zone is intended to provide for public marina uses, tourist, commercial and residential components for the local and visiting community. It is proposed that development within the 'Marina Development' Zone shall be in accordance with any Local Planning Policies, Development Plan/s or Design Guideline/s adopted for this Zone. The Development Plan shall be prepared in accordance with Section 5.2 of the Scheme. In the absence of a Development Plan, Council can support subdivision or approve development in the 'Marina Development' Zone where it is satisfied that such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area.

5.2.2 Permitted Uses and Development Standards

Where alternative and permitted uses and subdivision and development standards are adopted as part of a Development Plan those permitted uses and development standards shall apply. In the absence of an adopted Development Plan Council has the discretion to support subdivision or approve development in the 'Marina Development' Zone. The following Zone (and associated text) will be added to the Zoning Table contained in TPS 5.

ZONING TABLE		Marina Development Zone
Residential		Development in Accordance with Approved Development Plan
1	Aged or Dependent Persons Dwelling	
2	Ancillary Accommodation	
3	Cabin AMD 15 GG 24/3/09	
4	Caretaker's Dwelling	
5	Chalet AMD 15 GG 24/3/09	
6	Grouped Dwelling	
7	Guesthouse AMD 15 GG 24/3/09	
8	Holiday Accommodation	
9	Holiday Home AMD 15 GG 24/3/09	
10	Home Business AMD 13 GG 15/02/11	
11	Home Office AMD 13 GG 15/02/11	
Home Occupation DELETED BY AMD 13 GG 15/02/11		
12	Hotel	
13	Lodge AMD 15 GG 24/3/09	
14	Motel	
15	Movable Dwelling	
16	Multiple Dwelling	
17	Residential Building	
18	Rural Settlement	
19	Serviced Apartment AMD 15 GG 24/3/09	
20	Short Stay Accommodation AMD 15 GG 24/3/09	
21	Single House	
22	Transient Workforce Accommodation	
23	Tourism Development AMD 15 GG 24/3/09	

SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE - PORT HEDLAND - 6 JUN 2012 - GRA REF 1533 - 7533_12MAY02R_PC

24	Tourist Resort AMD 15 GG 24/3/09	Development in Accordance with Approved Development Plan
Industry		
25	Abattoir	
26	Agriculture	
27	Arts and Crafts Centre	
28	Container Park AMD 24 GG 08/02/11	
29	Distribution Centre AMD 24 GG 08/02/11	
30	Fuel Depot AMD 24 GG 08/02/11	
31	Intensive Agriculture	
32	Harbour Installation AMD 24 GG 08/02/11	
31	Hire Service (Industrial) AMD 24 GG 08/02/11	
32	Industry - Cottage	
33	Industry - Extractive	
34	Industry - General	
35	Industry - Light	
36	Industry - Noxious	
37	Industry - Rural	
38	Industry - Service	
39	Industry - Resource Processing	
40	Industry - Transport AMD 24 GG 08/02/11	
41	Infrastructure	
42	Stockyard	
43	Storage facility/depot/laydown area	
44	Transport Depot AMD 24 GG 08/02/11	
45	Truck Stop AMD 24 GG 08/02/11	
Commerce		
46	Aerodrome	
47	Display Home Centre	
48	Dry Cleaning	
49	Market	
50	Mobile Business AMD 13 GG 15/02/11	
51	Motor Vehicle and/or Marine Repair	
52	Motor Vehicle and/or Marine Sales or Hire	
53	Motor Vehicle and/or Marine Service Station	
54	Motor Vehicle and/or Marine Wrecking	
55	Motor Vehicle Wash	
56	Office AMD 13 GG 15/02/11	
57	On-site Canteen	
58	Outdoor Display	
59	Reception Centre	
60	Restaurant (includes café)	
61	Restricted Premises	
62	Shop	
63	Showroom	
64	Take-away Food Outlet	
65	Warehouse	
Health, Welfare and Community Services		
66	Carpark	
67	Child Care Service	
68	Community Use	
69	Consulting Rooms	
70	Education Establishment	
71	Emergency Services	
72	Funeral Parlour	
73	Hospital	
74	Juvenile Detention Centre	
75	Medical Centre	
76	Nursing Home	
77	Place of Animal Care	

GREG ROWE & associates
FOCUSSED ON ACHIEVEMENT

78	Place of Public Meeting, Assembly or Worship	Development in Accordance with Approved Development Plan
79	Prison	
80	Public Mall	
81	Public Utility	
Entertainment, Recreation and Culture		
82	Equestrian Centre	
83	Entertainment Venue	
84	Private Recreation	
85	Public Recreation	

SCHEME AMENDMENT REQUEST - MARINA DEVELOPMENT ZONE - PORT HEDLAND - GRA REF: 7533 - 12MAY02R_PC

Conclusion

This report supports the proposal to amend the Town of Port Hedland Town Planning Scheme No. 5 by including a 'Marina Development' Zone (and associated provisions) and by rezoning the subject land from 'Parks and Recreation' Reservation to 'Marina Development' Zone.

Planning for a marina and associated residential/commercial precinct at the subject site has been underway for a number of years. LandCorp has engaged various technical consultants to undertake investigations with regard to the suitability of the subject site to accommodate redevelopment for a marina and associated residential/commercial uses. The subject land has the technical capability needed to accommodate such development and its location being in proximity to Port Hedland's West End, existing transport network and services adds further justification for the Scheme Amendment.

As demonstrated within this report, the proposed inclusion of a 'Marina Development' Zone (and associated provisions) and rezoning of the subject land to 'Marina Development' Zone is considered to be justified and appropriate for the following reasons:

- » The marina proposal has been identified in the Port Hedland Land Use Master Plan, which was endorsed by the Western Australian Planning Commission in September 2008;
- » The proposal accords with the objectives of 'Precinct 1 – West End' as contained in Pilbara's Port City Growth Plan;
- » The Scheme Amendment will provide the necessary legal town planning mechanisms to facilitate the development (which has been in the preliminary planning phase for some time);
- » The Environmental Constraints Summary Report – Port Hedland Spoil Bank Development concludes that no key environmental risk factor poses a fatal flaw to the development and any identified environmental issue can be managed through engineering or environmental controls;
- » Much needed short-stay accommodation, permanent residential development, retail and commercial land will be made available with the development of the marina and associated precinct, as outlined in the Spoil Bank Marina Property Assessment; and
- » Suitable mechanisms have been drafted into the proposed 'Marina Development' Zone (and associated provisions) to allow for certainty and flexibility in implementation.

GREG ROWE & ASSOCIATES
PRACTICE ON ACHIEVEMENT

APPENDIX I
CERTIFICATES OF TITLE

WESTERN  AUSTRALIA

REGISTERED NUMBER 5178/DP214191	
DUPLICATE EXTENSION N/A	DATE DUPLICATE ISSUED N/A



RECORD OF QUALIFIED CERTIFICATE
OF
CROWN LAND TITLE

VOLUME: **LR3060** FOLIO: **410**

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 5178 ON DEPOSITED PLAN 214191

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: TOWN OF PORT HEDLAND
(XE G928173) REGISTERED 16 OCTOBER 1998

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. G928171 PART RESERVE 30768 FOR THE PURPOSE OF RECREATION REGISTERED 16.10.1998.
G928173 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 21 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS. REGISTERED 16.10.1998.
2. H064109 LEASE TO UNIT COMMITTEE T.S. PILBARA INC OF BOX 855, PORT HEDLAND EXPIRES: SEE LEASE. AS TO PORTION ONLY, REGISTERED 26.3.1999.

Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.
(2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
(3) The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP214191 [SHEET 1].
PREVIOUS TITLE: LR3028-177.
PROPERTY STREET ADDRESS: LOT 5178 SUTHERLAND ST, PORT HEDLAND.
LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND.

END OF PAGE 1 - CONTINUED OVER

LANDGATE COPY OF ORIGINAL NOT TO SCALE Mon Nov 21 15:12:36 2011 JOB 37997238

ORIGINAL CERTIFICATE OF CROWN LAND TITLE
QUALIFIED

REGISTER NUMBER: 5178/DP214191 VOLUME/FOLIO: LR3060-410

PAGE 2

RESPONSIBLE AGENCY: DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS (SLSD).

NOTE 1: K011887 CORRESPONDENCE FILE 00672-1970-01RO

LANDGATE COPY OF ORIGINAL NOT TO SCALE Mon Nov 21 15:12:36 2011 JOB 37997238

WESTERN  AUSTRALIA

REGISTER NUMBER 5550/DP240246	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

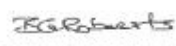
RECORD OF QUALIFIED CERTIFICATE
OF
CROWN LAND TITLE

VOLUME: **LR3060** FOLIO: **414**

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 5550 ON DEPOSITED PLAN 240246

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: TOWN OF PORT HEDLAND
(XE G928173) REGISTERED 16 OCTOBER 1998

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. G928171 PART RESERVE 30768 FOR THE PURPOSE OF RECREATION REGISTERED 16.10.1998.
G928173 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 21 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS. REGISTERED 16.10.1998.

- Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.
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(3) The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP240246 [SHEET 1].
PREVIOUS TITLE: LR3028-177.
PROPERTY STREET ADDRESS: LOT 5550 SUTHERLAND ST, PORT HEDLAND.
LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND.
RESPONSIBLE AGENCY: DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS (SLSD).

END OF PAGE 1 - CONTINUED OVER

LANDGATE COPY OF ORIGINAL NOT TO SCALE Tue Nov 22 11:00:21 2011 JOB 38002700

ORIGINAL CERTIFICATE OF CROWN LAND TITLE
QUALIFIED

REGISTER NUMBER: 5550/DP240246 VOLUME/FOLIO: LR3060-414

PAGE 2

NOTE 1: K011889 CORRESPONDENCE FILE 00672-1970-01RO
NOTE 2: SUBJECT TO SURVEY - NOT FOR ALIENATION PURPOSES

LANDGATE COPY OF ORIGINAL NOT TO SCALE Tue Nov 22 11:00:21 2011 JOB 38002700



WESTERN

AUSTRALIA

REGISTER NUMBER 5751/DP91579	
DUPLICATE EXTENSION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF QUALIFIED CERTIFICATE
OF
CROWN LAND TITLE

VOLUME: **LR3060** FOLIO: **422**

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 5751 ON DEPOSITED PLAN 91579

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: TOWN OF PORT HEDLAND
(XE G928173) REGISTERED 16 OCTOBER 1998

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. G928171 PART RESERVE 30768 FOR THE PURPOSE OF RECREATION REGISTERED 16.10.1998.
G928173 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 21 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS. REGISTERED 16.10.1998.

- Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.
(2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
(3) The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP91579 [SHEET 1].
PREVIOUS TITLE: LR3028-177.
PROPERTY STREET ADDRESS: LOT 5751 ATHOL ST, PORT HEDLAND.
LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND.
RESPONSIBLE AGENCY: DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS (SLSD).

END OF PAGE 1 - CONTINUED OVER

LANDGATE COPY OF ORIGINAL NOT TO SCALE Thu Apr 26 14:28:36 2012 JOB 39024330

ORIGINAL CERTIFICATE OF CROWN LAND TITLE
QUALIFIED

REGISTER NUMBER: 5751/DP91579 VOLUME/FOLIO: LR3060-422

PAGE 2

NOTE 1: K011892 CORRESPONDENCE FILE 00672-1970-01RO
NOTE 2: SUBJECT TO SURVEY - NOT FOR ALIENATION PURPOSES

LANDGATE COPY OF ORIGINAL NOT TO SCALE Thu Apr 26 14:28:36 2012 JOB 39024330

GREG ROWE & associates
FOCUS ON ACHIEVEMENT

APPENDIX 2
GAZETAL NOTICE FOR AMENDMENT NO. 22

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GOVERNMENT GAZETTE, WA

27 April 2012

Local Government Act 1995—Part 9, Division 2, Subdivision 1, Sections 9.13, 9.16 and 9.17—
Miscellaneous Provisions About Enforcement—Robert Butler

Local Government Act 1995—Section 3.39—Impounding and Removing Goods Involved in
Certain Contraventions—Robert Butler

Food Act 2008—Part 10, Division 3, Sections 122, 126 (2)—Ross Keegan

Environmental Protection Act 1986—Sections 87 and 88—Ross Keegan

All previous authorisations for Drew Monkhouse are hereby revoked.

GARY TUFFIN, Chief Executive Officer.

Updated 19 April 2012.

PO Box 70, Bindoon WA 6502.

Ph: (08) 9576 4600 Fax: (08) 9576 1250.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005

METROPOLITAN REGION SCHEME AMENDMENT 1211/41

MADDINGTON-KENWICK STRATEGIC EMPLOYMENT AREA—PRECINCT 1

Outcome of Submissions

The Western Australian Planning Commission (WAPC) has considered all the submissions received in respect of the amendment proposal for the Maddington-Kenwick Strategic Employment Area—Precinct 1 Amendment 1211/41. This proposal was first published in the *Government Gazette* on 2 August 2011. The amendment is shown on WAPC plan number 3.2356/2.

The amendment, with modifications, has been presented to and approved by the Governor in accordance with the requirements of the *Planning and Development Act 2005*. It will now be tabled in both Houses of Parliament, where it must remain for 12 sitting days. During this time either House may, by resolution, disallow the amendment. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the Metropolitan Region Scheme.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Wednesday 2 May 2012 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Perth
- City of Fremantle
- City of Gosnells
- Shire of Kalamunda

Copies of the report on submissions are also available from the PlanningWA website www.planning.wa.gov.au.

NEIL THOMSON, Secretary,
Western Australian Planning Commission.

PL402*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Town of Port Hedland

Town Planning Scheme No. 5—Amendment No. 22

Ref: TPS/0087

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Town of Port Hedland local planning scheme amendment on 12 April 2012 for the purpose of—

1. Rezoning the land bounded by Anderson, Withnell, Sunderland and Taplin Streets, and The Esplanade, Port Hedland currently zoned "Residential" to "West End Residential", with an applied density code of "Min. R30/Max. R80" as depicted on the amendment map.
2. Rezoning the land bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland from "Residential" to "Town Centre" as depicted on the amendment map.
3. Amending the Scheme text by—
 - (i) Inserting section "3.1 (a) iv. West End Residential".
 - (ii) Inserting under section "6.3 Residential Zone," and above clause 6.3.1 the subheading "General Provisions".

27 April 2012

GOVERNMENT GAZETTE, WA

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- (iii) Following clause 6.3.7 inserting the subheading "West End Residential".
- (iv) Inserting the following clauses under the subheading "West End Residential"—
 - 6.3.8 The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to discourage occupation by families with children or by elderly persons.
 - 6.3.9 Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to—
 - filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);
 - location of operable windows and doors on the western and southern building facades only;
 - use of deflection screens on the northern and eastern edges of operable windows;
 - use of caves;
 - orienting buildings to avoid wind tunnelling effects; and
 - protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.
 - 6.3.10 Notwithstanding anything contained within the Residential Design Codes, all residential development in the West End Residential Zone shall comply with the following—
 - (a) Residential development must be between a minimum yield equivalent to the R30 density and a maximum yield equivalent to the R80 density for all land and/or any individual lot included within an application for planning approval.
 - (b) The maximum internal floor area for all dwellings is 110 m².
 - (c) No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms.
 - 6.3.11 When considering an application for planning approval within the West End Residential Zone, Council shall consider the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health.
 - 6.3.12 Notwithstanding Clause 6.1.1 of the Residential Design Codes of Western Australia 2008, Council shall not recommend approval for the creation of lots that are less than 600 m² unless the lots are already developed or it is demonstrated that the lots may be developed for grouped or multiple dwellings.
- (v) Inserting under section "6.6 Commercial Zones," and after clause 6.6.5 the following—
 - 6.6.6 Residential development on land bounded by Withnell, McKay and Anderson Streets, and The Esplanade, must comply with the requirements of Clause 6.3.9 and 6.3.10 of the Scheme.

4. Inserting a new use in the Zoning Table for West End Residential—

**Town of Port Hedland TPS 5
Zoning Table**

ZONING TABLE		West End Residential
Residential		
1	Aged or Dependent Persons Dwelling	-
2	Ancillary Accommodation	-
3	Caretaker's Dwelling	AA
4	Grouped Dwelling	AA
5	Holiday Accommodation	SA
6	Home Occupation	AA

ZONING TABLE		West End Residential
7	Hotel	SA
8	Motel	SA
9	Movable Dwelling	□
10	Multiple Dwelling	AA
11	Residential Building	AA
12	Rural Settlement	-
13	Single House	-
14	Transient Workforce Accommodation	SA
Industry		
15	Abattoir	-
16	Agriculture	-
17	Arts and Crafts Centre	SA
18	Intensive Agriculture	-
19	Harbour Installation	-
20	Hire Service (Industrial)	-
21	Industry—Cottage	SA
22	Industry—Extractive	-
23	Industry—General	-
24	Industry—Light	-
25	Industry—Noxious	-
26	Industry—Rural	-
27	Industry—Service	-
28	Industry—Resource Processing	-
29	Infrastructure	AA
30	Stockyard	-
31	Storage Facility/Depot/Laydown Area	-
Commerce		
32	Aerodrome	-
33	Display Home Centre	SA
34	Dry Cleaning	-
35	Market	SA
36	Motor Vehicle and/or Marine Repair	-
37	Motor Vehicle and/or Marine Sales or Hire	-
38	Motor Vehicle and/or Marine Service Station	-
39	Motor Vehicle and/or Marine Wrecking	-
40	Motor Vehicle Wash	-
41	Office	SA
42	On-site Canteen	-
43	Outdoor Display	-
44	Reception Centre	-
45	Restaurant (includes café)	SA
46	Restricted Premises	-
47	Shop	-
48	Showroom	-
49	Take-away Food Outlet	-
50	Warehouse	-

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GOVERNMENT GAZETTE, WA

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ZONING TABLE		West End Residential
Health, Welfare & Community Services		
51	Carpark	SA
52	Child Care Service	-
53	Community Use	SA ¹
54	Consulting Rooms	SA
55	Education Establishment	SA ¹
56	Emergency Services	-
57	Funeral Parlour	-
58	Hospital	-
59	Juvenile Detention Centre	-
60	Medical Centre	-
61	Nursing Home	-
62	Place of Animal Care	-
63	Place of Public Meeting, Assembly or Worship	-
64	Prison	-
65	Public Mall	-
66	Public Utility	AA
Entertainment, Recreation & Culture		
67	Equestrian Centre	-
68	Entertainment Venue	-
69	Private Recreation	SA ¹
70	Public Recreation	AA ¹

The symbols used in the zoning table have the following meanings—

P The development is permitted by the Scheme

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

SA The development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3

IP The development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council

- A development that is not permitted by the Scheme

¹ Notwithstanding anything contained in Appendix 1—Definitions, no land use shall be approved within the West End Residential Zone that is intended for use either exclusively or primarily by children or elderly persons.

5. Amending the Scheme Map accordingly.

K. HOWLETT, Mayor.
P. MARTIN, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
LOCAL PLANNING SCHEME AVAILABLE FOR INSPECTION
Shire of Wiluna
Local Planning Scheme No. 2 and Local Planning Strategy

Ref: TPS/0459

Notice is hereby given that the local government of the Shire of Wiluna has prepared the abovementioned local planning scheme and local planning strategy for the purpose of—

Local Planning Scheme

1. setting out the local government's planning purposes and intentions for the scheme area;

GREG ROWE & associates
FOCUSSED ON ACHIEVEMENT

APPENDIX 3
PROPOSED PORT HEDLAND MARINA CONCEPT – OPTION 2A

PROPOSED PORT HEDLAND MARINA CONCEPT - OPTION 2A



100% Delivery of Improved Asset
 about the same as the current asset
 Regional Residential 300,000
 Other 200,000
 Residential development in adjacent areas
 between 200,000 and 300,000
 Between 200,000 and 300,000

LEGEND

- 1 Built up area (1 in map)
- 2 Water and parking
- 3 Access to water
- 4 Access to water - water retention for:
 - Landfill and treatment
 - Cultural
 - Fisheries and aquaculture
 - Marine and river
 - Recreation
 - Other
- 5 Channel bank and sea walls
- 6 Natural materials / concrete
- 7 Retain or ground floor with connection to the floor level and the surrounding area
- 8 Concrete / steel / cast in situ / precast concrete / other steel / other materials
- 9 Retain wall (100-200 degree development - 50%)
- 10 Retain wall (100-200 degree development - 50%)
- 11 Access / egress to the ground level
- 12 Retain wall / concrete / steel / other
- 13 Retain wall / concrete / steel / other
- 14 Retain wall / concrete / steel / other
- 15 Retain wall / concrete / steel / other
- 16 Retain wall / concrete / steel / other
- 17 Retain wall / concrete / steel / other
- 18 Retain wall / concrete / steel / other
- 19 Retain wall / concrete / steel / other
- 20 Retain wall / concrete / steel / other
- 21 Retain wall / concrete / steel / other
- 22 Retain wall / concrete / steel / other
- 23 Retain wall / concrete / steel / other
- 24 Retain wall / concrete / steel / other

North
 Scale 1:1000
 RPS
 LANDCIS

11.1.6 Proposed amendment to Local Planning Policy 11 – Regional R Code Variations (File No.: 18/01/0011)

Officer Ryan Djanegara
Planning Officer

Date of Report 24 May 2012

Disclosure of Interest by Officer Nil

Summary

This report recommends the amendment of Local Planning Policy 11 – Regional R Code variations, to vary an acceptable development standard within the R-Codes relating to the development of Multiple Dwellings. This includes provisions requiring more housing diversity to be provided and to include additional design requirements and considerations.

Council is requested to initiate the proposed amendment as requested.

Background

The Residential Design Codes (R-Codes) provide the basis for controlling the siting and design of residential development throughout Western Australia. The R Codes came into effect on 4 October 2002 when they replaced the *1991 Residential Planning Codes of Western Australia (1991 Codes)*. The R Codes have since been amended on numerous occasions including a comprehensive review in April 2008 and the inclusion of the Multi-codes in November 2010.

The R Codes were automatically introduced by reference into all local government planning schemes that formerly included reference to the 1991 Codes (Section 6.2 of Port Hedland Town Planning Scheme No.5 (TPS5)). The R Codes provide for 'Regional Exceptions' to some provisions subject to the adoption of a Local Planning Policy. In addition, any provision can be varied through a Local Planning Policy subject to Western Australian Planning Commission (WAPC) consent being obtained prior to adoption. Council subsequently prepared and adopted a Local Planning Policy (Local Planning Policy 11 – Regional R Code Variations) which came into effect on 23 June 2010.

Consultation

Should Council wish to proceed with the proposed amendment to the Local Planning Policy, WAPC consent will be required.

With regard to community input, TPS 5, Section 5.1.4 prescribes the following consultation process:

Council;

- a. *Shall publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of*
 - i. *Where the draft Policy may be inspected,*
 - ii. *The subject and nature of the draft policy, and*
 - iii. *In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made, and*
- b. *May publish a notice of the proposed policy in such other manner and carry out such other consultation as it considers appropriate.*

Statutory Implications

Section 5.1.9 of TPS5 enables the Council to amend a Local Planning Policy and Part 5 of the R Codes enables variation to provisions of the R Codes where a Local Planning Policy exists.

Part 5 also identifies which provisions can be varied by a Local Planning Policy with or without the need for WAPC consent. The proposed variation to the Local Planning Policy requires WAPC consent.

Policy Implications

Currently developers are only required to provide housing diversity for developments of 12 units or more.

The amended policy will require developers to provide for housing diversity regardless of the amount of units being proposed.

Strategic Planning Implications

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

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

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

Budget Implications

In the event Council wish to proceed with the amendment of the Local Planning Policy, advertising costs will be involved.

Officer's Comment

Multiple Dwellings and Housing Diversity within the R-codes

In November 2010, the WAPC introduced the Multi-code provisions into the R-Codes. These provisions were intended to allow greater flexibility in the design of Multiple Dwellings. A prescribed maximum figure no longer restricts the number of multiple dwellings permitted. Instead a plot ratio figure is used to determine the maximum indoor floor area (in sqm) permitted to develop units. The lowest density code to use plot ratio is R30 with a plot ratio figure of 0.5.

The number of units that can be developed on a site is dependent on many factors such as building heights, car parking requirements and setbacks. The R-Codes do not require developers to provide a variety of dwelling types for applications proposing 12 dwellings and less. Subsequently, developers have been taking advantage of these provisions to increase their dwelling yield and favouring 1 bedroom only developments.

Consequently, Council and members of the community have expressed their concerns with regards to the increased dominance of 1 bedroom dwellings being proposed in residential areas and the lack of housing choice. It is therefore proposed to vary the R-Code requirements for housing diversity to limit the number of 1 bedroom apartment and to ensure a variety of dwelling types.

Proposed Policy Amendment to vary the acceptable standards

The proposed amendments to the Local Planning Policy 11 will include variation to some Acceptable Development Standards of the R-Codes relating to Multiple Dwelling developments to ensure the provision of housing diversity. The following will be included in Section 4.0 of Local Planning Policy 11 – Regional R Code Variations:

Section:

7.4.3 – Dwelling Size

R Code provision:

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.

Variation:

All proposed multiple dwelling developments in areas zoned "Residential R50" and less (excluding the "West End Residential Zone") shall have:-

- maximum of 25 per cent 1 bedroom dwellings.

Reason for Variation:

The purpose of the above variation is to encourage developers to provide a greater variety of housing diversity and choice. This is achieved by limiting the number of 1 bedroom dwellings provided in Residential areas zoned R50 and less. For example, should a proponent propose seven multiple dwellings, only one of those dwellings may be a 1 bedroom dwelling.

Options

1. Approve advertising of the proposed amendment to Local Planning Policy No. 11.

The amended local planning policy would allow Council to require developers to provide for housing diversity for developments proposing 12 and less multiple dwellings.

2. Refuse the proposed amendment to Local Planning Policy No. 11.

Should Council refuse the proposed amendments, developers will have the ability to develop 1 bedroom units only for developments proposing 12 and less multiple dwellings.

Option 1 is recommended.

Attachments

1. Proposed Amended Local Planning Policy 11

201213/031 Officer's Recommendation / Council Decision**Moved: Cr Jacob****Seconded: Cr Martin****That Council:**

- 1. Initiates an amendment to Local Planning Policy 11 – Regional R Codes Variations;**
- 2. Gives notice of the proposed amendment to Local Planning Policy 11 – Regional R Code Variations, in accordance with Section 5.1.4 of Town of Port Hedland Town Planning Scheme No. 5. as follows:**
 - a. Publishes a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:**
 - i. Where the draft Policy may be inspected,**
 - ii. The subject and nature of the draft Policy, and**
 - iii. In what form and during what period (being no less than 21 days from the day the notice is published) submissions may be made, and**
 - b. Publishes a notice of the proposed policy in such other manner and carry out such other consultation as it considered appropriate.**
- 3. Subject to no objections being received during the consultation period, forwards the amended Local Planning Policy 11 to the WAPC for final approval;**
- 4. Subject to obtaining approval from WAPC, Council formally adopts Local Planning Policy 11. The date of adoption shall be the date of the next Council Ordinary Meeting following the receipt of approval from WAPC;**
- 5. Subject to (4.) above publishes the adoption of the Local Planning Policy in accordance with Section 5.1.6 of TPS 5, as follows:**
 - a. Publishes notice of the Policy once in a newspaper circulating in the Scheme area.**

CARRIED 7/0

*Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 11 – Regional R Code Variations*



**TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO.5
LOCAL PLANNING POLICY NO. 11 –
REGIONAL R CODE VARIATIONS**

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 section 5.1.2 of *The Scheme*, if a provision of this Policy is inconsistent with *The Scheme*, *The Scheme* prevails to the extent of the inconsistency.

This Policy is not part of *The Scheme* and does not bind Council in respect of any application for planning approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

This policy provides regional variances to the 'Acceptable Development Standards' of the *Residential Design Codes of Western Australia (R Codes)*.

In accordance with Section 6.2 of *The Scheme*, The R Codes apply to all residential development within the Town of Port Hedland.

3.0 POLICY OBJECTIVES

The objectives of this policy are to:

Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 11 – Regional R Code Variations

1. Identify areas within the R Codes that do not appropriately address the climatic, environmental and/or lifestyle needs of the Port Hedland community.
2. Encourage variations that enhance the built form of buildings and the overall appearance of the Municipality.
3. Having regard to (1) above, vary the Acceptable Development Standards of the R Codes to address the climatic, environmental and/or lifestyle needs of the Port Hedland community.
4. Ensure any variations to the R Codes are in plain English and are easily understood.

4.0 REGIONAL R CODE VARIATIONS

Section:

6.2.1 – Setback of buildings generally

Original R Code provision:

A1.1 Buildings setback from the primary street in accordance with table 1

Variation:

In relation to Acceptable Development Standard A1.1, where side and rear vehicle access is provided, setbacks of buildings from the primary street as specified in Table 1 of the Residential Design Codes may be halved.

Reason for Variation:

Due to the isolation of the Local Government Area, distance between residential areas and employment and lack of public transport, residents have a high reliance on motor vehicles. This combined with the large average household size (4.2 persons) compared to the state average (2.92 persons) results in an average of 2.7 vehicles per LGA household as opposed to 2.26 vehicles per WA household. In addition, climatic conditions make the provision of landscaping in street setback areas difficult to maintain. These factors contribute to the street setback area often being used for parking of vehicles and lacking landscaping.

By encouraging vehicle access to the rear of properties and allowing reduced street setbacks, it is envisaged that the streetscape amenity will be improved. Higher levels of landscaping are expected as a smaller area of street setback will enable easier care and maintenance. The reduced area will also limit the area available for parking in the front street setback and as access to the rear of the property is available it should be utilised as an alternative.

Section:

6.2.5 – Street walls and fences

R Code provision:

*Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 11 – Regional R Code Variations*

- A5 Front walls and fences within the primary street setback area that are visually permeable 1.2 m above natural ground level.

Variation:

Acceptable Development Standard A5 shall also apply to the fencing of secondary or other streets within the street setback area and boundaries with public reserves where passive surveillance is required.

