



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 27 JUNE 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 Mayor declared the meeting open at 5:37pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor	Kelly	A	Howlett
Councillor	George	J	Daccache
Councillor	Arnold	A	Carter
Councillor	Janet	M	Gillingham
Councillor	Michael		Dziombak
Councillor	Gloria	A	Jacob
Councillor	Julie	E	Hunt

Officers

Mr Ian Hill	Acting Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Gordon MacMile	Director Community Development
Mr Russell Dyer	Director Engineering Services
Mr Leonard Long	Manager Planning Services
Miss Josephine Bianchi	Minute Taker

Public Gallery

Members of the Public	28
Members of the Media	2
Members of Staff	1

2.2 Apologies

Councillor Stanley	R	Martin
Councillor David	W	Hooper

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 13 June 2012 that were taken on notice.****3.1.1 *Ms Louise Newbery Starling***

In regards to the questions I asked at the Council meeting on 23 May 2012, where do I find the answers?

Acting Chief Executive Officer advised that with regard to 65 Redbank Road, this application is currently subject to Freedom of Information (FOI) and a response will be provided to Ms Newbery Starling by the FOI Commissioner as per the Commission's process. No further information on this matter can be provided by the Town of Port Hedland to Ms Newbery Starling until otherwise instructed by the Commissioner.

Acting Chief Executive Officer advised that with regard to 75 Redbank Road, this application is subject to third party consent which is in the process of being sought.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 13 June 2012 that were taken on notice**3.2.1 *Councillor Martin***

Is it correct to say that in order to overrule this resolution [on 26 November 2008, Council resolved to give a lease of 10 years with 2 five year options] there would be an item that would come back to Council?

Director Engineering Services advised the Leasing department is currently liaising with the Port Hedland Pony Club and an item will be presented to Council in due course to consider the status of the lease and options moving forward.

ITEM 4 PUBLIC TIME

Mayor opened Public Question Time at 5:39pm.

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

The State Government is due to convene a Cabinet meeting here late next month. Does Council know if the Cabinet meeting, or a part of it, is open to the public? If so, are members of the community allowed to ask Cabinet questions or make a statement?

Mayor advised that the Regional Cabinet Meeting will be on Monday 30 July and there will be the opportunity to ask questions and have one-on-one meetings with the Ministers. There will also be a community lunch and lots of activities planned around this event.

Two weeks ago I asked Council if the ABC North West radio could be approached to see whether a morning radio program could be established here in Hedland for the end of July, to coincide with the opening of the Multi Purpose Recreation Centre. Has Council heard anything about this matter?

Director Community Development advised that the Town has been in touch with both the ABC and GWN with regard to attending Port Hedland during the week-end of the Multi Purpose Recreation Centre opening and that negotiations are currently under way.

4.1.2 *James Reus*

Mr Reus asked why the item regarding Lot 3 Manilinha Drive, Turner River, which was laid on the table at the last Council meeting of 13 June 2012, is not on tonight's agenda.

Mayor advised that this item will be considered as a late item tonight.

4.1.3 *Philip Murray*

Mr Murray's questions relate to item 11.4.1.1 'Rates Concessions and Exemptions for 2012/13 Annual Budget' presented to the Ordinary Council Meeting of 13 June 2012.

Can Council please tell Shoata what criteria was used to grant the Port Hedland Pony Club a 100% rate concession whilst not giving Shoata the same rates concession, when both clubs serve a similar purpose in our community?

Director Corporate Services advised that there are a number of different criteria that are used when assessing rates concessions. Based on the information provided by Shoata indicating that the club is racing horses to win cash prizes, the recommendation was that no concession was to be provided. However, if Council wishes to do so, there is the opportunity to provide further evidence and data.

Can Council please tell Shoata the make-up of the Committee that reviewed the Sporting Clubs Rates Concession Applications? It appears from the decisions made, that officers may have lacked suitable local knowledge and training to make informed and correct decisions, impeding on the effectiveness of equitable decisions.

Director Corporate Services advised that all applications were provided to Council. Council had the opportunity to review all applications and this was the decision taken.

Can Council please tell Shoata how is it possible for a common piece of land split into two pieces of approximate equal area (namely the Port Hedland Golf Club and Shoata) to receive such a massive variation in rates charge (\$4,851.95 for the Port Hedland Golf Club and \$27,185.76 for Shoata)?

Director Corporate Services advised that there are two components to rates charges. One is the land GRV (gross rental value) which is established by the Department of the Valuer General and the other is the 'Rates in the Dollar' determined by Council. Council has no influence over the land valuation, which, in this case, is where the major variation can be noted.

Can Council please tell Shoata how land that is in the Gas Power Station Buffer Area, which cannot be developed commercially and therefore is of no commercial value, can be valued and have rates applied to it?

Director Corporate Services advised that the Department of the Valuer General sets these figures and his office can be contacted for queries of this nature.

How does the Town of Port Hedland Council expect local sporting clubs to survive with these huge financial burdens, especially considering Shoata is a not-for-profit organisation, run by volunteers with no commercial source of income?

Director Corporate Services advised that this was a Council decision. Council has the choice to request officers to review the original recommendation, if it wishes to do so.

Corrected at the Ordinary Meeting of the Town of Port Hedland Council held on 11 July 2012 per Council Resolution 201213/005.

4.1.4 *Jacque Rykers*

With regard to Horizon Power and the new street lights in South Hedland related to underground power; does Council have any details as to when lights will be installed at the intersection of Hamilton Road and the North Circular Road up to the Great Northern Highway, as there are no lights there at the moment?

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

Does Council have any details as to when lights will be installed at the intersection of Murdoch Drive and the North Circular Road and at the intersection of Stanley Street and the North Circular Road?

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

4.1.5 *Camilo Blanco*

At the Ordinary Council Meeting of 13 June 2012 I requested copies of invoices and the Acting Chief Executive Officer replied saying that he would consider the request. What is the decision?

Acting Chief Executive Officer advised that this matter is still under consideration. Public Question Time is about matters before the Council rather than for the provision of invoices and other information that may be a Freedom of Information (FOI) request. The Town is currently striving to establish a policy on this matter.

At the Ordinary Council Meeting of 13 June 2012 I requested a copy of the reconstruction of the Port Hedland Visitors Centre Accounts. The Acting Chief Executive Officer replied saying he would consider the request. What is the decision?

Acting Chief Executive Officer advised that this matter is still being considered and that a report should be presented to Council in August.

Director Corporate Services further advised that the reconstruction of the accounts is incomplete and reaffirmed the Acting Chief Executive Officer's statement that the final outcome will be presented to Council when available.

Considering the audit for the reconstruction of the Visitors Centre accounts was priced at \$20,350, what is total cost of the audit?

Director Corporate Services advised that the figures quoted do not relate to the total cost of the audit. The total cost of the audit to date is in the order of \$35,000 including GST.

At the Ordinary Council Meeting of 13 June 2012 I asked about a \$6,382,959 sum that will be rolled over into next year's budget. In the Audit and Finance minutes it was described as a deficit but the Director of Corporate Services has said it is neither a surplus nor a deficit; can I get the name of that amount in accounting terms?

Acting Chief Executive Officer advised that this question has already been answered.

At the Ordinary Council Meeting of 13 June 2012 I asked : 'If all projects are fully funded before they start why do we have a loan for \$8,194,000 for the Multi Purpose Recreation Centre? Was that on top of the approved budget?' The answer was 'it is on top of the current budget as adopted by Council'. Was that \$8,194,000 on top of the original budget for the Multi Purpose Recreation Centre?

Director Corporate Services advised that the \$8,194,000 loan was part of the original budget and it was not on top of the overall project budget nor indicated otherwise.

Do I need to present an FOI for the Visitors Centre accounts or will I receive them in a reasonable timeframe ?

Acting Chief Executive Officer suggested that Mr Blanco lodge an FOI.

Can I get the audio discs for the last three Council meetings?

Mayor advised that this request will be considered.

4.1.6 *Graham Slater*

A tourist tied a dog to our front gate in full view of a 'Beware guard dogs on duty' sign, with no water, no food, no shade. This ended up in a dog fight, I would class this as a bait. We do not know who these people are but the rangers do. Have they been reported to the RSPCA?

Mayor advised that this question is taken on notice.

There is incorrect information in the report submitted, can these be cleared up before any steps are taken?

Mayor advised that provided the correct information is passed on to the Town of Port Hedland administration, the report will be reviewed accordingly.

4.1.7 *Louise Newbery*

At the last Council meeting I asked about the illegal dumping at Redbank. I have since chased Logsys Power Services, who have sent correspondence (copy provided) stating as follows:

'Logsys Power Services have a commercial agreement with Red Rock Nursery in regards to spoil and dirty water disposal, in which Logsys Power Services has been given a designated site to dispose of the spoil and dirty water as per our agreement with Red Rock Nursery. At no stage has Logsys Power Services used any other site other than the designated site at Red Rock Nursery.'

Could I please have an answer as to how Redbank became a commercial tip and could I have Council end this dumping, which is occurring on Crown land?

Mayor advised that this question is taken on notice.

Mayor closed Public Question Time at 5:55pm.

Mayor opened Public Statement Time at 5:55pm.

4.2 Public Statement Time

4.2.1 *Evan Young*

Mr Evan gave a statement regarding agenda item 11.1.8 'Proposed Residential Building on Lot 67 (169) Greenfield Street South Hedland Rural Estate'.

Mr Young stated that although the officer's recommendation is to refuse his application, Council has already set a precedent by approving three similar prior applications, one of which was for a Council employee. Mr Young stated he does not understand how Council can refuse this application without any clear rules in place.

Council should therefore follow the precedent it has set.

4.2.2 *George Anagnostopoulos*

Mr Anagnostopoulos spoke in support of the rural estate application, outlining the problems the town is facing with regard to shortage of land. Land prices are going through the roof and Mr Anagnostopoulos stated that the government is procrastinating in developing and releasing land.

4.2.3 *Anna Slater*

Ms Slater read out a statement asking that Council consider approving a permit to have seven dogs on 16 acres at her property in Redbank. Ms Slater gave Council the reasons for which she started keeping guard dogs on her premises; these related mainly to a number of safety incidences. Her property is fenced and gated and a pet barrier has also been installed around the fence line and all the dogs have been given appropriate dog collars.

4.2.4 *Andrew Olding*

Mr Olding gave a statement on behalf of Scott Smith the landowner of Lot 96(7) Councillor Road regarding agenda item 11.1.15 'Proposed Shed at Lot 96(7) Councillor Road, South Hedland Rural Estate'. Mr Olding requested that Council consider reviewing the officer's recommendation on tonight's agenda, which is to refuse the proposed shed. Mr Olding stated that the report is inconsistent with R Codes 6.10.1, and that there is no definition of 'streetscape' or 'amenity' in the R Codes. Mr Olding also outlined details related to the site and the existing house position.

4.2.5 *Wayne Ness*

Mr Ness stated that the Council has just engaged a consultant to look into building another caravan park. Mr Ness is concerned that without proper planning, this new caravan park could end up like all the other ones around town. The Town is losing opportunities to attract tourist and to give locals an option where they can't afford to buy their own house. Mr Ness stated that notices are being given to people asking them to move out of the caravan parks due to TWA developments on their sites taking priority. Mr Ness recognises that another caravan park is required, however a clear definition of what a caravan park is should be set so that it does not become another motel.

4.2.6 *James Reus*

Mr Reus made a statement with reference to late agenda item 12.3 'Proposed Residential Building on Lot 3 Manilinha Drive, Turner River'. Mr Reus asked that Council consider giving him approval on the condition that engineering drawings are supplied to the building services department.

4.2.7 *Camilo Blanco*

Mr Blanco stated that a few Councillors have been canvassed by someone who is willing to build a caravan park in town but he is having problems with getting land. In view of this, would look at the old '12 mile' site as it has power, it is next to a river and nothing is currently being done with it.

Mr Blanco also requested written procedures for Public Question and Public Statement Time as he feels that not everybody is being given the same amount of time to ask questions and/or make statements.

Mayor advised Mr Blanco that this is Public Statement Time and not Public Question Time and that the same opportunities are given to all members of the public to ask questions and/or make statements.

4.2.8 George Anagnostopoulos

Mr Anagnostopoulos stated that the current biggest problem in town is land availability, the cost of land and the cost of services. In view of this the only place to have a caravan park in Hedland is out of town provided that power and sewerage are available.

Mayor closed Public Statement Time at 6:27pm.

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

I give notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 July 2012, I intend 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'.

The reason for this motion is 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.

Councillor Dziombak

Councillor Dziombak commended the Acting Chief Executive Officer for recognising that there is an issue that needs to be resolved regarding communications between the Town of Port Hedland and the State Government leading up to the State Elections in 2013. In view of this, what are the steps the Town is taking to solve this issue?

Acting Chief Executive Officer advised that Council has certainly recognised that the Town of Port Hedland's position in the region and the state is important, especially as we move towards the 2013 State Election. Some steps are being taken to prepare a short report, outlining a priority listing of projects that Council considers important, and some mechanism and best ways of taking this report forward. These actions will lead to the upcoming Regional Cabinet meeting in first instance, followed by the State Election in March 2013.

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

Mayor Howlett	Cr Daccache
Cr Carter	Cr Gillingham
Cr Dziombak	Cr Jacob
Cr Hunt	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 13 June 2012****201112/504 Council Decision****Moved: Cr Carter****Seconded: Cr Daccache**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 13 June 2012 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 20 June 2012**201112/505 Council Decision****Moved: Cr Carter****Seconded: Cr Hunt**

That the Minutes of the Special Meeting of Council held on Wednesday 20 June 2012 be confirmed as a true and correct record of proceedings, with the following changes on page 6 of those Minutes:

Councillor Martin declared an impartiality interest in agenda item 7.1 'Appointment of Chief Executive Officer' at 5:23pm as in the past he has had a non significant professional involvement with two of the candidates.

CARRIED 7/0**ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION**

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

June 2012

Tuesday, 5th June

- Weekly Mayor Chat Spirit Radio 1026am
- Attended Port Hedland Vibe Alive Committee Meeting
- Teleconference Michelle Gray re Solvent Abuse Management Plan
- Attended TOPH CEO Recruitment Panel – Shortlist Discussion & Beilby Consulting + Deputy Mayor + Cr Martin + Cr Hunt + Cr Jacob

Wednesday, 6th June

- Attended Hedland Well Women's Centre Morning Tea
- Attended Briefing TOPH Audit & Finance Committee + Cr Carter + Cr Jacob + A/CEO + DPD + DENG + DCORP + DCD
- Attended TOPH Audit & Finance Committee Meeting + Cr Carter + Cr Jacob + A/CEO + DPD + DENG + DCORP + DCD
- Attended TOPH Concept Forum + Deputy Mayor + Cr Hooper + Cr Carter + Cr Hunt + Cr Jacob + A/CEO + DPD + DENG + DCORP + DCD

Friday, 8th June

- Opened Welcome To Hedland Night Event

Saturday, 9th June

- Conducted Interviews TOPH CEO Recruitment Panel & Beilby Consulting + Cr Carter + Cr Hunt
- Attended Lisa Pitt's Funeral

Monday, 11th June

- Attended TOPH Community Safety & Crime Prevention Committee Meeting + MEHS
- Meeting Census Output With Australian Bureau of Statistics + CEO + DPD
- Meeting Water Corporation Update
- Fortnightly Teleconference RDA-Pilbara Chair

Tuesday, 12th June

- Weekly Mayor Chat Spirit Radio 1026am
- Interview For MPRC Promotional Video

Wednesday, 13th June

- Meeting With Beacon Foundation Tony Newland
- Weekly CEO, Deputy Mayor & Mayor Meeting
- Attended Agenda Briefing Session + Deputy Mayor + Cr Carter + Cr Martin + Cr Gillingham + Cr Dziombak + Cr Hooper + Cr Hunt + Cr Jacob + A/CEO + DCD + DCORP + DENG + DPD
- Chair OCM

Thursday, 14th June

- Meeting With Director General Regional Development & Lands + A/CEO
- Attended Hedland Steering Group Meeting + A/CEO + DPD + ELDO

Tuesday, 19th June

- Weekly Mayor Chat Spirit Radio 1026am
- Attended Nyaburu Rose Hostel/PIWAC Opening Event
- Attended Beacon Foundation's Lunch With The Girls Event
- Meeting With Blue Gecko Building
- Attended Vibe Alive Youth Festival Volunteer Briefing
- Attended Vibe Alive Youth Festival Preview Opening Event

Wednesday, 20th June

- Attended Vibe Alive Youth Festival Opening + Deputy Mayor
- Assisted As A Volunteer Vibe Alive Youth Festival
- Meeting Department Housing Regional Manager Anne Marie McLaughlin
- Chair Special Council Meeting
- Attended TOPH Concept Forum + Deputy Mayor + Cr Carter + Cr Martin + Cr Gillingham + Cr Hunt + Cr Hooper + A/CEO + DCORP + DPD + DCD

Mayor also advised she attended:

- On Friday 22 June, PUPP breakfast on the Pilbara Underground Project held by Town of Port Hedland, Port Hedland Chamber of Commerce and South Hedland Business Association;
- On Tuesday 19 June, Piwac Hostel opening;
- On Wednesday 20 June and Thursday 21 June, Vibe Alive Youth Festival. The Mayor commended the Town of Port Hedland in organising the festival and also the role models that attended the festival.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Councillor Dziombak*

Councillor Dziombak reported that the Port Hedland Chamber of Commerce was proud to host last Friday's event regarding key worker housing in conjunction with various other government departments. Minister for Regional Development and Lands, the Honourable Brendon Grylls, made a significant announcement regarding key worker accommodation being available in the immediate, short and long term. There is a website for online applications for affordable accommodation that the Chamber of Commerce is promoting on its website and through various other media outlets.

9.2 *Councillor Jacob*

Councillor Jacob reported that tomorrow morning at the Walkabout Hotel the Director General for Regional Development and Lands will be presenting more information regarding affordable accommodation. This event will be very important for small businesses as first hand information regarding the release of affordable housing in the upcoming months will be outlined.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**10.1 *Royal Flying Doctor Service***

Mr Paul Le Large, Base Manager

Mr Paul Le Large provided an overview of the Royal Flying Doctor Service (RFDS) in the Pilbara and across the State, an outline of some of the key challenges faced in accommodating future Pilbara growth, in particular medical doctor recruitment and retention, and how the GP Housing Project could assist the RFDS.

10.2 *Australian Bureau of Statistics*

Mr Mike Scott, Director Census, ABS Western Australia

Mr Scott outlined key findings for the Town of Port Hedland from the first release of data from the 2011 Census of Population and Housing.

ITEM 11 REPORTS OF OFFICERS**11.1 Planning and Development Services**

7:13pm Councillor Gillingham declared an impartiality interest in agenda item 11.1.1 'Application to Keep Six (6) Dogs – Lot 1 Redbank Road Port Hedland' as she has had an association with the applicant in her role of teacher.

Councillor Gillingham did not leave the room.

11.1.1 *Application to Keep Six (6) Dogs – Lot 1 Redbank Road Port Hedland (File No: 803314G)*

Officer	Darryal Eastwell Manager Environmental Health
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Date of Report	1 June 2012
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Disclosure of Interest by Officer	Nil
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Summary

The Town has received an application from the owners of Lot 1 Redbank Road, Port Hedland to keep 6 dogs on their property.

Under the Dog Act, Council can consider any application to keep dogs up to a maximum of six otherwise a kennel license is required and the owners would be required to submit a planning application for a kennel. The owners have indicated they do not want to apply for a kennel license and are seeking permission to keep six dogs on their property.

Background

The animals are currently kept on their 7.35 Hectare property which incorporates the old power station sheds in Redbank. The owners claim that a significant amount of material has been stolen from their lot and require the animals for security purposes.

In their application the owners explain that there is a six foot fence surrounding the entire property boundaries, the dogs are micro-chipped and desexed. An electric fence has also been installed and the dogs wear special collars that will repel them via a small electric shock if they approach to close to the fence.