Reason for Variation:

Secondary or other streets often incorporate 1.8 m solid fencing on boundaries which obstruct surveillance and detract from the streetscape. Restricting secondary and other streets fencing as well as public reserves to be consistent with the primary street fencing will encourage passive surveillance and interaction with the streetscape.

Section:

6.3.1 – Buildings setback from the boundary

R Code provision:

- A1 iv Minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75 m into a set-back area and to be no closer than 0.75 m to a boundary.

Variation:

Notwithstanding Acceptable Development Standard A1 iv, eaves overhang may be closer than 0.75 m to a boundary subject to conformity with the *Building Code of Australia*.

Reason for Variation:

Environmentally sustainable development encourages eaves overhang in the municipality due to the extreme climatic conditions (eg 900 mm eaves overhang in Pretty Pool). As such, development where buildings meet with the Acceptable Development Standards for wall setback could need a permit solely due to encroachment of eaves overhang.

Section:

6.4.1 – Open Space Provision

R Code provision:

- A1 Open space provided in accordance with table 1 and design elements 6.2 and 6.3. The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of the dwelling and the proportionate share of any associated common property.

Variation:

Notwithstanding Acceptable Development Standard A1, open space includes (but is not limited to) areas beneath eaves overhangs, verandahs or patios not more than 0.5m above natural ground level, unenclosed on at least two sides

Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 11 – Regional R Code Variations

and covering no more than 25 per cent of the site area or 125 sq m whichever is the lesser.

Reason for Variation:

The extreme climatic conditions experienced in the Local Government Area has lead to a desire and need by residents to predominately cover outdoor living areas to make them useable.

Section:

6.4.2 – Outdoor living areas

R Code provision:

A2 An outdoor living area to be provided:

- to have at least two-thirds of the required area without permanent roof cover.

Variation:

Acceptable Development Standard A2 dot point 5 is removed. Permanent roof cover is permitted.

Reason for Variation:

The extreme climatic conditions experienced in the Local Government Area has lead to a desire and need by residents to predominately cover outdoor living areas to make them useable.

Section:

6.5.3 – Design of Parking Spaces

R Code provision:

A3.2 Spaces in accordance with AS2890.1.

Variation:

Parking spaces are to meet with the design standards identified within Section 6.13 and Appendix 8 of *The Scheme*.

Reason for Variation:

Due to the remoteness of the Local Government Area (LGA) and major employers within the LGA, the average vehicle for the LGA is larger than that identified within AS2890.1. As a result Council has consistently required parking spaces be designed to a level greater than that required by AS2890.1.

Section:

6.5.4 – Vehicular Access

R Code provision:

A4.5 Formed driveways for multiple and grouped dwellings:

*Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 11 – Regional R Code Variations*

- With a minimum width of 4 m where the number of dwellings served is five or more, which may be reduced to 3 m where necessary to retain an existing dwelling; and
- Are designed to allow vehicles to pass in opposite directions at one or more points, where the number of dwellings served by the driveway is five or more.

Variation:

Notwithstanding Acceptable Development Standard A4.5, design of two way access shall be in accordance with Schedule 8 of *The Scheme*.

Reason for Variation:

To provide for greater traffic and pedestrian safety wider access has been required for two way access. The wider access enables access to and egress from the site simultaneously preventing traffic congestion on the street. Wider access also increases sightlines for both vehicular and pedestrian traffic.

Section:

6.10.1 – Outbuildings

R Code provision:

- A1 Outbuilding that:
- iii collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the lesser;
 - iv do not exceed a wall height of 2.4 m;
 - v do not exceed a ridge height of 4.2 m

Variation:

Notwithstanding Acceptable Development Standard A1 iii – v, outbuildings in the following zones that comply with the following shall be permitted:

Residential and Urban Development zones

collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the greater;
do not exceed a wall height of 3.0 m;
do not exceed a ridge height of 4.8 m

Rural and Rural Residential zones

collectively do not exceed 200 sq m in area or 2 per cent in aggregate of the site area, whichever is the greater;
do not exceed a wall height of 4.2 m;
do not exceed a ridge height of 6.0 m

Reason for Variation:

To provide appropriate development standards for outbuildings that reflect Port Hedland's climate, lifestyle, built form and the needs and expectations of its residents.

*Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 11 – Regional R Code Variations*

Section:
6.10.3 – Essential Facilities

R Code provision:
A3.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from outside the dwelling, with a minimum dimension of 1.5 m with an internal area of at least 4 sq m, for each grouped or multiple dwelling.

Variation:
A single house must have a store room provided in accordance with Acceptable Development Standard A3.1 and Clause 6.3.7 of *The Scheme*.

Reason for Variation:
Provides for storage of outdoor items in times of cyclone reducing potential for debris.

Section:
6.11.1 – Ancillary Accommodation

R Code provision:
A1 i the sole occupant of occupants are members of the family of the occupiers of the main dwelling.

Variation:
Notwithstanding Acceptable Development Standard A1 i, any person may occupy approved Ancillary Accommodation.

Only one ancillary accommodation dwelling will be permitted on any lot.

Reason for Variation:
Provides for housing choice and is expected to assist in addressing housing shortages and affordability issues being experienced within the municipality.

Section:
7.4.3 – Ancillary Accommodation

R Code provision:
A1 i 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.

Variation:
All proposed multiple dwelling developments in areas zoned “Residential R50” and less (excluding the “West End Residential Zone”) shall have:-

Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 11 – Regional R Code Variations

- a maximum of 50 per cent 1 bedroom dwellings

Reason for Variation:

The purpose of the above variation is to encourage developers to provide a greater variety of housing diversity and choice. This is achieved by limiting the number of 1 bedroom dwellings provided in Residential areas zoned R50 and less. For example, should a proponent propose seven multiple dwellings, only three of those dwellings may be 1 bedroom dwelling.

The R-Codes advise that housing diversity should take into consideration several factors, such as the proximity to services and facilities, layout of unit size and level of affordability. Hence the 60 sqm figure was chosen because it is considered that a proponent could design a unit that could incorporate an additional bedroom without having to increase the floor area of the unit. Therefore other R-code considerations such as parking requirements would not be affected by changing the internal floor layout to create any additional room (s).

5.0 REQUIREMENT FOR A PLANNING PERMIT

Where residential development does not comply with the requirements of the R Codes as varied by this Local Planning Policy, a Planning Permit must be obtained.

11.1.7 Proposed Grouped and Multiple Dwelling Development – Two (2) Existing Grouped Dwellings, One (1) Proposed Grouped Dwelling and Nine (9) Proposed Multiple Dwellings on Lots 5291 and 3087 Brown Place, South Hedland (File No.: 130093G)

Officer Steve De Meillon
Acting Senior Planning
Officer

Date of Report 10 July 2012

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Esam Williams on behalf of A W Scales and A R Gibson (the landowners) to construct one (1) “Grouped Dwelling” and nine (9) “Multiple Dwellings” on Lot 3087 in addition to the two (2) existing “Grouped Dwellings” on Lot 5291 Brown Place, South Hedland (the site).

The applicant is the registered proprietor of Lot 5291 Brown Place. Lot 3087 Brown Place is currently Unallocated Crown Land. The applicant is currently in the process of finalising a crown land amalgamation over the site. Prior to any development occurring on the site, the amalgamation will be required to be finalised and the new Certificate of Title issued.

As Council initially raised concerns regarding the amenity of the proposal the application is presented for a Council decision.

During the advertising/referral period no objections were received from the public or relevant external service agencies.

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

Background

Site Description (Attachment 1)

The site is located approximately 715m northeast of the South Hedland Town Centre, approximately 410m southeast of Marquee Park and approximately 270m north of Cassia Primary School. The site is generally surrounded by Residential and Urban Development zonings with R20 – R30 densities.

The site immediately adjoins existing single storey houses to the north, a drainage channel along the eastern boundary, Kennedy Street to the south and Brown Street to the west.

The site is zoned Residential R30 under the provision of the Town of Port Hedland Town Planning Scheme No.5 (TPS5).

There are two (2) existing "Grouped Dwellings" on the northern section of the site that will remain as part of the overall redevelopment. The remainder of the site is undeveloped, unmaintained land.

Previous Approvals

A two (2) "Grouped Dwelling" development was approved on the site under delegated authority in 2009. The two (2) "Grouped Dwelling" development has since been built.

The landowner, on 15 March 2012, accepted a Letter of Offer and Acceptance: Crown Land Amalgamation issued by the Department of Regional Development and Lands. The landowner is currently undertaking the statutory requirements to have the site amalgamated.

Should the proposed development receive approval, it shall be conditioned so the land is amalgamated prior to any works commencing.

Proposal (Attachment 2)

The applicant is proposing to construct an additional one (1) "Grouped Dwelling" and nine (9) "Multiple Dwellings" on the site. The development will present as a mixed one and two storey development from Brown Street, and as a two storey development from Kennedy Street.

The development comprises the following:

- Existing two (2), four bedroom single storey "Grouped Dwellings".
- Proposed one (1), one bedroom single storey "Grouped Dwelling".
- Proposed five (5), one bedroom double storey "Multiple Dwellings".
- Proposed four (4), two bedroom double storey "Multiple Dwellings".

Consultation

External

Agencies:

- Water Corporation
- Department of Water
- Horizon Power

Adjoining owners:

- House numbers 1/1 – 14/1 Brown Place, South Hedland.
- 10 Brown Place, South Hedland.
- 12 Brown Place, South Hedland.
- 1 Jibson Close, South Hedland.
- 2 Jibson Close, South Hedland.

The application was advertised in the North West Telegraph on the 30 May and 6 June 2012, and a notice placed on site allowing for a 14 day period for any interested parties to provide comments/objections to the proposal.

As a result of the abovementioned community consultation and referral process no objections were received.

Internal

Council was briefed of the application with concerns raised regarding the amenity of the proposed development. The applicant has since provided revised plans and further justification included in this report.

The application was circulated to the following internal units with comments received included in this report:

- Technical Services
- Building Services
- Environmental Services

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following section of Council's Plan for the Future 2010-2015 is considered relevant to the proposal:

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

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

City Growth Themes:

Housing Diversity & Land Supply Capacity

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

Strategies for Sustaining and Diversifying Economic Growth:
Affordability and Accessibility

Key initiatives:

- Facilitate a more stream-lined and coordinated approach to the housing approvals process.

Strategies for Strengthening Local Communities & Culture: Framework
for Community Development and Place-Making

Element:

- A place with its own sense of architecture and built form that reflects Port Hedland's cultural heritage and vibrant future.

Precinct 12 – South Hedland East

Implementation Indicators:

- encourage improved development outcomes in terms of built form, urban design and place making to overcome negative elements of the previous 'Radburn' design.

Budget Implications

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

Officer's Comment

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

Grouped Dwelling: "P" (the development is permitted by the Scheme).

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

In light of the above, the proposal was advertised in accordance with clause 4.3 of TPS5, no objections were received. The proposal is consistent with the zoning and capable of approval.

Location

The site comprises two parcels of land, Lots 5291 and 3087 Brown Place, South Hedland. The applicant is the registered proprietor of Lot 5291 Brown Place, and Lot 3087 Brown Place is currently Unallocated Crown Land. The site is currently undergoing a crown land amalgamation. The amalgamated land allows a development opportunity on what is otherwise vacant and underutilised land.

The site is irregular shaped land on the corner of Brown Place and Kennedy Street. The site has an approximate 25m wide drainage channel along the eastern boundary. The irregular shape of the site constrains its development potential. The development has reduced privacy issues as the land only adjoins residential land to the north.

In respect to the Growth Plan the proposed development provides an opportunity to bring a range of necessary housing onto the market. The site is otherwise a vacant underutilised parcel of land resulting from the earlier 'Radburn' design.

Residential Design Assessment

The proposed development comprises two (2) existing "Grouped Dwellings", one (1) proposed "Grouped Dwelling" and nine (9) proposed "Multiple Dwellings". As such the development requires assessment under Parts 6 and 7 of the Residential Design Codes (R-Codes).

Housing Density

The proposed development complies with both the minimum site areas and plot ratio requirements under the R-Codes.

Streetscape and Context

The proposed one (1) "Grouped Dwelling" is compliant with the Streetscape provisions under the R-Codes.

The proposed "Multiple Dwellings" do not achieve the Acceptable Development, primary street setback requirements under the R-Codes. The Acceptable Development provisions require a primary street setback of 4m. The proposed development provides a primary street setback of 2.83m.

The applicant has provided the following justification to address the Performance Criteria of the R-Codes:

“It is understood that the Town does not believe the primary street setback provided is sufficient. To address this we have increased the setback by 0.835m from 1.995m to 2.83m. We have also changed the materials used to construct the balconies to further reduce their bulk and to increase their appearance as a minor projection. Therefore the main bulk of the building, apart from the southern corner, which is intended to be a landmark architectural element, will be setback 5.33m from the street boundary. This is in accordance with the Residential Design Code Guidelines which states that “buildings should employ design treatments that are architecturally designed to reduce the appearance of bulk”.

- contributes to the desired streetscape - The high quality architecture of the proposed development will increase the attractiveness of the streetscape
- provides articulation of the building on the primary streets - The balconies and variety of wall setbacks provide the necessary articulation to the primary street facade. Balconies on the rear of the building, along with a variety of window sizes and wall setbacks also provides articulation to the façade viewed from the drainage reserve
- allow for minor incursions that add interest and reflect the character of the street without impacting on the appearance of bulk over the site - The proposed balconies only intrude in the street setback by 1.17m and will be built of lightweight construction materials to reduce the appearance of bulk
- are appropriate to its location, respecting the adjoining development and existing streetscape – The primary street setbacks of the existing dwellings on the street range from 5.27m to 10.48m, however there are significant structures and sheds within the setbacks as evidenced in the photos below.

In addition to the above, the actual building bulk of the proposed “Multiple Dwellings” has a primary street setback 5.33m. The light weight balconies and increased building setback is considered to provide good articulation along the street frontage.

In light of the amended plans and the further justification provided, it is considered the proposed setbacks achieve the Performance Criteria under the R-Codes.

Rear and Side Setbacks

The proposed one (1) “Grouped Dwelling” is compliant with the rear and side setback provisions under the R-Codes.

The proposed “Multiple Dwellings” do not achieve the Acceptable Development, rear and side setback requirements under the R-Codes. The development proposes three variations outlined in table 1 below.

Table 1 – Rear Setback Variations

Units	Boundary	Floor	Required	Proposed
6/7	East	Ground Floor	1.5m	Min 1m
10/11	East	First Floor	1.8m	Min 1m
12	East	First Floor	4.1m	Min 2.48m

The rear eastern boundary of the property adjoins an approximate 25m wide drainage reserve. The development proposes no issues to overlooking or bulk onto adjoining neighbours. Natural daylight and ventilation are not restricted in anyway by the proposed setbacks.

The reduced setback achieves the Performance Criteria outlined with the R-Codes and provides strong surveillance over the drainage channel and footpath.

Privacy

The proposed one (1) “Grouped Dwelling” is compliant with the visual privacy provisions under the R-Codes.

The proposed “Multiple Dwellings” do not achieve the Acceptable Development, visual privacy requirements under the R-Codes. The applicant has provided the following justification for the reduced visual privacy setbacks:

By moving the building towards the rear of the lot by 0.835m to increase the primary street setback the balconies are even closer to the rear boundary than the required 7.5m. This variation is not considered to have an impact on visual privacy as all windows and balconies will over look a drainage reserve. The Town has advised that the visual surveillance of the drainage reserve is considered beneficial in terms of mitigating antisocial behaviour and therefore the windows of Unit 12 have been increased in size for passive surveillance as well as to increase the articulation of the rear façade.

The reduced setbacks are considered appropriate to make efficient use of an irregular shaped site, while also providing greater interaction with the drainage reserve. The development does not overlook any residential properties.

It is considered the reduced setback achieves the Performance Criteria outlined in the R-Codes.

Open Space

The proposed development is compliant with the open space provisions under the R-Codes.

Outdoor Living Areas

The proposed one (1) “Grouped Dwelling” is compliant with the outdoor living areas under the R-Codes.

The proposed “Multiple Dwellings” do not achieve the Acceptable Development, outdoor living area requirements under the R-Codes.

The Acceptable Development provisions require each unit to have an outdoor living area of 10m². Each of the proposed “Multiple Dwellings” is provided with at least an 8.28m² balcony/deck. Each balcony/deck is accessed, and functions as part of the proposed open planned kitchen and lounge.

Furthermore, the development comprises a significant amount of communal open space above the R-Code requirements.

It is considered the proposed outdoor living areas achieve the Performance Criteria of the R-Codes.

On-site Parking provisions

In accordance with Clauses 6.5.1 and 7.3.3 of the R-Codes, the site requires a minimum of seventeen (17) car parking bays. The applicant has provided nineteen (19) car parking bays on-site.

Table 2 - Access and Parking

Acceptable Development Standards	Units	Required	Provided
Grouped Dwelling – 2 spaces per dwelling 1 space per 60m ² single bedroom dwelling	2 1	4 1	
Multiple Dwelling – 1 per dwelling 0.25 per dwelling for visitors	9	9 2.25 (3)	
Total		17	19

Traffic

As part of the development proposal the applicant submitted a Transport Statement prepared by a suitably qualified traffic engineer. The Town’s Technical Services have considered the Traffic Statement and consider the development will not result in a negative traffic impact.

Design

The proposed development is considered to be of a contemporary architectural design. The unique style of the development appropriately considers the location and constraints of the site. The development is considered to present as a landmark site for the area.

The applicant's architect has provided the following information in support of the design:

Due to the location and the awkward shape of the site, it is obvious a traditional planning solution of multiple grouped dwelling with individual crossovers is not feasible. Rather, a well-considered design outcome is required which produces a pleasing and exciting piece of Architecture yet at the same time, create opportunities to enhance the amenities of its context.

We believe our design:

- 1. Is Architecturally pleasing and exciting, yet the forms and building languages are in harmony with its surroundings;*
- 2. Provides a visual, communal and pleasant focal point;*
- 3. Enhances interaction between dwellers and the street;*
- 4. Enhances visual security and surveillance to the street and the drainage reserve to the East without compromising the required visual privacies;*
- 5. Assisting in addressing the accommodation shortage in the community yet at the same time accommodating a diverse group of dwellers, which some new residential development lacks.*

Planning and Design

The planning takes into account of the two existing single storey villas North of the site by dividing the site into two zones:

- North is dedicated to single storey villas and;*
- South with a double storey and larger multiple residential building.*

The zones are divided and yet linked by the carport and storage building.

The design logic for grouping single storey villas is obvious. A larger multiple residential building to the South can better address the inherited awkward corner and at providing a visual focal point, with other benefits outweighing a single storey grouped dwelling solution such as reduction in crossovers for carports normally expected with grouped dwellings, thus enhances streetscape safety and amenities.

Forms, Scales and Materiality

The main forms and building languages of the proposed design are drawn from the existing surrounding context and fabrics. I.e. traditional pitched roofs and light weight walls, and single pitched skillion roof with light weight walls. The proposed new single storey villa will be constructed with traditional pitched roof to match the existing two villas. The multiple residential building is to be constructed with a single pitched skillion roof with combination of parapet walls and eaves. The balcony projections to the multiple residential building are to be constructed of steel frames with perforated metal screenings and are intended to create visual interest and a focal point. Materials used are similar to surrounding developments however articulated to create visual interest and excitement.

The nature of the scale of a multiple residential development in a traditional low rise single storey area will, undoubtedly, be a focal point and sometimes overwhelming. The design is mindful of these characteristics and is intended to create a communal and pleasant focal point. This is achieved through breaking up the main bulk of the multiple residential building with multiple indentations. The play of different building materials of painted fibre cement cladding with expressed joints and corrugated metal wall cladding further break down the bulk of the building. Furthermore, the projection of light steel framed balconies into the streetscape not only enhances the visual interest of the building but create a physical and intentional interaction of the dwellers with the street and community.

The distance of the multiple residential building was taken into considerations. It is believed the street is sufficient to provide the personal gap between itself and its neighbours across the street. Sufficient distance is also provided between the proposed building and the two existing + one new single storey villas to its North within the site. The location of the carports and store rooms is also intentionally placed to ensure the relationship of scales is maintained where is appropriate and the gap provided where is necessary. I.e. single storey buildings opposite single storey buildings and at the same instance, providing the necessary distance between the existing single storey villas with the double storey building.

Interaction, Security and Surveillance

Striking a balance between streetscape interaction, safety and surveillance is important. The proposed design tackles this balance by keeping vehicular crossovers to a minimum and maximising pedestrian access and landscaped areas to the street front. Vehicular crossovers are shared and all unit entrances are designed to be off the street front where possible to increase traffic on foot thus the interactions between neighbours.

Main living areas and balconies are positioned to provide visual surveillance to the street, thus enhances security and safety of the street and the community.

Security and visual surveillance to the drainage reserve are also considered. This is achieved through partly the scale of the multiple residential building and its proximity to the boundary bounding the reserve, which can be prone to anti-social activities. Windows and balconies facing the reserve further assist the surveillance without compromising adjacent neighbours' privacies.

Diversity

The proposed higher density building types with the planning of mixed unit sizes are intended to tackle the shortage yet at the same instance to provide for the diverse dwellers which many residential developments lack in the booming mining region. The mix of single bedroom and double bedroom units to four bedroom units will cater for the FIFOs to families with children.

Construction Methodology

The intended construction method shall be site build by a reputable registered contractor with relevant experience, local knowledge and employs local trades and services where possible. The Builder of this development is a contractor with relevant experience of building site built dwellings in the region and employs local trades and actively supports the community by not using transportable modules.

Attachments

1. Locality Map
2. Development Plans

Options

Council has the following options when considering the application:

1. Approve the application subject to conditions.

Approval will ensure the property is developed to its full potential in line with both statutory and strategic documentation.

2. Refuse the application.

Refusal of the proposal will restrict the development of the site.

Option one (1) is recommended.

201213/032 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Hooper**

That Council approves the application submitted by Esam Williams on behalf of A W Scales and A R Gibson the owners of Lot 5291 Brown Place, South Hedland, subject to the following conditions:

- 1. This approval relates only to the proposed additional one (1) "Grouped Dwelling" and nine (9) "Multiple Dwellings" and other incidental development, as indicated on the approved plans (DRG2012/191/1 – DRG2012/191/1). It does not relate to any other development on this lot.**
- 2. In terms of the Town of Port Hedland Town Planning Scheme No. 5, "Grouped Dwellings" and "Multiple Dwellings" are defined as follows and shall only be used for this purpose:**

"Grouped Dwelling"

"a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate."

"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 two (2) years if development is substantially commenced. (Refer to advice note 3).**
- 4. A minimum of 17 car bays are shall be provided as indicated on the approved site plan (DRG2012/191/2).**
- 5. No parking bays shall be obstructed in any way or used for the purposes of storage.**
- 6. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.**
- 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. **Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services.**
9. **Alterations or 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.**
10. **Stormwater shall be retained on-site, in accordance with Council's Technical Services Guidelines.**
11. **Prior to any development occurring on the site, the new Certificate of Title confirming the amalgamation, shall be submitted to the Manager Planning Services.**

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

12. **Prior to the submission of a building permit, amended plans incorporating the following amendments shall be submitted and considered by Council's Manager Planning:**
 - a. **Provision for bicycle parking.**
 - b. **Storerooms with inwards opening doors.**
 - c. **Proposed access ways shall be at least 1.5m from any structure, including existing transmission poles.**
 - d. **Screening provided for the eight (8) resident parking bays.**
13. **Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.**
14. **Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:**
 - a. **The delivery of materials and equipment to the site;**
 - b. **The storage of materials and equipment on the site;**
 - c. **The parking arrangements for the contractors and subcontractors;**
 - d. **Impact on traffic movement;**
 - e. **Operation times including delivery of materials; and**
 - f. **Other matters likely to impact on the surrounding residents / businesses.**
15. **Prior to the submission of a building permit a detailed Stormwater Management Plan shall be submitted and approved by the Manager Technical Services.**

16. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan 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.
17. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services.

The following conditions are to be cleared by Planning Services prior to occupation of development:

18. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of Council's Manager Planning.
19. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.
20. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 4)
21. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services.

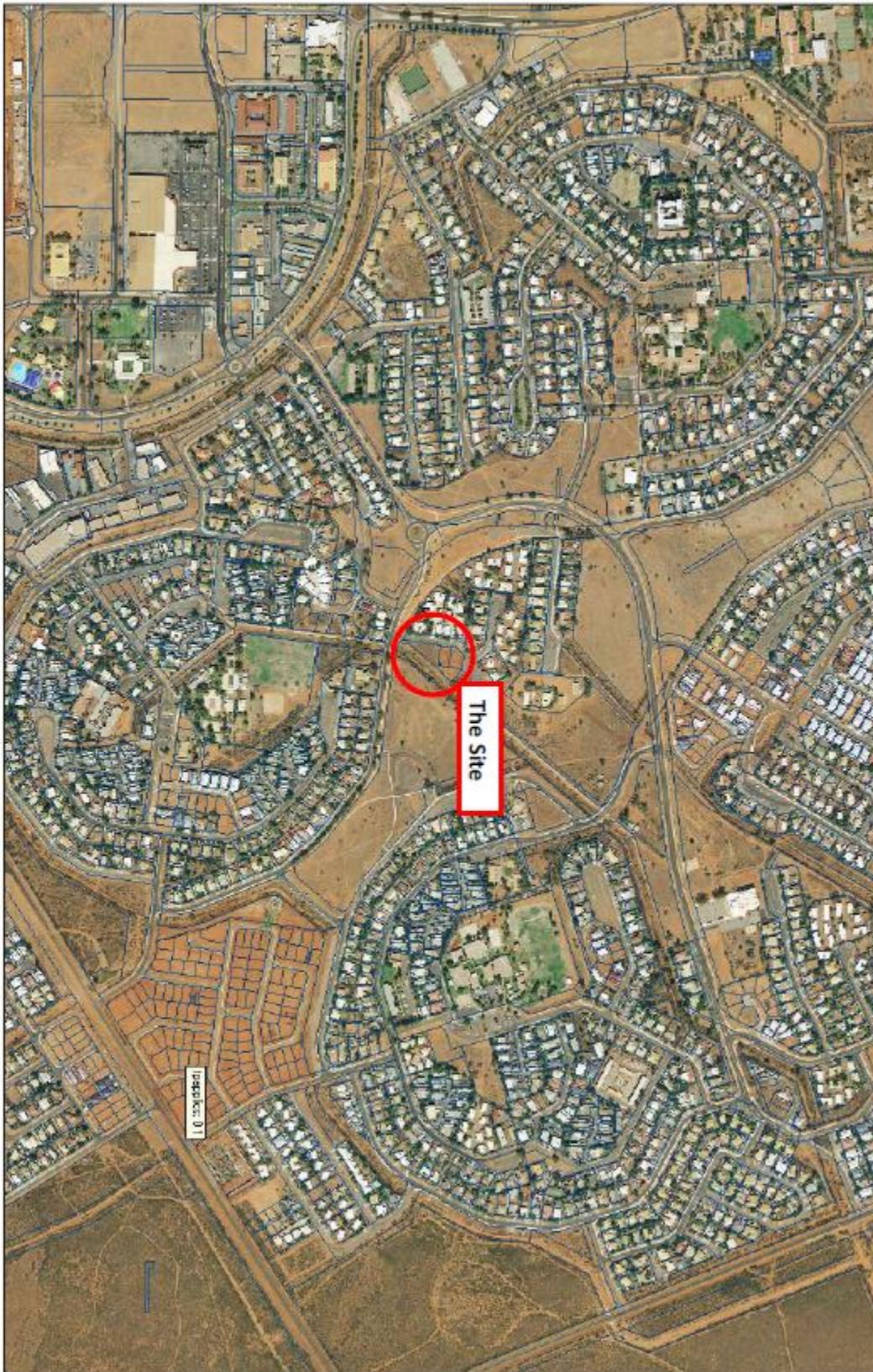
ADVICE NOTES:

1. This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years.

- 2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements.**
- 3. In the absence of a clear definition of “substantially commenced” within the Port Hedland Town Planning Scheme No. 5, for the purpose of this approval “substantially commenced” shall mean the approved development shall be at least 50% complete.**
- 4. In the absence of a clear definition of “mature trees and shrubs” within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval “mature trees and shrubs” shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height.**
- 5. Waste receptacles shall be stored in a suitable enclosure, provided to the specifications of Council’s Health Local Laws 1999.**
- 6. The development shall comply with the Environmental Protection (Noise) Regulations 1997, at all times.**
- 7. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**
- 8. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.**
- 9. The Water Corporation has advised the following:**
 - a. the sewer main is protected by an easement, and no permanent structures permissible. Wastewater capacity constraints may apply until 2012 when pump stations are upgraded.**
 - b. Water demand will be assessed during the building application stage in regards to size of meter that is available to be provided in the interim and ultimately after 2014.**
 - c. All development proposals should be accompanied by a water management plan that includes appliance labelling standards, incentives for occupants to be water efficient, garden and irrigation design, leak detection and maintenance, and opportunities explored for recycling.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.7