The dogs details are listed on the following page:-

Name	Breed	Sex	Neutered	Colour	Age	Reg#
Emba	Heeler x	F	Yes	Blue/white	3.5yrs	-
Rogue	Ridgebackx	F	Yes	Brown	2.5yrs	-
Kiwi	German/Sx	F	Yes	Black/Brown	1.5yrs	-
Blaze	German/Sx	F	Yes	Black	1.5yrs	-
Ginger	German/Sx	F	Yes	Brown	1.5yrs	-
Gulliver	German/Sx	M	Yes	Brown/Black	1.5yrs	-

Consultation

A survey of contactable nearby residents was undertaken and no objections were raised provided the animals are kept on their property and a dog barking nuisance is not created.

Statutory Implications

In relation to this matter the Dog Act 1976 states as follows:-

Part V - Keeping of Dogs

Section 26

(3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*

- (a) *may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) *shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) *may be revoked or varied at any time.*

(4) *Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.*

Penalty: \$1 000 and a daily penalty of \$100.

- (5) *Any person who is aggrieved —*
- (a) *by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or*

(b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.*

(6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

Council's Dog Local Laws limit the number of dogs than can be kept on a property to two (2) without the express permission of Council to have more.

Under 26 (3) of the Dog Act Council has discretion to approve up to 6 dogs on a property provided the above statutory conditions 26 (3) a, b, c, are applied to any approval. Council can still apply further conditions as it deems necessary when considering the application.

Policy Implications

Nil

Strategic Planning

Nil

Budget Implications

Nil

Officer Comment

Currently, there are seven (7) dogs kept on this property which are not registered with the Town of Port Hedland as required by Local Law. Since April 2011 the Town Rangers have had occasion to investigate six (6) alleged incidents involving dogs from the property. Three (3) of these incidents involved dogs wandering at large and three involving dog attacks with the latest being Friday 1st June 2012 when a small dog was attacked when customers were visiting the small retail outlet on the property. The Ranger section has advised that the requested animals be removed from the property following some of the incidents and it would appear that dogs have once again been kept at the property.

The Rangers cannot support the application to keep six (6) dogs on the property based on previous jobs involving the dogs on the property.

Should Council decide not to approve the application the Rangers services section will assist the applicants in trying to re-home their dogs. If the application is supported it will be recommended that stringent conditions of approval be applied.

Attachments

Nil

Officer Recommendation

That Council:

- i) refuses the application from the owners of Lot 1 Redbank Road, Port Hedland to keep six (6) dogs on their property.
- ii) advise the owners to reduce the number of dogs on their property to two (2) as permitted under Local Law within 30 days.
- iii) advise the owners that the two (2) remaining dogs on the property be registered within seven (7) days as required by Local Law.
- iv) advise the owners of their appeal rights to this refusal to the State Administrative Tribunal within 28 days of Council communicating their decision.

Alternative Resolution

That Council

1. Grants conditional approval to the owners of Lot 1 Redbank Road, Port Hedland to keep the nominated six (6) dogs in the table below on their property subject to the following conditions:-

Name	Breed	Sex	Neutered	Colour	Age	Reg #
Emba	Heeler x	F	Yes	Blue/white	3.5yrs	-
Rogue	Ridgebackx	F	Yes	Brown	2.5yrs	-
Kiwi	German/Sx	F	Yes	Black/Brown	1.5yrs	-
Blaze	German/Sx	F	Yes	Black	1.5yrs	-
Ginger	German/Sx	F	Yes	Brown	1.5yrs	-
Gulliver	German/Sx	M	Yes	Brown/Black	1.5yrs	-

- a) The six dogs are to be registered within seven (7) days with the Town of Port Hedland as required by Local Law.
- b) The perimeter fence is to be checked and maintained in a manner that is capable of keeping the dogs on their property.
- c) The current electrical dog detainment system is to be maintained in good operational order.
- d) All the animals are to be microchipped for easy identification.
- e) Anti-barking devices are to be installed to all the animals if dog barking complaints are received by the Town.

- f) Animals are not to have any access to the retail section of the property when it is open to the public.
 - g) Only the six (6) nominated dogs are to kept on the property and not replaced if one passes away or leaves the property.
 - h) The Council reserves the right to revoke this approval at any time in the future.
2. Advises the applicant of their appeal rights to the conditions imposed by Council to the State Administrative Tribunal within 28 days of Council communicating its decision.

201112/506 Council Decision

Moved: Cr Carter

Seconded: Cr Daccache

That Council

1. Grants conditional approval to the owners of Lot 1 Redbank Road, Port Hedland to keep the nominated six (6) dogs in the table below on their property subject to the following conditions:-

Name	Breed	Sex	Neutered	Colour	Age	Reg #
Emba	Heeler x	F	Yes	Blue/white	3.5yrs	-
Rogue	Ridgebackx	F	Yes	Brown	2.5yrs	-
Kiwi	German/Sx	F	Yes	Black/Brown	1.5yrs	-
Blaze	German/Sx	F	Yes	Black	1.5yrs	-
Ginger	German/Sx	F	Yes	Brown	1.5yrs	-
Gulliver	German/Sx	M	Yes	Brown/Black	1.5yrs	-

- a) The six dogs are to be registered within seven (7) days with the Town of Port Hedland as required by Local Law.
- b) The perimeter fence is to be checked and maintained in a manner that is capable of keeping the dogs on their property.
- c) The current electrical dog detainment system is to be maintained in good operational order.
- d) All the animals are to be microchipped for easy identification.
- e) Anti-barking devices are to be installed to all the animals if dog barking complaints are received by the Town.
- f) Animals are not to have any access to the retail section of the property when it is open to the public.

- g) Only the six (6) nominated dogs are to kept on the property and not replaced if one passes away or leaves the property.
 - h) The Council reserves the right to revoke this approval at any time in the future.
2. Advises the applicant of their appeal rights to the conditions imposed by Council to the State Administrative Tribunal within 28 days of Council communicating its decision.

CARRIED 5/2

11.1.2 *Final Resolution to the Proposed Permanent Partial Closure of Greene Place, South Hedland (File No.: 28/01/0017)*

Officer Ryan Djanegara
Planning Officer

Date of Report 17 May 2012

Disclosure of Interest by Officer Nil

Summary

Council received a request from Scribe Design Group on behalf of the owners of Lot 2240 Greene Place to permanently close a portion of the Greene Place Road Reserve (site). Council at its previous meeting dated 22 February 2012 resolved to initiate the road closure process.

During the advertising period, a written submission was received objecting to the proposed development. In accordance with the Delegation Notice, Council is required to determine the application.

The proposal is supported by Council Officers, Council is requested to support the closure of a portion of Greene Place Road Reserve, South Hedland.

Background

The purpose of the partial road closure is to excise unused portions of the existing Greene Place Road Reserve. This section of road will be amalgamated with the adjoining property, Lot 2240 Greene Place, South Hedland which is earmarked for residential development.

Continuous traffic flow will be achieved through the newly proposed road which forms part of the approved subdivision of Lot 2241 McDonald Street. This will ensure there is no negative impact on traffic, pedestrian or cycle networks.

Consultation

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

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

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

Externally:

Agencies:

- Horizon Power,
- Water Corporation,
- Main Roads WA,
- Optus, and
- Telstra.

Optus has not responded to the referral within the advertising period. Horizon Power, Main Roads WA and Telstra have raised no objections to the proposal. The Water Corporation (WC) has raised no objections to the proposal however have advised there is existing infrastructure that will need to be relocated and removed.

The application was advertised in the North West Telegraph on 28th March and 11th April 2012, and letters issued to any interested parties to provide comments / objections to the proposal.

As a result of the above community consultation process one (1) objection was received.

Lot 28 (2) Finch Court, South Hedland (the landowner)

Summary of Written Submission

The objection received can be summarized as follows:

<i>Summary of Objection Received</i>	<i>Applicant's Response</i>
Increase in traffic utilizing Greene Place due to the proposed subdivision of Lot 2241. The anticipated growth in vehicle traffic onto Greene Place would increase the need for the turning circle for extra vehicles.	Despite increased traffic due to infill development, the existing and proposed road network offers alternative routes for existing and proposed residents. A cul-de-sac and subsequent turning circle is not required as a new road will be constructed on Lot 2241 to link Greene Place with Paton Road. This will direct the increased traffic onto Paton Road.
Increase in minor and major traffic accidents due to poor visibility when cars are utilizing a 3 point turn. This would impact on the safety of pedestrians, bike riders and other vehicles.	As stated above, a new connecting road will allow alternative routes to enter and exit Green Place. These roads have and will be constructed in accordance with the Australian Standards as approved by the Council's Technical Services.

Concerns about traffic safety issues in Greene Place and proposed new road which enters the new subdivision from cars perform U turns at this intersection.	As stated above, the new road will negate the need for a U-turn.
Council's sustainability management plan for future planning or upgrade of the parkland/reserve at the end of Greene Street	The land is identified for Urban development. Council has received an application to construct 12 grouped dwellings which is subject to the closure of Greene Place.
Council's sustainability management plan to the stormwater and drainage system	As part of the development of the site, a drainage easement will be constructed allowing stormwater to enter the drainage reserve abutting the proposed development site.
Decreased Property Values	This is not a relevant Planning concern.

Statutory Implications

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

The subsequent sale of the Crown Land is undertaken by the Department of Regional Development and Lands on behalf of the Minister in accordance with Part 6 of the *Land Administration Act 1997*.

Policy Implications

Nil

Strategic Planning Implications

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

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

Budget Implications

Nil

Officer's Comment

Lot 2240 Greene Place and Lot 2241 McDonald Street were identified in Council's Land Rationalization Plan for urban residential development. The applicant seeks to develop twelve (12) grouped dwellings on Lot 2240 Greene Place and the adjoining road reserve.

To support the road closure and development application, Council Officers assessed the application concurrently with the proposed subdivision of Lot 2241 McDonald Street. These plans were revised and the roads realigned to address concerns relating to:

- pedestrian and cyclist safety;
- vehicle movement and turning circles;
- linkages with the existing road network; and
- storm water drainage.

The subdivision application for Lot 2241 McDonald Street was supported by Council and approved by the Western Australian Planning Commission. The new road will be constructed allowing for greater vehicle movement and traffic flow within the locality. The concerns raised in the written submission have been addressed prior to the proposed road closure process being initiated at Council's previous meeting.

The proposed permanent partial closure of Greene Place road reserve is necessary to facilitate the development of twelve (12) grouped dwellings. It is therefore recommended that Council supports the resolution to permanently close the portion of Greene Place road reserve.

Options

1. Support the resolution to permanently close a portion of the Greene Place Road Reserve, South Hedland.

The closure of the subject portion of road reserve will improve the streetscape, traffic movement and amenity of the surrounding area. The road closure would allow the applicant to redevelop the site providing a much needed housing resource and help alleviate the housing affordability issues experienced in Port Hedland.

2. Reject the resolution to permanently close a portion of the Greene Place Road Reserve, South Hedland.

Should Council not support the proposal, the portions of unused land will remain undeveloped.

Option 1 is recommended

Attachments

1. Locality Plan
2. Road Closure Plan
3. Proposed subdivision plan
4. Objection letter
5. Applicant's reponse letter

201112/507 Officer's Recommendation/Council Decision

Moved: Cr Carter

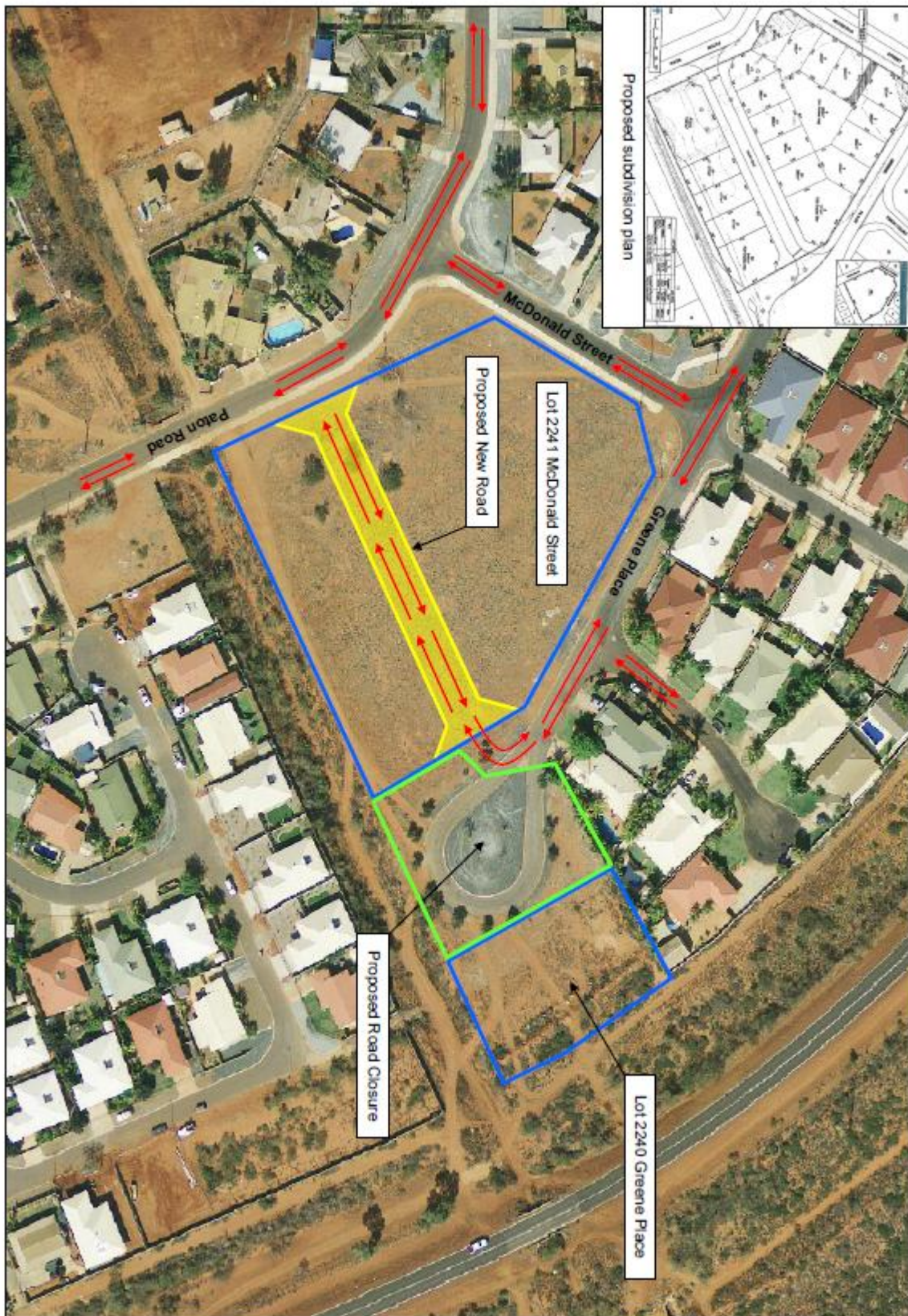
Seconded: Cr Dziombak

That Council:

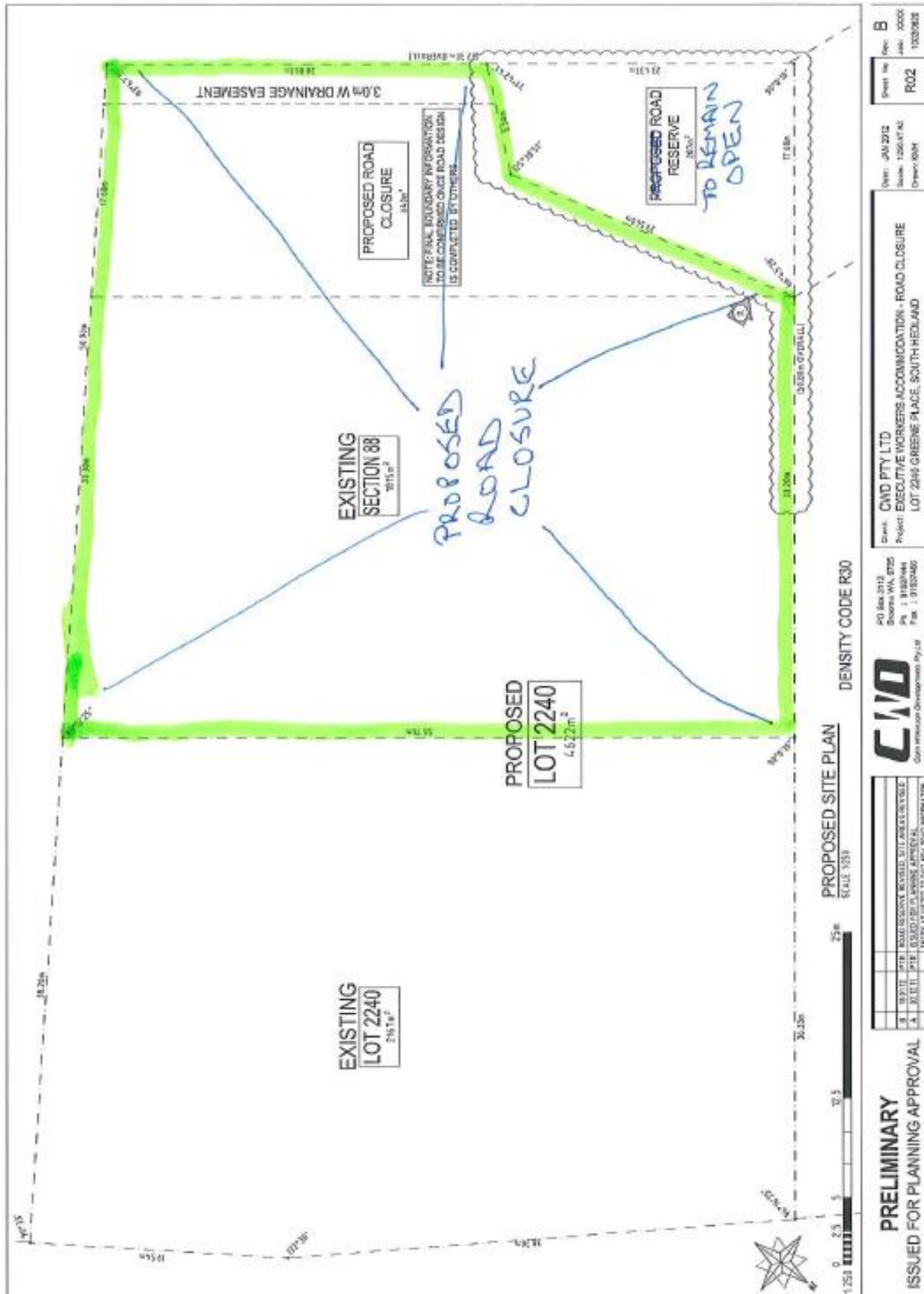
1. **Approves the request from Scribe Design Group to permanently close a portion of the Greene Place Road Reserve, South Hedland, as indicated on Attachment 2;**
2. **Submits the road closure request to the Department of Regional Development and Lands (State Land Services) to formally close the road having addressed the concerns raised in the written submission; and**
3. **Advises the applicant to contact the Water Corporation with regards to capping and removing their infrastructure within the proposed section of Greene Place Road Reserve to be closed.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.2



ATTACHMENT 2 TO ITEM 11.1.2



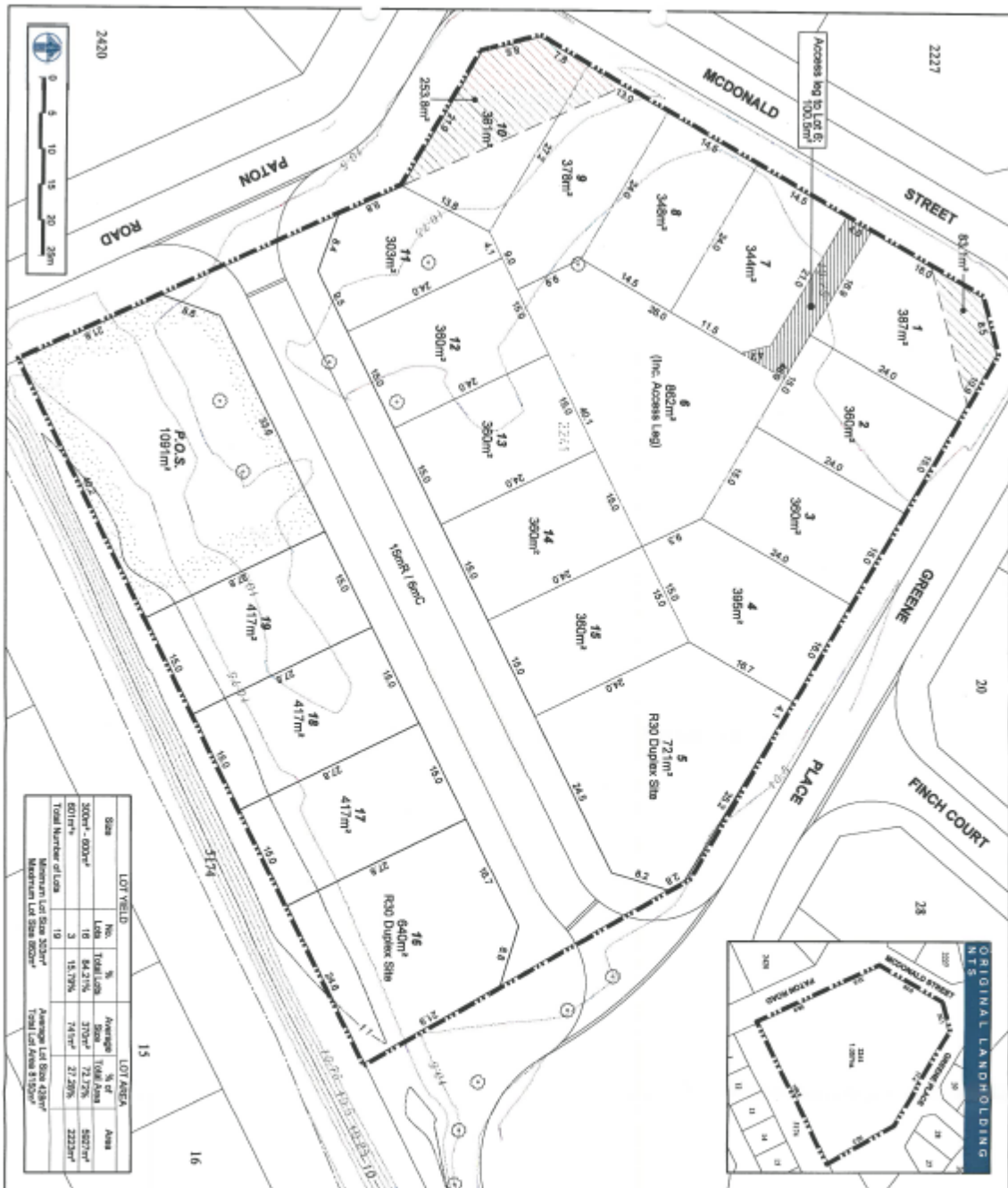
Sheet No: R02
 Date: 20/06/12
 Scale: 1:5000
 Drawn: GSK

Client: CMD PTY LTD
 Project: EXECUTIVE WORKERS ACCOMMODATION - ROAD CLOSURE
 LOT 2044 GREENE PLACE, SOUTH HEDLAND

50 Sea 1913
 Boonin WA 6705
 Ph : 91507444
 Fax : 91507450
CMD
 Commercial Development Pty Ltd

PRELIMINARY
 ISSUED FOR PLANNING APPROVAL

ATTACHMENT 3 TO ITEM 11.1.2



Sub	LOT YIELD		LOT AREA	
	No.	%	Average Total Area	Area
300m² - 600m²	10	64.21%	370m²	5827m²
601m² - 801m²	3	15.79%	74m²	2223m²
Total Number of Lots		15	Average Lot Size 438m²	
Minimum Lot Size 300m²		Total Lot Area 4380m²		
Maximum Lot Size 800m²		Total Lot Area 8150m²		

PROPOSED SUBDIVISION

Lot 2241 McDonald Street, SOUTH HEDLAND

- LEGEND**
- Subject Site
 - - - Proposed Road Closure
 - ⊕ Existing Trees

Site Name: Development Pty Ltd - 02/01/11
 1:2000 (S) : SCALE
 11 JANUARY 2011 : DATE
 40011-0-0000-001 : DRAWING NO.
 T.K. : DRAWN
 L.M. : CHECKED
 N.T. : CHECKED

Plans have been prepared by SURVEY Australia Pty Ltd. Preparation: P20204. All measurements are subject to field survey verification. All measurements are subject to field survey verification and are subject to standard engineering practice.

RPS

Site Preparation and Planning Pty Ltd
 100 South Hedland Street
 PO Box 500 Hedland WA 6715
 Hedland WA 6715
 T: +61 8 9211 1111
 F: +61 8 9211 1122
 www.rps.com.au

ATTACHMENT 4 TO ITEM 11.1.2



Document #: ICR25890
Date: 24.04.2012
Officer: LEONARD LONG
File: 130024G

28/4/12
→ Mike

PV & EM Stirling
95 Greene Place
SOUTH HEDLAND WA 6722

Town of Port Hedland
Mr Michael Pound
Senior Planning Officer
PO Box 41
PORT HEDLAND WA 6721



13 April 2012

Dear Mr Pound,

OBJECTION TO APPLICATION NO: 2011/539 TO PROPOSED PARTIAL ROAD CLOSURE –
GREENE PLACE, SOUTH HEDLAND

We the undersigned, respectfully call upon the Town of Port Hedland council to stop its intended partial closure in Greene Place, South Hedland (Lot 2240 Greene Place South Hedland).

Our concerns about the impact this partial closure will have on our community are outlined below:

- Increase of traffic utilising Greene Street after the proposed subdivision on lot 2241. The anticipated growth in vehicle traffic onto Greene Street increasing likelihood for the need of the turning circle for the extra vehicles
- Increase of minor and major traffic accidents due to poor visibility when cars are utilising a 3 point turn
- Poor visibility will decrease the safety of pedestrians, bike riders and other vehicles in the vicinity of any cars performing 3 point turns at the intersection of the proposed subdivision access street and Greene Street
- Concern about traffic safety issues in Greene Street and proposed new road which enters the new sub division from cars perform U turns at this intersection
- Safety concerns regarding the main access of the proposed subdivision intersection flows onto Greene Street, this will increase the traffic flow due to number of house blocks in the proposed subdivision
- Implementing of an overall traffic management plan to be undertaken for the Greene Street, MacDonald Street and Paton Road access with the inclusion of keeping the turning circle at the end of Greene Street
- Council's sustainability management plan to the storm water drains and drainage systems.

PV & EM Starling

- Council's sustainability management plan for future planning or upgrade of the parkland/reserves at the end of Greene Street therefore requiring the need for the continued use of the turning circle.
- The need for continued traffic management, sustainability management and health and safety management will allow homeowner to ensure continued increase market value of our properties

RECOMMENDATION:

The inclusion of the turning circle in all further planning or subdivisions allocated in the vicinity of Greene Street, South Hedland.

Therefore I ask that the proposed partial road closure for Greene Street, South Hedland be amended to include the provision of the much needed turning circle.

Yours Sincerely



PV & EM Starling
Home Owners
95 Greene Place
SOUTH HEDLAND



ATTACHMENT 5 TO ITEM 11.1.2



Suite 3, 810 North Lake Road, Cockburn Central WA 6164 PO Box 3125 Success WA 6964 Ph: (08) 9417 1388 Fax: (08) 9417 1388

Date: 09th May 2012

Our Ref: 10020620 120509_ToPH_Response to Objection.doc
Your Ref:

Planning Department
Town of Port Hedland
Civic Centre, McGregor Street
P.O. Box 41
Port Hedland WA 6721

ATTENTION: MICHAEL POUND

**RE: RESPONSE TO OBJECTION TO
LOT 2240 GREENE PLACE, SOUTH HEDLAND**

Dear Michael,

Further to the receipt of a copy of the letter of objection from PV & EM Stirling we would like to respond to the items raised in support of the development.

We will address each point as raised in the letter.

Increase in traffic utilising Greene Street [Place] after the proposed subdivision of Lot 2241. The anticipated growth in vehicle traffic onto Greene Street [Place] increasing likelihood for the need of the turning circle for the extra vehicles.

Although it is reasonable to believe that the proposed developments on Lots 2240 and 2241 will increase traffic onto Greene Place we would suggest that the location of the site and existing road network offers numerous alternate routes for proposed residents and their route through the area will most likely be dependent on their proposed destination. Having visited the site on numerous occasions on all but one of those visits we have approached the site off Cottler Drive via Paton Road and McDonald Street as we were approaching from the South Hedland town centre.

In response to the comment regarding the "need of the turning circle" to "cater for the extra vehicles" the provision of a turning loop or cul-de-sac would be negated by the construction of a new road within the subdivision that will directly link Greene Place with Paton Road, effectively forming a loop with Greene Place, Paton Road and McDonald Street. This direct link within the road network will make the eastern end of Greene Place a "through" road instead of a dead end. We would suggest the retention of a turning loop or cul-de-sac at the end Greene Place would form a greater traffic hazard as vehicles coming out of the development on Lot 2241 would have to be wary of cars turning within the loop.

Increase in minor and major traffic accidents due to poor visibility when cars are utilising a 3 point turn.

The concern of accidents from motorists executing three point turns is a moot point given that there will be a connecting road through the subdivision of Lot 2241 enabling motorists who have ventured down to the end of Greene place to continue along the road network and safely re-enter Greene Place having turned right on Paton Road and McDonald Street respectively. Each of these turns will be made on roads designed to Ausroads standards including visual/sight lines that comply with the codes and have been approved by the Town of Port Hedland Engineering Department.

DOCUMENTATION



Poor visibility will decrease the safety of pedestrians, bike riders and other vehicles in the vicinity of any cars performing 3 point turns at the intersection of the proposed subdivision access street and Greene Street [Place].

The inclusion of a connecting road through the subdivision of Lot 2241 that will effectively be a continuation of Greene Place directing motorist through the development to Paton Road, where motorists will be able to safely turn back onto Greene Place, if desired, by turning right onto Paton Road and McDonald Street respectively will eliminate the need for cars to turn around thereby increasing safety for pedestrians and other road users. This connection will mean motorists will not need to perform a 3 point turn but simply continue on the street network to turn around meaning visibility will not be diminished.

We would additionally suggest that the incorporation of new footpaths, and connection to existing pedestrian networks will provide pedestrians with a clear and highly visible means of navigating through the suburb and further separate the possibility of vehicles crossing pedestrian routes where poor visibility may be a concern.

Concern about traffic safety issues in Greene Street [Place] and proposed new road which enters the new sub-division from cars perform U-turns at this intersection.

As stated above, the new connecting road through the subdivision of Lot 2241 will enable motorists to turn around and re-enter Greene Place having turned right on Paton Road and McDonald Street respectively. This will negate the need for a U-turn and address any safety concerns residents may have.

Safety concerns regarding the main access of the proposed subdivision intersection flows onto Greene Street, this will increase the traffic flow due to number of house blocks in the proposed subdivision.

As stated above, we believe that the majority of occupants for the development will access their residences from Paton Road which provide direct and easy access to both the town centres of Port and South Hedland. We understand that existing residents may be concerned by increased traffic along the roads however, we would also suggest that it the growth of the community through the establishment of new homes and permanent residents that leads to the sustainability and survival of a town and its future. We note that the majority of housing in and around Greene Place and the surrounding streets could be deemed to be medium density and with the need for new residents there is a need to utilise and work within existing frameworks and infrastructure limitations.

The proposed development will also reduce the use of Lot 2240 for recreational vehicles accessing and or crossing North Circular Road in order to gain access to the storm water basin/recreational riding area to the east of the site. We understand that there have been several near misses associated with the crossing and the use of the site by unregistered vehicles causes nuisance to existing residents.

Implementing of an overall traffic management plan to be undertaken for the Greene Street, MacDonald [McDonald] Street and Paton Road access with the inclusion of keeping the turning circle at the end of Green Street [Place].

We understand that the retention of the turning circle at the end of Greene Place and the proximity of the entrances to the proposed developments for Lots 2240 and 2241 respectively will pose greater safety concerns and potential vehicle movement issues due to the propensity for people to park their vehicles within or adjacent to turn around bays and cul-de-sac, especially when associated with higher density developments. There is a perception that the expanse of bitumen is a preferred area for visitor parking enabling easier egress for visitors who do not want to use provided on site visitor parking.

Specific planning and provision of additional onsite parking for visitors has been addressed within our proposal for Lot 2240 to eliminate, or at the least minimise, the need for visitors to park outside of the proposed development. We are aware that the inclusion of the turn-around bay may be seen and utilised as additional parking creating issues that we have been mindful to address and cater for in our development.



Council's sustainability management plan to the storm water drains and drainage system.

We understand that the Council are in the process of undertaking a comprehensive review of all the storm water drains throughout Port and South Hedland and we have worked closely with Town's planning officers and technical services officers to ensure the proposed development and formation of linear parklands are in accordance with the Town's vision for the drainage network.

Council's sustainability management plan for future planning of upgrade of the parkland/reserves at the end of Greene Street [Place] therefore requiring the need for the continued use of the turning circle.

As stated above, we have worked closely with Town's planning officers and technical services officers to ensure the proposed development complies with the Town's vision and Strategic Planning for the area and town.

The need for continued traffic management, sustainability management and health and safety management will allow homeowner to ensure continued increase market value of our properties.

The capital growth and market value of residences are determined by a number of complex factors not least of which is supply and demand. The lack of supply of housing to cater for the growing workforce requirements within the Town artificially inflates the cost of housing and prevents the development and growth of the town and its community. If this trend is allowed to continue the cost of housing will be so high that no one will be able to afford to buy, or rent, within the town which will lead to the loss of core services and facilities that are serviced by lower paid workers. This will lead to the death of the town due to employers being unable to afford to pay staff and staff unable to afford to live within the town. Larger companies will then continue using FIFO workers or establish remote facilities to monitor the daily operations and their interests.

The sustainable management referred to in the objectors letter is the process and reason there is a need for these higher density developments to be located within the existing urban fabric which provide direct access to existing infrastructure and facilities. These developments provide numerous hidden benefits to the community including growth and diversity of the community, more money into the local community, shops and small businesses, participation in community activities and associations, provision of medical and governmental services, additional council rates, staff, etc. With the growth and development of the community the value of the community as a whole increased.

We understand the objectors concerns and their desire for the place they call home to stay unchanged however, we believe that the concerns raised within their letter have been considered thoroughly through the design of both development proposals for Lot 2240 and 2241, and that the impact on the local road and stormwater networks have been fully addressed.

We therefore request that the Town of Port Hedland refer the above justification and support the proposed developments in lieu of the objections raised.

Should you have any queries or require further information, please contact the undersigned on 9417 1388 or via email at khawkins@scribe.net.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kym Hawkins". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Kym HAWKINS
Director

11.1.3 Port Hedland Visitors Centre – Consideration to extend Short Term Management Arrangements (File No.: 05/09/0017; 20/01/0026)

Officer	Brie Holland Economic Development & Strategic Planning Officer
Date of Report	26 June 2012
Disclosure of Interest by Officer	Nil

Summary

The current management arrangement for the Port Hedland Visitors Centre expires on Saturday, 30 June 2012. A request for proposal process was undertaken to seek new management operators for the Port Hedland Visitors Centre and / or the Courthouse Gallery. Council received one proposal. Council's negotiations regarding the operational costs and program delivery of the Port Hedland Visitors Centre, with the proponent are ongoing.

GM Services have expressed interest in continuing with the management of the Port Hedland Visitor Centre on a 3 month minimum.

Council is requested to allocate funds of \$68,750 (\$22,916.66 per month) within the 2012/2013 budget for the interim management of the Port Hedland Visitors Centre by GM Services for a 3 month period 1 July – 30 September 2012 until a new Management arrangement is entered into.

Background

Port Hedland Visitors Centre

The SCM of 21 December 2009 awarded the tender to GM Services for the management of the Port Hedland Visitors Centre (PHVC). The original agreement with GM Services over the management of the PHVC expired on 31 December 2011. Following negotiations, GM Services continued with the management of the PHVC from January to the end of June 2012.

The OCM on 26 April 2012 resolved in part that Council:

1. *Notes the existing allocation of \$12,500 (ex GST) per month for the contract management of the Port Hedland Visitors Centre within the 2011/12 budget;*

2. *Allocates additional funds of \$13,332 within 2011/2012 budget for the interim management of the Port Hedland Visitors Centre by GM Services Tourism for the period 1 May to 30 June 2012*

Request for Proposal

The Request for Proposal for the Management of the PHVC / and or the Courthouse Gallery was advertised in the West Australian on Saturday 4 February 2012. The closing date for submissions was Wednesday 7 March 2012.

One compliant proposal was received from FORM Contemporary Craft and Design Inc at the close of the submission period.

Concept Briefing

A Concept Briefing was held with Council regarding the proposal from FORM to manage both the PHVC and the Courthouse Gallery on 18 April 2012.

In relation to the proposal to manage the PHVC, Council requested clarification regarding the feasibility of FORM's draft projected management fees, refurbishment and start up costs requested from Council / and or potential BHPB Partnership Funds, as well as clarification on FORM's proposed service delivery.

To date Council is still in negotiations regarding FORM's proposal for the management of the PHVC in reference to budget projections and further detailed clarification of program delivery, as per Council's request. FORM is also seeking confirmation from Council that a 'basic' refurbishment of the Centre should be met at a certain level before they will consider management operations.

GM Services

Following negotiations, Council received correspondence from GM Services (14 June 2012) confirming in part the offer of the continuation of PHVC management based on;

- Operation of the Visitor Centre on a 1 x 3 monthly arrangement commencing 1 July 2012 ending 30 September 2012
- Payment of a month by month fee based on \$275,000 per annum (\$22,916.66 per month).

Consultation

External

- GM Services Tourism

Internal

- Chief Executive Officer
- Director Community Development
- Economic Development and Strategic Planning Officer

Statutory Implications

Local Government Act (1995):

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorised in advance by resolution*; or*
 - (c) is authorised in advance by the mayor or president in an emergency.”*

** Absolute majority required.*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 1: Tourism

Develop additional tourist information at Town entry points and other key focal points within Council.

Budget Implications

The OCM on 26 April 2012 resolved in part that Council:

- 1. Notes the existing allocation of \$12,500 (ex GST) per month for the contract management of the Port Hedland Visitors Centre within the 2011/12 budget*
- 2. Allocates additional funds of \$13,332 within 2011/2012 budget for the interim management of the Port Hedland Visitors Centre by GM Services Tourism for the period 1 May to 30 June 2012*

In accordance with the above resolution, a further \$68,750 is requested to cover a 3 month interim period whilst the proposal for new management is still in negotiations.

Officer's Comment

Council is currently experiencing the peak tourist season (May – September). The PHVC is understandably very busy during this period of time being the first stop for many tourists. Whilst an outcome is still being negotiated with the current request for proposal, GM Services have expressed interest to continue with their current management of the facility for a further 3 months, in the interim.

If Council accepts GM Services offer to continue to manage the PHVC they have stated that additional stock would be brought during the interim management contract to ensure that the centre could provide the tourists a wider range of items. They will also commit to the new hours of operation;

Current Trading Hours		NEW Trading Hours	
Monday – Friday	9.00am to 2.00pm	Monday – Friday	9.00am to 4.30pm
Saturday	10.00am – 2.00pm	Saturday	9.00am – 3.00pm

GM Services is currently operating with minimal staff as many have moved on to alternative employment given that they were told the final date of operation was 30 June 2012. With an extension in management GM Services have assured us that the current staff will continue to stay another 3 month term and the number of staff at the centre would be no less than 3 during trading hours.

An extension in GM Services operations at the PHVC for a 3 month period would allow enough time for a new management contract to entered into, pending maintenance issues be resolved as well as enough time for a hand over process to be carried out for the potential new management.

Without the continuation of interim management by GM Services and given that a new management contract will not be ready for implementation by Saturday 30 June 2012 Council does have two further options;

1. *Discontinue the PHVC operations, until further notice.*

This option would allow the long term arrangement for the centre, at the disadvantage of any tourist who wishes to visit the centre, during this peak period.

2. *Council manages the Centre itself.*

This option would see Council endeavour to employ the existing staff on a casual basis. This option also comes with many uncertain impacts to Council. The internal administration / on-costs of this option are not known and there is the uncertainty to the availability of suitable experienced supervisory staff.