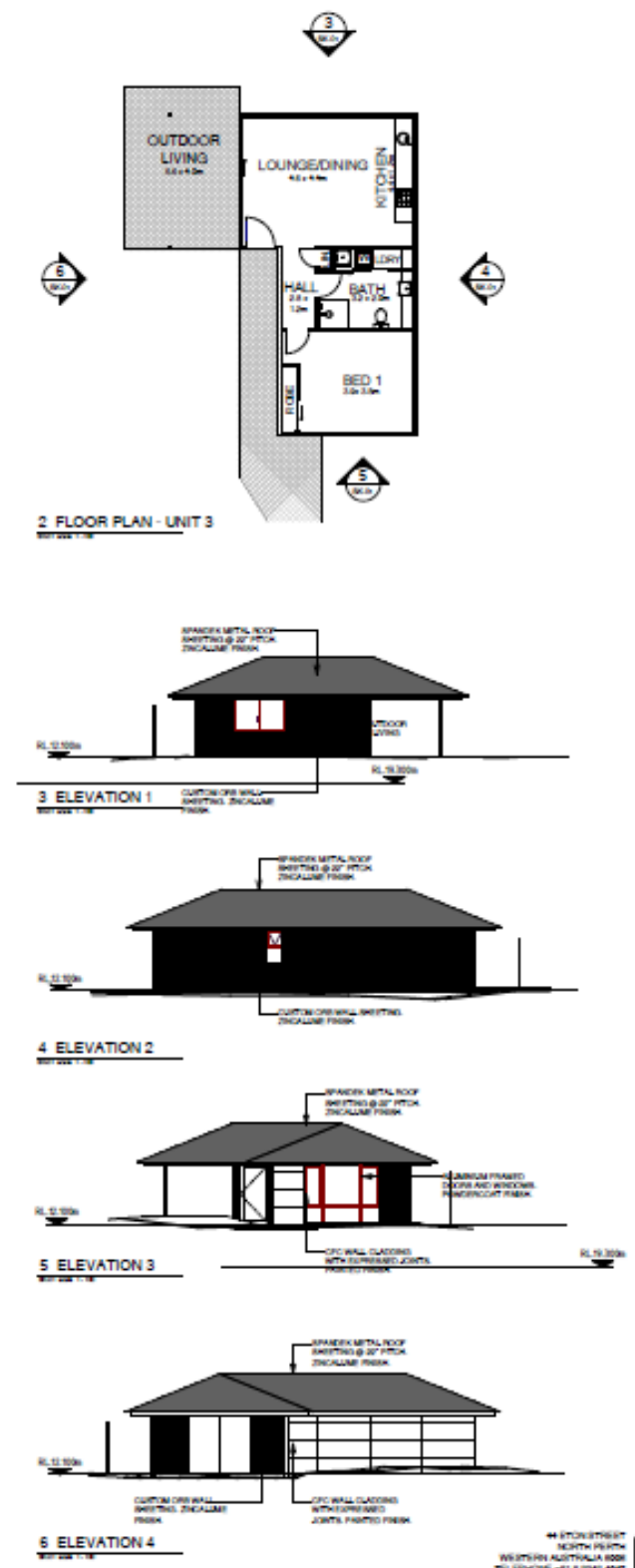
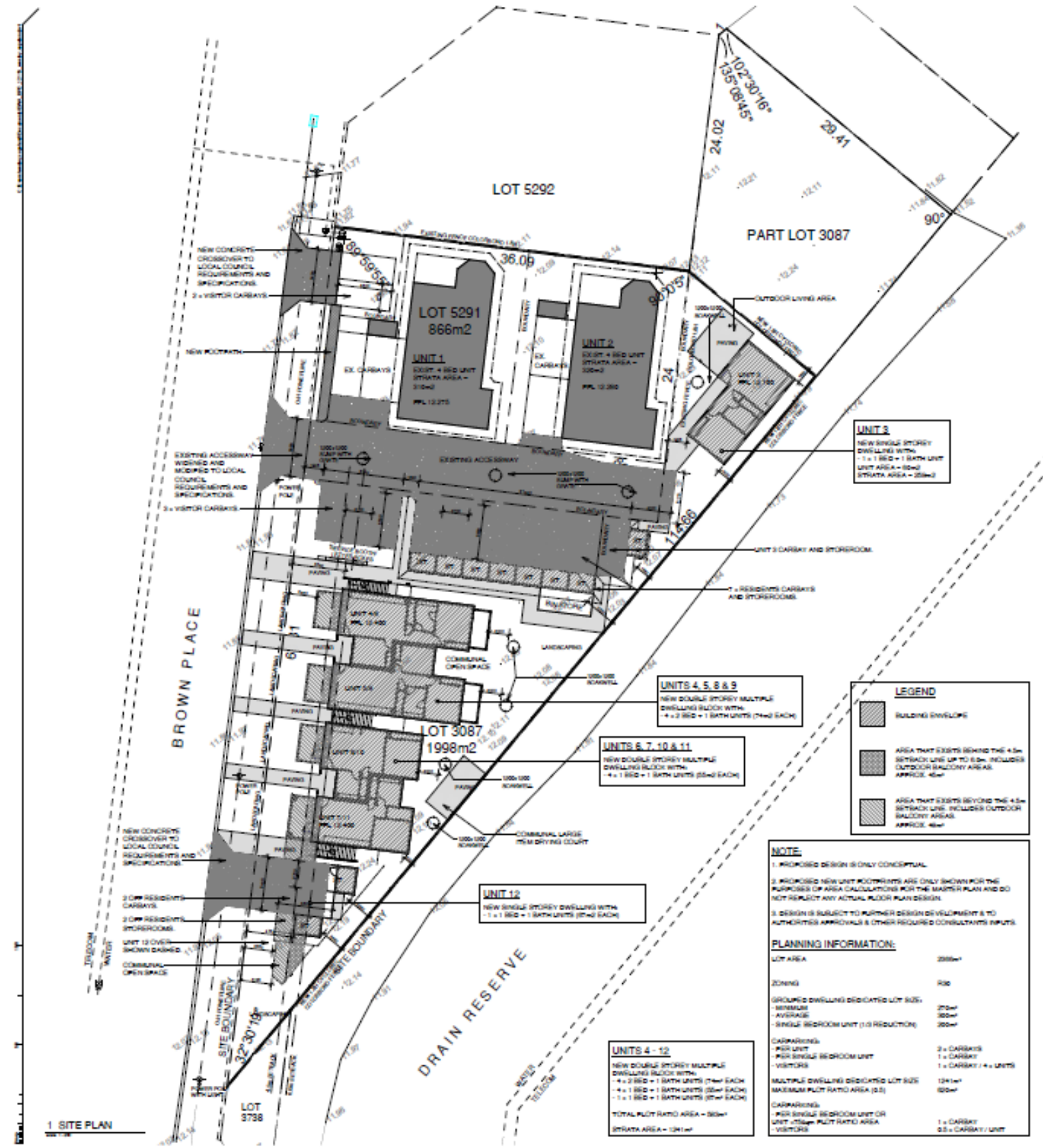


LANDMARK ARCHITECTURAL ELEMENT
ENGAGES STREETSCAPE AND
ARTICULATES CORNER BLOCK AND
STREET ENTRY



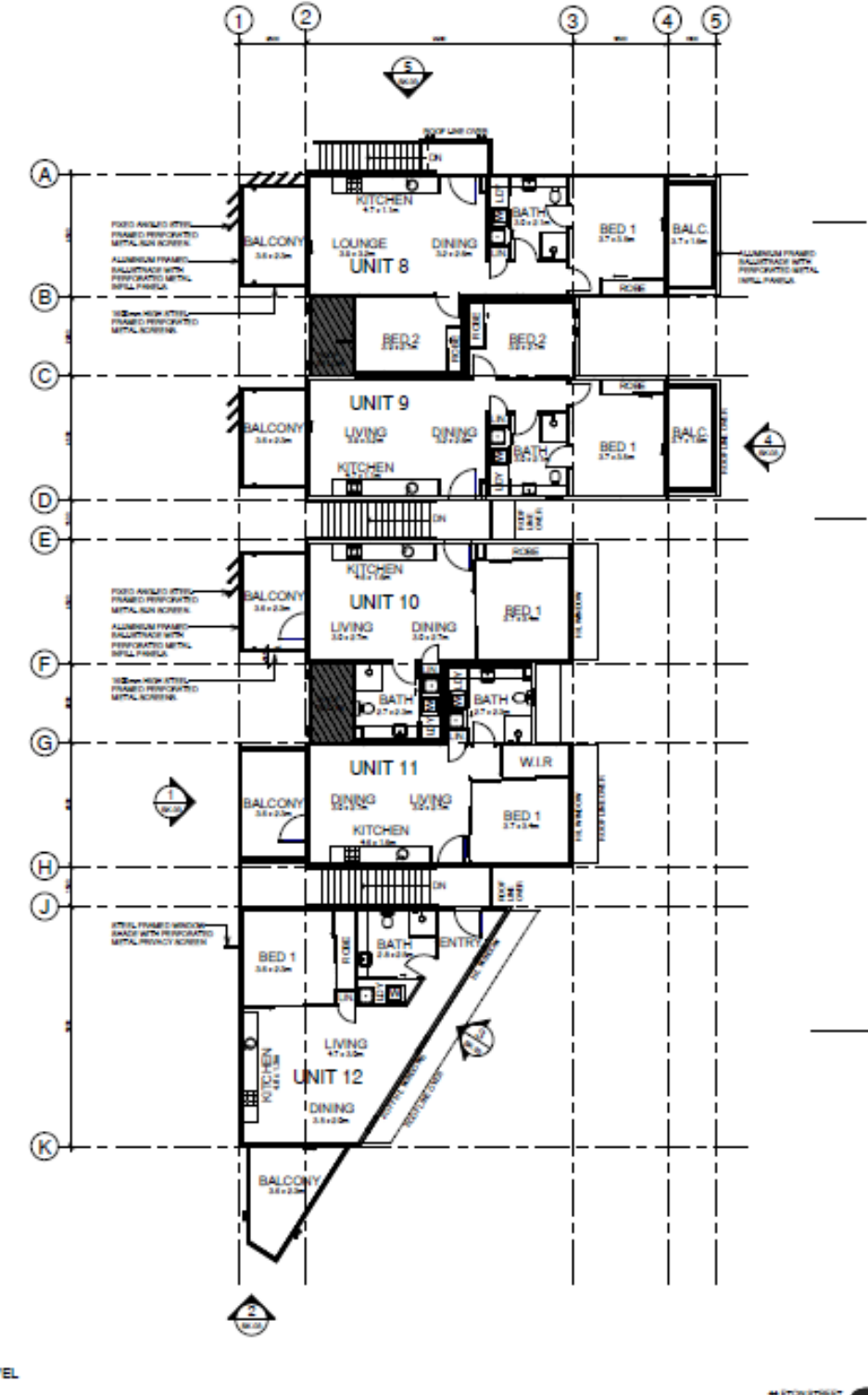
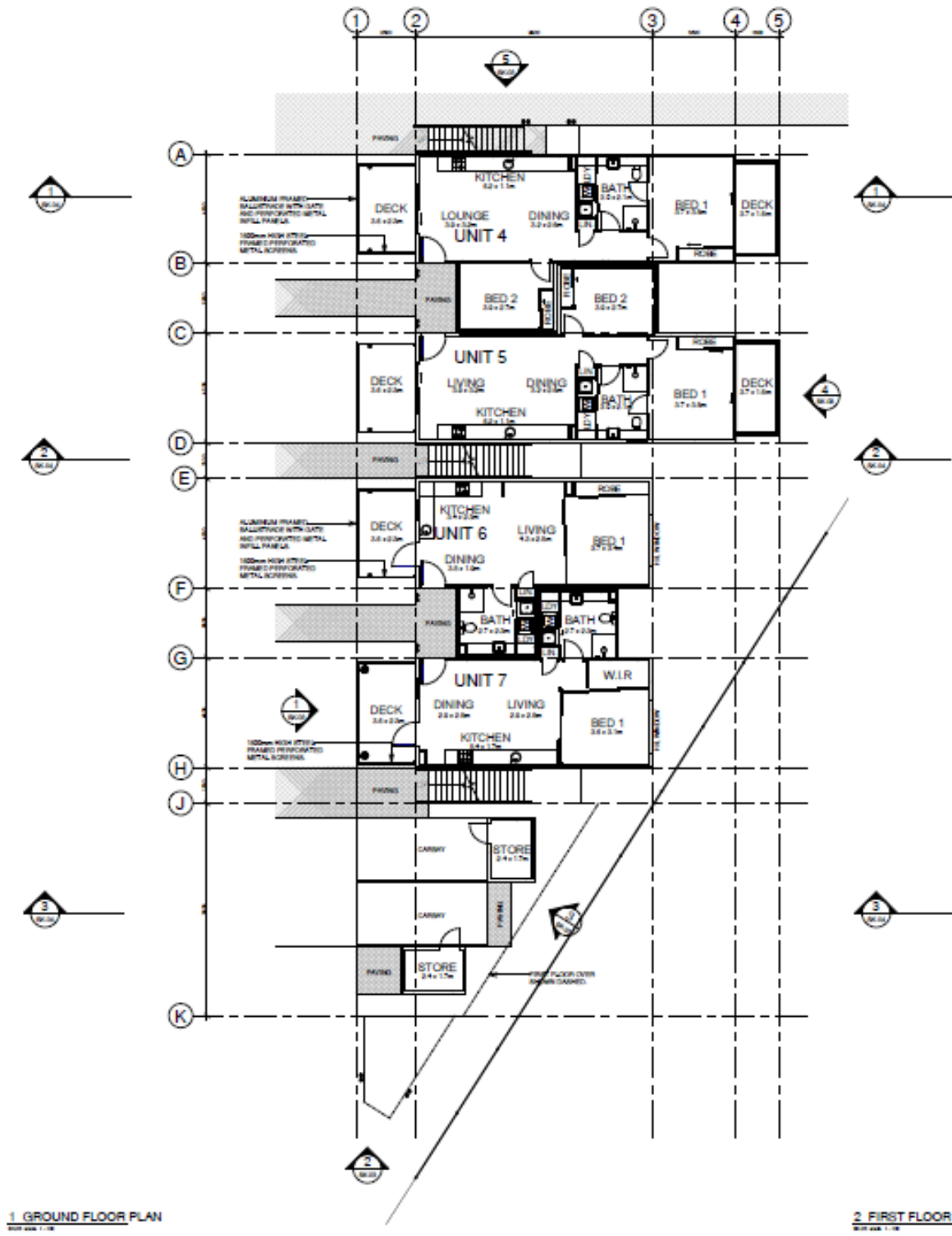
<small>THIS DRAWING IS THE PROPERTY OF WESTERN AUSTRALIAN ARCHITECTURE (WAA) AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WAA.</small>	
DATE	08/07/12
NO.	01-00
BY	Designer
SCALE	1:100
COVER SHEET	
PROPOSED RESIDENTIAL DEVELOPMENT 80-90 HAYWARD STREET, PERTH WA	
	PROJECT MANAGER → NICHOLE WILSON ARCHITECT → WESTERN AUSTRALIAN ARCHITECTURE





DATE: 1 FEB 2012		SCALE: 1:500	
DRAWN BY: [Name]		CHECKED BY: [Name]	
SITE PLAN AND UNIT 3 FLOOR PLAN & ELEVATIONS			
PROPOSED RESIDENTIAL DEVELOPMENT LOT 5291 + PART LOT 3087 BROWN PLACE SOUTHBRIDGE, WESTERN AUSTRALIA			
DRAWN BY: [Name]		CHECKED BY: [Name]	





PROPOSED RESIDENTIAL DEVELOPMENT LOT 11 - PART LOT 107 BROWNLAKE SOUTH HIGHLAND, WESTERN AUSTRALIA		FLOOR PLANS	
DATE	NO.	DATE	NO.
FEB/2012	SK-02	1/10/12	ESW

44 STONESTREET
NORTH PEETH
WESTERN AUSTRALIA 6008
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OW WILLIAMS



PROPOSED RESIDENTIAL DEVELOPMENT 1000 WILKINS AVE SOUTHBRIDGE, WEST AUSTRALIA	
DATE: FEB 2012	
SK: 03	
SCALE: 1:100	
ORIENTATION: ESW	
ELEVATIONS	

1000 WILKINS AVE SOUTHBRIDGE WEST AUSTRALIA
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E-MAIL: enquiries@owwilliams.com.au



11

11.1.8 *Facilitation of Trumpet Way Subdivision and Acceptance of Management of Marquee Park (File No.: 130511G)*

Officer Luke Cervi
Senior Planning Officer

Date of Report 5 July 2012

Disclosure of Interest by Officer Nil

Summary

The Trumpet Way subdivision is the result of a land swap negotiated between the Town of Port Hedland and the Department of Housing. The swap has facilitated the South Hedland New Living initiative and development of Marquee Park.

A number of land matters relating to reserves and roads need to be resolved to facilitate the Trumpet Way subdivision proposed by Department of Housing.

To progress to finalizing the swap Council is requested to initiate the various land matters listed in the Officer's Recommendation.

Background

The Trumpet Way subdivision is another of the South Hedland New Living projects. South Hedland New Living has been responsible for a number of infill developments and renovations throughout South Hedland. These infill developments and renovations have resulted in much needed housing as well as improved streetscapes and passive surveillance of public areas.

The Trumpet Way land to be developed was previously vested to the Town for recreation purposes. This land was relinquished by the Town on the understanding alternative recreation land would be provided (Marquee Park). By relinquishing the vesting, the State has been able to swap land with the Department of Housing to facilitate the undeveloped Trumpet Way reserve.

To facilitate the project, Council has undertaken a number of land matters including:

- Relinquishing reserves vested to the Town
- Closing of Roads
- Rezoning of Land
- Conditional support of the subdivision

To further progress the swap, the following actions are required:

1. Amend Reserve 46653 (drainage) by:
 - a) Excising a portion of Lot 3017 to dedicate as road reserve,
 - b) Including lots 3738 & 5994.
2. Accept Lots 262 & 263 (Marquee Park) being vested to the Town for the purpose of recreation and include the power to lease.

Consultation

Nil

Statutory Implications

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

41. Minister may reserve Crown land
46. Placing of care, control and management of reserves
56. Dedication of roads

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

If Council decides to accept the management order for Marquee Park, Council will become responsible for its control, operation and maintenance.

Officer's Comment

Amendments to Reserve 46653 (drainage)

- a) Excising a portion of Lot 3017 to dedicate as road reserve

This portion of drainage reserve needs to be dedicated as road to facilitate the road network approved by the subdivision of the land which has been approved by the Western Australia Planning Commission. A culvert will be placed under the road to continue achieving its drainage function.

- b) Including lots 3738 & 5994

These lands currently function as part of the drainage network but remain Unallocated Crown Land (UCL). The inclusion of these lands into the drainage reserve will ensure they remain available and continue to be used for drainage purposes.

Acceptance of management order for Marquee Park

Marquee Park is identified within the Town's Active Open Space Strategy and will provide a "district" function. Marquee Park has been developed with water play facilities and an ancillary café.

It is envisaged the café will be leased to a commercial operator and therefore it is recommended Council request any management order include the power to lease with funds derived from the lease to be placed in a dedicated account for the Marquee Park only.

Options

Council has the following options for considering each matter:

Amendments to Reserve 46653 (drainage)

1. Approve the amendments to the reserve

This will ensure the drainage network is protected and enable the road network to be constructed in accordance with the approved subdivision.

2. Refuse the amendment to the reserve

Council drainage system will not be protected and the Trumpet Way subdivision will need to be redesigned thereby delaying the ability to bring much needed residential lots onto the market.

Acceptance of management order for Marquee Park

1. Support Marquee Park being vested to the Town

This will see Council obtain control and responsibility for Marquee Park

2. Object to Marquee Park being vested to the Town.

This may jeopardise the Trumpet Way subdivision proceeding.

For both matters option 1 is recommended.

Attachments

1. Locality Plan
2. Site Plan

201213/033 Officer's Recommendation / Council Decision

Moved: Cr Martin

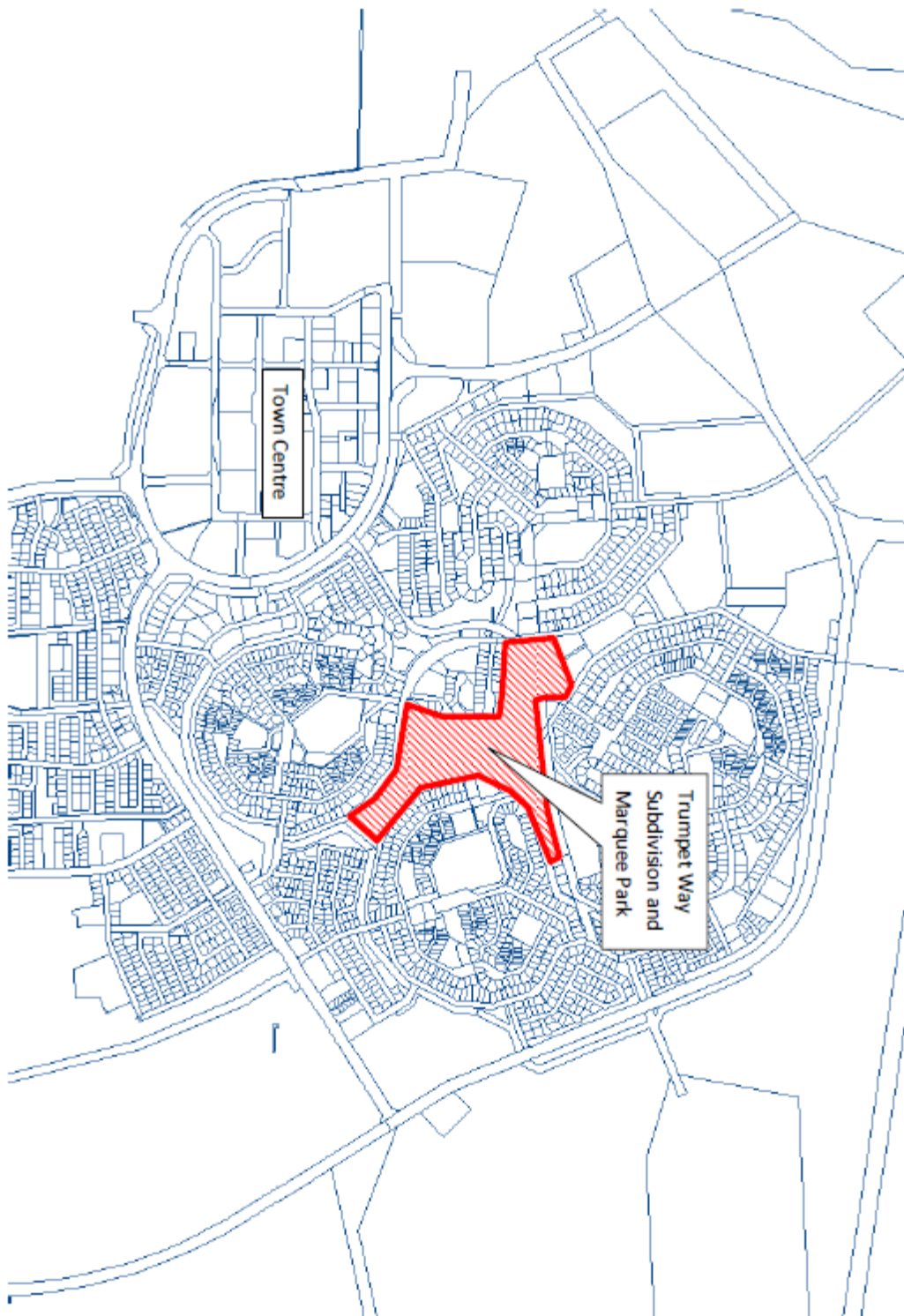
Seconded: Cr Gillingham

That Council:

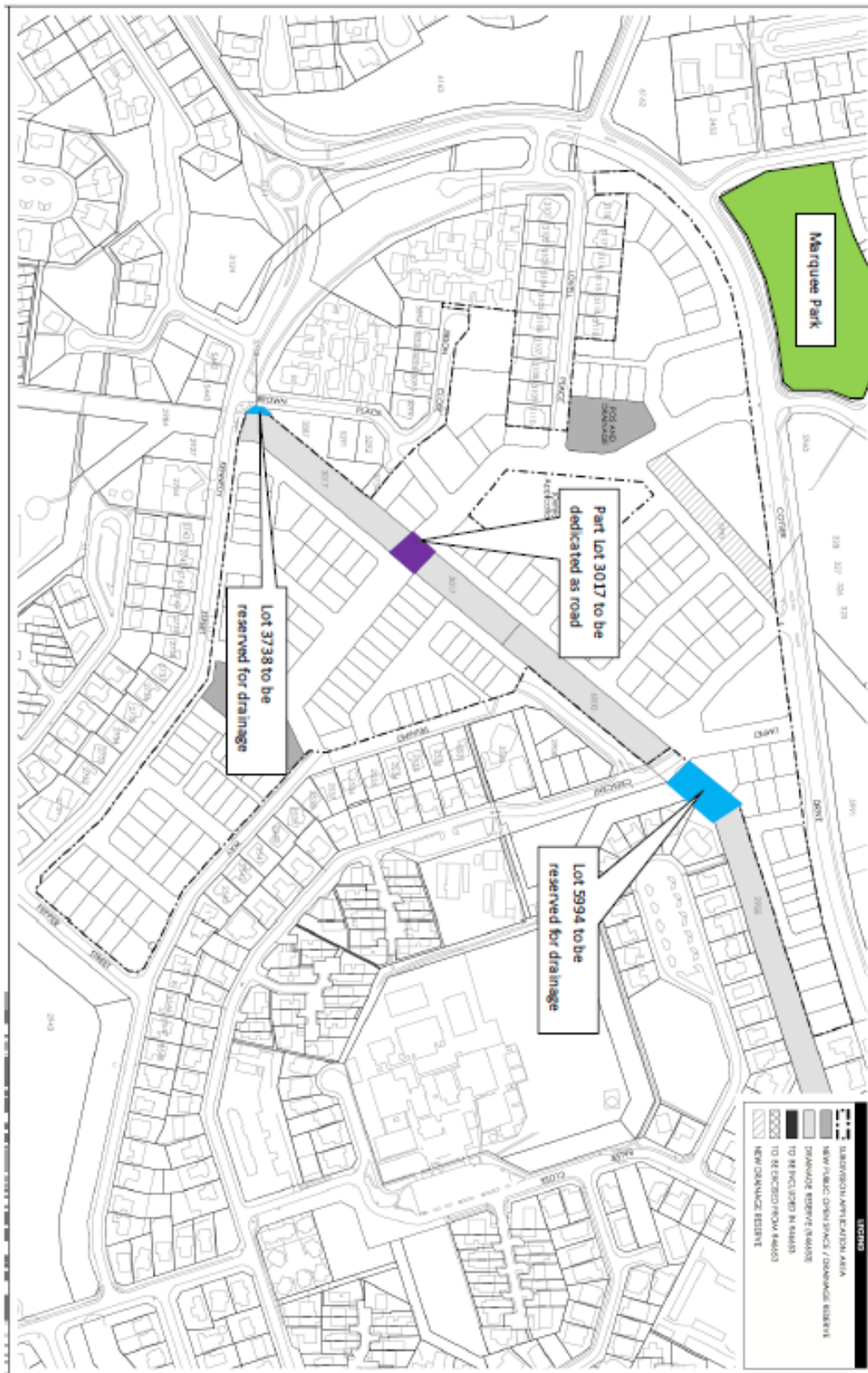
- i) **Supports amendment to Reserve 46653 as follows:**
 - a) **Excise a portion of Lot 3017 DP 213347 as shown on attachment 2 and dedicate as road in accordance with Section 56 of the Land Administration Act 1997.**
 - b) **Include Lot 3738 DP 213743 and Lot 5994 DP 219941 into the reserve.**
- ii) **Delegates the Manager Planning to request the Department of Regional Development and Lands to amend Reserve 46653 in accordance with i) above.**
- iii) **Advises the Department of Regional Development & Lands and the Department of Housing, Council accepts the management orders for Lots 262 & 263 DP 70677 (Marquee Park) subject to Council having the ability to lease.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.8



ATTACHMENT 2 TO ITEM 11.1.8



11.1.9 *Delegated Planning, Building & Environmental Health Approvals and Orders for June 2012 (File No.: 18/07/0002 & 07/02/0003)*

Officer Carly Thompson
Executive Assistant
Planning & Development

Date of Report 13 July 2012

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of June 2012.

Background

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of June 2012 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

Consultation

Nil

Statutory Implications

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

Policy Implications

Nil

Budget Implications

Nil

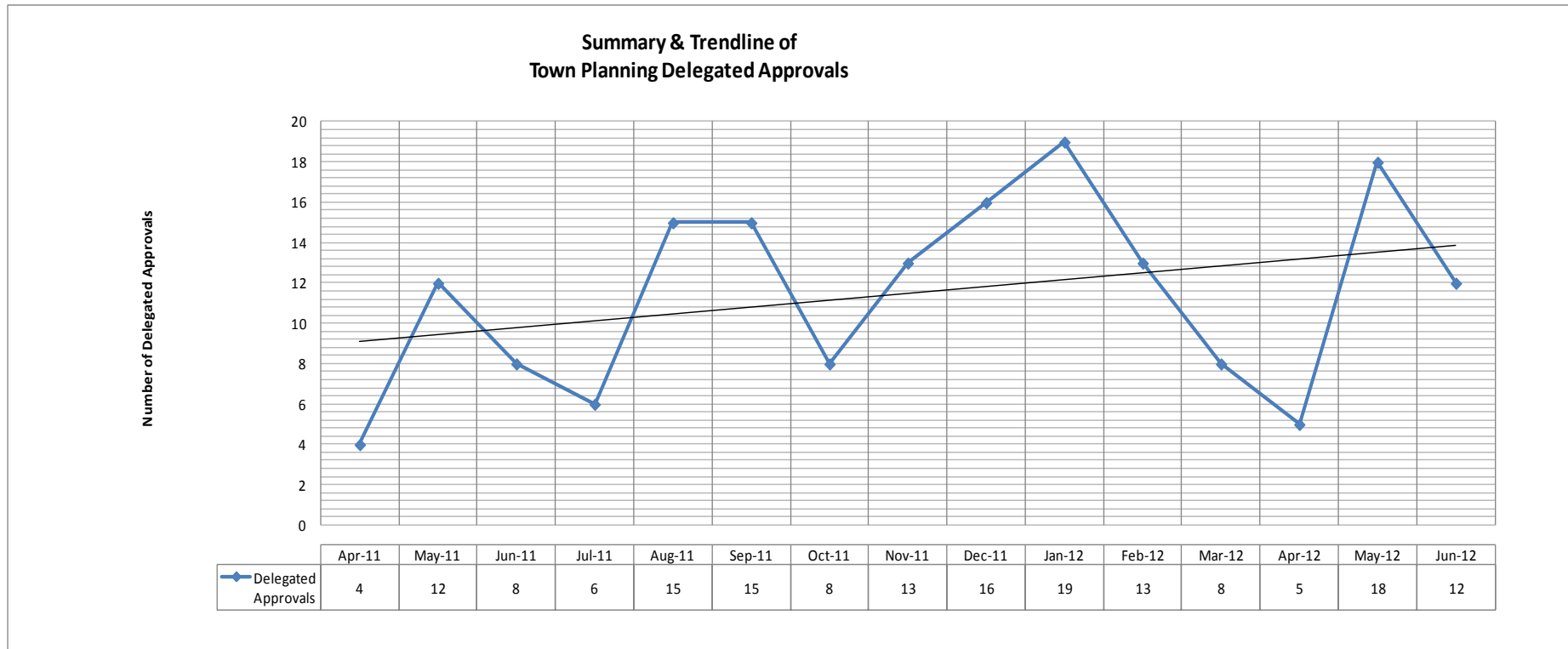
Officer's Comment

Nil

DELEGATED PLANNING APPROVALS FOR JUNE 2012

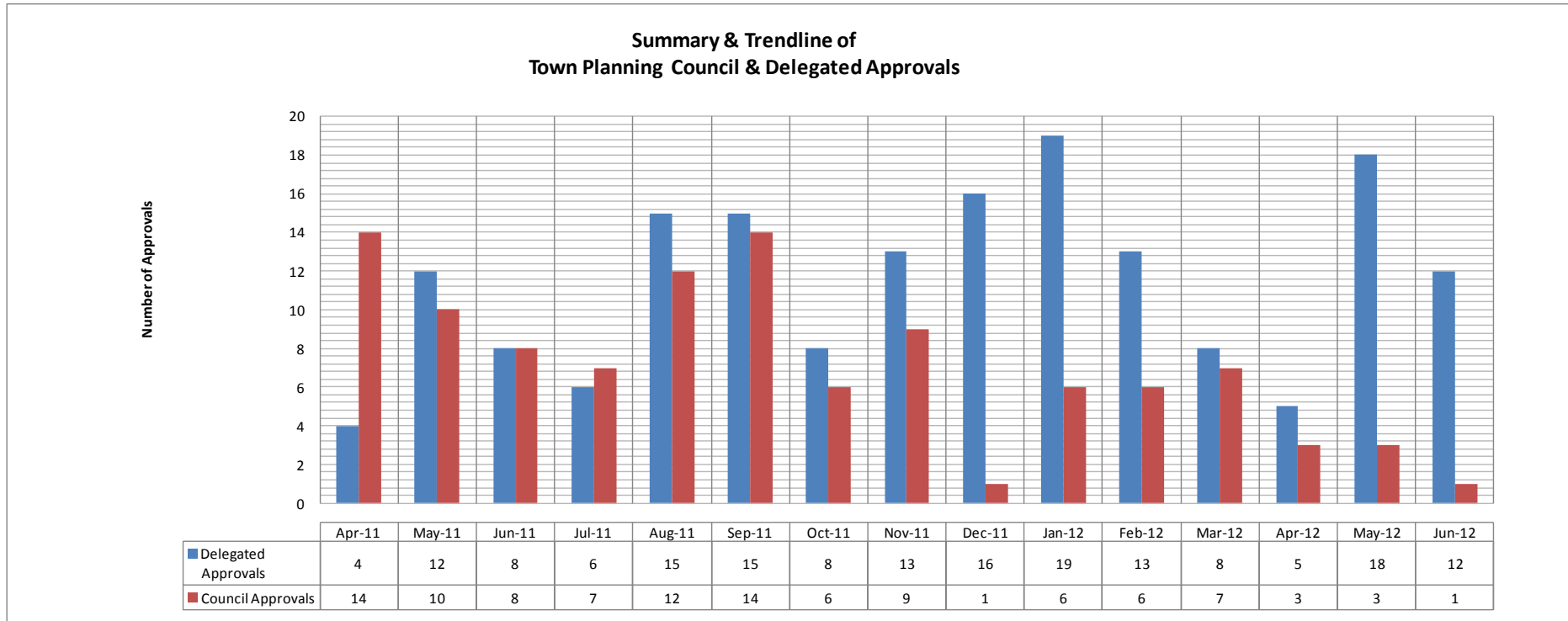
Applic No	Applic date	Description	Location	Date approved	Applicants name	Development value
2012/127	22/03/2012	Two (2) Grouped Dwellings	SOUTH HEDLAND	07/06/2012	PIVOT WAY PTY LTD	
2012/145	12/04/2012	11 Multiple Dwellings	SOUTH HEDLAND	07/06/2012	NICHE RESIDENTIAL	\$ 3,000,000.00
2012/147	13/04/2012	Two (2) Grouped Dwellings - One Existing and One Proposed	SOUTH HEDLAND	15/06/2012	TRC PTY LTD	\$ 300,000.00
2012/155	17/04/2012	ANCILLARY ACCOMMODATION	SOUTH HEDLAND	01/06/2012	Leimac Building Pty Ltd	\$ 128,105.00
2012/161	19/04/2012	Proposed Three (3) Industry - Light Units & Three (3) Industry - Service Units	WEDGEFIELD	06/06/2012	Define Creations	\$ 1,500,000.00
2012/165	24/04/2012	GROUPED DWELLING - 1 EXISTING AND 2 PROPOSED GROUPED DWELLINGS	SOUTH HEDLAND	07/06/2012	JOHN PLUMB HOMES	\$ 880,000.00
2012/182	07/05/2012	4 x Grouped Dwellings - 1 x Existing, 3 x Proposed	PORT HEDLAND	26/06/2012	Thomas Building	\$ 1,767,400.00
2012/192	15/05/2012	MOTOR VEHICLE REPAIR AND ASSOCIATED OFFICE	WEDGEFIELD	20/06/2012	LESLEY HELEN WOODS	\$ 1,000,000.00
2012/193	15/05/2012	SINGLE DWELLING - R CODE VARIATION	SOUTH HEDLAND	08/06/2012	LMCD HOLDINGS PTY LTD	\$ 590,000.00
2012/201	17/05/2012	AERODROME - SHADE STRUCTURE	PORT HEDLAND	19/06/2012	TOWN OF PORT HEDLAND	\$ 25,345.00
2012/205	17/05/2012	Residential - Ancillary Accommodation	SOUTH HEDLAND	15/06/2012	PIVOT WAY PTY LTD	\$ 330,364.00
2012/237	08/06/2012	STORAGE FACILITY/DEPOT/LAYDOWN AREA - SHELTER ADDITION	WEDGEFIELD	15/06/2012	NORTHWEST SHEDMASTERS PTY LTD	\$ 10,000.00

DELEGATED PLANNING APPROVALS FOR JUNE 2012 Cont'd....

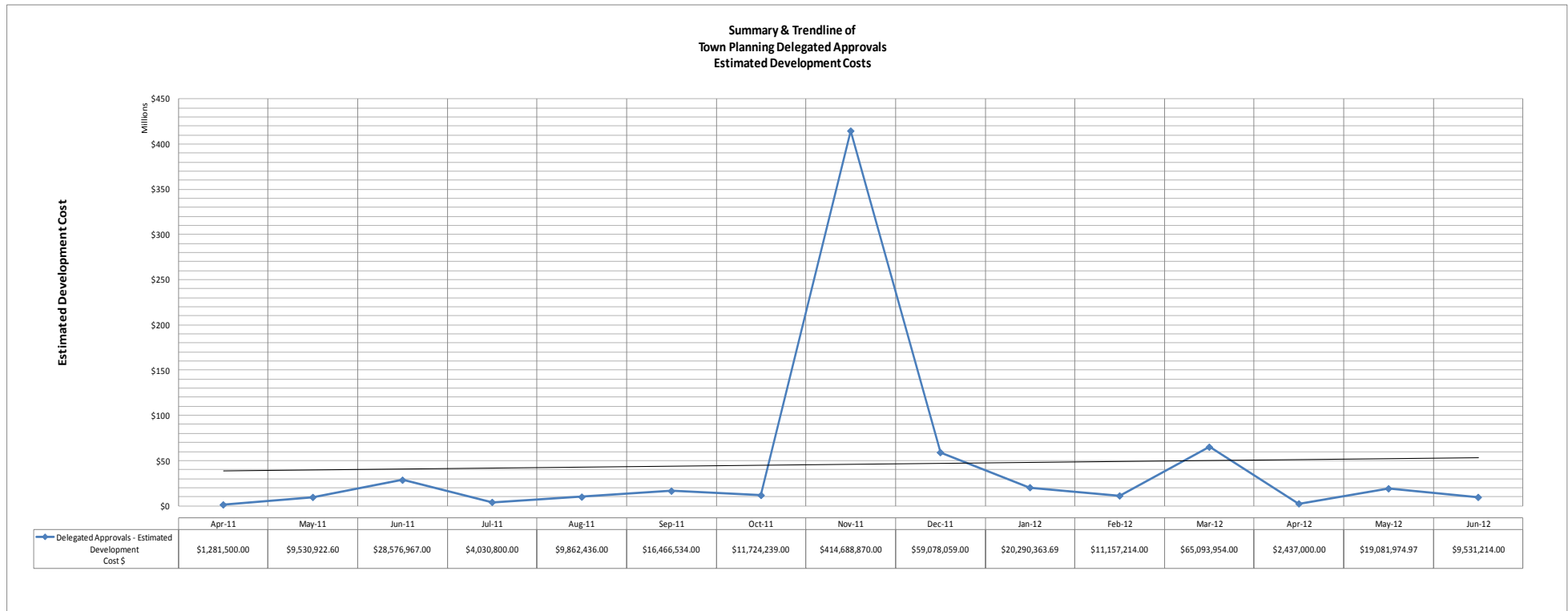


* STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

DELEGATED PLANNING APPROVALS FOR JUNE 2012 Cont'd...



DELEGATED PLANNING APPROVALS FOR JUNE 2012 Cont'd...



*STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

DELEGATED BUILDING APPROVALS FOR JUNE 2012

Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
12-001	12.06.2012	SOUTH HEDLAND	1 x Single Dwelling 1 x Garage and 1 x	\$ 460,000.00	160	Class 10a
10747	15.06.2012	WODGINA MINE VIA PT HEDL	Outbuilding	\$ 40,000.00	100	Class 10a
12-050	15.06.2012	SOUTH HEDLAND	Shed	\$ 8,000.00	9	Class 10a
12-027	12.06.2012	SOUTH HEDLAND	Fencing	\$ 15,000.00		Class 10b
12-055	25.06.2012	SOUTH HEDLAND	Install a Swim Spa inground	\$ 9,000.00	12	Class 10b
10762	01.06.2012	SOUTH HEDLAND	Re Cladding of Dwelling Shade Sail & Se	\$ 50,000.00		Class 1a
12-043	11.06.2012	PORT HEDLAND	New Single Dwelling	\$ 653,500.00	236	Class 1a
12-044	11.06.2012	PORT HEDLAND	New Single Dwelling	\$ 662,000.00	236	Class 1a
12-045	11.06.2012	PORT HEDLAND	New Single Dwelling	\$ 650,600.00	236	Class 1a
12-046	11.06.2012	PORT HEDLAND	New Single Dwelling	\$ 651,100.00	236	Class 1a
12-048	11.06.2012	PORT HEDLAND	New Single Dwelling	\$ 508,800.00	190	Class 1a
12-049	11.06.2012	PORT HEDLAND	New Dwelling	\$ 492,500.00	190	Class 1a
12-037	11.06.2012	PORT HEDLAND	New house single storey	\$ 509,000.00	190	Class 1a
12-039	11.06.2012	PORT HEDLAND	New single storey house	\$ 492,500.00	190	Class 1a
12-040	11.06.2012	PORT HEDLAND	New Single Dwelling	\$ 494,500.00	123	Class 1a
12-041	11.06.2012	PORT HEDLAND	New Single Dwelling	\$ 536,900.00	184	Class 1a
12-002	12.06.2012	SOUTH HEDLAND	1 x Single Dwelling	\$ 590,000.00	305	Class 1a
12-038	12.06.2012	PORT HEDLAND	New Single Dwelling	\$ 505,300.00	198	Class 1a
12-030	12.06.2012	SOUTH HEDLAND	1 x Single Dwelling 1 x Garage and 1 x	\$ 504,861.00	300	Class 1a
12-033	13.06.2012	SOUTH HEDLAND	2 x Units	\$ 700,000.00	508	Class 1a
12-053	22.06.2012	SOUTH HEDLAND	Bed 5 Extension - Class 1a Building	\$ 5,000.00	12	Class 1a
12-051	28.06.2012	SOUTH HEDLAND	2 x Single Dwellings	\$ 880,000.00	219	Class 1a
12-015	13.06.2012	PORT HEDLAND	1x Single Dwelling 1 x Swimming Pool 1	\$ 1,296,790.00	390	Class 1a 10a and 10b
12-031	19.06.2012	PORT HEDLAND	1 x Single Dwelling 1 x Carport 1 x Ou	\$ 1,400,000.00	534	Class 1a 10a and 10b
10655	15.06.2012	SOUTH HEDLAND	2 x Single Dwellings 2 x Carports	\$ 865,000.00	320	Class 1a and 10a
12-008	28.06.2012	SOUTH HEDLAND	2 x Single Dwellings 2 x Garages 2 x A	\$ 540,800.00	305	Class 1a and 10a
100576	21.06.2012	WEDGEFIELD	1 x Shed	\$ 150,000.00	192	Class 8
TOTAL 27				\$ 13,671,151.00		

DEMOLITION LICENCES FOR JUNE 2012

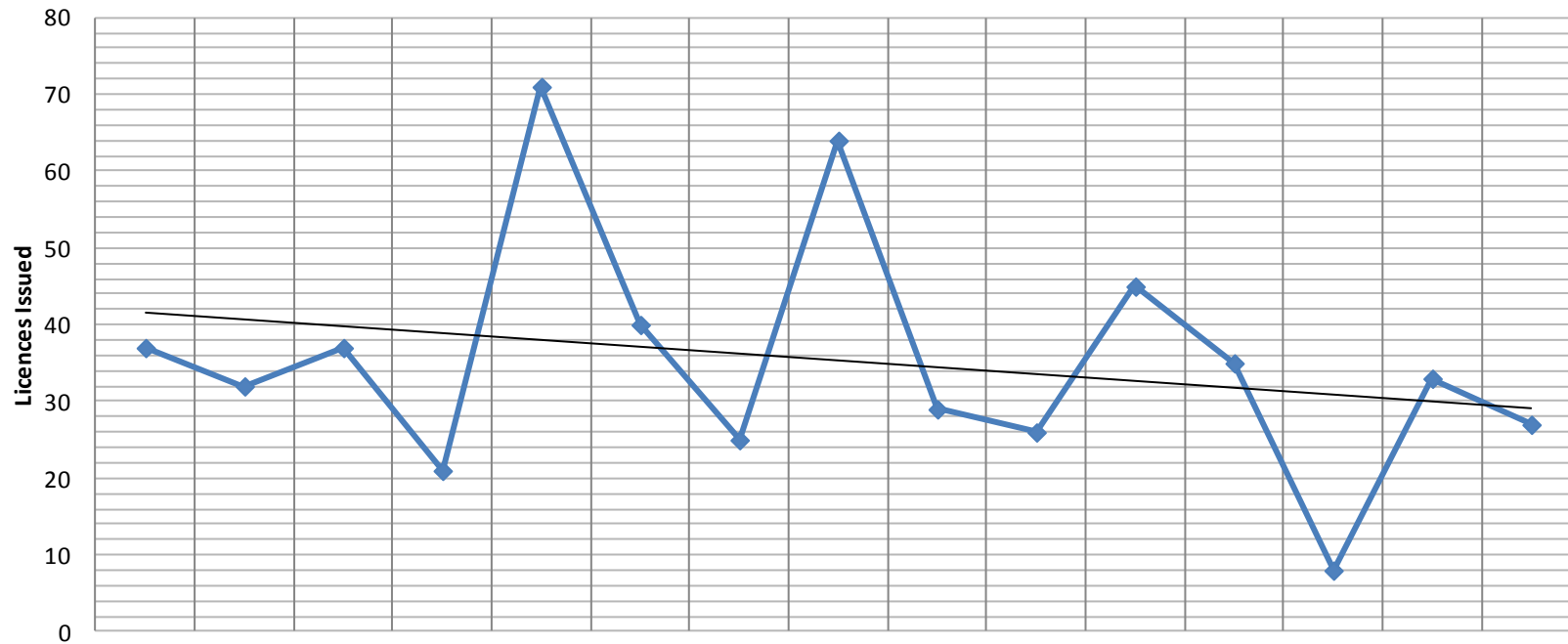
DEMOLITION LICENCES					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)	Classification
12-052	19.06.2012	PORT HEDLAND	Demolition of Storage & Gym	\$ 20,000.00	Class 9b
TOTAL 1		Demolition Licences Issued		\$ 20,000.00	

OVERVIEW SUMMARY FOR JUNE 2012

SUMMARY				
No of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
1	Demolitions	20,000.00	0	\$0.00
21	Dwellings	12,989,151.00	4,797	\$2,708
3	Class 10a	508,000.00	269	\$1,888
2	Class 10b	24,000.00	12	\$2,000
1	Commercial	150,000.00	192	\$781
	Other			
28		\$ 13,691,151.00	5,270.00	\$ 7,377.49

DELEGATED BUILDING APPROVALS FOR JUNE 2012

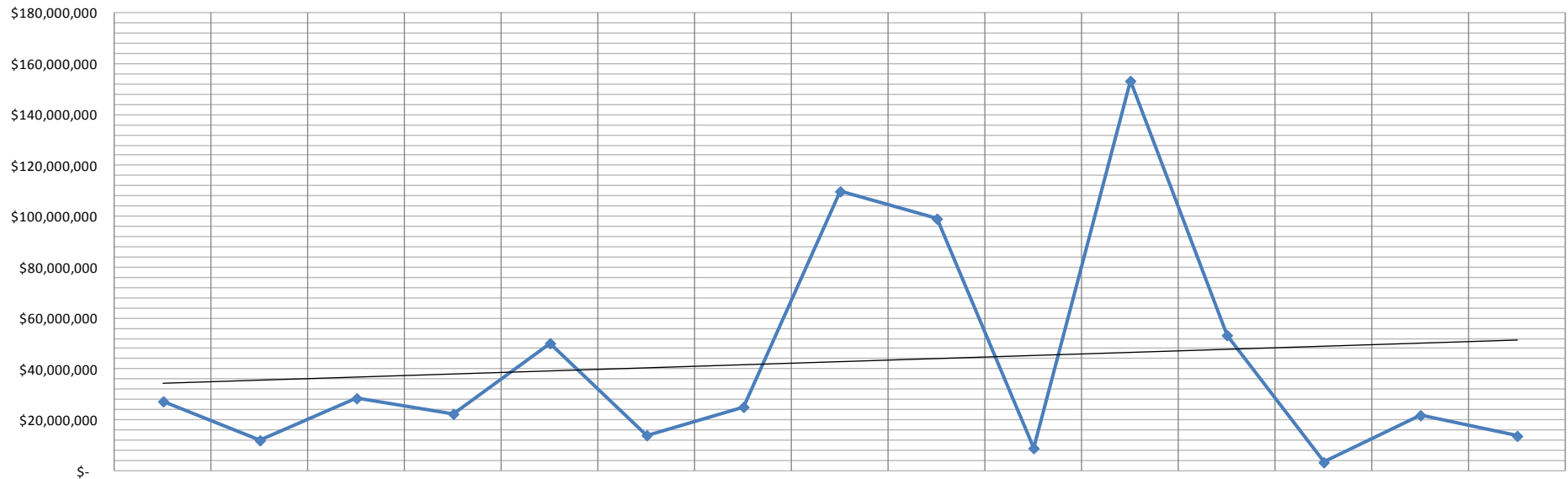
Summary & Trendline for Building Licence Approvals



	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12
◆ No of Licences Issued	37	32	37	21	71	40	25	64	29	26	45	35	8	33	27

DELEGATED BUILDING APPROVALS FOR JUNE 2012

Summary & Trendline of
Estimated Construction Value of Building Licences Issued



	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12
Estimated Construction Value \$	\$27,255,020	\$11,942,146	\$28,472,138	\$22,332,452	\$50,109,780	\$13,960,896	\$25,069,333.0	\$109,817,975.	\$99,078,721.0	\$8,861,015.00	\$153,262,016.	\$53,254,451.0	\$3,312,976.00	\$21,796,768.0	\$13,671,151.0

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
WEDGEFIELD					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	~ Trial set down for 13 & 14 September 2010 in Perth. ToPH witnesses to attend. ~ Magistrate has found J Yujnovich guilty sentencing will be in +/- 3 weeks ~ Fine imposed of approx \$20,000 ~ Fine paid in full ~ Appointment of Compliance Office has been completed, Matter is being investigated ~ No improvement made to property ~ Letter requesting commitment to remove materials prepared by McLeods Barristers & Solicitors ~ If commitment not received within 14 days of issue further proceeding to commence ~ A meeting is being organised onsite with J Yujnovich ~ Mr Yujnovich has demonstrated a willingness to comply with Planning condition. Has been given 3 months to comply. Mr Yujnovich is in the process of clearing property F/up in 2 weeks to ensure compliance matter has been resolved. ~ Development Application has been submitted. ~ Compliance on hold until Application has been processed. ~ Planning Application was submitted. Has been refused. ~ SAT Proceeding have been initiated by Mr Yujnovich. Next Direction/Mediation on 03/7/2012.	BM
TURNER RIVER					
800043G	Lot 13 Manilinha Drive	Unauthorised Development - Storage facility/Depot/Laydown Area, Sea Containers, Outbuildings, 2 Movable Dwellings		Referred to Council Solicitors.	BM

CURRENT HEALTH ORDERS AS OF JUNE 2012

Current Health Orders under Delegated Authority by Environmental Health Services			
File No.	Address	Issue	Current Status
803367G	Lot 2052 McGregor St Port Hedland	Metal frame spectator/grand stand seating erected on a trailer chassis.	~ Health order placed on temporary spectator stand ~ No public building application received by Town of Port Hedland, as such no approval has been granted for use as a temporary spectator stand ~ Town has notified Turf Club of issue
121270G	Lot 833 Webster St Port Hedland/ Hospitality Inn	Septic System Failure/ Sewage Enterin Street	Health Order issued requiring works to be undertaken. Works Completed as required- 14/5/2012.

Attachments

Nil

201213/034 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

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

CARRIED 7/0

11.2 Engineering Services

Nil

11.3 Community Development**11.3.1 *Key Performance Indicators – Town of Port Hedland Leisure Centres Management Contract (File No.:03 09/0010)***

Officer Graeme Hall
Manager Recreation Services and Facilities

Date of Report 25 July 2012

Disclosure of Interest by Officer Nil

Summary

Council resolved to appoint the YMCA as the contract manager of the Town of Port Hedland leisure facilities at its meeting of 28 March 2012.

Part of the resolution was a number of contractual obligations that require completion in order to ensure that the Town's leisure facilities are managed to the highest possible standard.

Council is requested to endorse the key performance indicators as presented in Attachment 1.

Background

The Council meeting on 28 March 2012, resolved in part:

That Council:

1. *Notes the outcomes of the negotiations between the Town of Port Hedland and the YMCA regarding the Leisure Centre's Management Contract;*
9. *Notes that the Key Performance Indicators for the operation of the Town of Port Hedland Leisure Facilities will be presented to the Council at the June meeting for the 2012/2013 financial year;*
10. *Notes that the Key Performance Indicators will be reviewed annually, with the outcome of the annual review being endorsed by the Council;*

The key performance indicators are included as 'Attachment 1'. The key performance indicators for all three of the Councils leisure facilities were developed through a collaborative negotiation process. Representatives of the Council and senior management from the YMCA were involved in this process. The objective of the key performance indicators are twofold, firstly to ensure that the community is provided with the best possible service from the facilities and secondly, to provide a means by which the Council can monitor the performance of all three centres.

The key performance indicators as presented in Attachment 1 reflect the commitments made by the YMCA in the Council report on 28 March 2012.

Each of the three facilities (Multi Purpose Recreation Centre, Gratwick Aquatic Centre and the South Hedland Aquatic Centre) has key performance indicators in the following categories:

- Financial
- Efficiency
- Effectiveness.
- Metrics (*measures of quantitative assessment used for comparison or to track performance*)

The key performance indicators will be reviewed on an annual basis. This will enable the Council and the YMCA to review in detail the performance of each facility.

The YMCA have requested that it be noted that the performance indicators set for the attendance numbers at all three facilities and the number of personal training sessions per week be recognised as estimates only in the first year. Council has provided assurance to the YMCA that allowance will give during the review process for these initial performance estimates.

The YMCA will be required to report on the key performance indicators through their monthly and quarterly reporting process to the Council (via the Audit and Finance Committee).

School Holiday Program

An initial key performance indicator that arose from the tender process and the final submission received from the YMCA was the delivery of a school holiday program. Due to further investigation into the legislative requirements surrounding school holiday programs including before and after school care, the YMCA has chosen to adopt a program model that does not utilize the Town's leisure facilities.

The out of school care services will be delivered through a different YMCA business unit to the leisure facility management. The YMCA is investigating using a school site as a permanent location for an out of school service in South Hedland.

Given that the YMCA committed to this much needed outcome as part of the tender process. The retention of this key performance indicator within the reporting framework of the leisure centre management contract is considered essential.

Consultation

External

- Executive Manager Recreation – Perth
- Recreation Operations Manager

Internal

- Manager Recreation Services and Facilities

Statutory Implications

This Tender was called in accordance to the Local Government Act (1995).

“3.57. Tenders for providing goods or services

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

Policy Implications

This Tender was called in accordance with Council’s Procurement Policy 2/007 and Tender Policy 2/011.

Strategic Planning Implications

The successful operations of the leisure facilities will address several elements of Council’s Strategic Plan. The predominant strategy is:

Key Result Area 3: Community Development
Goal 2: Sports and Leisure

That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Budget Implications

The contract for the management of the Town of Port Hedland’s leisure facilities has been developed based on a number of performance outcomes. The key performance indicators negotiated between the Town and the YMCA are linked directly with the financial performance of the three facilities.

Officer's Comment

The key performance indicators negotiated between Council and the YMCA will be integral to determining how well the facilities are operating. The YMCA as the facility manager will be required to provide written monthly and quarterly updates outlining performance against the agreed key performance indicators.

The key performance indicators agreed upon have been developed in four categories:

- Financial
- Efficiency
- Effectiveness.
- Metrics (*measures of quantitative assessment used for comparison or to track performance*)

The categories adopted relate closely to the CERM performance indicators developed by the Centre for Tourism and Leisure Management at the University of South Australia. The CERM performance indicators are nationally benchmarked against 117 facilities and have been operational since 1991.

The performance indicators for each of the three Town of Port Hedland leisure facilities are linked either directly or indirectly to the CERM benchmarks based on their 2011 report. The performance measures agreed have been developed based on what is achievable in Port Hedland. The list of key performance indicators provided as 'Attachment 1' also lists the CERM benchmark, where this varies from the key performance indicator set by the YMCA and Council it is considered aspirational.

The use of CERM benchmarks as aspirational targets is considered the best outcome particularly in the initial years of operation.

The 2012/2013 financial year from a performance measurement perspective will be disrupted. The new recreation centre will commence operations in late July and the South Hedland Aquatic Centre will open in approximately November. The first full year of operation will be the 2013/2014 financial year.