Attachments

Nil

201112/508 Officer's Recommendation/Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That Council:

- 1. Endorses the Chief Executive Officer or delegated officer to negotiate a contract with GM Services for the interim management of the Port Hedland Visitors Centre for the period of 1 July 2012 ending 29 September 2012, for the fee of \$22,916.66 per month;**
- 2. Notes that the outcomes of negotiations with FORM will be reported to Council in July 2012; and**
- 3. Scope of works for the maintenance of the building will be reported to Council in July 2012.**

CARRIED BY ABSOLUTE MAJORITY 7/0

11.1.4 Proposed Section 70A Notification for Lot 9 The Esplanade, Port Hedland (File No.: 100010G)

Officer Ben McKay
Compliance Officer

Date of Report 11 June 2012

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Maximise Developments Pty Ltd, owners of Lot 9 The Esplanade, Port Hedland, to affix the Towns Common Seal to a Section 70A notification form, which will enable lodgement of the form with the Registrar of Titles.

Background

A Development Application approval (2011/418) for Twenty Two (22) Serviced Apartments and 118m² Office Space was granted on 23 December 2011, for Lot 9 The Esplanade, Port Hedland.

The following conditions were imposed as part of the approval:

“13. 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:

- a. 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;*
- b. 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

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

201112/509 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. Approves the request from Maximise Developments Pty Ltd, owners of Lot 9 The Esplanade, 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 Lot 9 The Esplanade, 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 13 of the Development Application Approval (2011/418) has been satisfactorily complied with.**

CARRIED 7/0

11.1.5 Proposed Section 70A Notification for Lot 202 (Formally Lots 49 & 50) Edgar Street, Port Hedland (File No.: 117260G/118080G)

Officer	Ben McKay Compliance Officer
Date of Report	11 June 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Bradshaw Kulynycz settlements, on behalf of the owners of Lot 202 (Formally Lots 49 & 50) Edgar Street, Port Hedland, to affix the Towns Common Seal to a Section 70A notification form, which will enable lodgement of the form with the Registrar of Titles.

Background

A Development Application approval (2011/471) for 12 Multiple Dwellings, 23 short stay Apartments and 1 Commercial tenancy was granted on 6 January 2012, for Lot 49 & 50 Edgar Street Port Hedland. Lots 49 & 50 have now been amalgamated to form Lot 202 Edgar 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:*
 - a. 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;*
 - b. 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

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 alerted 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

201112/510 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. Approves the request from Bradshaw Kulynycz settlements, on behalf of the owners of Lot 202 Edgar 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 202 Edgar 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 13 of the Development Application Approval (2011/471) has been satisfactorily complied with.**

CARRIED 7/0

11.1.6 *Proposed Final Adoption of Scheme Amendment No. 50 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Lot 502 North Circular Road from “Residential R20” to “Residential R30” (File No.: 18/09/0064)*

Officer	Ryan Djanegara Planning Officer
Date of Report	13 June 2012
Application Number	2011/528
Disclosure of Interest by Officer	Nil

Summary

On 14th November 2011, Council at its ordinary meeting resolved to initiate Scheme Amendment No. 51 to recode Lot 502 North Circular Road (the site) from “Residential R20” to “Residential R30”. The amendment was forwarded to the Environmental Protection Authority (EPA) and advertised in accordance with the *Town Planning Regulations 1967*.

During the advertisement periods, three (3) submissions were received advising no objections to the proposed amendment subject to conditions. Council is requested to adopt the scheme amendment having addressed the concerns and conditions raised in the written submissions.

Background

Council received a request from Burgess Design Group to amend the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) to rezone portions of the site (Attachment 1) from “Residential R20” to “Residential R30”. As part of the proposed amendment the applicant provided an indicative subdivision plan of the site.

The intention of the amendment was to provide a higher density development yield on the proposed grouped/multiple dwelling sites identified within the subdivision. Council, in its assessment of the amendment and in light of findings in the Pilbara Port City Growth Plan, identified that the entire site was deemed appropriate to be rezoned to a higher coding. In light of the above, Council at its Ordinary Meeting dated 16th November 2012 resolved to initiate the amendment with a modification to rezone the entire site to Residential R30 (Attachment 2).

Subsequently, the application was forwarded to the Environmental Protection Authority (EPA) for consideration.

The EPA advised that an assessment was not required and permitted the Council to advertise the amendment in accordance with the *Town Planning Regulations 1967*.

Consultation

In accordance with the *Town Planning Regulations 1967*, the proposed scheme amendment was advertised and circulated as follows:

North West Telegraph: 11 January 2012 – 15 February 2012
(Re-advertised) 28 March 2012 – 9 May 2012

Written Notification to:

- Horizon Power
- Optus
- Telstra; and
- Water Corporation (Perth and Karratha),

As a result of the above advertising, three submissions were received. Horizon Power and Telstra have raised no objections to the proposal. The Water Corporation has advised that they have no objections subject to various conditions (refer to Attachment 4).

These recommended conditions do not relate to the proposed scheme amendment but subsequent subdivision and development of the site. Council is therefore not required to address these comments and should proceed with the adoption of the Scheme Amendment.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

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.

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

Section 5.7.12 Precinct 12: South Hedland East
Precinct Highlight 1: Immediate term housing supply opportunity.

Budget Implications

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

Officer's Comment

The proposed scheme amendment is consistent with the direction of the Pilbara Port City Growth Plan. The site is identified to be developed immediately for housing at medium density (R30 to R60 as defined by the R Codes).

Council's at its Ordinary Meeting dated the 16th November 2011, resolved to initiate the Scheme Amendment subject to rezoning the entire site R30.

Options

Council has the following options when considering the matter:

1. Adopt the Scheme Amendment without any modifications.
2. Adopt the Scheme Amendment with modifications.
3. Abandon the Scheme Amendment.

Option 1 is recommended as the proposed scheme amendment is deemed to be consistent with the strategic direction of the Town.

Attachments

1. Locality Map
2. Scheme Amendment Documentation
3. Submissions received

201112/511 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

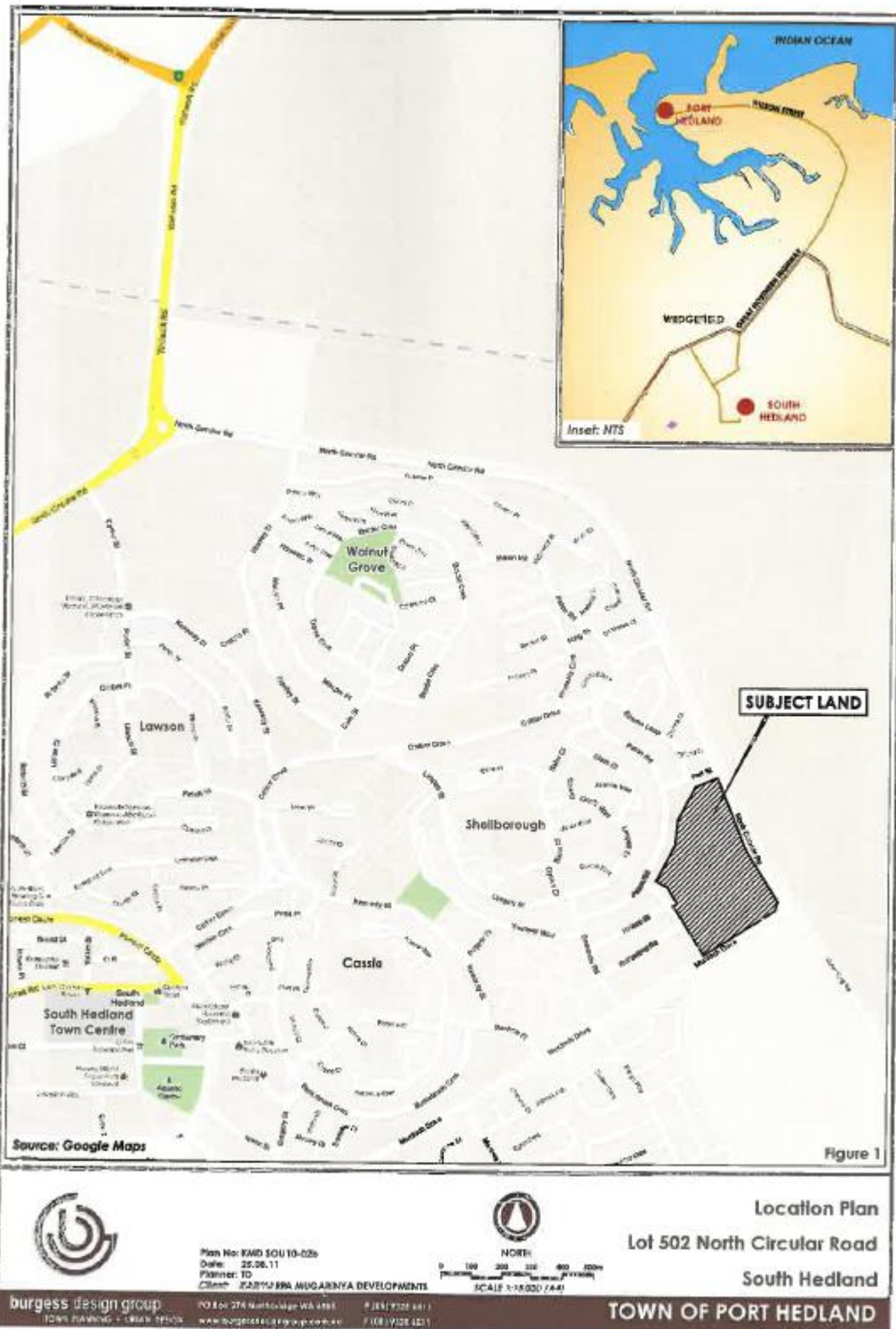
That Council:

1. **Adopts Scheme Amendment 50, to Town of Port Hedland Town Planning Scheme No. 5, without any modifications.**
2. **Forwards all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended).**

- 3. Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967 (as amended), including the fixing of the Council's Common Seal in the event that the Minister for Planning approves the Amendment.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.6



ATTACHMENT 2 TO ITEM 11.1.6

burgess design group
TOWN PLANNING • URBAN DESIGN

23 November 2011

Our Ref: KMD SOU/111123LLGA_Scheme Amendment Modifications Cover Letter.doc
LG Ref: 2011/528

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

Attention: Ryan Djanegara

Dear Ryan,

**RE: MODIFICATIONS TO PROPOSED TOWN OF PORT HEDLAND TOWN PLANNING SCHEME
NO. 5 SCHEME AMENDMENT NO. 50
LOT 502 NORTH CIRCULAR ROAD, SOUTH HEDLAND**

I refer to the Town of Port Hedland's Ordinary Meeting of Council held on 16 November 2011, in which the above mentioned item was initiated for advertising.

In light of Council's resolution and recommendation for initiation of the rezoning of the entire site to 'Residential R30', we attach a modified report and formal documentation as requested.

Should you require any additional information or wish to discuss this matter further, please do not hesitate to contact the undersigned on 9328 6411.

Yours faithfully
BURGESS DESIGN GROUP



**TRENT DURWARD
ASSOCIATE**

Enc

- Modified Scheme Amendment Report (111123RLGA_Scheme Amendment Application – Modifications.pdf)

CC

Ben Watson – NS Projects



351 Newcastle Street, NORTHBRIDGE WA 6003 PO Box 374, NORTHBRIDGE WA 6855
P (08) 9328 6411 F (08) 9328 6511 www.burgessdesigngroup.com.au
ABN 68 014 419 000 A/CN 119 511 488 Planovation Pty Ltd A/F Planovation Trust T/A Burgess Design Group

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5
AMENDMENT NO. 50

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Rezoning Lot 502 North Circular Road, South Hedland within the Town Planning Scheme No. 5 Scheme Area from "Residential R20" to "Residential R30" under the Town of Port Hedland Town Planning Scheme No. 5.
2. Amending the Scheme Map accordingly.

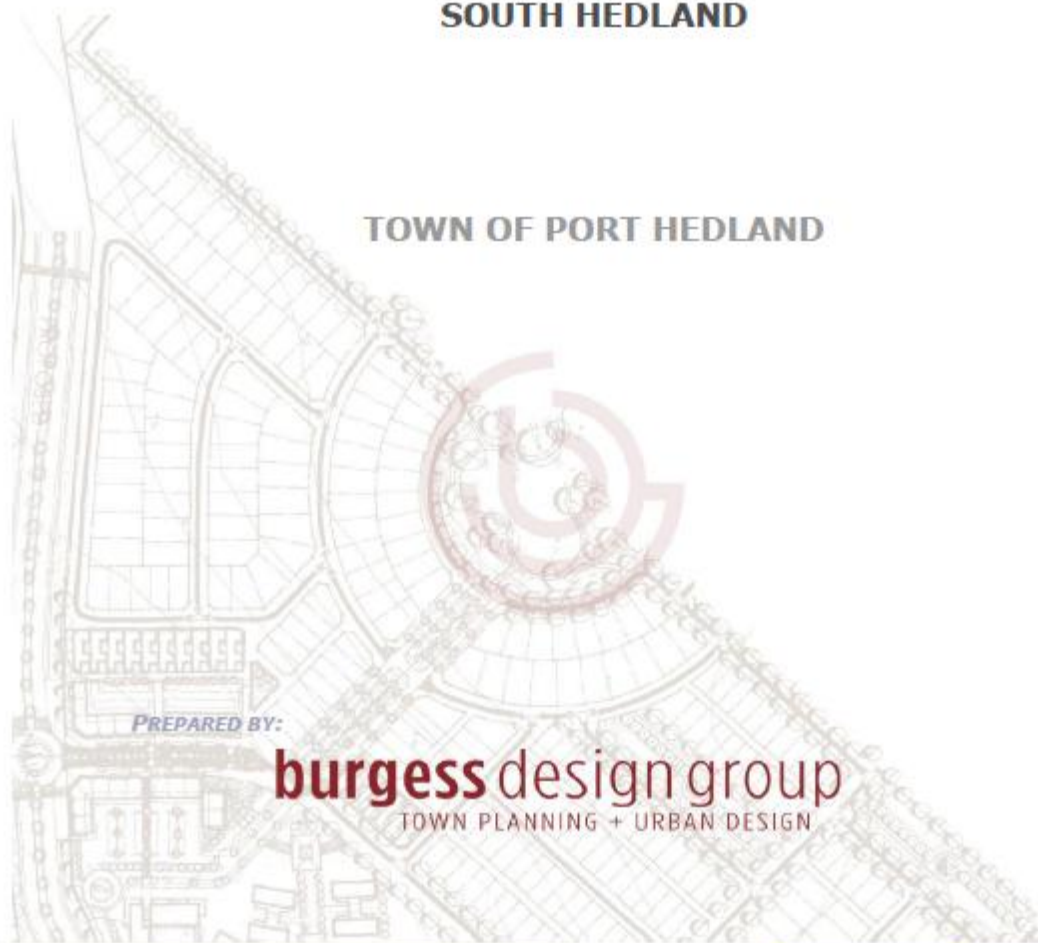
Dated this day of 20

CHIEF EXECUTIVE OFFICER



PROPOSED SCHEME AMENDMENT

LOT 502 NORTH CIRCULAR ROAD
SOUTH HEDLAND



Lot 502 North Circular Road, South Hedland

Town of Port Hedland

Proposed Scheme Amendment

Issue 1/3: November 2011

Prepared for: **Kariyarra Mugarinya Developments Pty Ltd c/- NS Projects**

Prepared by: **Burgess Design Group**
351 Newcastle Street, Northbridge W.A. 6003
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Website: www.burgessdesigngroup.com.au
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Project Planner: **T. Dunward**
Job code: **KMD SOU**
File reference: **111123RLGA_Scheme Amendment Application - Modifications.doc**
Revision No: **3**

Quality Assurance

Issue/Revision:	Date:	Author:	Reviewer:
1/1	11 October 2011	T. Dunward	R. Van Santen
1/2	19 October 2011	T. Dunward	Client – NS Projects
1/3	23 November 2011	J. Pirone	T. Dunward

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Appendix 4	Proposed Scheme Amendment

1. INTRODUCTION

1.1 INTRODUCTION

Burgess Design Group has been appointed by Kariyarra Mugarinya Developments Pty Ltd, c/- NS Projects on behalf of the registered owners, of Lot 502 North Circular Road, South Hedland (Area K) for the provision of town planning and urban design consultancy services for the preparation of a Scheme Amendment application for Lot 502 North Circular Road, South Hedland (the "subject land").

The following report provides an overview of the background and planning framework, site characteristics and constraints, findings of preliminary investigations and explains the rationale behind the Scheme Amendment application.

The proposed Scheme Amendment has been formulated by Burgess Design Group in collaboration with a team of specialist consultants, who have provided technical input in relation to matters as follows:

Wood and Grieve:	Water Management and Engineering
Aurora Environmental:	Environmental Assessment
Whelans:	Surveying

1.2 DEVELOPMENT OBJECTIVES

A project charter has been prepared regarding the objectives and intent of the overall project. The objectives are summarised as follows:

"To create a quality housing estate for the South Hedland locality, providing a walkable environment for the enjoyment of residents and incorporating passive environmental design principles.

This will provide an 'Enterprise Opportunity' for Kariyarra Mugarinya Joint Venture in the Pilbara economy through providing long term investment benefits to the Traditional Owners via an established income stream managed through an Aboriginal Property Trust.

The project is not targeting the provision of affordable or social housing however future revenue streams are proposed to be used for other social and community programs."

2. PLANNING BACKGROUND

2.1 LAND DESCRIPTION

2.1.1 Location

The parent lot is located at the eastern extent of the South Hedland urban area, at the corner of North Circular Road and Murdoch Drive and comprises a total land area of 11.9264 hectares. The land abuts the existing urban front to the west and an existing open drainage channel (drainage reserve) along the north and north western boundaries. Please refer to the attached Figure 1 – Location Plan and Figure 2 – Aerial Photograph.

2.1.2 Legal Description, Restrictions and Encumbrances

Lot 502 is registered in the ownership of Kariyarra Mugarinya Property Joint Venture Pty Ltd and is formally described as Lot 502 on Deposited Plan No. 57847, Certificate of Title Volume 2708 Folio 482. A copy of the Certificate of Title is contained in Appendix 1.

2.1.3 Existing and Surrounding Land Use

The site is currently vacant and has no historical land use. The land is located on the eastern urban front of the South Hedland urban area. It is surrounded by vacant 'Rural' land in the east and south, and the existing residential area in the north and west. The vacant 'Rural' land is expected to be zoned for urban purposes, following the outcomes of the Port Hedland Growth Plan.

The surrounding urban area is generally dominated by one dimensional R20 density housing product. Therefore there is a need for a greater variety in housing stock, and this is demonstrated by the recent rezoning of land along Rutherford Road, directly abutting the subject land in the west, to 'Residential R30'.

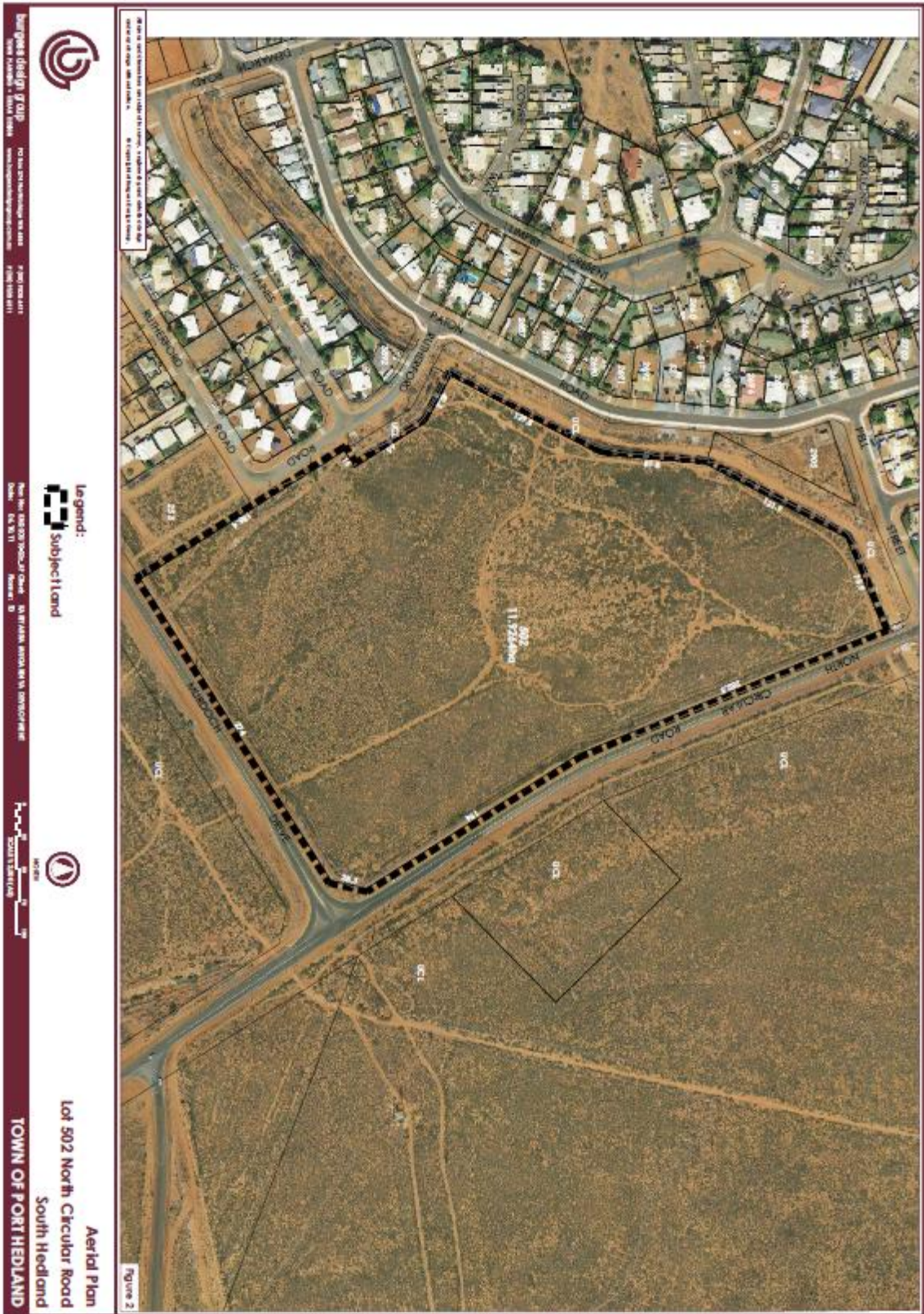
2.2 BACKGROUND

An application for Green Title Subdivision was approved by the Western Australian Planning Commission (WAPC Approval No. 134615) on 23 April 2008. This approval is for 115 R20 lots (including 3 grouped dwelling sites) and land for road and drainage reserves.

Following the above, an updated application was submitted on 6 October 2011, which provides for 121 R20 lots and 4 grouped dwelling sites. The intention of the current application is to update the plan and align the design with contemporary design philosophies and in particular it will facilitate the ability to rezone the grouped sites to R30 and provide for diversity in housing product. A copy of the current application is contained in Appendix 2.

The land was rezoned from the 'Urban Development' zone to 'Residential R20' in June 2011. On 16th November 2011 the original application to rezone portions of the site (grouped dwelling sites) to 'Residential R30' was considered by the Council. At this time the Council resolved to rezone the entire site to 'Residential R30'. This was subject to the Officers comment that it *"will not impact on the applicant's current subdivision proposal"*.





2.3 CONSULTATION

In accordance with best practise planning principles, BDG engaged with the Town of Port Hedland Planning Officers to discuss the merits of targeted upcoding of areas within the parent lot, as well as discussing the design of the currently submitted subdivision application.

These meetings and discussions have provided the landowners, and Burgess Design Group, with confidence that the upcoding to R30 aligns with the Council's objectives for development in South Hedland and that the land is appropriately located to accommodate R30 housing.

2.4 PLANNING FRAMEWORK

Outlined below is a summary of the relevant strategic and statutory documents that guide the use and development of the site and/or support the development of the land for residential purposes.

2.4.1 Town Planning Scheme No. 5

The subject land is zoned 'Residential R20' in the Town of Port Hedland Town Planning Scheme No. 5 (TP55). Clause 6.3 addresses the provisions of the 'Residential R20' zone as follows:

"6.3 RESIDENTIAL ZONE

6.3.1 In determining any application for planning approval within the residential zone, Council shall have regard for the Port Hedland Local Housing Strategy"

There is no officially adopted Port Hedland Local Housing Strategy per se, but the Scheme Amendment Application provides for an increase in the underlying density to R30. This is supported by the Port Hedland Land Use Masterplan (LUMP), as discussed below. TP55 requires that development in the 'Residential' zones complies with the Residential Design Codes.

2.4.2 Residential Design Codes of WA (November 2010)

The R Codes deal with site area requirements, as well as all other design elements of housing design. The R Codes aim to encourage a diverse range of housing product and innovative design, and ensure that new development matches in with existing development, to high levels of amenity and access for all users.

In upcoding Lot 502 to R30 the minimum and average lot size requirement will decrease to 270m² and 300m² respectively, while there will also be a reduction of the open space to 45% and deletion of any minimum frontage requirements. There is also the allowance for different provisions relating to multiple dwellings in areas coded R30 or above, where new provisions apply and there is no minimum and average lots size for each dwelling, but an overall plot ratio allowance of 0.5.

2.4.3 Port Hedland Land Use Master Plan

The Port Hedland Land Use Master Plan (LUMP), as endorsed by the WAPC in September 2008, notes that housing in the Town of Port Hedland is generally in short supply, mainly due to the employment generating mining industry and significant economic investment this brings. Commentary is provided regarding South Hedland where the LUMP notes that it has

traditionally suffered from a poor image due to a perception of crime, poverty and social dysfunction.

This scheme amendment will assist with providing a diverse range of housing product in South Hedland, and therefore help to redress the balance of housing supply, while also providing a range of housing product for all demographics and community members.

2.4.4 Liveable Neighbourhoods

Liveable Neighbourhoods provides design elements for structure plans and urban area subdivision design. The principle aims of Liveable Neighbourhoods relevant to the proposed scheme amendment include; ensuring activation of street frontages and passive surveillance, provision of a variety of lots sizes and housing types to cater for the diverse needs of the community and to facilitate development with good access for all transport modes, including public transport, cycling and pedestrians.

2.4.5 Gearing Up Port and South Hedland – A Pilbara City: Vision to Reality

The Town of Port Hedland's Gearing Up Port and South Hedland – A Pilbara City: Vision to Reality (Gearing Up) document highlights the growth being faced in noting that the operating expenditure of the Town has grown from \$18 million in 2005 to \$28.5 million in 2010 and is forecasted to be \$45 million by 2015.

In addition the Town notes that rateable properties have increased from 5,170 in 2004/5 to a forecasted 9,000 by 2014/15. Building approvals (total value) have grown from \$10 million in 2005 to \$241 million in 2010 and a forecasted \$800 million+ by 2015. Airport passenger numbers have also increased from 111,549 in 2005 to 280,000 in 2010 and forecasted 450,000 by 2015.

The extent of growth the Town of Port Hedland faces is substantial and is directly linked to its role as the economic powerhouse of the nation and the population pressures that this brings.

2.5 RESIDENTIAL DEMAND

2.5.1 Introduction

The 'Gearing Up' material produced by the Town of Port Hedland (July 2010) highlights the ever increasing demand for residential accommodation with evidence that new residential dwelling approvals (total number) are forecast to grow 8.75 times over between 2005 and 2015, refer to table 1 below:

Table 1 – New Residential Dwelling Approvals

Year	Dwelling Approvals
2005	80
2010	230
2015	700+

(Source: ToPH. 'Gearing Up'. 2010).

2.5.2 Pilbara Development Commission Housing and Land Snapshot

In addition to the above, the Pilbara Development Commission (PDC) releases a quarterly "Housing and Land Snapshot" which has been reviewed for this report. The recent Housing and Land Snapshot provides an important insight into the affects of sustained economic growth and housing pressures being experienced in Port and South Hedland. These are summarized below:

- Rental and sale prices for all types of housing stock was well in excess of acceptable inflation levels and well above metropolitan averages;
- There was generally very little housing stock available for rent or sale;
- The housing stock for sale and lease did not appropriately provide for diversity in housing stock to accommodate workforce aged people who may not have families (one and two bedroom multiple and grouped dwellings); and
- Since 2008 in South and 2006 in Port Hedland there has been a significant disparity in the gap between house prices and the number of homes sold, with prices increasing (demand) as there is less on the market (supply).

3. SITE CONDITIONS AND SERVICING

An environmental assessment has been undertaken by Aurora Environmental and servicing report by Wood and Grieve, with a summary of their investigations provided below.

3.1 SITE CONDITIONS

- The subject land is underlain by red-brown sands and silt known locally as Pindan Sands. Geotechnical investigations completed by Golder Associates (2011) have revealed that the site consists of medium to coarse grained, red-brown poorly graded sand to clayey sand.
- A constructed drain traverses the western and northern boundary of the site and forms a part of the South Hedland drainage network. This drain comprises a deep open channel which provides a preferential pathway for stormwater discharge during large storm events to prevent widespread flooding of South Hedland.
- No threatened or priority ecological communities within 5km of the site have been recorded. Based on the available information about the vegetation present on the site and knowledge of ecological communities in the immediate region, it has been concluded no priority ecological communities are likely to be present on the site.
- No threatened flora (formerly known as Declared Rare Flora) is listed as occurring within the subject site. However, 13 priority flora species are listed as occurring within 50km of the subject site. None of the species have previously been recorded from the site itself.
- The subject site does not contain any unique fauna habitats that are not represented in the immediate vicinity, nor is the site important from an ecological linkage perspective and as such it is unlikely that fauna will present any significant constraint to future development of the site.
- Golder Associates (2011) reported that the disturbance of Acid Sulphate Soils (ASS) material will not be a risk during site preparation. Therefore, it is unlikely that ASS will be a constraint to future development.
- A search of the Department of Indigenous Affairs' Aboriginal Heritage Inquiry System conducted in August 2011 confirmed that no Aboriginal heritage sites have been previously recorded on Lot 502 or in the immediate vicinity of the site.

3.2 SERVICING

- Road layout and widths will be consistent with the Local Planning Policy No. 2 – Residential Road Reserve Widths.
- Reticulated scheme water will be available to the development through an expansion of the existing Water Corporation water supply network. Water Corporation has confirmed the provision of water has been approved based on the WAPC Approval No. 134615. Additionally they will continue to support urban development in the event of a new approval. Email correspondence from the Water Corporation confirming this is attached at Appendix 3.
- The parent lot is within close proximity of the South Hedland Murdoch Drive Zone Substation which appears to have three transformers in operation.
- Waste water disposal will be available to the development through connection to the existing sewer reticulation network.
- To connect to the National Broadband Network, it is expected that the proposed subdivision will require the installation of 50mm and 100mm conduit and one pit between two properties.

- South Hedland is not located in a region where town site reticulated gas is supplied and accordingly no allowance has been made to provide a supply.

4. THE PROPOSED AMENDMENT

4.1 PROPOSED SCHEME AMENDMENT

This submission requests that the Town of Port Hedland Town Planning Scheme No. 5 be amended by:

1. Rezoning Lot 502 North Circular Road, South Hedland within the Town Planning Scheme No. 5 Scheme Area from "Residential R20" to "Residential R30" under the Town of Port Hedland Town Planning Scheme No. 5.
2. Amending the Scheme Map accordingly.

Such a rezoning will ultimately provide for the use of portions of the subject land for residential purposes at a density of R30. A copy of the existing and proposed zoning is attached at Appendix 4.

4.2 JUSTIFICATION

4.2.1 Location

The location of the portions of land at the northern and western extent of the parent lot, and the smaller site's access to the public open space and entry road, as well as the availability of essential services, demonstrates that the subject land can be subdivided in an orderly manner and accommodate the proposed R30 density.

4.2.2 Logical

The proposed boundaries and lot layout within the proposed plan of green title subdivision give rise to portions of land for grouped dwelling development in logical locations. The grouped sites have been designed as part of the overall integrated subdivision design, refer to Appendix 2, in accordance with Liveable Neighbourhoods and WAPC policy, and are fully serviced by roads and infrastructure. In addition they will be subject to future detailed area plans to guide further subdivision and development.

The proposed R30 density in these locations will allow the logical redevelopment of these grouped sites to a minimum and average lot size of 270m² and 300m² respectively.

4.2.3 Housing Diversity

The rezoning will facilitate diversity and variety in local housing stock delivery as there is currently a deficiency of medium density housing in South Hedland, with surrounding development dominated by R20 housing product. This is also an objective of the LUMP.

4.2.4 Demonstrated Capability

The land is capable of supporting more intense development in targeted locations. This is supported by the detailed technical investigations and reporting including, engineering, servicing, local water and drainage constraints and general environmental assessment.

4.2.5 No Detrimental Impact

The proposed Scheme Amendment will not detrimentally impact upon the existing residents of the South Hedland urban area, or rural land to the east and south.

4.2.6 Transport, Access and Public Open Space Catchment

The proposed Scheme Amendment will assist in supporting a sustainable public transport opportunity by improving the viability of a catchment area due to increase in population, supporting the provision of quality public open space and supporting the reinforcement of a 'community' in South Hedland.

4.2.7 Demand

The analysis of current and future growth demonstrates the importance of strategic planning to the Town of Port Hedland and the rapidly changing nature of both economic and therefore population pressures. Residential land availability and affordability have become key issues for the Town of Port Hedland and especially in South Hedland. The rezoning of these sites will help to redress the balance of available residential land in South Hedland.

4.2.8 Conclusion

This planning report and justification for the scheme amendment confirms that the subject land is suitable for rezoning and is capable of being developed in a logical manner in keeping with contemporary planning principles, consistent with surrounding development and the requirements of both the Town of Port Hedland and the WAPC.

5. CONCLUSION

Burgess Design Group, on behalf of Karriyarra Mugarinya Property Joint Venture Pty Ltd, the registered owner of Lot 502 North Circular Road, South Hedland, have prepared the proposed scheme amendment application and report to facilitate the increase in density to R30 for the parent lot.

The report has provided an overview of the background and planning framework, site characteristics and constraints, findings of preliminary investigations and explains the rationale and justification for the proposed scheme amendment.

Burgess Design Group respectfully seeks the initiation for advertising of the proposed scheme amendment, and thereafter that the Council forwards it to the Environmental Protection Authority.

APPENDIX 1:
Certificate of Title

WESTERN





AUSTRALIA

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

REGISTER NUMBER 502/DP57847	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 9/4/2009

VOLUME: 2708 FOLIO: 482

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


 REGISTRAR OF TITLES
 

LAND DESCRIPTION:

LOT 502 ON DEPOSITED PLAN 57847

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

KARIYARRA MUGARINYA PROPERTY JOINT VENTURE PTY LTD OF CARE OF JACKSON MCDONALD
LAWYERS, 140 ST GEORGES TERRACE, PERTH

(TF K901081) REGISTERED 6 APRIL 2009

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

1. *L462785 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 26.10.2010.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

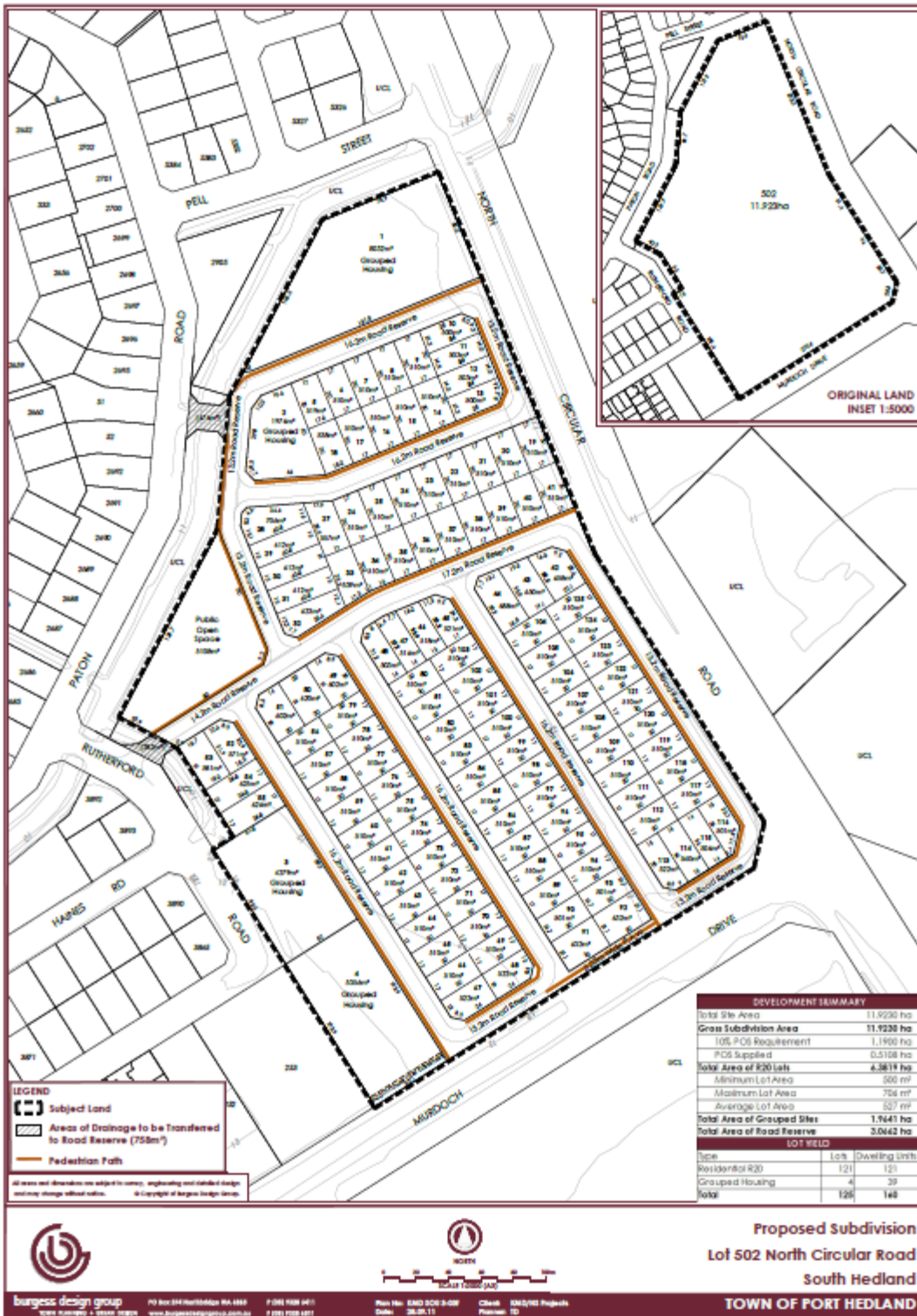
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP57847 [SHEET 1].
PREVIOUS TITLE: LR3128-827, LR3128-826.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND.

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING L462785

LANDGATE COPY OF ORIGINAL NOT TO SCALE Wed Jul 20 11:20:52 2011 JOB 37189587

APPENDIX 2:
Proposed Plan of Green Title Subdivision



APPENDIX 3:
Correspondence from the Water Corporation

Trent Durward

From: Ben Watson [BWatson@nspm.com.au]
Sent: Thursday, 6 October 2011 8:53 AM
To: Trent Durward
Subject: FW: Water Allocation - South Hedland

From: John Todd [mailto:John.Todd@watercorporation.com.au]
Sent: Wednesday, 1 June 2011 2:35 PM
To: Ben Watson
Cc: Lyle Robertson; Andrew Ducas; Mark Busher
Subject: RE: Water Allocation - South Hedland

Ben

Further to our phone conversation of yesterday I can confirm that the Corporation will continue to support this development irrespective of whether a fresh WAPC application is involved.

Regards

John Todd
Manager Land Servicing
Water Corporation
Office Phone - 61 8 9420 2092
Mobile - 0438 887 908
Fax - 61 8 9420 3193
E-mail - john.todd@watercorporation.com.au
Visit our website: http://www.watercorporation.com.au/business/land_index.cfm

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From: Ben Watson [mailto:BWatson@nspm.com.au]
Sent: Tuesday, 31 May 2011 3:12 PM
To: John Todd
Cc: Lyle Robertson; Andrew Ducas
Subject: Water Allocation - South Hedland

John,

Thank you for returning my call earlier today.