The information collected regarding the performance of the facilities in the last two years of the contract will be integral to the review of the YMCA performance in July 2016. This will assist Council in consideration of future contract management approaches

Attachments

1. Key Performance Indicators – Town of Port Hedland Leisure Facilities.

201213/035 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. Endorses the Key Performance Indicators as presented in Attachment 1 for the Town of Port Hedland leisure facilities for the 2012/2013 financial year.**
- 2. Notes that the quarterly report provided by the YMCA and presented at the Audit and Finance Committee will provide a detailed analysis of the progress of the three facilities in comparison to the endorsed performance targets.**
- 3. Acknowledges the YMCA for their support and assistance in collating the Key Performance Indicators as presented to the Council for consideration.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.3.1

Attachment 1

Draft Key Performance Indicators
Town of Port Hedland Leisure Facilities
2012 / 2013

Multi- Purpose Recreation Centre	2012 /2013 KPI	CERM Benchmark
Financial		
Income (Variation of +/- 5%) considered acceptable	\$1,020,267.00 (\$85,022.25 per month)	N/A
Expenditure (Variation of +/- 5%) considered acceptable	\$1,708,449.00 (\$142,370.75 per month)	N/A
Net Operating Result (Variation of +/- 5%) considered acceptable	-\$843,106.00	N/A
Expense Recovery	59%	88% (Aspirational CERM Benchmark)
Metric		
Attendances	127,966 per annum	192,682
Visits per square metre (based on 4,500 sqm)	28	39
Fitness Classes. (all classes are required to be Les Mills or of an agreed similar standard)	30 classes per week. Average of 10 participants per class. Commencing with 25 classes per week, 30 per week by January	N/A
Personal Training	20 hours per week across all three facilities.	N/A
Junior Sporting Competitions	3 Junior sporting competitions per week. (8 Teams in each competition and a minimum of one female completion.)	N/A
Senior Sporting Competitions	10 Senior sporting competitions per week (8 Teams in each competition)	N/A
Junior (Non sporting programs)	9 Non sporting/lifestyle/personal development programs per annum	N/A
Programs for specific demographic (seniors or people with disabilities) – Not including adult	2 programs per annum	N/A

KPI's- Town of Port Hedland Leisure Facilities- Version 3 02 July 2012

Attachment 1

lifestyle/personal development programs listed below.		
Adult Lifestyle/Personal Development Programs	16 per annum	N/A
Efficiency		
Income-per visit	\$7.97	\$3.84
Secondary Spend-per visit.	\$0.50	\$0.54
Subsidy-per visit	\$5.38	\$0.67
Labour Costs to Total Receipts	112%	68%
Utility Costs-		
Energy Cost Share %	7.72%	4.1%
Energy Cost per visit	\$1.03	0.22%
Effectiveness		
Mystery Shopper Score – minimum of four mystery shopper reports per annum.	80% satisfaction	
Customer service survey – Two surveys per annum	80% satisfaction	
Training Costs per visit	\$0.19	\$0.04
Facility Audit –two facility audits per annum conducted by Town of Port Hedland Staff (First week March and September)	Pass / Fail	
Maintenance and cleaning schedule reports reviewed monthly	Pass /Fail	
School Holiday Programs	2012 /2013 KPI	CERM Benchmark
Instigation of a full day School Holiday program	School Holiday programs to be conducted in Port Hedland during the 2013 January and April School Holidays. (Programs are to cater for 40 participants per week.)	Not applicable

Attachment 1

South Hedland Aquatic Centre	2012 /2013 KPI	CERM Benchmark
Financial		
Income (Variation of +/-5%) Considered acceptable	\$481,102.00 (\$40,091.83 per month)	N/A
Expenditure (Variation of +/-5%) Considered acceptable	\$1,032,471.00 (\$86,039.25 per month)	N/A
Net Operating Result (Variation of +/- 5%) Considered acceptable	-\$615,026.00	N/A
Expense Recovery	47%	47%
Metric		
Attendances	68,236 per annum	52,540 per annum
Visits per square metre	25	30
Swimming lessons (both centres combined)	80 per week (1 st and 4 th terms)	N/A
Aquatic Fitness Classes	3 classes per week	N/A
Aquatic Training/Education (Austswim, Bronze Medallion etc.)	3 courses per annum	N/A
Programs and Events	2 events per annum	N/A
Casual Aqua-Run	4 hours per week	N/A
After School Programs	2 per annum	N/A
'BHP Wave Rider'-		
Maintain minimum number of operational hours	As outlined in figure 1 below	N/A
Staging of Surf Competitions	2 per annum	N/A
'BHP Wave Rider' birthday parties	2 per month	N/A
Establish Port Hedland Surf Club	10 Members	N/A
Deliver a term based program for adults and children	1 adult and 1 children's program per term.	N/A
Deliver Youth Diversionary Programs	2 per annum	N/A
Visits from local schools	6 per annum	N/A
Efficiency		
Income-per visit	\$7.05	\$3.65
Secondary Spend-per visit.	\$1.26	\$0.71
Subsidy-per visit	\$8.05	\$4.24
Labour Costs to Total Receipts	115%	\$1.09
Utility Costs-		
Energy Cost Share %	11%	7.6%
Energy Cost per visit	\$1.73	\$0.58
Effectiveness		
Mystery Shopper Score – minimum of two mystery shopper reports per annum.	80% satisfaction	N/A
Customer Service Survey – one survey per annum	80% satisfaction	N/A

KPI's- Town of Port Hedland Leisure Facilities- Version 3 02 July 2012

Attachment 1

Training Costs-per visit	\$0.14	\$0.04
Facility Audit- two facility audits per annum conducted by Town of Port Hedland staff (First week March and September)	Pass / Fail	N/A
Maintenance and Cleaning Schedule Reports (reviewed monthly)	Pass /Fail	N/A

Figure 1 BHP Wave Rider – Operating Hours

October to April

	Open	Close	Hours
Monday	15:30:00	19:00:00	3:30:00
Tuesday	15:30:00	19:00:00	3:30:00
Wednesday	15:30:00	19:00:00	3:30:00
Thursday	15:30:00	19:00:00	3:30:00
Friday	15:30:00	19:00:00	3:30:00
Saturday	12:00:00	17:00:00	5:00:00
Sunday	12:00:00	17:00:00	5:00:00
Pub Hols	12:00:00	17:00:00	5:00:00
School Hols	12:00:00	17:00:00	5:00:00

May to September

	Open	Close	Hours
Monday			
Tuesday			
Wednesday			
Thursday			
Friday	15:30:00	19:00:00	3:30:00
Saturday	12:00:00	17:00:00	5:00:00
Sunday	12:00:00	17:00:00	5:00:00
Pub Hols	12:00:00	17:00:00	5:00:00
School Hols	12:00:00	17:00:00	5:00:00

Attachment 1

Gratwick Pool	2012 /2013 KPI	CERM Benchmark
Financial		
Income (Variation of +/- 5%) considered acceptable	\$314,211.00 (\$26,184.25 per month)	N/A
Expenditure (Variation of +/- 5%) considered acceptable	\$997,333.00 (\$83,111.08 per month)	N/A
Net Operating Result (Variation of +/- 5%) considered acceptable	-\$746,487.00	N/A
Expense Recovery	32%	47%
Metric		
Attendances	60,318	
Swimming Lessons (both centres combined)	80 per week (1 st and 4 th terms)	N/A
Fitness Classes	5 classes per week During summer operating hours	N/A
After School Programs	2 per annum	
Aquatic Training/Education (Austswim, Bronze Medallion etc)	3 courses per annum	N/A
Programs and Events	2 events per annum	N/A
Casual Aqua-Run	4 hours per week	N/A
Efficiency		
Income per visit	\$5.21	\$3.65
Secondary Spend per visit.	\$1.60	\$0.71
Subsidy per visit	\$11.37	\$4.24
Labour Costs to Total Receipts	186%	\$1.09
Utility Costs-		
Energy Cost Share %	3.61%	7.6%
Energy Cost per visit	\$0.60	\$0.58
Effectiveness		
Mystery Shopper Score–minimum of two mystery shopper reports per annum.	80% satisfaction	
Customer Service Survey – One survey per annum	80% satisfaction	
Training Costs-per visit	\$0.15	\$0.04
Facility Audit–two facility audits per annum conducted by Town of Port Hedland Staff (First week March and September)	Pass / Fail	
Maintenance and Cleaning Schedule Reports (reviewed monthly)	Pass /Fail	

KPI's- Town of Port Hedland Leisure Facilities- Version 3 02 July 2012

11.3.2 Adoption of Feasibility Study into Library and Community Facilities in South Hedland Town Centre, including Co-location Opportunities (File No.: 23/08/0062)

Officer	Lorna Secrett Manager Community Development
Date of Report	25 July 2012
Disclosure of Interest by Officer	Nil

Summary

This report presents the outcomes of the Feasibility Study into Library and Community Facilities in South Hedland Town Centre, including Co-location Opportunities, which was commissioned by the Council on 14 December 2011.

Council is requested to endorse the feasibility study and the recommendations as a guiding document and to authorise specific actions that will progress the project, as detailed in the Officer Recommendation.

Background

Council has previously considered several reports on community facilities in the South Hedland Town Centre including the following two resolutions:

1. 201112/269 (14 December 2011) which resolved, in part, endorsement of a site and concept plans for the proposed South Hedland Youth Space and required a further report detailing

'final concept design, final audited costing, confirmation of funding strategy, recommended procurement method and construction program'

The status of this resolution is that the funding strategy is being progressed and confirmed. \$1,500,000 of the \$3,000,000 project budget has been secured to date, with consideration of an additional \$500,000, leaving a \$1,000,000 shortfall.

2. 201112/416 (11 April 2012) which resolved, in part, endorsement of a preferred option for the potential short term location of the South Hedland Library and Hedland Well Women's Centre, which was subject to conditions including:

'written commitment (within a 6 month period) of funding of the long term construction of the new consolidated community facilities (Library, Community Centre and Well Women's Centre) within the South Hedland CBD'

The status of this resolution is dependent on whether funding for the short and long term library facility's provision can be confirmed, in turn affecting whether the potential short term location of these facilities is required.

Pilbara's Port City Growth Plan, which has been developed in reference to the Pilbara Cities initiative, prescribes a revitalised city centre within South Hedland. The revitalisation project, currently underway through Landcorp, involves the development of apartments and a hotel on the site currently occupied by the South Hedland Library and Hedland Well Women's Centre (HWWC), thereby creating the desire to relocate or redevelop a number of community facilities, including the South Hedland Library, Hedland Well Women's Centre and Lotteries House. This is supported by Council's endorsed Library Services Plan, which prescribes as Objective 1: 'The design and construction of a new library and community centre on the South Hedland Aquatic Centre site inclusive of commercial facilities such as a book shop and café.'

The Town of Port Hedland, in partnership with BHP Billiton Iron Ore and the State Government identified an opportunity to explore the feasibility of locating a range of community facilities within the South Hedland Town Centre, including co-location options.

The aims of the Feasibility Study were to:

- Examine the options for co-location of the community facilities detailed
- Determine the mix of co-located community facilities, as agreed by the groups
- Provide conceptual designs for the agreed location(s).

Architectural firm Cox Howlett & Bailey Woodland, in association with Cole Advisory, were appointed by Council in December 2011 to undertake the study, which is included as Attachment 1 of this report and includes concept designs and a detailed examination of consultation, documentation review, site analysis, financial analysis, funding, implementation and management.

Consultation

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

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

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

Consultation was held with additional external stakeholders, as follows:

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

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

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

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

The feasibility study addresses several elements of Council's Strategic Plan. The predominant strategy and underlying goals are:

Key Result Area 3: Community Development

Goal 1: Youth and Children

Immediate Priority 5: Plan for the development of new library and community centre in South Hedland.

Goal: Sports and Leisure:

That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Budget Implications

Capital Costs

Based on the concept designs developed for each facility, capital costings have been provided by independent quantity surveying firm Ralph Beattie Bosworth Pty Ltd.

It should be noted that the South Hedland Youth Space has been separately costed at approximately \$3,000,000 and should be included in negotiations on an integrated funding package, as recommended at Item 3 of the Officer's Recommendation. Officers will continue to seek the shortfall in funding for the Youth Space, with the intent to commence the project early if secured.

The following funding mix is suggested:

Facility	Capital Cost	Suggested funding sources
Library South Hedland Youth Space	\$16,800,000 \$3,000,000	Landcorp State Government Private/Industry Partner Town of Port Hedland
Hedland Well Women's Centre	\$4,560,000	Landcorp State Government Private/Industry Partner Federal
Lotteries House	\$16,690,000	Landcorp State Government Lottery west
Parking Contribution/Allowance	\$5,520,000	All
Total Project Cost	\$46,570,000	

Initial discussions have been held with relevant potential funding partners, as detailed in the Consultation section of this report. Pilbara Cities has indicated their preference for integrated community infrastructure projects, which can be supported as a package for funding purposes. Landcorp has indicated that the project costs could be considered as part of Stage 3 of the South Hedland Revitalisation Project. It is recommended that a funding mix be confirmed between all parties and reported back to the Council in a further report.

Operational Costs

The following table details current and suggested future staff structure and associated operational costs for ToPH, including additional Library staff, Place Manager and Administrative Assistant.

TOPH Salaries	Current	Future
Position	Yearly Salary	Yearly Salary (2012 \$)
Coordinator Library Service	81,900.00	81,900.00
Senior Library SLO	64,743.40	64,743.40
Library Officer – Level 3 Step 1 (Full Time)	59,826.00	59,826.00
Library Officer – Level 3 Step 1 (Full Time)		59,826.00
Library Officer - Level 3 (Full Time)	58,602.33	58,602.33
Library Officer - Level 3 (Full Time)		58,602.33
Library Officer – Level 3 Step 1 – 2 officers	59,826.00	59,826.00
Casual Library Officer – Junior	8,000.00	12,000.00
Casual Library Officer – Junior		12,000.00
Casual Library Officer - Senior	9,000.00	14,000.00
Casual Library Officer - Senior		14,000.00
Place Manager		90,000.00
Admin Assistant		50,000.00
Parking		
	\$341,897.73	\$635,326.06
Other Recurrent Costs		
Differential Salaries		\$293,428.33
Differential On-costs		\$68,955.66
Differential Cleaning		\$26,000
Differential Overheads		\$176,057.00
		\$564,440.99

Asset Management Costs

The Study references the Strategic Asset Management Framework for Western Australia, which is published by State Treasury and provides guidelines for the preparation of business cases for major capital investments. These guidelines indicate that an acceptable level of allowance for repairs and maintenance on a capital asset is 1-2% of capital cost. The report suggests that, given these assets will be brand new, and their capital cost has been escalated due to location, a provision in the lower amount is considered appropriate. Asset management costs will be considered in more detail as part of the Town's Asset Management Framework project.

Officer's Comment

Concept Vision

The Feasibility Study has proposed an integrated range of community facilities, which are suitably co-located or positioned for strong interaction between the facilities, whilst offering a community hub for residents and visitors within the South Hedland Town Centre and the wider Port Hedland community.

The shared vision is encapsulated in the study as, 'The concept actively solicits engagement with its neighbours, be it the central Town Park itself or the proposed Skate Park, as well as proposed commercial development as defined in the current Landcorp planning process. It seeks to maximise human interaction by incorporating a "community drum" at the north-west corner of the Library. This space should be developed as a community focal point. It provides a place for exchange of Information and knowledge of the physical and social fabric of Port Hedland. It should promote the spaces and places of Port Hedland, as well as available community events and services. It should be a portal for residence and visitors offering the possible experiences in the Pilbara region, as well as defining the identities of Port Hedland itself.'

Integrated Community Facilities

As a result of detailed spatial analysis and using leading practice examples of similar facilities, the design team, in consultation with the project reference group, has determined the best configuration of facilities to be:

- Co-located Lotteries House and Hedland Well Women's Centre, with Lotteries House undergoing significant expansion and renovation to both increased size, configuration and to allow for Hedland Well Women's Centre to occupy a newly-added wing to the North-East; and
- South Hedland Library to be relocated to a new facility constructed to the north of the existing South Hedland Aquatic Centre (SHAC), and co-located with the proposed youth space/skate park facilities.

A site plan, showing these locations, is included in Attachment 1 (a) Concept Designs at page 8.

A key recommendation of the Study is that a strong interactive relationship between the Library, Lotteries House and other communal facilities within the Town Centre precinct, including the community park/amphitheatre, main street activity centre and South Hedland Shopping Centre be facilitated through a place management approach. This would necessitate a dedicated Place Manager position within the future ToPH staffing structure.

Car Parking Provisions

During the Study, discussions were held between the ToPH and Landcorp's Development Project Team on existing and future supply of public parking within the Town Centre to service the needs of commercial, residential and community facilities. A separate parking strategy around the specific needs of community facilities has been completed and has identified that there is capacity to provide sufficient public parking, in collaboration with Landcorp and future developments. The study has identified a shortfall of 92 bays across the project that will need to be constructed off site. Calculated at a cost of \$60,000 per bay, which is the averaged cost of street level + 1 level decked parking, the total cost of the parking provision has been determined to be \$5,520,000. The intention is for the cost of provision of future offsite/shared car parking to be included in the overall project costs and funding.

Study Recommendations

Specific recommendations of the Feasibility Study are that:

- The nominated sites for the proposed development of community facilities, being Hedland Well Women's Centre, South Hedland Library and Lotteries House should be confirmed and agreed to by relevant parties.
- The relevant parties review and confirm appropriate funding strategies, including funding mix, and agree that funding should be pursued as an integrated package.
- The South Hedland Town Centre development should incorporate a management role for a place manager.
- The relevant parties agree and confirm timing for the preferred implementation scenario.

Management

It is important to recognise that each element of the Library and Community Facilities is a separately managed entity. Whilst the Library and external grounds will be managed by the ToPH, HWWC and Lotteries House will continue to be managed by their Boards of Management. Allowing for this independent governance, the establishment of a community hub provides opportunities for these separate entities to work together, share facilities and encourage a strong sense of community.

Although current roles in the Town's Community Development Directorate will continue to have a strong influence over the development of the community hub and the SHTC itself, the Study recommends that a new role of Place Manager be created. It is also recommended that this new position be located within the community hub (the current concept design indicates an office within the Library facility) although the role would be expected to be very mobile, moving throughout the community hub and understanding all the needs and opportunities.

Other options for the organisational positioning of Place Manager and Place Management Staff may be within the Economic Development Business Unit. The positioning of these roles will ultimately be guided by the Workforce Plan, which is currently being determined as part of the Integrated Business Planning and Reporting Framework Project.

Implementation Timeframe

The Study provides two scenarios for implementation, as follows:

Scenario 1: Redevelopment then Relocation

Given that the Library and HWWC are to be constructed on separate sites, quite distinct from their existing locations, there is an opportunity for construction of both facilities to be commenced as soon as possible, while maintaining operations at their current sites.

Accordingly, HWWC would relocate to new premises adjoining Lotteries House in 2014 and the South Hedland Library would relocate to new premises in 2015.

Given that the redevelopment of Lotteries House is predominantly located along the Western side of the building, there is an opportunity for Lotteries House to remain operational throughout the 16 month construction period.

Scenario 2: Transitional Accommodation

There is an opportunity to utilise The Edge building in South Hedland as transitional accommodation for the Library. Whilst this is not preferable, it may be necessary if Landcorp require immediate possession of the lot currently occupied by South Hedland Library. In progressing any temporary relocation of the Library, options should be also explored with HWWC on its timely temporary or permanent relocation, given that HWWC have consistently maintained that they desire one move only, to a permanent location.

The transition arrangement involving The Edge building will enable the Library to temporarily relocate whilst the construction of a new Library is undertaken.

Scenario 1 as defined above has a likely deliverable timeframe of approximately 28 months, incorporating the phases of selection of consultants, design, documentation, planning and regulatory approvals and construction, from the date of decision of funding and approval to proceed. Scenario 2 has a likely corresponding timeframe of 36 months. Note - timeframes are approximate and subject to more detailed appraisal.

Attachments

1. Feasibility Study into Library and Community Facilities in South Hedland Town Centre, including Co-location Opportunities, July 2012 (a) Concept Designs (b) Business Plan
(Attached under separate cover)

Officer's Recommendation

That Council:

1. Endorses the Feasibility Study into Library and community Facilities in South Hedland Town Centre, including Co-location Opportunities July 2012, as at Attachment 1, and its recommendations, as a guiding document to progress the project;
2. Endorses the nominated sites for the proposed development of community facilities, being Hedland Well Women's Centre, South Hedland Library and Lotteries House as follows:
 - Co-located Lotteries House and Hedland Well Women's Centre, with Lotteries House undergoing significant expansion and renovation to both increase its size, configuration and allow for Hedland Well Women's Centre to occupy a newly-added wing to the North-East; and
 - South Hedland Library to be relocated to a new facility constructed to the north of the existing South Hedland Aquatic Centre (SHAC), and co-located with the proposed youth space/skate park facilities.
3. Authorises referral of the Feasibility Study and direct funding approaches to Landcorp, industry partners, State Government departments and other funding bodies to negotiate and confirm a funding mix as an integrated package, which includes the South Hedland Youth Space, and agree on an implementation schedule for the project
4. Notes Council's previous resolution 201112/416 (11 April 2012) which resolved, in part, endorsement of a preferred option for the potential short term location of the South Hedland Library and Hedland Well Women's Centre, which was subject to conditions including

'written commitment (within a 6 month period) of funding of the long term construction of the new consolidated community facilities (Library, Community Centre and Well Women's Centre) within the South Hedland CBD'.
5. Authorises the CEO to commence discussions with Landcorp on a funding strategy to incorporate a management role for a place manager within the South Hedland Town Centre.

6. Notes that there will be a further report to Council on the outcomes of Items 3 & 4 by December 2012.

201213/036 Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council:**

1. **Endorses the Feasibility Study into Library and community Facilities in South Hedland Town Centre, including Co-location Opportunities July 2012, as at Attachment 1, and its recommendations, as a guiding document to progress the project;**
2. **Endorses the nominated sites for the proposed development of community facilities, being Hedland Well Women's Centre, South Hedland Library and Lotteries House as follows:**
 - **Co-located Lotteries House and Hedland Well Women's Centre, with Lotteries House undergoing significant expansion and renovation to both increase its size, configuration and allow for Hedland Well Women's Centre to occupy a newly-added wing to the North-East; and**
 -
 - **South Hedland Library to be relocated to a new facility constructed to the north of the existing South Hedland Aquatic Centre (SHAC), and co-located with the proposed youth space/skate park facilities.**
3. **Authorises referral of the Feasibility Study and direct funding approaches to Landcorp, industry partners, State Government departments and other funding bodies to negotiate and confirm a funding mix as an integrated package, which includes the South Hedland Youth Space, and agree on an implementation schedule for the project**
4. **Notes Council's previous resolution 201112/416 (11 April 2012) which resolved, in part, endorsement of a preferred option for the potential short term location of the South Hedland Library and Hedland Well Women's Centre, which was subject to conditions including**

'written commitment (within a 6 month period) of funding of the long term construction of the new consolidated community facilities (Library, Community Centre and Well Women's Centre) within the South Hedland CBD'.
5. **Authorises the CEO to commence discussions with Landcorp on a funding strategy to incorporate a management role for a place manager within the South Hedland Town Centre.**

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

CARRIED 7/0

11.4 Corporate Services**11.4.1 Finance and Corporate Services*****11.4.1.1 Interim Financial Reports to Council for Period Ended 30 June 2012 (File No: FIN-008, FIN-014 and RAT-009)***

Officer Jodie Ellis
Coordinator Financial Management

Date of Report 30 June 2012

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present an interim summary of the financial activities of the Town to 30 June 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 2010/11.

Background**1. Interim Financial Statements**

Presented (see attachments) in this report for the financial period ended 30 June 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 30 June 2012;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Bankwest, Commonwealth Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

2. Utility and Fuel Costs

Presented in graph form (see attached), is the 2011/12 monthly water, power and fuel costs compared with 2010/11.

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 25 July 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		Frm	To			
NMF010612	NMF010612	\$569.14	1	1	1	Municipal Fun	Photocopier Lease x 2 - South Hedland Library & JD Hardie
NMF010612	NMF010612	\$1,244.32	1	1	1	Municipal Fun	Photocopier Lease x 2 - Regulatory Services
NMF070512	NMF070512	\$284.57	95	95	1	Municipal Fun	Photocopier Lease x 1 - Community Development (Airport)
CHQ21368	CHQ21404		1	6	1	Municipal Fun	
CHQ21405	CHQ21405		-	-	1	Municipal Fun	Cancelled Cheque
CHQ21406	CHQ21446	\$228,451.42	6	12	1	Municipal Fun	
EFT40269	EFT40747	\$6,238,831.25	12	95	1	Municipal Fun	
BOQ050412	BOQ050412	\$8,030.00	95	95	1	Municipal Fun	Final payment for equipment
PAY120612	PAY120612	\$373,421.81	95	95	1	Municipal Fun	
PAY260612	PAY260612	\$392,771.04	95	95	1	Municipal Fun	
CAL140612	CAL140612	\$8,269.58	95	95	1	Municipal Fun	Caltex Direct Debit
WOW150612	WOW150612	\$1,651.16	95	95	1	Municipal Fun	Woolworths Direct Debit
	Muni Total	\$7,253,524.29					
3002261	3002275	\$63,870.47	95	97	3	Trust Fund	
			1	1	1	Municipal Fun	Photocopier Lease x 2 - South Hedland Library & JD Hardie
	Trust Total	\$63,870.47	1	1	1	Municipal Fun	Photocopier Lease x 2 - Regulatory Services
	Sub-Total	\$7,317,394.76	112	112	3	Trust Fund	
LESS: one-off pays							
	Total	\$7,317,394.76					

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 sources and applications of funds, 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 to the council:*
 - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*
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 5, to be used in statements of financial activity for reporting material variances.*
 - (6) *In this regulation:*
 - “committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;*
 - “restricted assets” has the same meaning as in AAS 27.*

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 on request.

Strategic Planning Implications

Key Results Area 5:	Environment
Goal 2:	Natural Resources
Strategy 1:	Continue to monitor and report on the level of Council's energy, fuel and water use.

Budget Implications

At the Special Meeting held on 7 July 2010, Council resolved to adopt item 6.1.1.1 '2010/2011 Budget Adoption' en block, which included Recommendation 13 as follows:

"Recommendation 13

That Council adopts the following percentage or dollar value for determining and reporting material variances as follows:

1. *10% of the Function amended budget; or*
2. *\$100,000 of the Function amended budget whichever is the lesser, for the following categories of revenue and expenditure:*
 - a. *Operating Revenue*
 - b. *Operating Expenditure*
 - c. *Non-Operating Revenue*
 - d. *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 \$ 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 1–4.
Schedule 2 being an Interim Statement of Financial Activity
 - 1.2 Pages 5 to 16.
Notes 3 to 11 which form part of the Interim Statement of Financial Activity.
Also Note 10 – June 2012 Bank Reconciliations.
 - 1.3 Pages 17 to 67.
Detailed Financial Activity by Program.
 - 1.4 Pages 66 to 70.
Comparison Between 2011/12:2010/11 Utility & Fuel Costs
2. June 2012 Accounts for Payment
(Attached under separate cover)

201213/037 Officer's Recommendation / Council Decision

Moved: Cr Dziombak

Seconded: Cr Carter

That Council notes 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 30 June 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 June 2012 under Delegated Authority; and**
- iv) Financial Statements will remain interim until after all year end processes are undertaken and the Town's auditors have finalised the 2011/12 annual audit.**

CARRIED 7/0

11.4.2 Governance and Administration**11.4.2.1 *Execution of Documents and Application of the Common Seal – Proposed Policy and Delegation (File No.: 13/02/0002)***

Officer	Debra Summers Manager Organisational Development
	Josephine Bianchi Governance Coordinator
	Ayden Férdeline Administration Officer Governance
Date of Report	10 July 2012
Disclosure of Interest by Officer	Nil

Summary

This report requests the Council to consider formalising a policy surrounding the use of the Common Seal, and to amend the Delegation Register accordingly.

Background

The Town of Port Hedland has a Common Seal that is affixed to a variety of documents, such as consultancy agreements, lease agreements, variations to agreements, caveats, covenants, local laws, memorandums of understanding, and other agreements to which the Town is a signatory.

Given the diversity of documents to which the Common Seal is affixed, it is recommended that a policy is put in place listing the types of documents that require sealing.

It is noted that delays can occasionally occur in Officers executing a routine document until a specific resolution of Council is obtained authorising the use of the Common Seal.

The amended delegation will enable the Chief Executive Officer to exercise the power to execute documents with the Common Seal without a Council resolution, so long as it is in accordance with the policy.

Consultation

External

- Department of Local Government
- Western Australian Local Government Association
- Various other Local Governments in the State

Statutory Implications

Local Government Act 1995

Section 2.5(2) of the Local Government Act 1995 stipulates that a local government is “*a body corporate with perpetual succession and a common seal.*” Whilst it is clear that a local government, as a body corporate, has a Common Seal, there is no stipulated requirement for the use of the Common Seal outlined in the Act.

Section 5.44 speaks to the ability of the Chief Executive Officer to delegate specific powers and duties to other employees.

Section 9.49 stipulates that a document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its Common Seal if signed by the Chief Executive Officer or an employee of the local government who has been authorised by the Chief Executive Officer to so sign.

Section 9.49A (3) stipulates that the “*common seal of a local government is to be affixed to a document in the presence of the Mayor and Chief Executive Officer, each of whom is to sign the document to attest that the common seal was so affixed.*”

Policy Implications

Existing Policy

“1/003 EXECUTION OF DOCUMENTS

The Chief Executive Officer will report to Council all documents that require the Town of Port Hedland Common Seal to be affixed, prior to them being executed.”

Strategic Planning Implications

Key Result Area 6: Governance
Goal Number 1: Leadership
That the community acknowledges that the Town is leading the future development and management of the municipality in an effective and accountable manner.

The affixing of the Common Seal complies with Council's obligations for accountable and transparent governance and rigorous statutory compliance.

Budget Implications

Nil

Officer's Comment

The Local Government Act empowers Local Governments to hold and affix a common seal, but does not outline the circumstances under which the common seal is to be affixed.

The fixing of the Common Seal to a document must be witnessed in accordance with section 9.49A (3) of the Local Government Act, which stipulates that the Common Seal may only be affixed in the presence of both the Mayor and Chief Executive Officer, each of whom is to sign the document to attest that the Common Seal was so affixed.

The amended policy and accompanying delegation (see Attachments 1 and 2) have been proposed to clarify and better manage the affixing of the Common Seal to official Town of Port Hedland documents in a timely but appropriate manner.

The development of a policy for the affixing of the Common Seal will provide Officers with clear direction as to which documents the Council has agreed will require the Common Seal.

Details of all instances where the seal has been affixed will be recorded in a register which shall be available for inspection by Elected Members during normal business hours.

Attachments

1. Execution of Documents – Proposed Policy
2. Execution of Documents – Proposed Amendment to Council's Delegation Register

201213/038 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

- 1. Rescinds Policy 1/003 (Execution of Documents);**
- 2. Adopts Policy 1/014 (Execution of Documents) as per Attachment 1 to this Item; and**
- 3. Requests the Chief Executive Officer have charge of the Common Seal and ensure its safe custody and proper usage; and**
- 4. Notes that details of all instances where the Seal has been affixed will be recorded in a register which shall be available for inspection by Elected Members during normal business hours.**

CARRIED 7/0

201213/039 Officer's Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Martin

That Council:

- 1. Rescinds Delegation 3 (Execution of Documents); and**
- 2. Adopts Delegation 3 (Execution of Documents and Application of the Common Seal) as per Attachment 2 to this Item.**

CARRIED BY ABSOLUTE MAJORITY 7/0



1/014 APPLICATION OF THE COMMON SEAL

Policy Objective

This policy defines the types of documents which require the affixing of the common seal.

Policy Content

1. Applicability

The provisions of this policy apply to the affixing of the common seal to execute leases, contracts, agreements and legal documentation, provided that the document complies with the requirements of the *Local Government Act 1995* and other relevant legislation.

2. Documents Requiring Affixation of the Common Seal

Documents requiring the common seal may include, but shall not be limited to:

- (a) Sale of Town-owned land for which a Council resolution is required expressly stating that the final document be signed and sealed and the transaction finalised;
- (b) Legal Agreements;
- (c) A Town Planning Scheme and any Town Planning Scheme Amendments;
- (d) Documents relating to land matters including lodgement of caveats, memorials, leases, transfers, deeds, licenses, covenants, easements and withdrawal of instruments;
- (e) Local Laws;
- (f) Service Agreements;
- (g) New Funding or Contracts of Agreement between the Town and State or Commonwealth Governments for programs to which the Town has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the Town-endorsed program; and
- (h) Any other documents stating that the common seal of the Town of Port Hedland is to be affixed.

3. Authorised Signatures

The Mayor and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the Mayor and/or the Chief Executive Officer, as the case may be, the Deputy Mayor and the Acting Chief Executive Officer are authorised to affix the common seal.



4. Witnessing of Signature

The common seal may only be affixed in the presence of both the Mayor and the Chief Executive Officer (or the Deputy Mayor and/or the Acting Chief Executive Officer, as the case may be), each of whom is to sign the document to attest that the common seal was so affixed.

5. Register to be Maintained

Details of all transactions where the common seal has been affixed shall be recorded in a register, with such register to record each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed.

The register is to record each transaction with an identifying number that may be retrieved in Council’s Records Management System and this number is to be recorded against the common seal as it is affixed.

6. Method of Affixing the Common Seal

Below is an example of how documents should be executed under the common seal:

DATED THIS (DAY) DAY OF (MONTH) (YEAR)

*The common seal of the)
Town of Port Hedland)
was hereunto affixed in the)
presence of:)*



*ICR12345

(Insert Name of Mayor)

(Insert Name of Chief Executive Officer)



Definitions

Common Seal is a device which creates an impression upon paper or melted wax, used by government agencies, corporations and notaries public to show that the document is validly executed, acknowledged or witnessed.

The Town of Port Hedland uses a plastic sticker, rather than a rubber seal, since this print is easier to microfilm for official recording than is a faint embossed impression.

Relevant Legislation	<i>Local Government Act 1995:</i> s 2.5(2), 5.44, 9.49 and 9.49A
Delegated Authority	3 (Execution of Documents)
Council Approval Date and Resolution No.	
Last Date of Review	<i>10 July 2012</i>
Review Frequency	Annually
Responsible Unit/Directorate	Governance/Corporate Services

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.*

ATTACHMENT 2 TO ITEM 11.4.2.1

Delegation Register

2012/13

3 Execution of Documents and Application of the Common Seal

LEGISLATIVE POWER Local Government Act 1995
s 5.42, 9.49A, 9.49B and 9.49

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated the authority to execute a document where the Council has authorised that a document be:

- duly executed;
- signed; and/or
- affixed with the common seal.

The Chief Executive Officer is delegated authority to prepare and execute the necessary documentation, inclusive of the affixing of the common seal (where required).

CONDITIONS AND REPORTING REQUIREMENTS

- (1) All documents affixed with the common seal are to be recorded in a register which shall be accessible by Elected Members upon request to the Chief Executive Officer during normal business hours.
- (2) The common seal must be affixed pursuant to the requirements of Policy 1/014 (Application of the Common Seal).

11.4.2.2 Pilbara Development Commission Board Vacancy (File No.: .../...)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 12 July 2012

Disclosure of Interest by Officer Nil

Summary

This report recommends that Council nominates two Elected Members for the Pilbara Development Commission (PDC) Board of Management.

Background

The PDC is seeking nominations to fill three Local Government positions on its Board of Management.

The PDC is one of nine Regional Development Commissions established under the State Government's Regional Development Commissions Act 1993. It is a Statutory Authority managed by a Board whose composition, which is determined under the Act comprises three local government representatives, three community representatives, three Ministerial appointments and the Chief Executive Officer by virtue of the office.

The Commission and its Board are responsible to the Minister for Regional Development. The Commission receives an annual appropriation from the State Government to carry out approved activities.

An email has been sent to the Chief Executive Officers from the four Pilbara Local Governments requesting nominations.

Consultation*External*

- Pilbara Development Commission

Internal

- Mayor
- Acting Chief Executive Officer
- Director Corporate Services
- Manager Organisational Development

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Goal 1: Leadership
Immediate Priorities: 2. In conjunction with other stakeholders, develop and implement a coordinated, lobby campaign for additional resources from the State and Federal Governments for infrastructure and community projects that are needed to transform the Town into a City.

Budget Implications

The PDC has advised that a travel allowance is not a normal practice as the Board Members are able to video conference into the board meeting.

However, the following remuneration is currently paid to Board Members:

- Members - \$500 per full day or \$330 per part day to a maximum of \$9,600 per annum

The following remuneration is currently paid to Board Members for Working Party or Sub Committee Meeting:

- Members - \$250 per full day or \$170 per part day

Motor vehicle allowance as prescribed in the Premier's Circular 2006/01 is paid to Board Members on approved Commission business.

Officer's Comment

All Pilbara Local Governments have been encouraged to forward their nominations together with completed application form and a brief CV for each nominee to the PDC by Wednesday 1 August 2012.

A call was previously made on the 14 September 2011 for nominations to the PDC's Board. In this round of nominations, a nomination was received from Councillor Jacob. The PDC has advised that all applications that were received at that time will be considered in this round unless the Town indicates otherwise.

The PDC's principal mission can be summarised as follows:

- The Pilbara is promoted as Australia's economic powerhouse
- It is a vibrant and sustainable place to live, work and invest
- Investment is leveraged many times over
- There is a harmonised view to achieving the vision for the Pilbara
- We can attract and retain people in the Pilbara
- There is prosperity and benefit for everyone.

It is recommended that two Elected Members from the Town of Port Hedland Council be nominated. This will ensure that the Town can actively participate in ensuring that the PDC's vision, mission, goal and objectives are achieved.

Attachments

Nil

Officer's Recommendation

That Council:

1. nominates Councillor Gloria Jacob and Councillor _____ to fill a position on the Pilbara Development Commission Board of Management.

201213/040 Council Decision

Moved: Cr Carter

Seconded: Cr Martin

That Council nominates Councillor Gloria Jacob and Councillor Gillingham to fill a position on the Pilbara Development Commission Board of Management.

CARRIED 7/0

11.4.2.3 Waiver of Fees and Charges (Other than Rates and Service Charges) Delegation - Revocation (File No.: 13/02/0001)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 10 July 2012

Disclosure of Interest by Officer Nil

Summary

This report recommends that the Council revokes its decision made at the Ordinary Council meeting of 27 June 2012, regarding Waiver of Fees and Charges (Other than Rates and Service Charges) delegation.

Background

At the Ordinary Council meeting of 24 August 2011, Council resolved the following:

201112/095 Officer's Recommendation/Council Decision

Moved: Cr A A Carter Seconded: Cr G J Daccache

That Council:

- 1. Supports the decision the CEO made to approve the waiver of interest and legal fees to date totaling \$429.78 in line with the proposed settlement determined by the Court.*
- 2. Note that a further report will be provided recommending Council considers delegation to the CEO for the waiver of fees and charges in particular cases such as court settlement processes.*

CARRIED 7/0"

Following this resolution the Delegation Register was updated accordingly and put through for Council's yearly review on 27 June 2012.

The newly proposed delegation listed on page 19 was as follows:

14. *Waiver of Fees and Charges (Other Than Rates or Service Charge)*

LEGISLATIVE POWER

Local Government Act 1995 Section 6.12(b)

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated to waive fees and charges (other than rates or service charges), that are the subject of a court settlement process.

The Chief Executive Officer will execute this delegation and then notify the Council if the amount exceeds \$2,000.

On 27 June 2012, Council amended the original Officer's Recommendation and endorsed the 2012/13 Delegation Register with the following changes:

"201112/526 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council adopts the attached 2012/13 Delegation Register on the provision that:

- *Delegation 14 on page 19 becomes 'Waiver of Fees and Charges (Other Than Rates or Service Charge) up to \$200'*

CARRIED BY ABSOLUTE MAJORITY 7/0

REASON: Council believed it had to establish a set amount related to the Chief Executive Officer's power to Waive Fees and Charges (Other than Rates or Service Charge)."

Consultation

Internal

- Chief Executive Officer
- Director Corporate Services

Statutory Implications

Local Government Act 1995:

“5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

- (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*

- (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

Local Government (Administration) Regulations 1996:

“10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)

1. *If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*

- (a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*

- (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,*

inclusive of the mover

2. *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*

- (a) *In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*

- (b) *In any other case, by an absolute majority.*

3. *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 6: Governance
Goal 3: Systems Development
That the Towns internal operating systems are structured in a manner that assists in providing timely accurate information to the community.

Budget Implications

Nil

Officer's Comment

This delegation was requested by the Council in August 2011 to ensure that the Chief Executive Officer would be able to waive fees and charges (other than rates and service charges) in particular cases such as court settlements.

The delegation presented to Council on 27 June 2012 would allow the Chief Executive Officer to make a decision related to the waiver of fees and charges (other than rates and service charges) if required by the Court on the day the matter is before the Court.

As was the case heard in August 2011, the Magistrate required a decision on the day in relation to the waiving of fees and associated interests, therefore not allowing any time for Council consideration.

The delegation put to Council on 27 June 2012 would allow a decision to be made and provided to the Magistrate if this situation were to occur again.

The amendment to the proposed delegation endorsed by Council at the Ordinary Meeting of 27 June 2012 negates the intent of Council's original request for this delegation, and does not allow for a process to be followed that is in accordance with the delegations currently endorsed particularly as many debts would be in excess of \$200.

It is therefore recommended that Council consider revoking its decision made on 27 June 2012 and endorse Delegation 14 'Waiver of Fees and Charges (Other than Rates and Service Charges)' as it was originally proposed.

Attachments

Nil

201213/041 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Martin**

NOTE: Mayor to call for a show of hands in favour (1/3 of members) to consider the revoking of Resolution 201112/526 of Agenda Item 11.4.2.2 'Review of 2012/13 Delegation Register' presented to Council's Ordinary Meeting Held on 27 June 2012, and recorded on page 325 of those Minutes.

The following Councillors indicate their intent to do so:

- Councillor Carter
- Councillor Martin
- Councillor Jacob

That Council revokes Council decision 201112/526 of Agenda Item 11.4.2.2 'Review of 2012/13 Delegation Register' held on 27 June 2012 and recorded on page 325 of those Minutes, that states:

'That Council adopts the attached 2012/13 Delegation Register on the provision that:

- **Delegation 14 on page 19 becomes 'Waiver of Fees and Charges (Other Than Rates or Service Charge) up to \$200'**

CARRIED BY ABSOLUTE MAJORITY 7/0

201213/042 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Martin****That Council:**

1. **endorses the following delegation:**

'Waiver of Fees and Charges (Other Than Rates or Service Charge)

LEGISLATIVE POWER**Local Government Act 1995 Section 6.12(b)****DELEGATE****Chief Executive Officer**

The Chief Executive Officer is delegated to waive fees and charges (other than rates or service charges), that are the subject of a court settlement process.

The Chief Executive Officer will execute this delegation and then notify the Council if the amount exceeds \$2,000.'

2. requests that the 2012/13 Delegation Register be amended accordingly.

CARRIED BY ABSOLUTE MAJORITY 7/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 *Reconsideration of Rates Concessions and Exemptions for 2012/13 Annual Budget (File No.: .../...)*

Officer Jodie McMahon
Manager Financial Services

Date of Report 23 July 2012

Disclosure of Interest by Officer Nil

Summary

For Council to reconsider possible rates concessions and exemptions for inclusion in the 2012/13 Annual Budget.

Background

Each year, as part of the Annual Budget, Council provides rates concessions and exemptions to a number of community, recreation and welfare organisations.

In June 2011 Council adopted a Rates Concession and a Rates Exemption Policy to assist Council in determining community rate concessions and exemptions and identify applicable exemptions.

As per these policies community groups are required to reapply for rates concessions or exemption every two years. Letters were sent to current concession or exemption holders and other organisations were invited via an advertisement in the Northwest Telegraph to apply for concessions for exemption for a two year period commencing financial year 2012/13.

On the 13 June 2012 Council approved the following:

201112/490 Officer's Recommendation / Council Decision

Moved: Cr Hooper

Seconded: Cr Hunt

That Council:

Approves the following Rates Concessions for the 2012/13 and 2013/14 financial years:

<i>Organisation</i>	<i>Assessment Number</i>	<i>Officer's recommendation</i>
<i>Bloodwood Tree Association Inc</i>	<i>A106283</i>	<i>100%</i>
<i>Hedland Women's Refuge</i>	<i>A115030</i>	<i>100%</i>
<i>Pilbara Family Violence Prevention Service</i>	<i>A155850</i>	<i>100%</i>

<i>Port Hedland Peace Memorial Seafarers Centre Inc.</i>	<i>A803051</i>	<i>100%</i>
<i>Port Hedland Pony Club</i>	<i>A130005</i>	<i>100%</i>
<i>UCA Assembly Limited (Frontier Services)</i>	<i>A113927</i>	<i>100%</i>
<i>UCA Assembly Limited (Frontier Services)</i>	<i>A400610</i>	<i>100%</i>
<i>UCA Assembly Limited (Frontier Services)</i>	<i>A152556</i>	<i>100%</i>
<i>Volunteer Marine Rescue Services Inc</i>	<i>A156550</i>	<i>100%</i>
<i>Wirraka Maya Health Service Aboriginal Corporation</i>	<i>A106282</i>	<i>100%</i>
<i>Youth Involvement Council Inc.</i>	<i>A802207</i>	<i>100%</i>
<i>Youth Involvement Council Inc.</i>	<i>A406870</i>	<i>100%</i>
<i>South Hedland Lotteries House Inc.</i>	<i>A130114</i>	<i>50%</i>
<i>Treloar Child Care Centre Inc.</i>	<i>A154780</i>	<i>50%</i>
<i>Pilbara Family Violence Prevention Service</i>	<i>A401480</i>	<i>0%</i>
<i>Port Hedland Golf Club Inc.</i>	<i>A156490</i>	<i>0%</i>
<i>South Hedland Owners & Trainers</i>	<i>A802155</i>	<i>0%</i>

Notes the following Rates Exemptions:

<i>Organisation</i>	<i>Assessment Number</i>
<i>Grand Lodge of Western Australian Freemasons Homes for the Aged</i>	<i>A130290</i>
<i>Bloodwood Tree Association Inc</i>	<i>A130239</i>
<i>Bloodwood Tree Association Inc</i>	<i>A106284</i>
<i>Port Hedland Retirement Village</i>	<i>A156730</i>
<i>Pilbara Meta Maya Regional Aboriginal Company</i>	<i>A127380</i>
<i>Baptist Union of Western Australia</i>	<i>A113872</i>
<i>Wangka Maya Pilbara Aboriginal Language Centre</i>	<i>A803501</i>

Carried by absolute majority 5/4

On 21 June 2012 Councillors and Officers received a letter from the South Hedland Owners and Trainers Association (SHOATA) expressing their concern and disappointment in offering no concessions to their organisation.

Cr Gillingham then on the 27 June 2012 gave notice of her intent to move the following motion:

That Council reconsider the resolution made at the 13 June 2012 Ordinary Council meeting in relation to Item 11.4.1.1 'Rates Concessions and Exemptions for 2012/13 Annual Budget'.

This motion was then moved on 11 July 2012.

*Recommendation of Rates Concession
2012/13/019 Council Decision*

Moved: Cr Carter Seconded: Cr Daccache

That Council reconsider the resolution made at the 13 June 2012 Ordinary Council meeting in relation to Item 11.4.1.1 'Rates Concessions and Exemptions for 2012/13 Annual Budget.'

CARRIED 7/0

REASON: To reconsider providing rates concessions for those organisations that were approved either a 50% concession or a nil concession for the 2012/13 and 2013/14 financial years after seeking further clarification from applicants where these concession were not provided.

Consultation

All current community group concession holders were provided with the opportunity to make an application for a rates concession, as per Council policy.

Follow up contact was made to organisations that may have applied but did not provide all the information requested to support their application.

Contact was also made to organisations that are current concession holders but had not completed an application by the due date.

Statutory Implications

Local Government Act 1995

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

6.26. *Rateable land*

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
- (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;*
 - (e) *land used exclusively by a religious body as a school for the religious instruction of children;*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999;*
 - (g) *land used exclusively for charitable purposes;*
 - (h) *land vested in trustees for agricultural or horticultural show purposes;*
 - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;*
 - (j) *land which is exempt from rates under any other written law; and*
 - (k) *land which is declared by the Minister to be exempt from rates.*

- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]

Policy Implications

- 2/013 Rates Exemption Policy (Non Rateable Land)
- 2/014 Rates Concession Policy (Rateable Land)

Strategic Planning Implications

Nil

Budget Implications

In order to accurately calculate the proposed rates raised for the 2012/13 Annual Budget, Council is requested to provide direction as to which properties may be provided a concession.

Rates are Council's primary means for raising income to cover operational costs and approving these concessions will directly impact Council's Budget.

If all recommendations are approved, Council will be required to provide concessions of approximately \$66,426.48 in rates revenue. The \$66,426.48 is estimated based upon the proposed 2012/13 rate in the dollar.

Officer's Comment

As a result of the feedback received by Councillors and the community, Officers have completed further investigations of applications that were recommended as 50% concessions and nil concessions.

Organisation	Assessment Number	Officer's recommendation	Proposed Concession
South Hedland Lotteries House Inc.	A130114	50%	\$5,770.95
Treloar Child Care Centre Inc.	A154780	50%	\$905.07
Pilbara Family Violence Prevention Service	A401480	0%	\$0
Port Hedland Golf Club Inc.	A156490	0%	\$0
South Hedland Owners & Trainers	A802155	0%	\$0

Summary of Applications

South Hedland Lotteries House

Benefit provided to the Community

To provide, maintain and manage office accommodation at the premises for the exclusive use of eligible organisations for benevolent or charitable purposes.

Financial Information

Lotteries House charge a nominal rent to all consumers for the lease of office space and conference facilities. After several attempts by officers to request financial information, no details have been supplied.

Rates - Proposed

\$11,541.90

Concession Applied for by Applicant

50%

Officers Recommendation

50% - \$5,770.95

Officers are recommending the 50% concession as South Hedland Lotteries House while charging rent at a nominal rate is still providing a benefit to the community in providing office spaces for benevolent or charitable organisations.

Treloar Child Care Centre Inc

Benefit to the Community

Treloar Child Care Centre provides day care, out of school hours care and vacation care services.

Financial Information

Fees are obtained from care given to children and community grants that are applicable to their organisation. Estimated net profit for the financial year ending 2011 \$86,546.00

Rates – Proposed

\$1,810.14

Concession Applied for by Applicant

50%

Officers Recommendation

50% - \$905.07

Officers are recommending 50% concession as while the centre is charging a fee for service they are providing an essential service for the Community.

*Western Australian Family Prevention Legal Services**Benefit to the Community*

Provides legal, counselling and educational services for victims of domestic violence.

Financial Information

Receives funding from grants received. Estimated net profit for financial year ending 2011 is \$2,392,733

Rates Proposed

\$2,290.89

Concession Applied for by Applicant

100%

Officers Recommendation

0% - \$0

The Western Australia Family Prevention Legal Services have applied for two concessions. The above concession is in relation to a residential property that is utilised to accommodate staff. Officers are recommending that this property not be given a concession as the property is not utilised for the purpose of the organisation.

The property at which their predominant activities are carried out has provided 100% concession within the 13 June 2012 Council Resolution.

*Port Hedland Golf Club**Benefit to the Community*

Oversees the provision of golf and associated activities at the Port Hedland Golf Club for the members and the wider community of the Town of Port Hedland.

Financial Information

Estimated net profit for the financial year ending 2011 is \$60,700

Rates Proposed

\$3,499.42

Concession Applied for by Applicant

100%

Officers Recommendation

0% - \$0

After review of the Port Hedland Golf Club's application Officers understand that the Port Hedland Golf Club undertakes in the provision of alcohol, with the bar being open 7 days a week during the winter months and less frequently in the warmer months and generates an estimated net profit of \$60,700 which is believed to be sufficient to pay the rates proposed.

*South Hedland Owners and Trainers Association (SHOATA)**Benefit to the Community*

Provides facilities for recreational horse activities, stabling for horses for community members, Mounted Section of the WA Police Force and travelling trainers. SHOATA provides stabling for horses needed to ensure a successful race season for Port Hedland and the surrounding Towns.

Financial Information

All funds received are through memberships and fundraising conducted by the volunteers of the club. Estimated profit over a 12 month period is \$216.11

Rates Proposed

\$29,538.43

Concession Applied for by Applicant

100%

Officers Recommendation

100% - \$29,538.43

Having further investigated the purpose and funding arrangements for SHOATA Officers are recommending a 100% concession. Officers believe that SHOATA would not be financially sustainable if Council were to enforce rates of \$29,538.43 which would in turn jeopardise the facilities available to the racing community within the Town of Port Hedland.

Conclusion

Council offering concessions to rates payable by community groups, not for profit organisations and youth organisations demonstrates its support and assistance to the community.

Officers are suggesting the above recommendations after further investigation have been undertaken as they believe that it is representative of the services provided by the organisation to the community of the Town of Port Hedland.

Several organisations, which are yet to submit applications, will be presented to Councillors at the next Ordinary Council Meeting on 8 August 2012. Councillors should note that as per the Town's Policy for Concessions, this is outside the submissions timeframes imposed as part of that Policy. Some applicants have had extenuating circumstances while others are late submissions; these will be detailed in the report to come to Council at the next meeting.

Attachments

1. Rate Concession and Exemptions Applications Summary.

NOTE: Mayor to call for a show of hands in favour (1/3 of members) to consider the revoking of the part of Resolution 201112/490 of Agenda Item 11.4.1.1 'Rates Concessions and Exemptions for 2012/13 Annual Budget' presented to Council's Ordinary Meeting Held on 13 June 2012, and recorded on pages 106-107 of those Minutes as follows:

That Council:

1. *Approves the following Rates Concessions for the 2012/13 and 2013/14 financial years:*

Organisation	Assessment Number	Officer's recommendation
South Hedland Owners & Trainers	A802155	0%

The following Councillors indicate their intent to do so:

- Councillor Carter
- Councillor Martin
- Councillor Gillingham

201213/043 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Martin

That Council revokes part of Council decision 201112/490 of Agenda Item 11.4.1.1 'Rates Concessions and Exemptions for 2012/13 Annual Budget' held on 13 June 2012 and recorded on pages 106-107 of those Minutes, that states:

'That Council:

1. **Approves the following Rates Concessions for the 2012/13 and 2013/14 financial years:**

Organisation	Assessment Number	Officer's recommendation
South Hedland Owners & Trainers	A802155	0%

CARRIED BY ABSOLUTE MAJORITY 7/0

201213/044 Officer's Recommendation / Council Decision

Moved: Cr Martin

Seconded: Cr Jacob

That Council approves the following additional Rates Concession for the 2012/13 and 2013/14 financial years:

Organisation	Assessment Number	Officer's recommendation
South Hedland Owners & Trainers	A802155	100%

CARRIED BY ABSOLUTE MAJORITY 7/0

201213/045 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council notes the following Concessions remain as per Council resolution 201112/490:

Organisation	Assessment Number	Officer's recommendation	Proposed Concession
South Hedland Lotteries House Inc.	A130114	50%	\$5,770.95
Treloar Child Care Centre Inc.	A154780	50%	\$905.07
Pilbara Family Violence Prevention Service	A401480	0%	\$0
Port Hedland Golf Club Inc.	A156490	0%	\$0

CARRIED 7/0

ATTACHMENT 1 TO LATE ITEM 12.1

Concessions

Organisation	Add 1	Add 2	Land Owner	Assessment Number	Address	Use and Occupancy of Property	Type of Service Provided	Frequency of service provision	Payment received for service	Floor plan provided	Copies of Financial Statement provided	Audited	Last year	Officer's recommendation	Comments	Proposed Rates	Proposed Concession
Bloodwood Tree Association Inc	PO Box 2099	South Hedland, WA 6722	Department of Housing	A106283	19 (Lot 5486) Hamilton Road, South Hedland	Bloodwood Tree	Emergency/Relief and Education Centre	8.30 - 16.30, Mon - Fri	Funding	No	Yes	No	N/A	100%	Applying for 100% Concession, Officers recommend 100% as an essential service for the community is provided at the premises	\$ 3,096.89	\$ 3,096.89
Hedland Women's Refuge	PO Box 398	Port Hedland, WA 6721	State Housing Commission	A115030	2 Thompson Street, Port Hedland	Crisis accommodation & support for women	Counseling, food, clothing & accommodation	24 hours, 7 days a week	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% concession as the organisation provides counseling, food and clothing for the community.	\$ 3,678.32	\$ 3,678.32
Pilbara Family Violence Prevention Service	PO BOX 2524	East Victoria Park, Perth WA 6981	MARILBA MAYA PTY LTD	A155850	5/22-26 Throssell Road, South Hedland	Office	Legal, Counseling and Education services	Daily	No	Yes	No	No	N/A	100%	Commercial property is leased. Company operates from these premises, they used to operate from 32 Demarchi, legal and counseling services are provided to the community at no charge	\$ 1,311.95	\$ 1,311.95
Port Hedland Peace Memorial Seafarers Centre Inc.	PO Box 261	Port Hedland, WA 6721	Port Hedland Port Authority	A803051	P48 Wharf Road, Port Hedland	Seafarers Centre	Communication, currency exchange, chapel, bar, groceries etc.	Daily 12.00 - 22.00	Yes	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the organization is providing a chapel and communication material for the community.	\$ 1,040.00	\$ 1,040.00
Port Hedland Pony Club	PO Box 107	Port Hedland, WA 6721	State of WA (Crown) / Town of Port Hedland	A130005	29 Johnson Lane, Port Hedland (Pretty Pool Stables)	Port Hedland Pony Club & Port Hedland Turf Club	Horse Stables for Members	7 days a week	No	Yes	No (but minutes for AGM)	No	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the volunteers, who are members of the organisation who are teaching and educating children in the equine industry.	\$ 1,472.98	\$ 1,472.98
UCA Assembly Limited (Frontier Services)	PO Box 2527	Sydney, NSW 2001	UCA Assembly Limited (Frontier Services)	A113927	22 Beroona Loop, South Hedland	Home Office	Mental health services	Mon - Fri	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, residential house used as office, Officers recommend 100% as the organization's services are government funded and free to the community	\$ 2,145.69	\$ 2,145.69
UCA Assembly Limited (Frontier Services)	PO Box 2527	Sydney, NSW 2001	UCA Assembly Limited (Frontier Services)	A400610	10 Smith Street, South Hedland	Home Office	Mental health services	Mon - Fri	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, residential house used as office, Officers recommend 100% as the organization's services are government funded and free to the community	\$ 1,677.83	\$ 1,677.83
UCA Assembly Limited (Frontier Services)	PO Box 2527	Sydney, NSW 2001	UCA Assembly Limited (Frontier Services)	A152556	6/ 25-35 Egret C, South Hedland	Home Office	Mental health services	Mon - Fri	No	No	Yes	Yes	N/A	100%	Applying for 100% Rates Concession, residential house used as office, Officers recommend 100% as the organization's services are government funded and free to the community	\$ 1,823.03	\$ 1,823.03
Volunteer Marine Rescue Services Inc	PO Box 214	Port Hedland, WA 6721	Volunteer Marine Rescue Services Inc	A156550	10 Mckay Street, Port Hedland	Storage Shed	Storage of Rescue vessel and tow vehicle	As required, 2-3 times per month	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the service the organization is providing is important to the boating community and run by volunteers	\$ 1,723.70	\$ 1,723.70
Wirraka Maya Health Service Aboriginal Corporation	PO Box 2523	South Hedland, WA 6722	Wirraka Maya Health Service Aboriginal Corporation	A106282	1-5 Hamilton Road, South Hedland	Health Centre	Health Services to Aboriginal People	8.30 - 17.00 Mon - Fri	Yes	Yes	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% Concession as the organization is providing an education service to the community	\$ 8,910.75	\$ 8,910.75
Youth Involvement Council Inc.	PO Box 2543	South Hedland, WA 6722	State of WA (Crown) / Town of Port Hedland	A802207	34 Lawson Street, South Hedland	Youth Activities	Youth Education programs	7 days a week	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the youth service is for free and government funded	\$ 1,040.00	\$ 1,040.00
Youth Involvement Council Inc.	PO Box 2543	South Hedland, WA 6722	Department of Housing	A406870	69 Stanley Street, South Hedland	Youth Accommodation Program	Housing for homeless young people	24 hours, 7 days a week	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the youth service is for free and government funded	\$ 2,290.89	\$ 2,290.89
South Hedland Lotteries House Inc.	PO Box 3154	South Hedland, WA 6722	Town of Port Hedland	A130114	2 Leake Street, South Hedland	12 Tenant agencies	Diverse not-for-profit agencies	8.30 - 16.00 Mon - Fri	Yes - rent is charged to agencies	No	No	No	100%	50%	Applying for 50% Rates Concession, Officers recommend 50% concession as the organization is charging the agencies rent, however they provide the premises for charitable agencies	\$ 1,1541.90	\$ 5,770.95

Trelear Child Care Centre Inc.	PO Box 2626	South Hedland, WA 6722	State of WA (Crown)	A154780	4 Trelear Close, South Hedland	Child Care Centre	Child Care	7.00 -17.30, Mon-Fri	Yes	Yes	50%	50%	Applying for 50% Rates Concession, Officers recommend 50% concession as the non-for profit organization is providing an essential service to the community however they charge for the services	\$ 1,810.14	\$ 905.07
Pilbara Family Violence Prevention Service	PO BOX 2524	East Victoria Park, Perth WA 6981	Pilbara Family Violence Prevention Service	A401480	32 Demarch Road, South Hedland	Staff Housing	Legal	Daily	No	No	100%	0%	Applying for 100% Rates Concession, Officers recommend 0% as the house is used for staff housing and not the main purpose of the organisation	\$ 2,290.89	\$ -
Port Hedland Golf Club Inc.	PO Box 2483	South Hedland, WA 6722	Town of Port Hedland	A156490	Lot 5164 Shoarta Road, Shourth Hedland	Golf Club	Golf, functions, Bar	7 days a week	Yes	No	100%	0%	Applying for 100% Rates Concession, Officers recommend as the organisation operates in direct competition with several private establishments in teh provision of alcohol, whiti the bar being open 7 days a week during the winter months and less frequently in the warmer months.	\$ 3,499.42	\$ -
South Hedland Owners & Trainers	PO Box 2045	South Hedland, WA 6722	Town of Port Hedland	A802155	Lot 254 Shoarta Road, South Hedland	Horse Stables & Show Ground	Horse Stables for Members & Travelling horses	7 days a week	No	No	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% Officers believe that SHOATA would not be financial sustainable if Council were to enforce rates of \$29,538.43 which would in turn jepopdise the facilities available to the racing community within the Town of Port Hedland.	\$ 29,538.43	\$ 29,538.43
Total														\$66,426.48	

Exemptions

Organisation	Add 1	Add 2	Land Owner	Assessment Number	Address	Use and Occupancy of Property	Type of Service Provided	Frequency of service provision	Payment received for service	Floor plan provided	Copies of Financial Statement provided	Audited	Last year Exempt	Officer's recommendation	Comments	Proposed Rates	Proposed Concession
Grand Lodge of Western Australian Freemasons Homes for the Aged	PO Box 62	Landsdale, WA 6065	Grand Lodge of Western Australian Freemasons Homes for the Aged	A130290	Lot 5915 McGroggor Street, Port Hedland	Freemasons Homes for the Aged	Accommodation for Seniors	24 hours, 7 days a week	Yes, reduced rental fee	No	Yes	Yes	Exemption	Exemption	Applying for 100% Rates Exemption, Officers recommend 100% concession as the organisation provides subsidized housing for the elderly.	\$ -	\$ -
Bloodwood Tree Association Inc	PO Box 2099	South Hedland, WA 6722	State of WA (Crown) / WA Alcohol & Drug Authority	A130239	Lot 5826 Forrest Circle, South Hedland	Bloodwood Tree	Sobering Up Centre	24 hours, 7 days a week	No	No	Yes	No	Exempt	Exempt	Applying for 100% Exemption, Officers recommend 100% as an essential service for the community is provided at the premises	\$ -	\$ -
Bloodwood Tree Association Inc	PO Box 2099	South Hedland, WA 6722	Department of Housing	A106284	21 (Lot 5487) Hamilton Road, South Hedland	Bunara Maya Hostel	Short Term Accommodation Facility	24 hours, 7 days a week	Small charge	No	Yes	No	Exempt	Exempt	Applying for 100% Exemption Officers recommend 100% as the short term accommodation facility is beneficial to the community	\$ -	\$ -
Port Hedland Retirement Village	PO Box 865	Port Hedland, WA 6721	Town of Port Hedland	A156730	Lot 2032 Stevens Street, Port Hedland	Retirement Village	Accommodation for Pensioners	24 hours, 7 days a week	Yes	No	Yes	Yes	Exempt	Exempt	Applying for 100% Rates Concession, Officers recommend 100% concession as the organisation provides subsidized housing for the elderly.	\$ -	\$ -
Pilbara Meta Maya Regional Aboriginal Company	PO Box 2680	South Hedland, WA 6722	Pilbara Meta Maya Regional Aboriginal Company	A127380	3 Yanana Street, Wedgefield	Office	No statement	No statement	No statement	No statement	No statement	No statement	Exempt	Exempt	Applying for 100% Rates Exemption	\$ -	\$ -
Baptist Union of Western Australia	PO Box 57	Burswood WA 6100	Baptist Union of Western Australia	A113872	10 Steamer Ave, South Hedland	Manse	Housing for Pastor	24 hours, 7 days a week	No	No	N	N	Exempt	Exempt	Applying for 100% Rates Exemption, Officers recommend 100% as the property is used for the essential service of being a Manse	\$ -	\$ -
Wangka Maya Pilbara Aboriginal Language Centre	PO Box 2726	South Hedland, WA 6722	Wangka Maya Pilbara Aboriginal Language Centre	A803501	67 Throssell Road, South Hedland	Language Centre	Promotion of aboriginal languages	Mon - Fri	No	No	Yes	Yes	Exempt	Exempt	Exempt from paying council rates under Taxation Administration Act, Officers recommend 100% Exemption as the organization is providing a free education service to the community	\$ -	\$ -

12.2 *Establishment of Mayoral Facebook Page (File No.: 03/01/0017)*

Officer	Debra Summers Manager Organisational Development
Date of Report	22 July 2012
Disclosure of Interest by Officer	Nil

Summary

This report recommends to the Council that in accordance with 1/013 Social Media Policy, a Mayoral Facebook page be established. It is also recommended that the Social Media Policy be amended with regard to the Mayoral Facebook page to allow a two-way communication channel that will ensure adherence to corporate communication protocols and appropriately capture the resulting records in accordance with the *State Records Act 2000*.