As discussed, NS Projects is the Development Manager for a land subdivision in South Hedland, situated at the corner of Murdoch Drive and North Circular Drive and legally described as Lot 502 on Deposited Plan 57847, being the whole of the land contained in Certificate of Title Volume 2708 Folio 482.

There is currently a WAPC subdivision approval for a 115 lot subdivision, comprising 110 single residential lots, one duplex lot and three grouped dwelling sites (likely development potential between 44 and 75 grouped dwellings in

total) however, the approval expires in April 2012. We are in the process of finalising Royalties for Regions funding for the project which will enable it to proceed. Given the current status of the project, it is not going to be possible to complete the development prior to expiration of the current subdivision approval and therefore, a new approval will be sought. This will enable the project to be delivered, with an anticipated completion date of mid to late 2012.

Given that the current water allocation is tied to the WAPC approval, we are seeking confirmation that the Water Corporation will maintain the water allocation beyond expiry of the existing approval and in accordance with a new approval.

Please advise should you require any further information in relation to the above, otherwise I look forward to receiving your response.

Regards,

Ben Watson
NS Projects Pty Ltd

Suite A7, 435 Roberts Road
SUBIACO WA 6008
www.nspm.com.au
bwatson@nspm.com.au

T: (08) 6363 0857
F: (08) 6363 0899
M: 0448 776 674

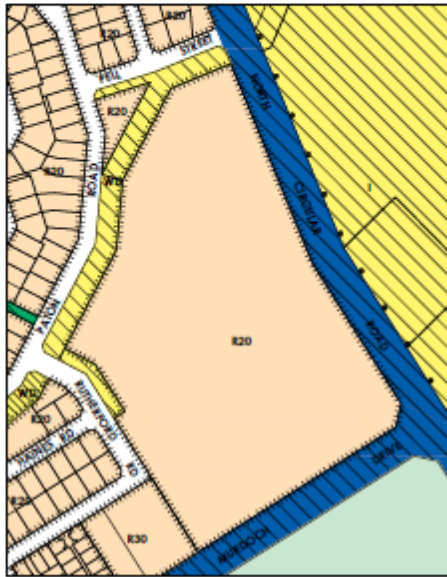
This email is confidential. If you are not the intended recipient you must not use, copy or disseminate the information contained in this email. If you have received this in error please notify us immediately and delete it from your system. Recipients of this email are responsible for their own virus protection. NS Projects will not be liable for any loss or expense in relation to viruses.

Water Corporation E-mail - To report spam Click [here](#)

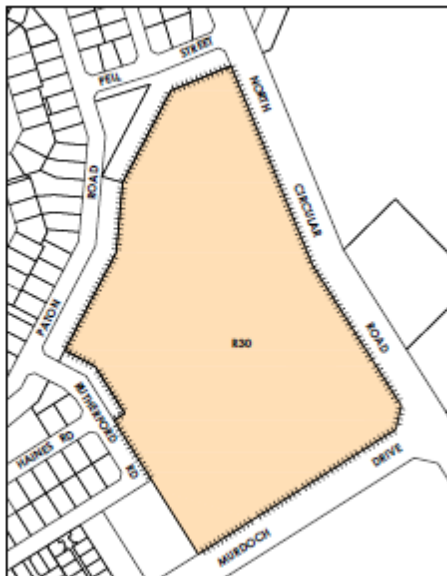
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APPENDIX 4:
Proposed Scheme Amendment

TOWN OF PORT HEDLAND
 TOWN PLANNING SCHEME No.5
 PROPOSED AMENDMENT No.50
 LOT 502 NORTH CIRCULAR ROAD, SOUTH HEDLAND



EXISTING ZONING




PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES



-  District Road
-  Local Road
-  Other Public Purposes
(Denoted as Follows)
- WB
|
WD
|

-  Parks and Recreation

ZONES

-  Residential
-  Rural

OTHER

-  R Codes
-  Development Plan Area



NORTH



Date: 22.11.11
 Plan No: KMD SOU 7-01a

PLANNING AND DEVELOPMENT ACT 2005

CITY/TOWN/SHIRE OF PORT HEDLAND

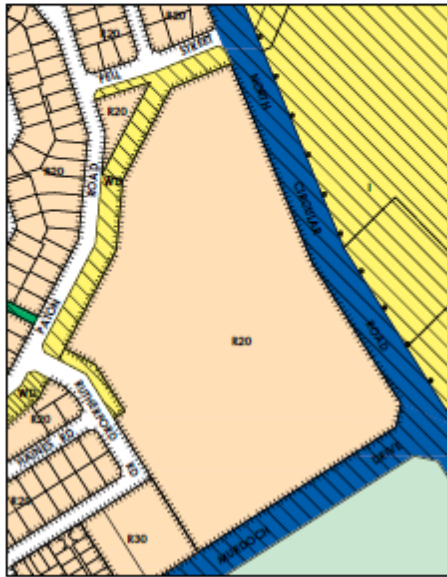
TOWN PLANNING SCHEME NO. 5

AMENDMENT NO. 50

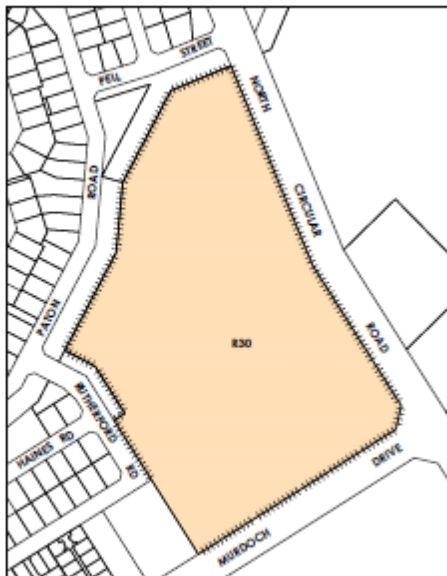
The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Rezoning Lot 502 North Circular Road, South Hedland within the Town Planning Scheme No. 5 Scheme Area from "Residential R20" to "Residential R30" under the Town of Port Hedland Town Planning Scheme No. 5.
2. Amending the Scheme Map accordingly.

TOWN OF PORT HEDLAND
 TOWN PLANNING SCHEME No.5
 PROPOSED AMENDMENT No.50
 LOT 502 NORTH CIRCULAR ROAD, SOUTH HEDLAND



EXISTING ZONING




PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES



-  District Road
-  Local Road
-  Other Public Purposes
(Denoted as Follows)
- WB
|
WD
|

-  Parks and Recreation

ZONES

-  Residential
-  Rural

OTHER

-  R Codes
-  Development Plan Area



NORTH



SCALE 1:4,000 (A4)

Date: 22.11.11
 Plan No: KMD SOI 7-01a

ADOPTION

Adopted by resolution of the Council of the Town of Port Hedland at the Meeting of the Council held on the day of 20

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Town of Port Hedland at the Meeting of the Council held on the day of 20 and the Common Seal of the Town of Port Hedland was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....
DELEGATED UNDER 5.16 OF
THE PD ACT 2005

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....

ATTACHMENT 3 TO ITEM 11.1.6

Your Ref: 2011/528 / 18/09/0064 804111G
 Our Ref: JT1 2010 10908 V03
 Enquiries: Frank Kroll
 Telephone: 9420 2221



7 May 2012

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



Attention: Michael Pound

629 Newcastle Street
 Leederville 6007
 Western Australia

PO Box 100
 Leederville 6902
 Perth Western Australia
 Tel (+61 8) 9420 2420

APPLICATION No. 2011/528 SCHEME AMENDMENT No. 50 – REZONE LOT 502 NORTH CIRCULAR ROAD FROM “RESIDENTIAL R20” TO “RESIDENTIAL R30”

Thank you for your letter dated 28 March 2012 concerning Lot 502 North Circular Road South Hedland.

The Water Corporation does not object to the application, subject to the following conditions.

Current Infrastructure Constraints

Source water from the DeGrey and Yule schemes are currently extremely limited and will constrain development until mid 2014 when headworks infrastructure such as additional bores, water distribution tanks and pipes, and wastewater treatment and conveyance items are built. Applications for development will be subject to water availability at that time.

Water Efficiency

Considering the above, in conjunction with general climatic changes, water efficiency is an extremely high priority in all development proposals, and should be accompanied by a water management plan.

Water Supply Servicing

A water supply connection will be available from the 100mm diameter reticulation main. Reticulation mains (mains under 300mm diameter) may need upgrading at the developers cost.

Wastewater Servicing

The Port Hedland Wastewater Treatment Plant No. 2 is at capacity and will be upgraded by 2014. Sewer connections are already available for Lot 502, discharging into 150mm diameter mains. Reticulation mains (mains under 300mm diameter) may need upgrading at the developers cost.

Current planning information indicates that local water and wastewater main upgrades are required. Should you have any further queries, please do not hesitate to contact the undersigned.

Frank Kroll
 Senior Development Planner
 Development Services
 Planning & Capability



Document #: ICR26729
 Date: 10.05.2012
 Officer: LEONARD LONG
 File: 18/09/0064 804111G

10/5/12
 → Michael Pound







1PA22985 linked to 2011/528

ENTERED
DATE 1-2-12 BY Michelle



Your Ref: 2011/528/18/09/0064 804111G
Our Ref: JT1 2010 109008 v02
Enquiries: Mark Willson
Telephone: 9420-2095

3 Jan 2012

Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721
Attn: Luke Cervi

629 Newcastle Street
Leederville 6007
Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

**Town of Port Hedland - Proposed Scheme Amendment No 50
Rezoned lot 502 North Circular Road From R20 to R30**

Thank you for your letters received 16 January 2012 and the opportunity to provide comment regarding the development application.

The Water Corporation does not object to the proposal purchase in principle; however it is subject to the following advice.

East Pilbara Water Supply Scheme Capacity Constraints

The East Pilbara Water Scheme is currently under extreme pressure and is not able to immediately service this proposal.

In response to the capacity constraints within it, the Corporation has completed a review of the scheme, which has identified the need for major infrastructure upgrades and new assets to facilitate the extraordinary growth of Port and South Hedland.

The Corporation has now commenced work towards the delivery of these projects, which will provide sufficient capacity to service the planned growth of Port and South Hedland. These works are currently scheduled to be delivery by June 2014.

Similar to previous advice for the proposal to expand the Walkabout Hotel, further development in this area around the airport site will also require a new main extension in order to ensure pressure can be still achieved. The Corporation are currently in discussions with a proponent in regards to this new main running along the southern boundary of the airport reserve site and linking in to the end of the main that the proposed land purchase or lease will front.

Water Efficiency and Alternatives

The Corporation has undertaken an unprecedented water efficiency project within the Pilbara and is committed to maximising water efficiencies within the Town of Port Hedland. Accordingly, the project should embrace maximum water efficiency principles, and the Corporation is keen to work with proponents to maximise water efficiency outcomes.

Should you have any queries please contact the above to discuss.

Regards

Mark Willson 
Development Services Branch
Water Corporation



Document #: 1PA22985
Date: 24.01.2012
Officer: LUKE CERVI
File: 804111G





PO Box 314
PORT HEDLAND WA 6721
ABN 57 955 011 887

Your Ref: 2011/528
Enquiries: Ray Deall
Telephone 9173 8201

17th December 2011

Mr Luke Cervi
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Luke

RE: APPLICATION NO: 2011/528 SCHEME AMENDMENT NO. 50 – REZONE LOT 502
NORTH CIRCULAR ROAD FROM 'RESIDENTIAL R20' TO RESIDENTIAL R30"

Thank you for your enquiry concerning the above Scheme Amendment.

Horizon Power has no objection to the proposed scheme amendment for rezoning Lot 502
North Circular Road, South Hedland.

If I can be of any further assistance or should you have any queries please call me direct on
the details above.

Yours sincerely

Ray Deall
Network Asset Management Coordinator

Djanegara Ryan

From: Walkerden, Norm F [Norman.F.Walkerden@team.telstra.com]
Sent: Monday, 23 January 2012 10:15 AM
To: Djanegara Ryan
Subject: Amendment No.50 - Rezone Lot 502 North Circular Road

Follow Up Flag: Follow up
Flag Status: Flagged

Attn: Ryan Djanegara

Ref: 2011/528/ 18/09/0064 804111G

AMENDMENT NO.50 - REZONE LOT 502 NORTH CIRCULAR ROAD

Thank you for your early correspondence re above. At present Telstra has no objection and have recorded the plan on our development database. For your reference, we have also received WAPC application 145060 for this location.

Regards,

Norm Walkerden

Telstra

Forecasting & Area Planning Western,
Integrated Network Planning, Network and Technology
Postal: Locked Bag 2525 Perth WA 6001
Phone: 08 9481 6272 Fax: 08 9221 5730
Email Norman.F.Walkerden@team.telstra.com

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

11.1.7 Proposed "Use Not Listed" – Fly Camp at Lot 503 Forrest Circle, South Hedland (File No.: 804485G)

Officer Michael Pound
Senior Planning Officer

Date of Report 13 June 2012

Disclosure of Interest by Officer Nil

Summary

The Town has received an application from Compass Group (Australia) Pty Ltd, for a "Use Not Listed" – Fly Camp located at Lot 503 Forrest Circle, South Hedland (site).

The proposal is supported by the Planning Unit. Council is requested to approve the proposed use, subject to conditions.

Background*Location and site details (ATTACHMENT 1)*

The subject site is located adjacent to the TAFE along an unconstructed portion of Forrest Circle. The site is owned by the Crown and comprises of an area of approximately 9.7ha. The proposed fly camp is located in the south west corner of the site and will cover an area of approximately 0.2 hectares.

Previous approvals

Council at its Ordinary Meeting held on 21 October 2011 approved Planning Permit 2011/261 for Gateway Village "Transient Workforce Accommodation" (TWA) – 1301 person facility.

Current proposal (ATTACHMENT 2)

The proposed "Use Not Listed" – Fly Camp consists of 14 transportable units (dongas) providing 54 beds. The Fly Camp is specifically required to facilitate the workers needed for the construction of the above approved Gateway Village TWA.

Consultation*Externally:*

- Horizon Power,
- Water Corporation,
- Department of Water

Water Corporation, Department of Water and Horizon Power raised no objection to the proposed development.

The application was advertised in the North West Telegraph for a period of 14 days on the 1st and 6th June 2012.

Internally:

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

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

Internal Comments	
Environmental Health Conditions	No objection subject to conditions
Technical Services Conditions	No objection subject to conditions Applicant is to submit a plan showing car parking.
Building Conditions	No objection subject to conditions

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development of the land must be done in accordance with TPS5.

Policy Implications

Nil

Strategic Planning Implications

The following sections of the Town's Strategic Plan 2010-2015 are considered relevant to the proposal:

Key Result Area 4: Economic Development
 Goal Number 2: Mining/Roads
 Other Actions: Ensure that integrated accommodation options are available for resource related projects that do not artificially inflate the local real estate market.

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

Budget Implications

The prescribed application fee of \$4,170.00 was paid on lodgement.

Officer's Comment

Council is under increasing pressure to provide accommodation options for the construction industry involved in building projects within the Town. The Gateway Village remains a necessity in order to temporarily accommodate fly in fly out workers. However, the delivery of the project depends on the ability to house the workforce required during construction.

Need and desirability

It is undeniable that there is currently significant demand for accommodation related to current and upcoming construction projects. What isn't clear is the length of time that these construction projects and specifically the accommodation needs will continue.

Whilst this project is expected to be completed within 2 years there are some concerns the development will be utilized as a "Fly Camp" to facilitate other projects within the South Hedland area.

Development Applications require a development to be completed within a two year period from approval. It would therefore be reasonable to consider the subject approval for a 12 month period with the ability to extend this period for no more than 12 months. It is considered that any longer than a two (2) year period would change the dynamic of the camp from a "Fly Camp" to a "Transient Workforce Camp" requiring substantial upgrading. As such, a condition will be imposed limiting the time period the fly camp can remain as operational.

Amenity/streetscape

The proposal would at best be described as being of low aesthetic quality. The buildings present poorly to adjoining properties (including the TAFE) due to the monotonous clustering of identical buildings of limited character. However, this is considered acceptable for a limited period of time.

Car parking

Being a "Use Not Listed", it is up to Council to determine an appropriate amount of car parking as per clause 6.13.2 of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

In this regard the applicant has provided the following justification relating to car parking:

“The car parking area, comprising 100 vehicle bays, shown on the attached drawing (i.e. located between the proposed 56 fly camp rooms and the 190 Advance Accommodation buildings) will be used. These accommodation rooms will be occupied during the Gateway Village construction period by a fly-in fly-out workforce and the ratio of 1 vehicle space per 2.5 rooms will be ample for the relatively few light vehicles that will require onsite parking. The vehicle bay dimensions are compliant with the Town’s requirements under TPS5 and have previously been approved in PA2011/261”

The above justification is considered reasonable and supported.

Attachments

1. Locality Plan
2. Development Plans

201112/512 Officer’s Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council approves the planning application submitted by Compass Group (Australia) Pty Ltd, for a “Use Not Listed – Fly Camp” located on Lot 503 Forrest Circle, South Hedland subject to the following conditions:

- 1. This approval relates only to the proposed “Fly Camp” and other incidental development, as indicated on the approved plans. (DWG2012/214/1 - DWG2012/214/2). It does not relate to any other development on this lot.**
- 2. This approval is only valid for a period of 18 months or the completion of the project whichever comes first, the applicant will return the land to its original state, to the satisfaction of Council’s Manager Planning Services.**
- 3. All vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the “Fly Camp” shall be contained within the development area (i.e. no parking is permitted on the road verge or any other land) and within designated vehicle parking locations/areas to the satisfaction of Council’s Manager Planning Services.**
- 4. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.**
- 5. All dust and sand to be contained on site in accordance with an approved Dust Management Plan to the satisfaction of the Manager Environmental Health.**

6. The premises to be kept in a neat and tidy condition at all times to the satisfaction of Council's Manager Planning Services.
7. Stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of the Manager Technical Services.

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

8. Prior to the submission of a building permit application, the applicant/operator of the camp shall submit an emergency evacuation plan and obtain approval from Council's Manager Planning Services.
9. Prior to the submission of a building permit application, a Dust Management Plan shall be submitted to and approved by the Manager Environmental Health Services.
10. Prior to the submission of a building permit application, the applicant / operator shall submit a Rubbish Collection Strategy / Management Plan for approval by Council's Manager Technical Services
11. Prior to the submission of a building permit application a construction management plan is to be submitted detailing how it is proposed to manage:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) Impact on traffic movement;
 - d) Operation times including delivery of materials; and
 - e) Other matters likely to impact on the surrounding land uses;

to the satisfaction of Council's Manager Planning Services.

Conditions to be complied with prior to the occupation of the development.

12. Prior to the occupation of the development, Driveway(s) and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005. A separate application is to be made for Crossovers.

13. Prior to the occupation of the development Prior to the occupation of the development Prior to the occupation of the development, Access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface by the developer to an approved design in accordance with TPS5 and Australian Standards, to the satisfaction of the Manager Planning.
14. Prior to the occupation of the development, the development is to be connected to reticulated sewer to the satisfaction of Council's Manager Environmental Health Services.