Background

The Council at its 30 November 2011 Special Council Meeting resolved:

That Council:

- 1. Endorses the Town of Port Hedland's (draft) Social Media Policy with the following change on page 13 of the (draft) Social Media Policy:

"All items that are going to be posted will need to be sent to the Town of Port Hedland's Publicity Officer or Chief Executive Officer for editing and approval before being posted".*
- 2. Notes that internal operating practice will be developed to detail the application of the Social Media Policy within the Town of Port Hedland*
- 3. Notes the policy will be reviewed in 2012 as part of the annual policy review and updated accordingly.*

Consultation

Internal

- Elected Members at a Concept Forum
- Acting Chief Executive Officer
- Director Corporate Services
- Manager Information services
- Publicity Officer

Statutory Implications

Local Government Act 1995, Section 2.8 'Role of mayor of president'

- (1) The mayor or president —*
(d) speaks on behalf of the local government;

State Records Act 2000

3. Terms used

(1) In this Act —

record means any record of information however recorded and includes

-
- (a) anything on which there is writing or Braille; and*
 - (b) a map, plan, diagram or graph; and*
 - (c) a drawing, pictorial or graphic work, or photograph; and*
 - (d) anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them; and*
 - (e) anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and*
 - (f) anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.*

State Records Principles and Standards 2002

Principle 1—Proper and Adequate records

Government organizations ensure that records are created and kept which properly and adequately record the performance of the organization's functions and which are consistent with any written law to which the organization is subject when performing its functions.

Code of Conduct

5.1 Media Management

a) The Mayor is the spokesperson of Council and is the only person who is authorised to make public comment from the Town on any matter.

b) From time to time, the Mayor may authorise public comment from by:

i. The Deputy Mayor or a Councillor;

ii. The CEO or a staff member who has specific knowledge pertaining to a particular topic.

c) Members and staff will refrain from:

i. making any negative comments publicly regarding a resolution of Council.

ii. making any public comment on a matter that is before Council but no decision where a decision is yet to be made.

d) In the event that a member of the public makes public comment on the actions of a particular Councillor, that Councillor may respond to the public comment on the proviso that:

i. The Mayor is made aware that a public response is going to be made.

ii. The member presents balanced response that does not reflect poorly on the Council or the Town.

iii. The provisions of item c) above are adhered to.

Policy Implications

1/013 Social Media Policy applies.

Strategic Planning Implications

We are a friendly, exciting city of neighbours that is vibrant and diverse.

What we do: Keep all members of our community informed about, and involved with, the provision of Council/Town services and facilities.

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

What we do: Local leaders in the community who provide transparent and accountable civic leadership.

Budget Implications

Costs of staffing implications and operating expenditure associated with the establishment and maintenance of the Mayoral Facebook has been factored into the draft 2012/13 budget. Managing the new Facebook page would consume a partial FTE that has been identified for the governance functions of the organisation.

Officer's Comment

Since the adoption of the Policy, officers have been developing the internal operating practice with respect to the Mayoral Facebook page along with assessing the resulting staffing implications.

The current Policy which only allows for a one way channel of communication with respect to the Mayoral Facebook page is considered restrictive and potentially frustrating for the community.

It is proposed that content of the page from the Mayor be developed in accordance with the Policy, in consultation with the Publicity Officer and the Chief Executive Officer, and that it represents the position of the Council on all matters. This is a similar process currently undertaken with respect to all other media messages distributed by the Town of Port Hedland including media via the website, e-news and general media releases.

By adhering to the the Policy and limiting the opportunities for community members and other stakeholders to post or write on the wall in response to the content, there is an increased risk for communication with the Mayor through other informal or personal media channels. This makes capturing and responding to the comments and enquiries difficult from a corporate viewpoint. Notwithstanding these media channels, the communication from or to any representative of the Town of Port Hedland, including the Mayor and Councillors, is a public record and must be handled in accordance with the *State Records Act 2000* and the Town's Record Keeping Plan.

The Social Media Policy endorsed by Council in 2011 suggests a two staged approach to the usage of social media by the Town. In the first stage of the implementation, the Policy recommends that only one way communication via social media is used.

Section 7 'Guidelines for Mayor' of 1/013 Social Media Policy currently reads as follows:

The Mayor is entitled to establish a Facebook fan page that identified them as the Mayor. This page may be administered by the Mayor or delegated to Town of Port Hedland staff as appropriate.

On the information tab of the Mayor's fan page, the following disclaimer must be included:

This page is administered by the Mayor of Port Hedland and the contributions reflect the views of the Mayor, in their official capacity.

The contributions do not necessarily reflect the official position of the Town of Port Hedland. For official information, please visit the Town of Port Hedland's website or Facebook page.

All posts, comments and information on this page are regularly monitored and recorded.

The Mayor's fan page should be a single communication channel only. In the permissions section of the Mayor's fan page, it should be defined that users cannot post or write on the wall.

Any direct enquiries the Mayor receives through the fan page about Council matters should be forwarded to the appropriate Council officer for an official reply.

If the officer's recommendation is endorsed the only change in the current Policy would be in relation to Section 7: Guidelines for Mayor. It is suggested that this section of the Policy be amended to read as follows:

The Mayor is entitled to establish a Facebook fan page that identifies them as the Mayor. This page may be administered by the Mayor and/or delegated to Town of Port Hedland staff as appropriate.

On the information tab of the Mayor's fan page, the following disclaimer must be included:

This page is administered by the Mayor of Port Hedland and the contributions reflect the views of the Mayor, in their official capacity.

The Mayoral Facebook page will allow the community and stakeholders to make enquiries about information posted on the Mayor's Facebook. These postings will be considered a public record and will therefore be monitored, recorded and responded to accordingly.

An official response will be posted on the Mayoral Facebook page in accordance with the Town of Port Hedland Customer Service Charter.

Attachments

Nil.

201213/046 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. amends 1/013 Social Media Policy with regard to the Mayoral Facebook page to allow a two-way communication channel to read as follows:**

'The Mayor is entitled to establish a Facebook fan page that identifies them as the Mayor. This page may be administered by the Mayor and/or delegated to Town of Port Hedland staff as appropriate.

On the information tab of the Mayor's fan page, the following disclaimer must be included:

This page is administered by the Mayor of Port Hedland and the contributions reflect the views of the Mayor, in their official capacity.

The Mayoral Facebook page will allow the community and stakeholders to make enquiries about information posted on the Mayor's Facebook. These postings will be considered a public record and will therefore be monitored, recorded and responded to accordingly.

An official response will be posted on the Mayoral Facebook page in accordance with the Town of Port Hedland Customer Service Charter.'

- 2. notes that the amended Policy will ensure adherence to corporate communications protocols which are in accordance with the *State Records Act 2000* and the Town's Record Keeping Plan; and**
- 3. notes that the costs of staffing implications and operating expenditure associated with the establishment and maintenance of the Mayoral Facebook have been factored into the draft 2012/13 Budget.**

CARRIED 7/0

12.3 *Memorandum of Understanding Requiring the Submission of Planning Development Applications*

Officer Leonard Long
Manager Planning

Date of Report 22 July 2012

Disclosure of Interest by Officer Nil

Summary

Council Officers are requesting Council supports all development within the Town requiring the submission of a Development Application.

Background

The Planning & Development Act 2005 provides for development defined as “Public Works” not requiring a development application. Whilst Council has used this in a few instances (Multi Purpose Recreation Centre, South Hedland Aquatic Centre) it has in more recent times been more transparent and lodged development applications for projects such as the Colin Matheson Oval development, Silver Star and Marquee Park. This ensures the process is transparent, planning issues are addressed and provides a level playing field with the development industry.

With the current high demand on development, the Town is experiencing significant development by government agencies being progressed without the submission of a development application.

Consultation

Nil.

Statutory Implications

In terms of the *Planning and Development Act 2005* (as amended). (“The Act”)

Section 6, of “The Act”, requires any authority claiming the exemption of requiring a development application being required, to comply with the following:

- *“To have regard to the purpose and intent of the local planning scheme;*
- *To have regard to the principles of proper and orderly planning and the amenity of the area; and*
- *To consult with the local government when a proposal is being formulated for any public work, or the taking of land for a public work.”*

Policy Implications

The Town has a number of Local Planning Polices, these polices need to be considered as part of the assessment of any development.

Strategic Planning Implications

Nil

Budget Implications

The Town is in the process of developing an interim "Developers Contribution Model". Contributions will be levied against any proposed development and will contribute to the provision of all public services, recreation, community and engineering.

As a result of the claimed exemption by government agencies/ departments, contributions cannot be levied on developments associated to public works, resulting in an increased burden on the Council to provide various public services.

Officer's Comment

Council Officers are becoming increasingly concerned with development been undertaken without the submission of a development applications or consultation with the community.

As mentioned, in an attempt to remain open and transparent, Council departments submit development applications as per the Planning unit's requirements. This often requires applications to be advertised calling for community comments, and provides all Council departments the ability to comment on the proposed development.

Any development to be undertaken by a private developer is subject to the submission and approval of a development application. Ideally, this process should apply to all government agencies, for all significant development that is not infrastructure, that would impact on the community and ordinarily require a development application. Considerable time is spent by Council Officers across the organisation in assessing these developments.

Council Officers consider it inappropriate for government agencies / departments to require the Town to provide comment on proposed developments without submitting a development application, effectively taking time away from Council Officers to assess applications submitted and paid for by private developers. Further, it is frustrating after having spent considerable time and effort in providing professional comment, government agencies only need to "consider" and not necessarily address issues raised by Council Officers.

It is considered that the current “consultation” requirement does not promote an open and transparent process by not providing the community with the ability to comment.

Whilst aware of the urgency with which government agencies / departments are required to deliver both residential and non-residential development onto the market, Council Officers are of the opinion that they can provide expeditious turn-around times to assess these applications and ensure the provisions of the Town Planning Scheme No. 5 are met and the views of the community are addressed.

As assistance to government departments submitting development applications for all development projects, Council Officers will ensure any complete development application submitted (including all documentation required) by a government department will be assessed within 30 days of its submission.

Attachments

Nil

201213/047 Officer’s Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. Endorses the practice of Council departments submitting development applications for approval for all projects / events proposed by Council.**
- 2. Requests the Chief Executive Officer to raise the matter of an amended practice as proposed in this Report with the respective Directors General, and if necessary to write to the Minister of Regional Development and Lands, Minister of Planning and the Minister of Housing and Works requesting the Ministers to enter into an agreement with Council addressing the following:**
 - a. Requiring development applications together with the relevant documentation and fee to be submitted and approved prior to the commencement of works.**
 - b. Council undertaking to assess all applications (subject to a complete application being received) within 30 days of submission.**
 - c. All development applications will be subject to a developer’s contribution as per the Town’s Interim Developers Contribution Policy (on endorsement of the Interim Developers Contributions Model).**

CARRIED 7/0

12.4 ***Proposed Acquisition of Specific Recreation Reserves for Land Development Projects (File No.: Various, 08/05/0001)***

Officer	Brie Holland Economic and Strategic Planning Officer
Date of Report	23 July 2012
Disclosure of Interest by Officer	Nil

Summary

A summary of Recreation Reserves are contained within this report and a decision, by way of absolute majority, is sought from Council on whether to proceed with the proposed acquisition for Land Development projects of Recreation Reserves currently/potentially vested to the Town; specifically in assisting the Town of Port Hedland staff housing shortage.

Background

Pilbara Cities representatives met with Council officers early July 2012 to scope the next Lazy Lands program. Key parcels within South and Port Hedland were identified as having the potential to be advertised for development to the private market by the way of expression of interest, facilitated by the Department of Regional Development and Lands. These properties do not form the scope of this report; this report concentrates on land reserved for public recreation that Council has an opportunity to acquire at 5% of unimproved value.

The meeting identified eleven reserved parcels of land for purpose of recreation, ten within South Hedland and one parcel in Port Hedland – majority vested to the Town and one held by the State, as outlined:

	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	47447	3896	214079	Demarchi & Haines Road	2,406 m2	Parks and Recreation	ToPH 04/03/04	NOT Extin-guished	Residential	SP07/150	Dispose
5		UCL		Murdoch Drive & Bottlebrush Crescent	3.845 ha			NOT Extin-guished	Parks and Recreation	SP09/186	Landscape green space buffer
6	37564	3544	214186	Murdoch Drive & Koombana Avenue	3,371 m2	Parkland	ToPH 08/01/82	Extin-guished	Parks and Recreation	SP11/189	Not Highlighted
7	37547	3581	214186	Captain Way and Yanderra Crescent	6,515 m2	Parkland	ToPH 08/01/82	Extin-guished	Parks and Recreation	SP13/188	Dispose
8	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
9	40088	4000	215416	Egret Crescent	668 m2	Park	ToPH 31/07/87	Extin-guished	Residential	SP13/241	Dispose
10	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										
11	40652	5863	P191022	Butler Way	2,156 m2	Recreation	ToPH	Extin-guished	Residential	PH09/158	Dispose

Active Open Space Strategy consultation

Council has subsequently had an Active Open Space Strategy prepared on its behalf and is looking at having a Passive Open Space Strategy prepared. The Active Open Space Strategy calls for the majority of the land parcels to be disposed of. More specifically the parcels are either:

1. not highlighted at all;
2. recommended for immediate disposal; or
3. recommended for development as a landscape green space buffer (only one parcel – Murdoch Drive & Bottlebrush Crescent Map 5)

Please refer to Table 1. It should be noted that half of the parcels are less than 750 m² in size, and would only serve the purpose of a local pocket-park. The locations identified are not required for these purposes.

Consultation

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

Should Council pursue the matter a further report would be prepared for Council once acquisition costs have been confirmed by State Land Services.

Statutory Implications

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

Policy Implications

Nil.

Strategic Planning Implications

The following sections of the Council's Strategic Plan 2010-15 are considered relevant to this proposal:

Key Result Area 4: Economic Development

Goal 3: Business Development

Immediate Priority: Investigate new business/revenue streams for the Town.

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

Budget Implications

Land is to be acquired at 5% of the unimproved value. The financial implications will be known once a valuation of the subject properties is undertaken.

Council's 2012/13 draft 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, 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 eleven land parcels be acquired, a business case will advise the best method of delivery at the least cost to Council.

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.

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 Murdoch Drive & Bottlebrush Crescent
6. Map 6 Murdoch Drive & Koombana Avenue
7. Map 7 Captain Way and Yanderra Crescent
8. Map 8 Masters Way & Dowitcher Avenue
9. Map 9 Egret Crescent
10. Map 10 Kybra Close
11. Map 11 Butler Way

201213/048 Officer's Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Dziombak

That Council:

1. **Supports the preparation of a business case for the acquisition of all parcels referred to in Table 1, freehold to the Town.**
2. **Approves the Chief Executive Officer to submit the business case to the Department of Regional Development and Lands for consideration.**
3. **Requests the Department of Regional Development and Lands, noting State Lands Services being the facilitator, to:**
 - a. **Vest the Unallocated Crown land, as referred to in Table 1; Part Lot 55 on Plan 13326 and Lot 156 on Plan 13332 Traine Crescent, and Murdoch Drive & Bottlebrush Crescent, to the Town of Port Hedland retaining the original purpose of Recreation Reserve;**
 - b. **Provides a valuation for the purchase of the parcels of land identified in Table 1 by the Town of Port Hedland at 5% of unimproved value in accordance with section 20A of the *Land Administration Act 1997*;**

- c. Starts the process of extinguishing any pre-existing Native Title on the following parcels; Reserve 47447, Lot 3896 Demarchi & Haines Road, UCL parcel Murdoch Drive & Bottlebrush Crescent and Reserve 40088, Lot 8007 Masters Way & Dowitcher Avenue.

CARRIED BY ABSOLUTE MAJORITY 7/0

ATTACHMENT 1 TO LATE ITEM 12.4



Ver.	Date	By	Amendments
1	23.06.2011	RMM	Issued for information

Scale: 1:300
 Datum: Vert: AHD - See Note
 Horiz: MGA 250
 Job No: 118093
 Description: -
 Sheet: SH303
 Rev: 01

PROJECT: PROPOSED RESIDENTIAL INFILL
 LOT SH3 - (R. 44744 LOTS 5930, 156 & 55 ON P 13326 & P 13332)
 TRAIINE CRESCENT, SOUTH HEDLAND
 GRID REFERENCE: C10 LOCATION SKETCH 1

Drawn By: RMM
 Approved By: NRW

Project Level Issues: Digital

CLIENT

PILPARACTIES
 100 Beach Ave
 Sanderfoot WA 8152
 Ph: 94207188 Fax: 94507199
 email: mail@pilsurveys.com.au
 web: www.pilsurveys.com.au

100 Beach Ave
 Sanderfoot WA 8152
 Ph: 94207188 Fax: 94507199
 email: mail@pilsurveys.com.au
 web: www.pilsurveys.com.au

Scale: 1:300
 Date: 23.06.2011

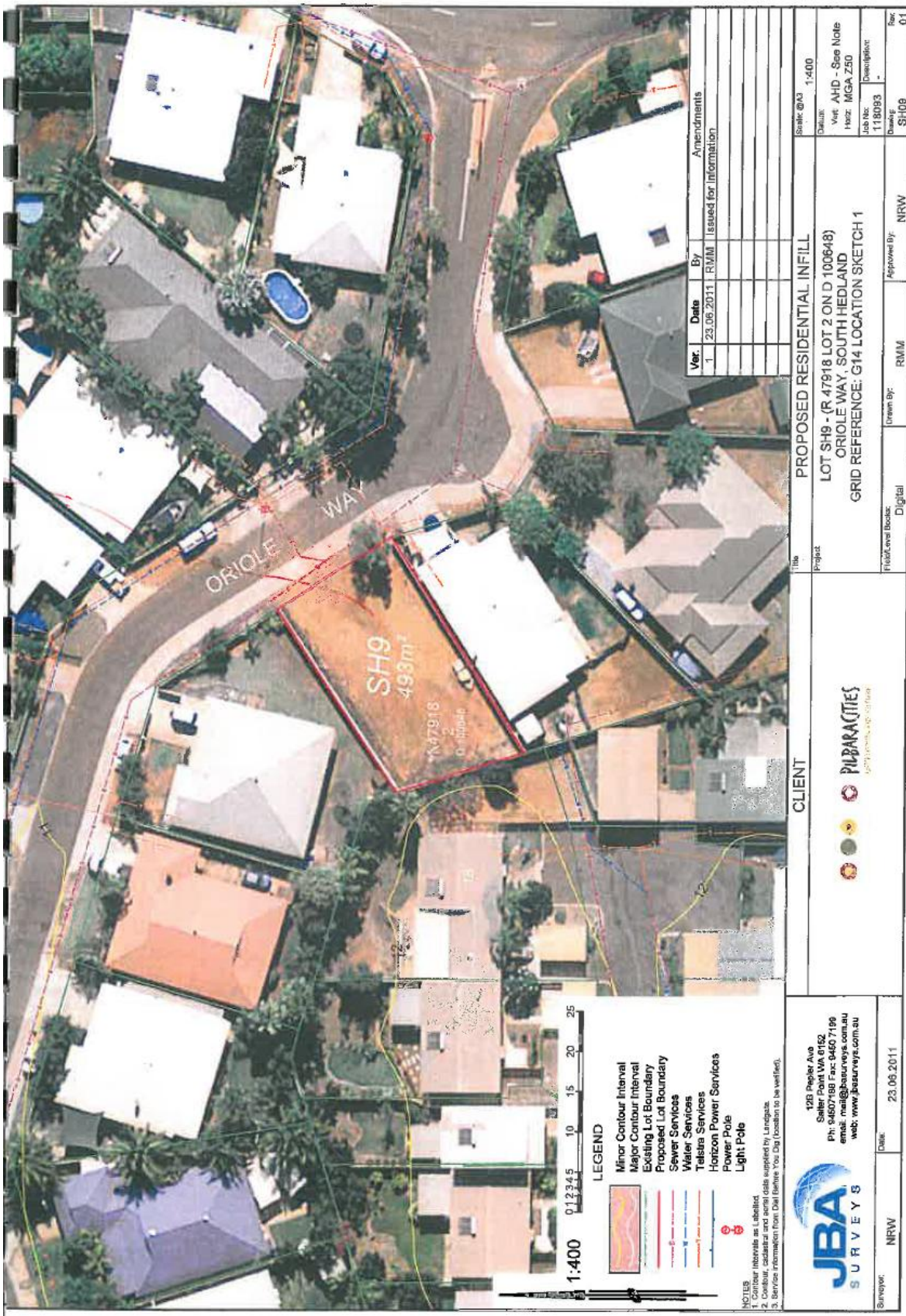
Surveyor: NRW

LEGEND

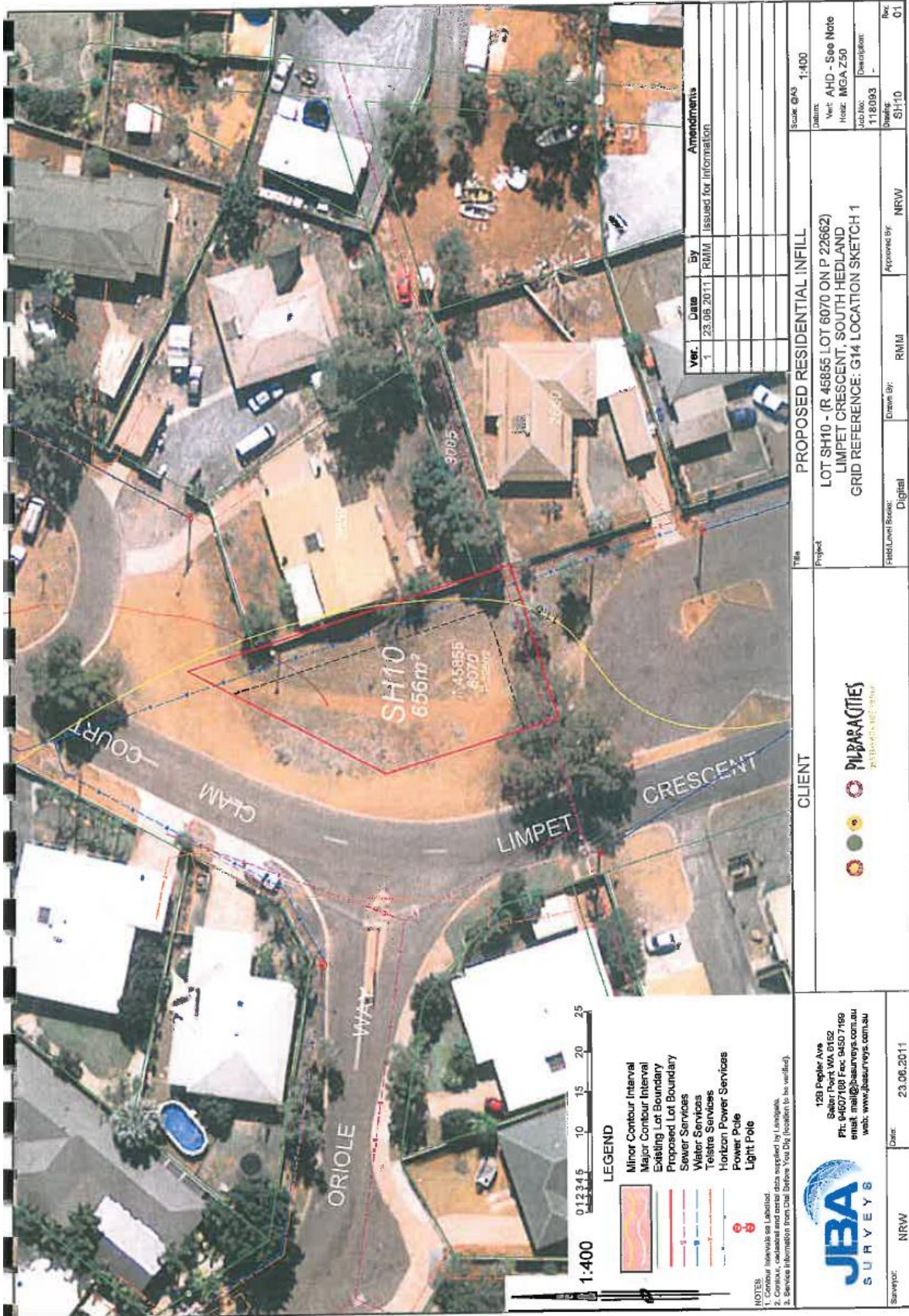
- Minor Contour Interval
- Major Contour Interval
- Existing Lot Boundary
- Proposed Lot Boundary
- Sewer Services
- Water Services
- Teletra Services
- Horizon Power Services
- Power Pole
- Light Pole

NOTES:
 1. Contour intervals as labelled.
 2. Contour, centred arc aerial data supplied by Landgate.
 3. Service information from Old Before You Dig (location to be verified).