FOOTNOTES:

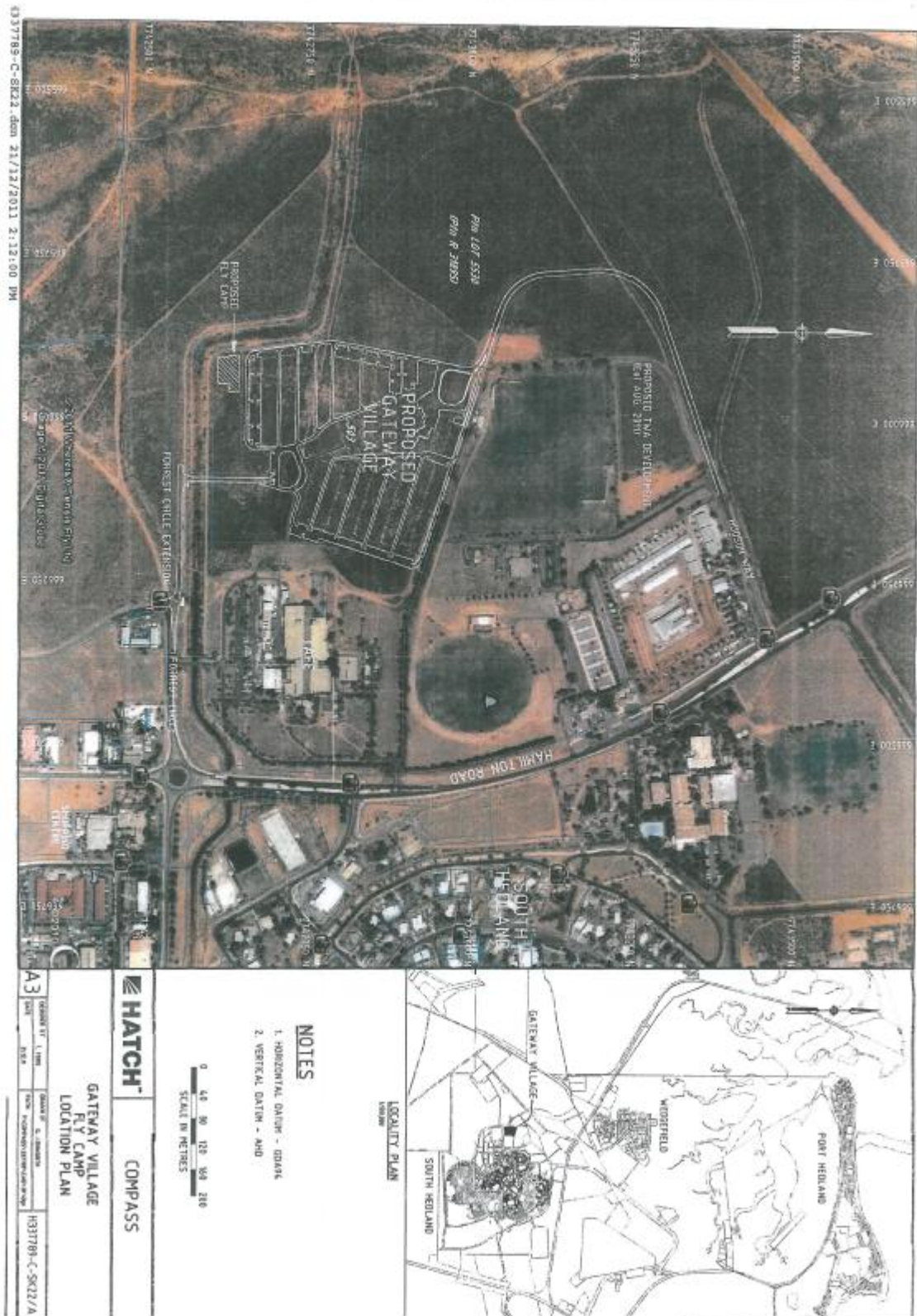
1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. A Building Permit to be issued prior to the commencement of any on site works.
3. In regard to condition 2, the 18 months is calculated from the date of this approval.
4. Further to condition 11, Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Council's Manager Environmental Health Services.
5. The development is to comply with the Health (Public Buildings) Regulations 1992.
6. Be advised that at the building licence stage a detailed floor plan will be required to be submitted in order for Town to assess compliance with the Health (Public Buildings) Regulations 1992.
7. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

8. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

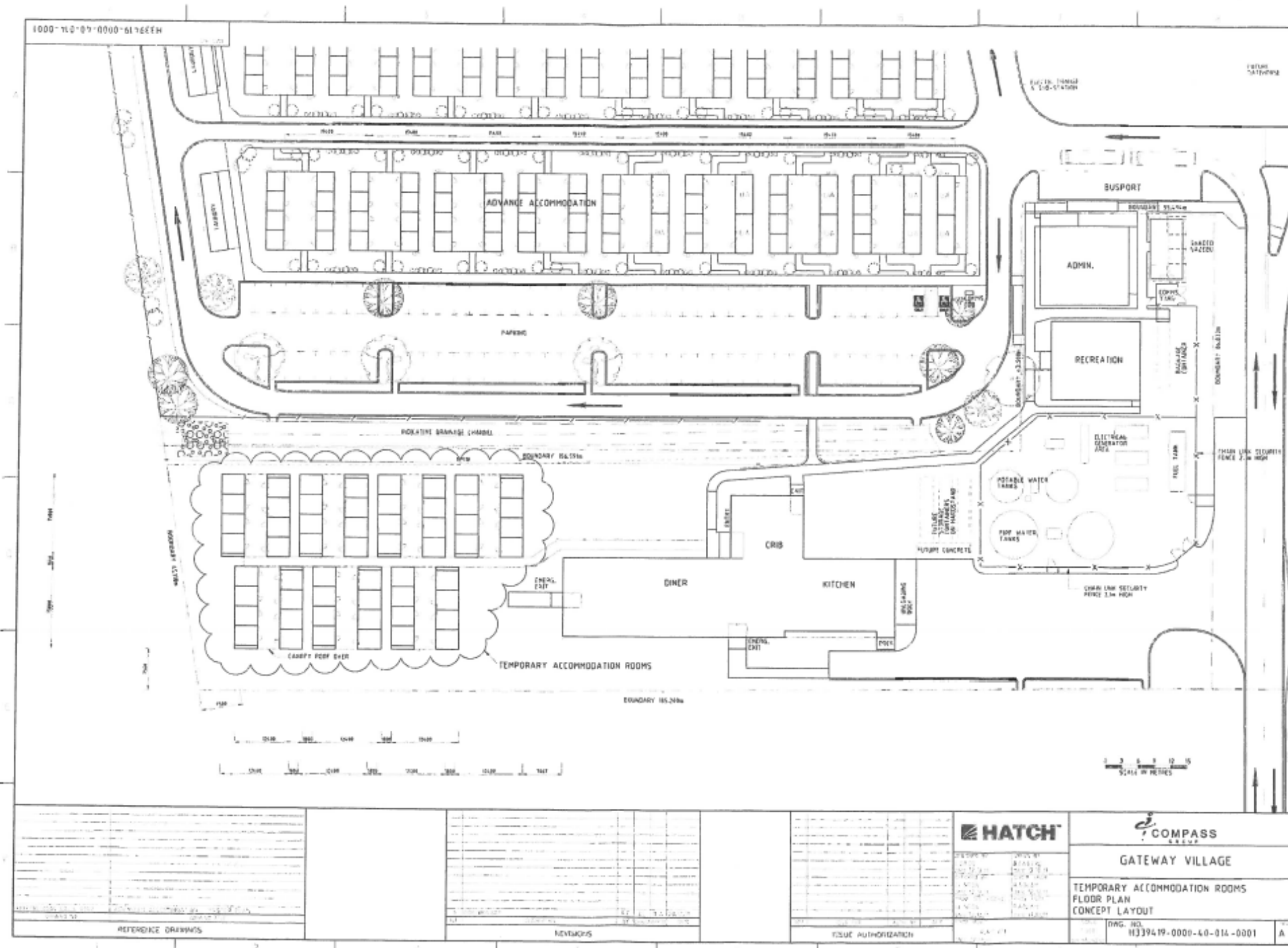
9. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

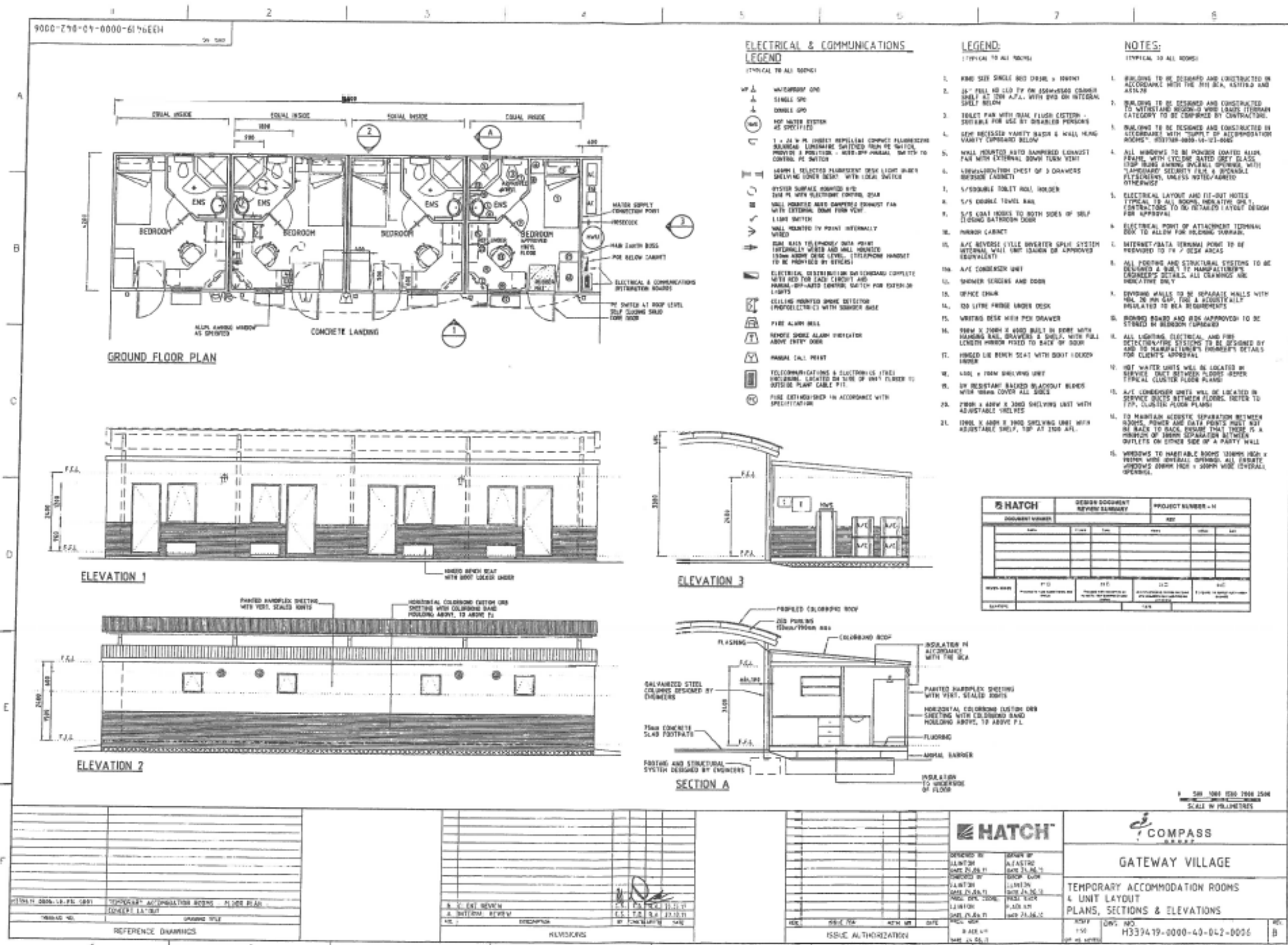
CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.7



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11.1.8 Proposed Residential Building on Lot 67 (169) Greenfield Street South Hedland Rural Estate (File No.: 154444G)

Officer Steve De Meillon
Acting Manager
Planning Services

Date of Report 12 June 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from LMCD Holdings Pty Ltd on behalf of Evan and Karen Young being the owners of Lot 67 (169) Greenfield Street South Hedland Rural Estate (site), for a “Residential Building”.

The proposal has been referred to Council for determination as the application has been recommended for refusal.

Background*Previous Applications*

There have been three (3) applications for a “Residential Building” within the Turner River precinct, which is also zoned “Rural Residential”. Each application was recommended for refusal, however Council approved each respective development.

Location and description (ATTACHMENT 1)

The subject site is located along the western side of Greenfield Street South Hedland Rural Estate (Attachment 1), and measures approximately 1.709ha.

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned “Rural Residential” and is currently developed with a single dwelling and associated outbuildings. The permissibility of the proposed “Residential Building” is an “AA” use.

The Proposal (ATTACHMENT 2)

The applicant is seeking approval of a “Residential Building” consisting of a 4 bedroom, 2 bathroom single storey building.

Consultation

Internally:

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

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

Externally:

- Horizon Power,
- Water Corporation,
- Department of Water

Water Corporation, Department of Water and Horizon Power have raised no objection to the proposal.

Notwithstanding that the Scheme does not require an "AA" use to be advertised, given the nature of the proposal and its locality the application was advertised for a period of 14 days in the North West Telegraph and letters were sent out to all residents within the South Hedland Rural Estate.

As a result of the above external advertising Council has received 3 written submissions. Two submissions supporting the proposed development and one objection. (*ATTACHMENT 3*)

The objection can be summarized as follows:

- The proposed development would impact on the amenity of neighbours and the surrounding area;
- The proposed land use is not in accordance with the "Rural Residential" zone.

Applicants Response (ATTACHMENT 4)

As highlighted in the original proposal and justification letter, the development is a 'Residential Building' and not a dwelling. A dwelling is defined in TPS5 as:

A building or portion of a building being used or intended, adapted or designed to be used for the purpose of human inhabitation on a permanent basis by:

- A single person;
- A single family; or
- No more than six persons who do not comprise a single family.

This proposal does not expressly comply with the definition above as outlined in the original submission as the building is intended to be used either for the provision of accommodation for people on a temporary basis or more than 6 people on a permanent basis. In other words, it is not proposed to be expressly used to provide permanent accommodation and accordingly can't be accurately defined as a dwelling.

The proposed use of the building is more consistent with the definition of a Residential Building as highlighted in the original submission. A Residential Building is a use that may be permitted in the Rural Residential zone. The question of its appropriateness therefore comes down to compliance with objectives of the Rural Residential zone and the provisions of the Scheme.

The proposed development complies with all specific provisions of the Scheme applicable to the Rural Residential zone.

The proposal is also consistent with the intent of the zone which is outlined through the definition provided for it in TPS5:

“Subdivision and development of land where lots and dwellings are located in a rural setting, where the use of the lots may include agriculture and the development standards for lots, including lot sizes have been endorsed by Council in accordance with Commission policy.”

The proposed development does not compromise the rural setting of the locality. The building is setback in a manner consistent with other existing buildings in the estate and has a built form reflective of existing development. The frontage of the development will remain consistent with existing lots in the street and does not affect the appearance of the size of the lot. Traffic generated by the development will also be negligible. It also has no impact on the ability of adjoining or surrounding residents to use their property for agricultural uses should they wish to do so.

We consider the proposed development and use of the building is consistent with the intent of the area. Importantly, approval of the development does not constitute an as of right subdivision because approval is not being granted for an additional dwelling. Therefore the integrity of the minimum 1ha lot size requirement expressly defined in the Scheme and in relevant State Planning Policies is not compromised.

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

Nil

Budget Implications

An application fee of \$1774.76 has been received as per the prescribed fees approved by Council.

Officer's Comment*Classification of use*

From a planning perspective there is great concern relating to the definition of the building. The applicant has requested that the building be approved as a "Residential Building" which is defined in the Port Hedland Town Planning Scheme No. 5 as being:

"a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation:

- a. temporarily by two or more persons, or*
- b. permanently by seven or more persons*

Who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, and motel or holiday accommodation".

The proposed development does not include any buildings or portion of a building separate from each other. The plans submitted are that of a single dwelling and does not represent any differential design changes.

It is considered the proposal is best defined as a "Grouped Dwelling", which is defined as:

"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".

A Grouped dwelling is a prohibited use within a Rural Residential area. The proposed additional dwelling will be contained on the same lot as the existing dwelling and is therefore considered to better fit the definition of a "Grouped Dwelling" as opposed to that of a "Residential Building".

Options

Council has the following options when considering this application:

1. Approve the Application

This option should be chosen if Council agrees with the applicant that the proposal includes a “Residential Building” as opposed to “Group Dwelling” as contended by the Planning Unit and believes the visual amenity associated with the building is acceptable.

2. Refuse the Application

This option should be chosen if Council agrees with the Planning Unit that the proposal includes a “Grouped Dwelling” which is a prohibited use in the Rural Residential zone.

It has been recommended that Council refuse the application due to the proposal containing a prohibited use being a “Grouped Dwelling”.

Attachments

1. Locality Map
2. Site Plan, Floor Plan and Elevations
3. Submissions Received
4. Applicants Response

Officer’s Recommendation

Moved: Cr Carter

That Council:

- i) REFUSES the application submitted by LMCD Holdings Pty Ltd on behalf of Evan and Karen Young for a Residential Building at Lot 67 (169) Greenfields Street, South Hedland Rural Estate for the following reasons:
 1. The proposed use does not meet the definition of a “Residential Building” as defined by the Town Planning Scheme No. 5
 2. In terms of TPS5 the proposed use is better defined as “Grouped Dwelling” being a prohibited use within a “Rural Residential” zone.

NOTE: The motion lapsed for want of a seconder.

201112/513 Council Decision**Moved: Mayor Howlett****Seconded: Cr Hunt**

That Council approves the application submitted by LMCD Holdings Pty Ltd on behalf of Evan and Karen Young for a residential Building at Lot 67 (169) Greenfields Street, South Hedland Rural Estate subject to the following conditions:

- 1. This approval relates only to the proposed “Residential Building”, and is to be generally in accordance with the approved plans;**
- 2. In terms of the Town of Port Hedland Town Planning Scheme No. 5, “Residential Building” is defined as follows and shall only be used for this purpose:**

“Residential Building,

A building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- a) Temporarily by two or more persons, or**
- b) Permanently by seven or more persons,**

Who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, motel or holiday accommodation.

- 3. This approval shall remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval shall remain valid for twelve (12) months only;**
- 4. A minimum of six (6) car bays shall be provided as per the approved site plan;**
- 5. No parking bays shall be obstructed in any way or used for any other purpose than parking;**
- 6. Stormwater shall be retained on-site, in accordance with Council’s Technical Services Guidelines;**
- 7. 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;**

8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the developers cost, to the specification and satisfaction of the Manager Technical Services;

Conditions to be cleared by Planning Services prior to application being made for a building permit.