ATTACHMENT 2 TO LATE ITEM 12.4



ATTACHMENT 3 TO LATE ITEM 12.4



Ver.	Date	By	Amendments
1	23.06.2011	RMM	Issued for Information

Scale: @A3 1:400
 Date: 23.06.2011
 Note: AHD - See Note
 Note: MGA Z50
 Job No: 118093
 Description: -
 Drawing: SH10
 Rev: 01

PROPOSED RESIDENTIAL INFILL
 LOT SH10 - (R 45885 LOT 6070 ON P 22662)
 LIMPET CRESCENT, SOUTH HEDLAND
 GRID REFERENCE: G14 LOCATION SKETCH 1

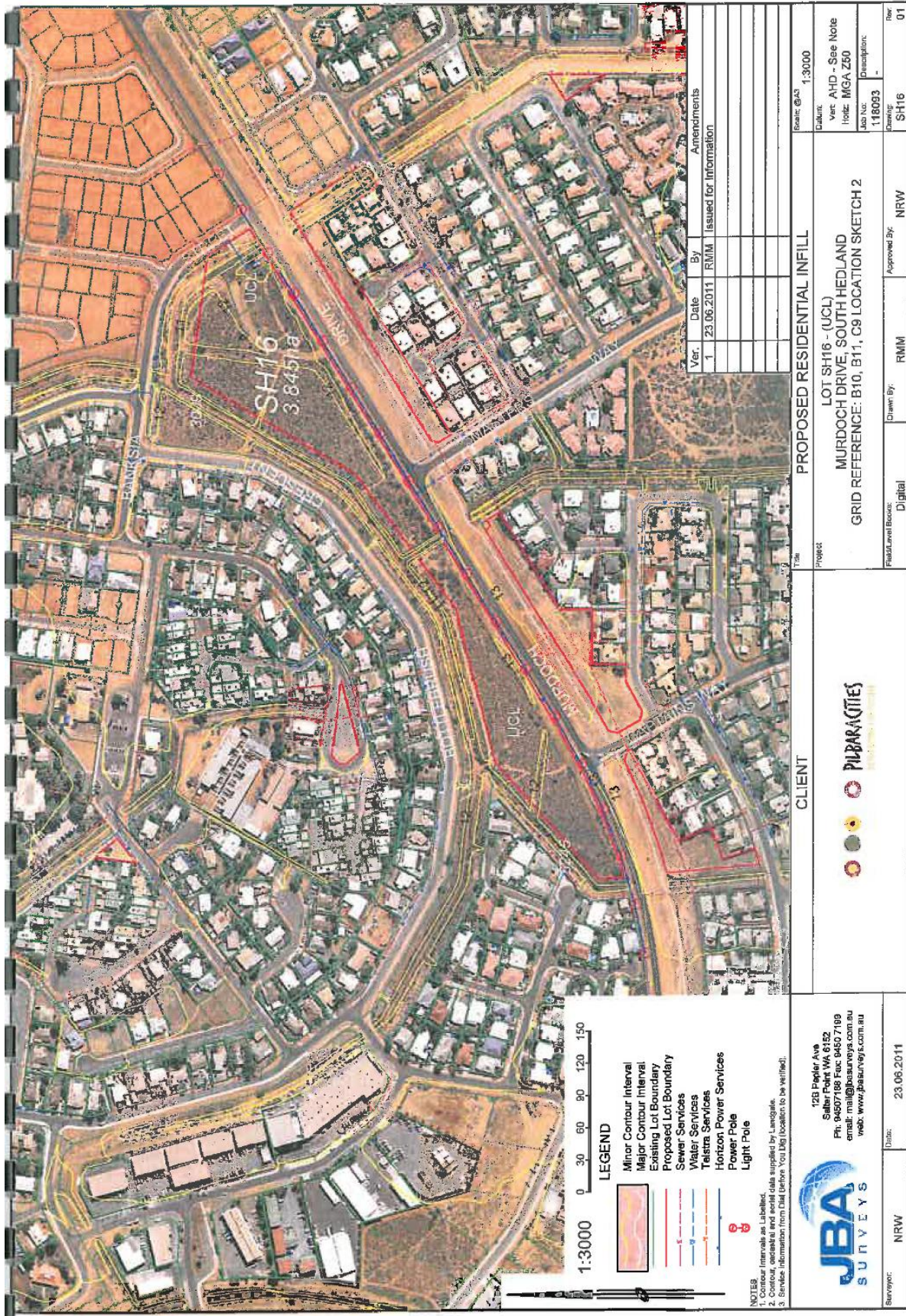
Drawn By: RMM
 Approved By: NRW

CLIENT

JBA SURVEYS
 123 Pepper Ave
 Seaton, Port, WA 6152
 Ph: 94607199 Fax: 9450 7199
 email: mail@jbasurveys.com.au
 web: www.jbasurveys.com.au

Date: 23.06.2011
 Surveyor: NRW

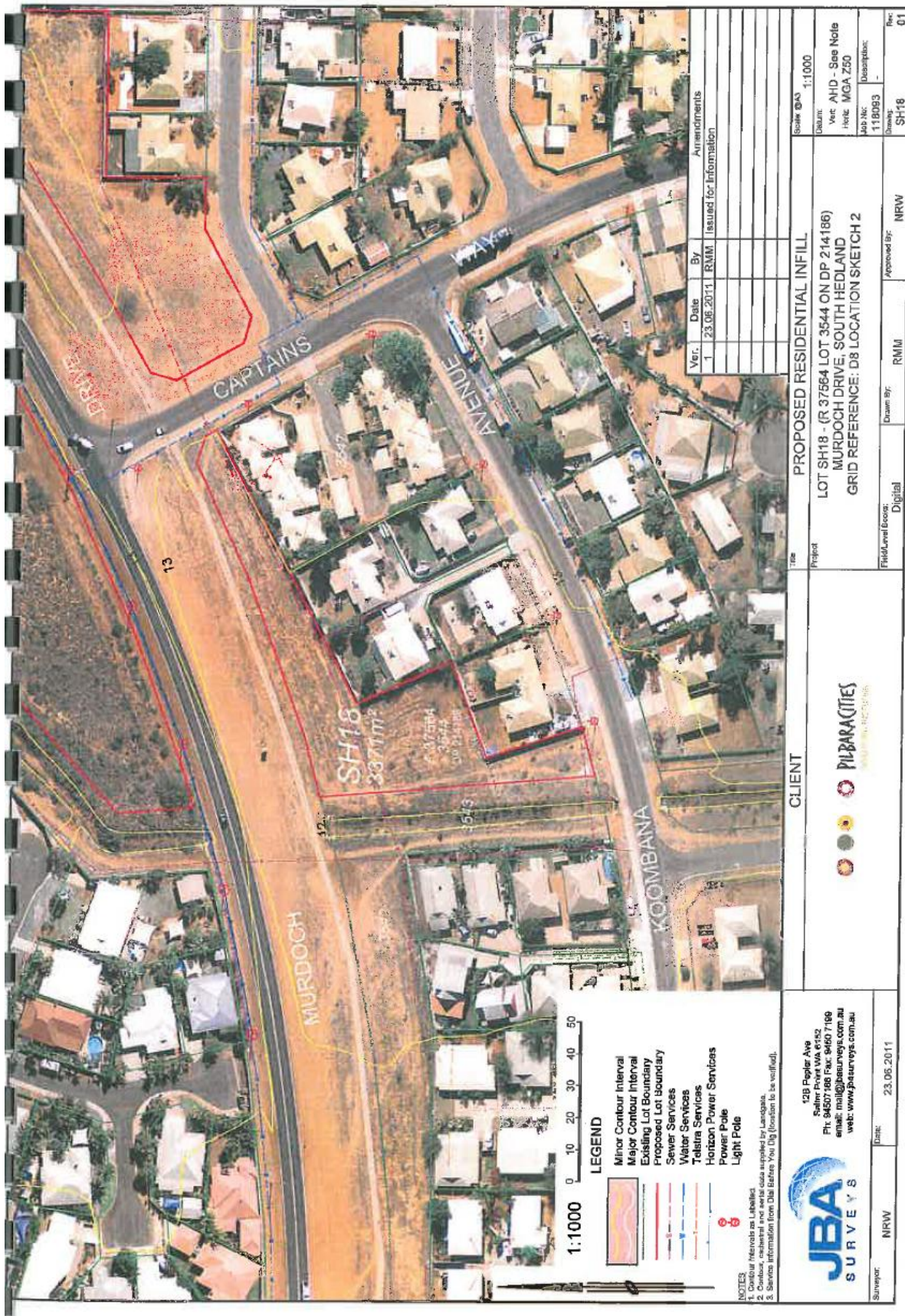
ATTACHMENT 5 TO LATE ITEM 12.4



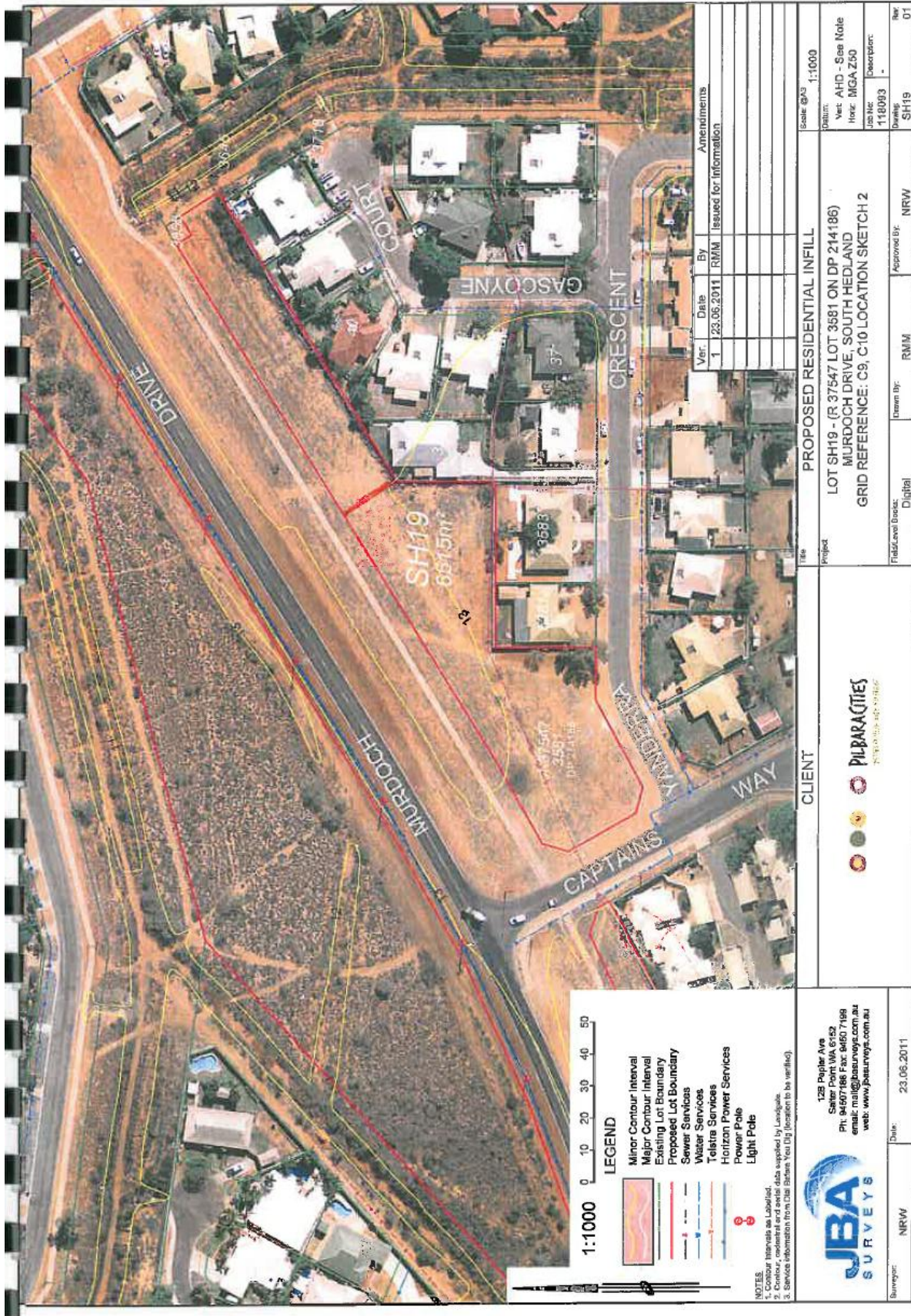
Ver.	Date	By	Amendments
1	23.06.2011	RMM	Issued for Information

<p>PROPOSED RESIDENTIAL INFILL</p> <p>LOT SH16 - (UCL) MURDOCH DRIVE, SOUTH HEDLAND GRID REFERENCE: B10, B11, C9 LOCATION SKETCH 2</p>		<p>Scale: @A3 1:3000</p> <p>Date: Ver: AHD - See Note Hole: MGA Z50 AS No: 118093 Description: SH16</p>
<p>CLIENT</p> <p> PIPBARLOTIES</p>	<p>Field Level Block: Digital</p> <p>Drawn By: RMM</p> <p>Approved By: NRW</p>	<p>Project Title: PROPOSED RESIDENTIAL INFILL</p> <p>Scale: @A3 1:3000</p>
<p>JBA SURVEYS</p> <p>125 Pacific Ave Subur Place WA 6152 Ph: 94507188 Fax: 94507189 email: mail@jbasurveys.com.au web: www.jbasurveys.com.au</p>	<p>Surveyor: NRW</p> <p>Date: 23.06.2011</p>	<p>Sheet: 01</p>

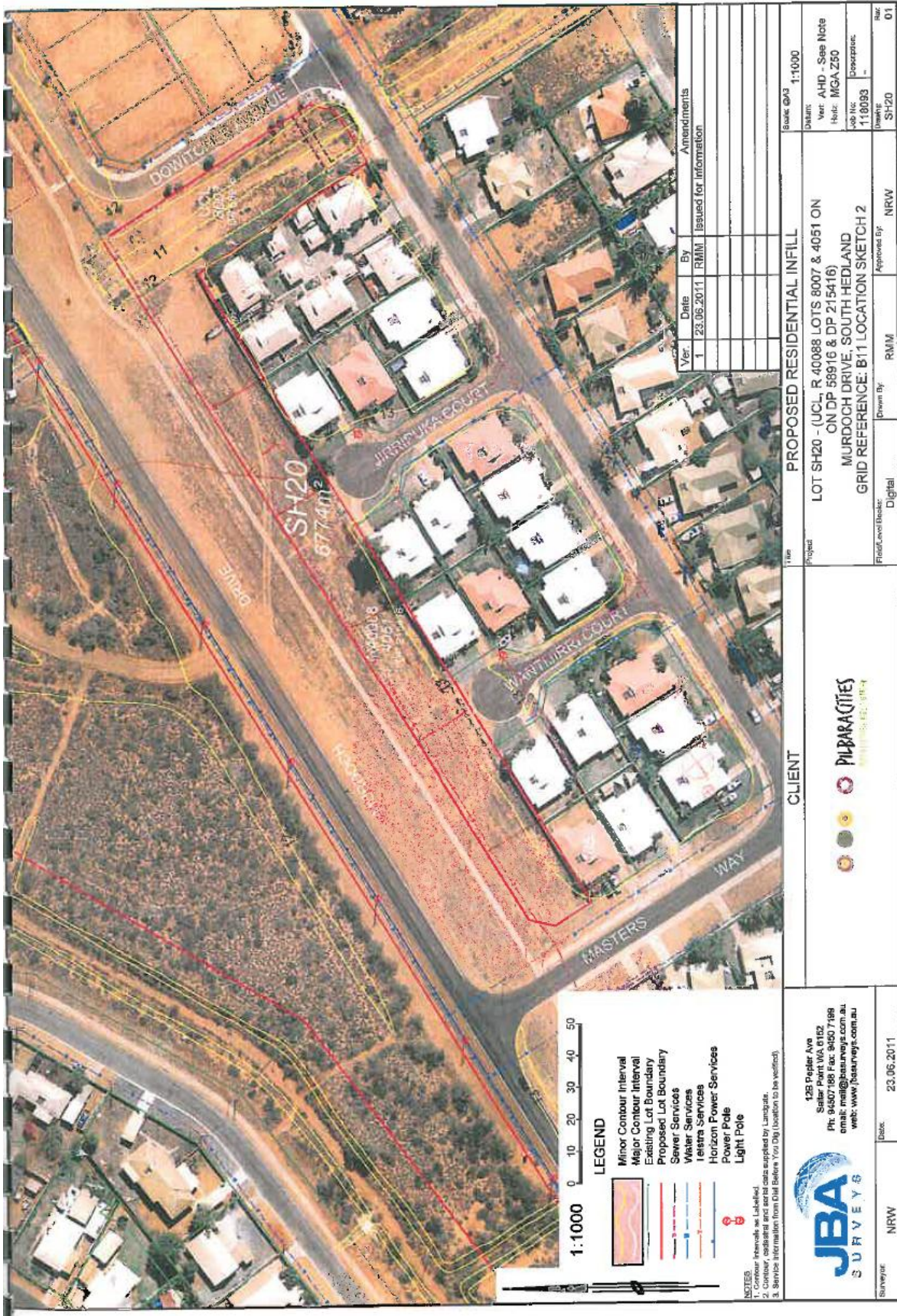
ATTACHMENT 6 TO LATE ITEM 12.4



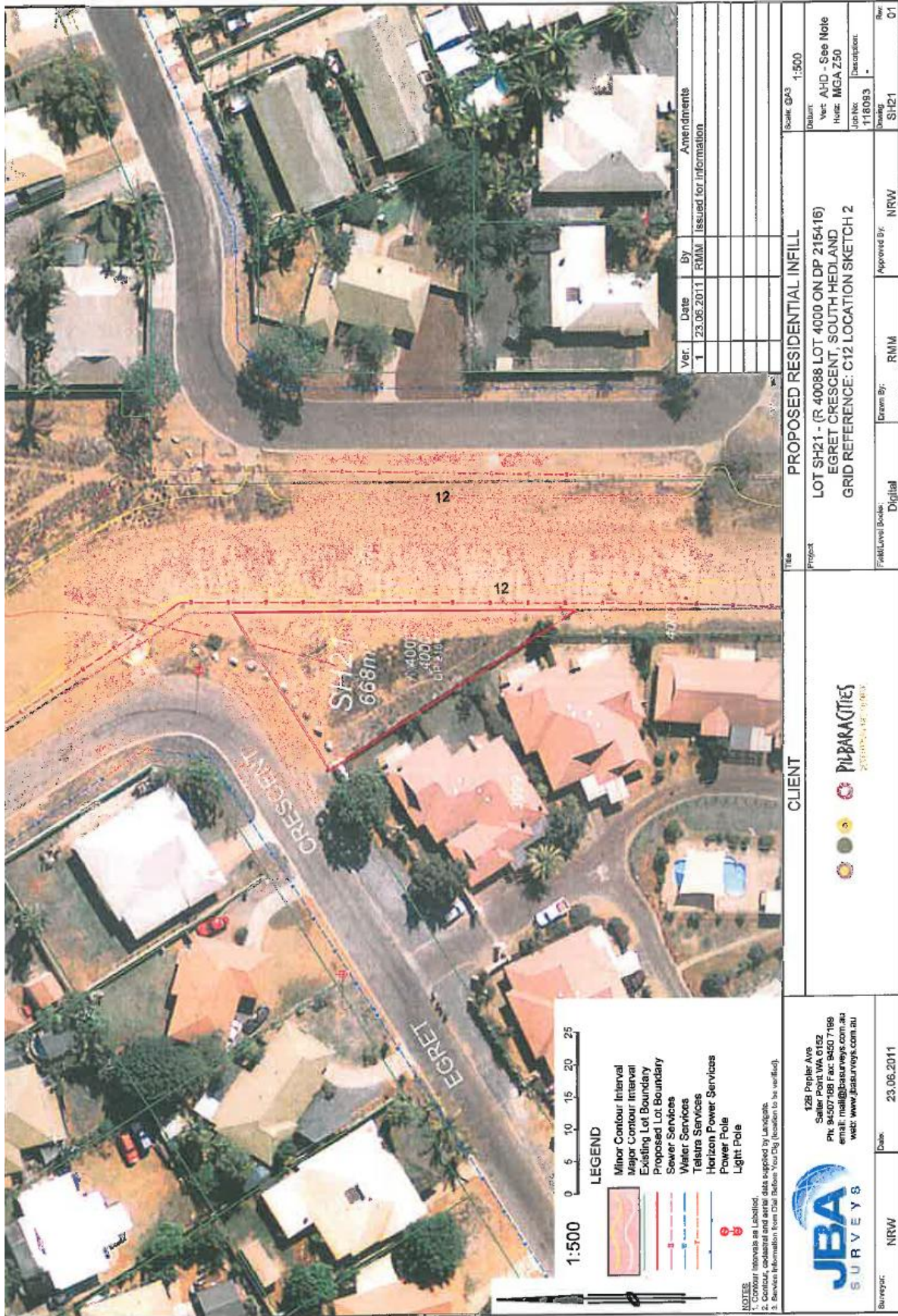
ATTACHMENT 7 TO LATE ITEM 12.4



ATTACHMENT 8 TO LATE ITEM 12.4



ATTACHMENT 9 TO LATE ITEM 12.4



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
- Telstra Services
- Horizon Power Services
- Power Pole
- Light Pole

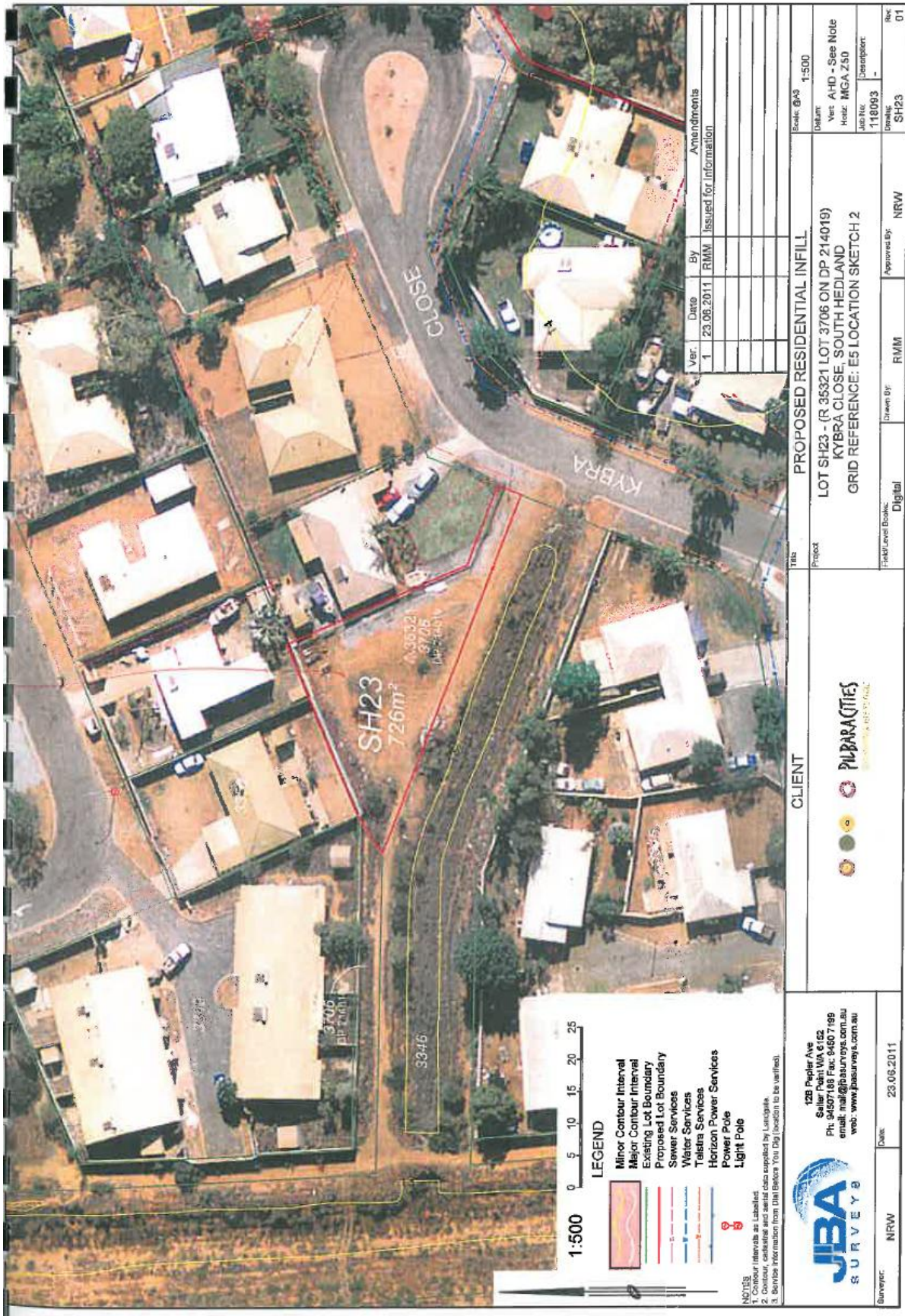
NOTES

- Contour Intervals as Labeled.
- Contour, celestial and aerial data supplied by Landgate.
- Services Information from Data Builders 'You Dig' (assumed to be verified).

Ver	Date	By	Amendments
1	23.06.2011	RMM	Issued for Information

CLIENT		PROPOSED RESIDENTIAL INFILL	
		Title: PROPOSED RESIDENTIAL INFILL Scale: GA3 Datum: 1:500 Ver: AHD - See Note HORIZ: MGA Z50 Lot No: SH21 Description: LOT SH21 - (R 40088 LOT 4000 ON DP 215416) EGRET CRESCENT, SOUTH HEDLAND GRID REFERENCE: C12 LOCATION SKETCH 2	
Surveyor: NRW	Date: 23.06.2011	Drawn By: RMM	Approved By: NRW
JBA SURVEYS 428 Peoples Ave Seaton Ph: 84507498 Fax: 84507168 email: mail@jbasurveys.com.au web: www.jbasurveys.com.au		Field Level Book: Digital	Rev: 01

ATTACHMENT 10 TO LATE ITEM 12.4



Ver.	Date	By	Amendments Issued for Information
1	23.06.2011	RMM	

Scale: GP3 1:500	
Datum: Vert: AHD - See Note	
Hor: MGA ZSD	
Job No:	Description:
118093	
Drawn:	SH23
Rev:	01

TBS:	PROJECT:	PROPOSED RESIDENTIAL INFILL
		LOT SH23 - (R 35321 LOT 3706 ON DP 214019)
		KYBRA CLOSE, SOUTH HEDLAND
		GRID REFERENCE: E5 LOCATION SKETCH 2
Field Level Book:	Drawn By:	Approved By:
Digital	RMM	NRW

CLIENT

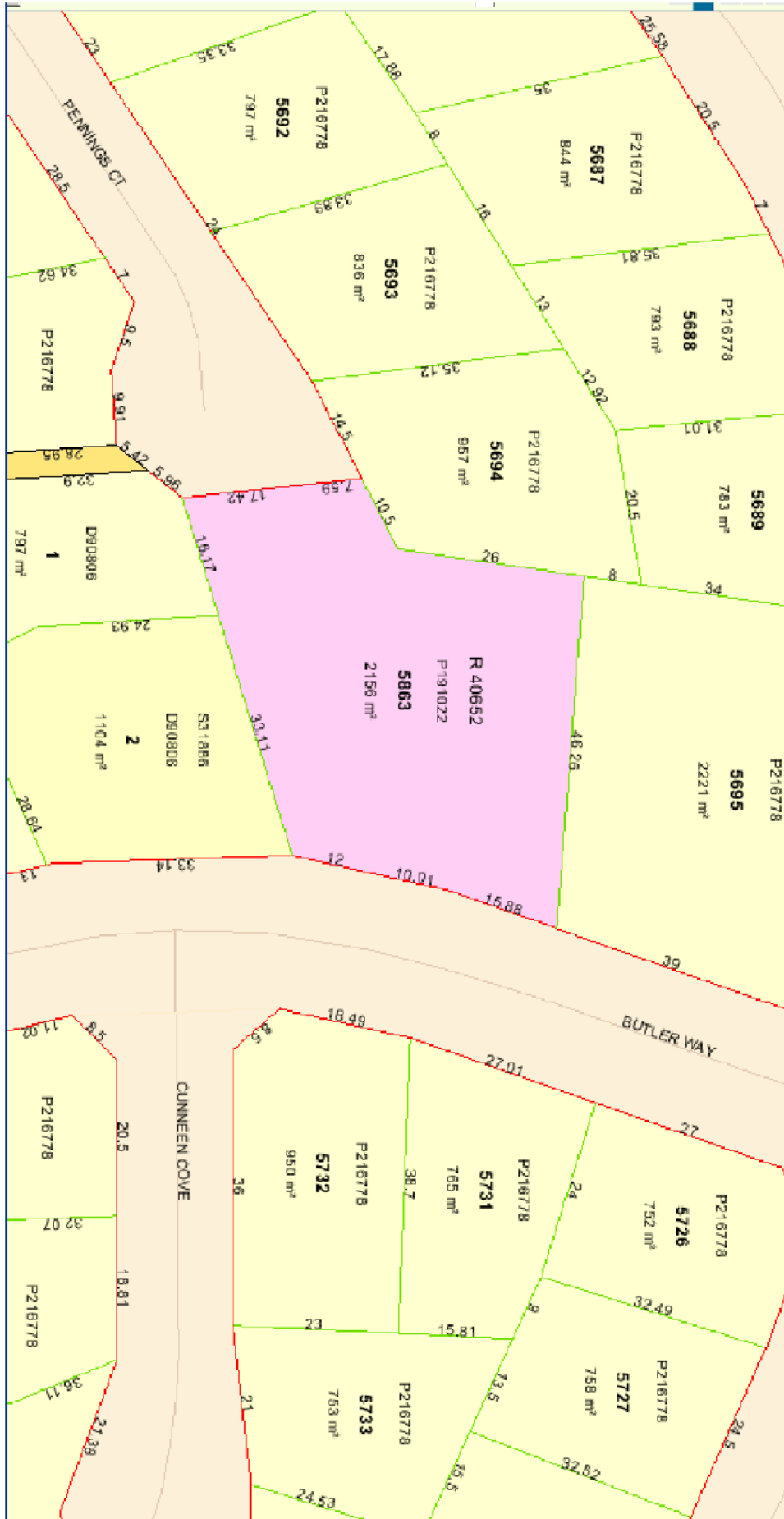


129 Poplar Ave
Salisbury
Ph: 94597188 Fax: 94507189
email: mail@jasurveys.com.au
web: www.jasurveys.com.au

Date: 23.06.2011

Surveyor: NRW

ATTACHMENT 11 TO LATE ITEM 12.4



ITEM 13 REPORTS OF COMMITTEES

Nil.

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

Nil

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

201213/049 Council Decision

Moved: Cr Carter

Seconded: Cr Martin

That the following applications for leave of absence:

- **Councilor Martin from 28 July to 31 August 2012**
- **Councilor Jacob from 3 August to 10 August 2012**
- **Councilor Daccache from 6 September to 26 September 2012;**
be approved.

CARRIED 7/0

ITEM 17 CLOSURE**17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 8 August 2012, commencing at 5.30 pm.

17.2 Closure

There being no further business, the Acting Mayor declared the meeting closed at 6:52 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____.

CONFIRMATION:

MAYOR

DATE