9. Prior to the submission of a building licence permit, the owner / developer shall submit and have approved by the Manager Planning Services an Erosion Prevention and Sediment Control Plan;
10. Prior to the submission of a building permit application, a construction management plan shall be submitted and approved by the Manager Planning Services. The construction management plan shall indicate how it is proposed to manage the following during construction:
 - i) The delivery of materials and equipment to the site;
 - ii) The storage of materials and equipment on the site;
 - iii) The parking arrangements for the contractors and subcontractors;
 - iv) Impact on traffic movement;
 - v) Operation times including delivery of materials; and
 - vi) Other matters likely to impact on the surrounding residents / businesses

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

11. Prior to the occupation of the “Residential Building”, 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;
12. Prior to the occupation of the “Residential Building”, an approved effluent disposal system shall be installed to the specification of the Town’s Environmental Health Services and to the satisfaction of the Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health;

ADVICE NOTES:

1. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements;

2. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300. Please note the clearance of conditions may take up to 28 days to be processed;
3. The developer shall take note, the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services the one hundred (100) year Annual Recurrence Interval cycle of flooding may affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure measures adopted to avoid risk will be adequate. The issuing of a Planning Approval and/or Building Permit is not intended as, and must not be understood as, confirmation the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding;
4. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

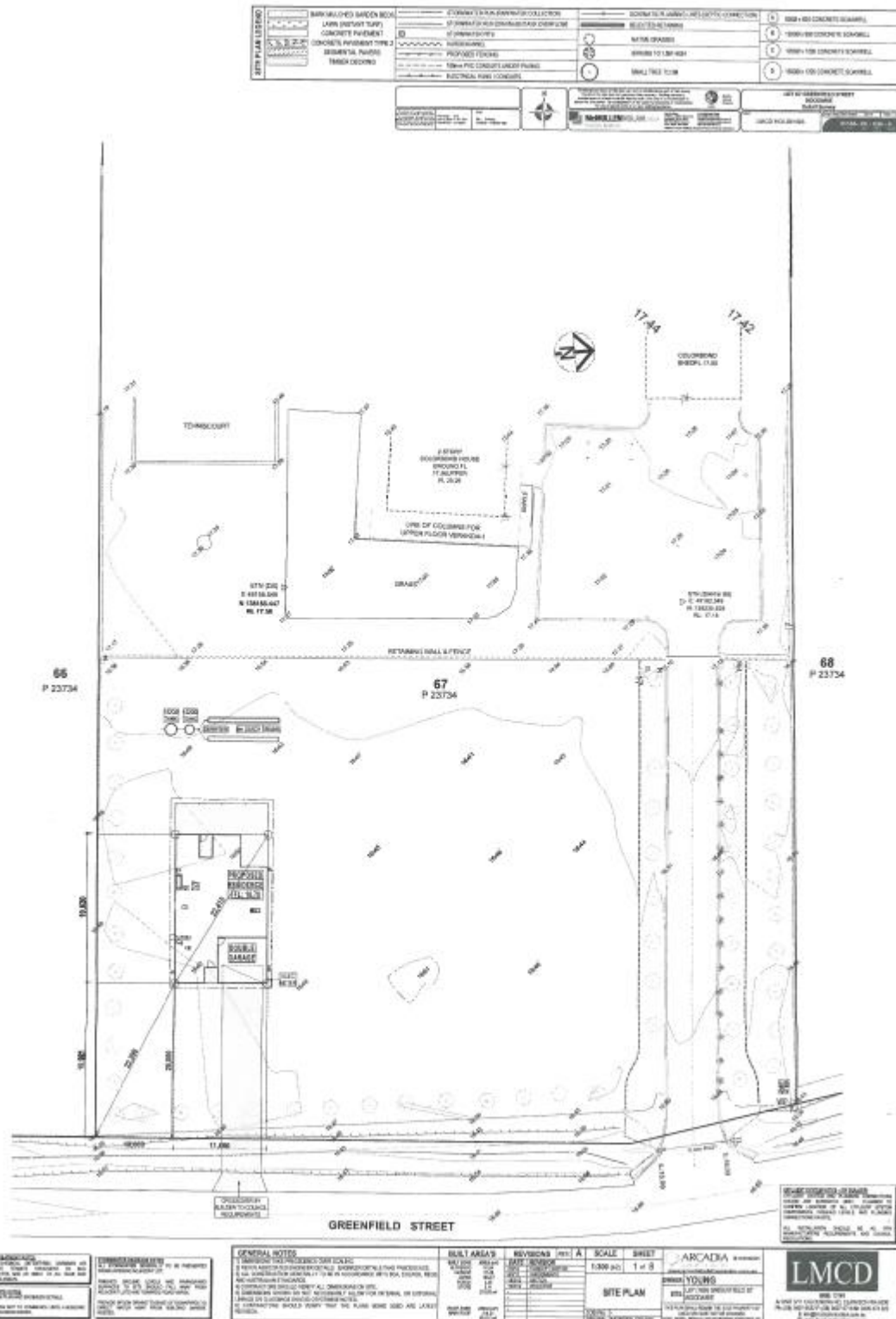
CARRIED 7/0

REASON: Council approved the application submitted by LMCD Holdings Pty Ltd for a Residential Building at Lot 67 (169) Greenfields Street, South Hedland due to the desperate need for housing in town.

ATTACHMENT 1 TO ITEM 11.1.8



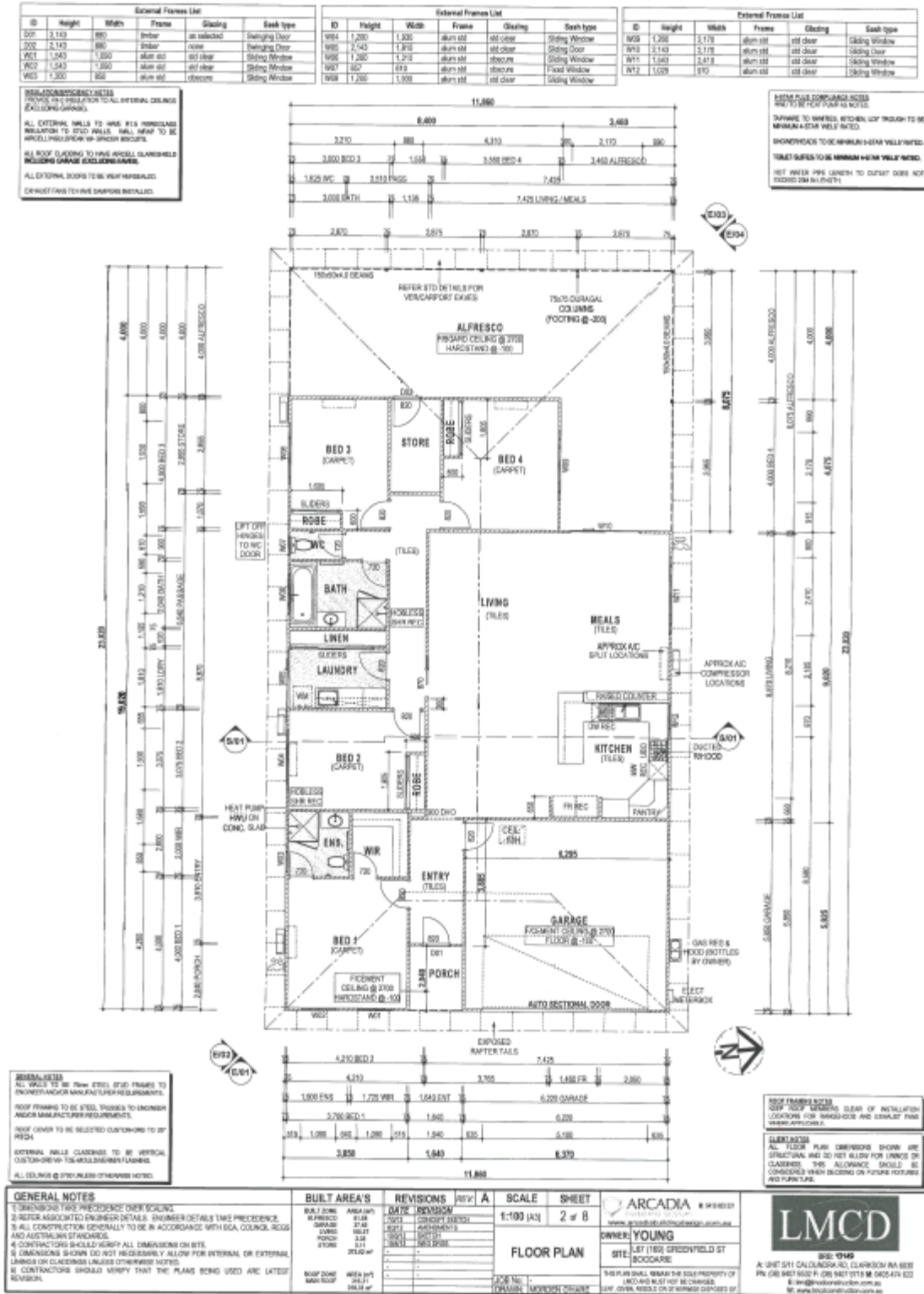
ATTACHMENT 2 TO ITEM 11.1.8



External Frames List						External Frames List						External Frames List					
ID	Height	Width	Frame	Glazing	Slab type	ID	Height	Width	Frame	Glazing	Slab type	ID	Height	Width	Frame	Glazing	Slab type
W01	2.410	380	aluminum	as indicated	Sliding Door	W04	1.220	1.000	aluminum	as clear	Sliding Window	W08	1.500	2.110	aluminum	as clear	Sliding Window
W02	2.410	380	aluminum	none	Sliding Door	W05	2.110	1.810	aluminum	as clear	Sliding Door	W09	2.145	2.110	aluminum	as clear	Sliding Door
W03	1.540	1.080	aluminum	as clear	Sliding Window	W06	1.260	1.210	aluminum	obscure	Sliding Window	W10	1.840	2.410	aluminum	as clear	Sliding Window
W04	1.540	1.080	aluminum	as clear	Sliding Window	W07	1.810	1.710	aluminum	obscure	Panel Window	W11	1.830	2.410	aluminum	as clear	Sliding Window
W05	1.260	1.000	aluminum	obscure	Sliding Window	W08	1.200	1.000	aluminum	as clear	Sliding Window	W12	1.830	2.410	aluminum	as clear	Sliding Window



GENERAL NOTES 1. DIMENSIONS FOR PRECISION (OVER SIZES) 2. REFER ASSOCIATED ENGINEER DETAILS. DRAWING DETAILS TAKE PRECEDENCE. 3. ALL CONSTRUCTION DIMENSIONS TO BE IN ACCORDANCE WITH RECA, COUNCIL CODES AND AUSTRALIAN STANDARDS. 4. CONTRACTORS SHOULD VERIFY ALL DIMENSIONS ON SITE. 5. DIMENSIONS SHOWN DO NOT NECESSARILY ALLOW FOR INTERNAL OR EXTERNAL FINISHES OR CLADDING UNLESS OTHERWISE NOTED. 6. CONTRACTORS SHOULD VERIFY THAT THE PLUMB BINS USED ARE LISTED REVISION.	BUILT AREA'S BUILT AREA: 61.64 SQM ALUMINUM: 17.45 SQM GLASS: 165.51 SQM ROOF: 1.21 SQM TOTAL: 185.81 SQM	REVISIONS NO. DATE DESCRIPTION 1 10/06/12 100% 2 21/06/12 100% 3 28/06/12 100% 4 28/06/12 100% 5 28/06/12 100% 6 28/06/12 100% 7 28/06/12 100% 8 28/06/12 100% 9 28/06/12 100% 10 28/06/12 100% 11 28/06/12 100% 12 28/06/12 100% 13 28/06/12 100% 14 28/06/12 100% 15 28/06/12 100% 16 28/06/12 100% 17 28/06/12 100% 18 28/06/12 100% 19 28/06/12 100% 20 28/06/12 100% 21 28/06/12 100% 22 28/06/12 100% 23 28/06/12 100% 24 28/06/12 100% 25 28/06/12 100% 26 28/06/12 100% 27 28/06/12 100% 28 28/06/12 100% 29 28/06/12 100% 30 28/06/12 100% 31 28/06/12 100% 32 28/06/12 100% 33 28/06/12 100% 34 28/06/12 100% 35 28/06/12 100% 36 28/06/12 100% 37 28/06/12 100% 38 28/06/12 100% 39 28/06/12 100% 40 28/06/12 100% 41 28/06/12 100% 42 28/06/12 100% 43 28/06/12 100% 44 28/06/12 100% 45 28/06/12 100% 46 28/06/12 100% 47 28/06/12 100% 48 28/06/12 100% 49 28/06/12 100% 50 28/06/12 100% 51 28/06/12 100% 52 28/06/12 100% 53 28/06/12 100% 54 28/06/12 100% 55 28/06/12 100% 56 28/06/12 100% 57 28/06/12 100% 58 28/06/12 100% 59 28/06/12 100% 60 28/06/12 100% 61 28/06/12 100% 62 28/06/12 100% 63 28/06/12 100% 64 28/06/12 100% 65 28/06/12 100% 66 28/06/12 100% 67 28/06/12 100% 68 28/06/12 100% 69 28/06/12 100% 70 28/06/12 100% 71 28/06/12 100% 72 28/06/12 100% 73 28/06/12 100% 74 28/06/12 100% 75 28/06/12 100% 76 28/06/12 100% 77 28/06/12 100% 78 28/06/12 100% 79 28/06/12 100% 80 28/06/12 100% 81 28/06/12 100% 82 28/06/12 100% 83 28/06/12 100% 84 28/06/12 100% 85 28/06/12 100% 86 28/06/12 100% 87 28/06/12 100% 88 28/06/12 100% 89 28/06/12 100% 90 28/06/12 100% 91 28/06/12 100% 92 28/06/12 100% 93 28/06/12 100% 94 28/06/12 100% 95 28/06/12 100% 96 28/06/12 100% 97 28/06/12 100% 98 28/06/12 100% 99 28/06/12 100% 100 28/06/12 100%	SCALE: 1:100 (A3) SHEET: ELEVATIONS DRAWN BY: J. L. L. CHECKED BY: M. J. L.	ARCADIA ENGINEERS 100/102 GARDEN STREET, SYDNEY NSW 1588 PH: (02) 9439 1000 FAX: (02) 9439 1010 WWW.ARCADIAENGINEERS.COM.AU	LMCD 100/102 GARDEN STREET, SYDNEY NSW 1588 PH: (02) 9439 1000 FAX: (02) 9439 1010 WWW.LMCD.COM.AU
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ATTACHMENT 3 TO ITEM 11.1.8



6 June 2012

Mr. I. Hill
A/Chief Executive Officer
Port Hedland Council
McGregor Street
Port Hedland WA 6721

QUBE BULK Pty Ltd
ABN 13 138 868 758

PO Box 773
West Perth
WA 6872

T: +61 8 8141 1000
F: +61 8 8141 1013

qube.com.au

Dear Mr. Hill,

ENDORSEMENT OF PROPOSED RESIDENTIAL BUILDING – 169 GREENFIELD STREET

Qube Ports & Bulk (formerly POAGS) has reviewed the planning proposal for a residential building at 169 Greenfields Street, and wishes to express our support of the proposal.

Qube has an established and growing interest in the Pilbara region and Port Hedland in particular. We provide general stevedoring services at the Port Hedland port and manage and operate the Utah Point bulk stockyard. Qube own 7 properties for staff in Port Hedland and have recently purchased a residential property at 33 Greenfield Street.

Qube acknowledges that accommodation is an enduring challenge in the town and that more and more employers are being forced to recruit Fly-In Fly-Out workforces. Qube Ports & Bulk do not employ a FIFO workforce in any of our 28 sites nationwide. Integration of workers in the community is an important part of our company's Corporate Social Responsibility. We believe that through innovative projects such as that proposed for 169 Greenfield Street, more workers will have the opportunity to integrate into the Port Hedland community.

Qube believes that the physical aspects of the building will not adversely affect the amenity of the South Hedland Rural Estate and we welcome this form of housing within the Estate.

Should further information be required please contact Darian Macey, Project Engineering Manager, darian.macey@qube.com.au, mob 0409 784 945.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Todd Emmert".

Todd Emmert
Director Bulk

ZERO HARM

13 June 2012

Chief Executive Officer
Town of Port Hedland
Civic Centre
McGregor St
PORT HEDLAND WA 6721

Attention: Michael Pound

Dear Michael,

**DEVELOPMENT APPLICATION No: 2012/78 FOR A RESIDENTIAL BUILDING - LOT 67 (169)
GREENFIELD STREET, SOUTH HEDLAND RURAL ESTATE**

As the landowners of Lot 4 (13) Greenfield Street, South Hedland, we wish to convey our support for the Development Application (Ref No. 2012/78) which seeks planning approval for the development of a Residential Building at Lot 67 (169) Greenfield Street, South Hedland.

The proposed development is considered appropriate in this location and will assist in meeting the severe accommodation shortages being experienced throughout the Port Hedland and broader Pilbara region.

Sincerely,

Marian and Tony Dawson

Pound Michael

From: Gloria Ann Lockyer Kays [gloria@biwa.com.au]
Sent: Wednesday, 13 June 2012 12:26 PM
To: Pound Michael
Cc: jackie.holm@planning.wa.gov.au
Subject: Application No.2012/78 Residential Building Lot 67 Greenfield Street 28/5/12

Importance: High

I would like to make comment and give response to request for submission of comment with the above.

I feel this application is conflicted with and goes against the rural zone guidelines received by the TOPH which states only one resident dwelling per lot in the South Hedland Rural Estate. It also makes very clear in the guideline that the rural zone is for purpose of rural business/activity such as:

- Horses, goats, chooks,
- Market garden etc
- Bee farm etc
- Minor Agricultural activities

The fact that the TOPH is considering this application even though it goes against the zoning guidelines because the wording dwelling is not used and residence has been put in place to allow one dwelling and one residence is corrupted in that its using the play of words to justify breaking its own rules. The TOPH has also indicated that these "residence" can be rented out to others is not compliant with the rural business/activity at all so where does this end with the play of words?

I have am a local resident born and bred of 44 yrs old. I have watched people come into this town playing with words, changing the environment (the reef, spoil bank, high rise buildings, mining developments etc) and taking whatever resources suits them using the authority of the TOPH over many years and wonder all the time where it will end. The decisions made by a few are left with the long time residents of this town, once those who have taken what they want get their \$\$ and leave to another area.

I used to go and help Barbara Greenfield (Auny Barb) as a teenager when she was alive build up the horse riding estate from nothing. She left me with nothing but inspiration and pride for the rural area and its activities. Now I have seen over the past 10 years people buy acre lots and build a home for the peace and quiet away from the town site where everything is becoming industrialised with the mining boom. I brought out there to one day get a few horses and provide a home for not only my family but my pets, our chooks and live in harmony with the little bit of zoned rural setting left in the township.

I am not happy to watch the rural estate become a town estate where it loses the purpose it was intended to as outlined above to further accommodate fifo needs. The rural estate is the only bit of zoned land area where you can have a horse and the increased flow of traffic into the area will diminish the rural nature and intent of zoning for purpose of rural business/activities.

I oppose this application for those reasons and also question the Councils play of words on this application to consider approving the second dwelling regardless of what you want to call it. It goes against the rules of rural estate zoning.

I encourage and support the enhancement of rural type activities where we can keep horses other livestock and businesses that support and enhance the community's rural activities.

Yours sincerely

Gloria Ann Lockyer Kays

Resident of Rural Estate
71 Greenfield Street, South Hedland WA 6722

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

ATTACHMENT 4 TO ITEM 11.1.8

Pound Michael

From: Owen Hightower [owen@hpd.net.au]
Sent: Friday, 15 June 2012 2:56 PM
To: Pound Michael
Cc: helen@lmcconstruction.com.au
Subject: RE: Application No.2012/78 Residential Building Lot 67 Greenfield Street 28/5/12

Hi Michael,

Thanks for the opportunity to respond. We appreciate the comments from a long-standing local resident of Port Hedland and the Rural -Residential Estate.

As highlighted in the original proposal and justification letter, the development is a 'Residential Building' and not a dwelling. A dwelling is defined in TPS5 as:

A building or portion of a building being used or intended, adapted or designed to be used for the purpose of human inhabitation on a permanent basis by:

- A single person;
- A single family; or
- No more than six persons who do not comprise a single family.

This proposal does not expressly comply with the definition above as outlined in the original submission as the building is intended to be used either for the provision of accommodation for people on a temporary basis or more than 6 people on a permanent basis. In other words, it is not proposed to be expressly used to provide permanent accommodation and accordingly can't be accurately defined as a dwelling.

The proposed use of the building is more consistent with the definition of a Residential Building as highlighted in the original submission. A Residential Building is a use that may be permitted in the Rural Residential zone. The question of its appropriateness therefore comes down to compliance with objectives of the Rural Residential zone and the provisions of the Scheme.

The proposed development complies with all specific provisions of the Scheme applicable to the Rural Residential zone.

The proposal is also consistent with the intent of the zone which is outlined through the definition provided for it in TPS5:

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The proposed development does not compromise the rural setting of the locality. The building is setback in a manner consistent with other existing buildings in the estate and has a built form reflective of existing development. The frontage of the development will remain consistent with existing lots in the street and does not affect the appearance of the size of the lot. Traffic generated by the development will also be negligible. It also has no impact on the ability of adjoining or surrounding residents to use their property for agricultural uses should they wish to do so.

We consider the proposed development and use of the building is consistent with the intent of the area. Importantly, approval of the development **does not constitute an as of right subdivision** because approval is not being granted for an additional dwelling. Therefore the integrity of the minimum 1ha lot size requirement expressly defined in the Scheme and in relevant State Planning Policies is not compromised.

Thank you for the opportunity to respond and we look forward to the timely consideration of the proposal.

Regards

From: Gloria Ann Lockyer Kays [<mailto:gloria@biwa.com.au>]
Sent: Wednesday, 13 June 2012 12:26 PM
To: Pound Michael
Cc: jackie.holm@planning.wa.gov.au
Subject: Application No.2012/78 Residential Building Lot 67 Greenfield Street 28/5/12
Importance: High

I would like to make comment and give response to request for submission of comment with the above.

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- Market garden etc
- Bee farm etc
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The fact that the TOPH is considering this application even though it goes against the zoning guidelines because the wording dwelling is not used and residence has been put in place to allow one dwelling and one residence is corrupted in that its using the play of words to justify breaking its own rules. The TOPH has also indicated that these "residence" can be rented out to others is not compliant with the rural business/activity at all so where does this end with the play of words?

I have am a local resident born and bred of 44 yrs old. I have watched people come into this town playing with words, changing the environment (the reef, spoil bank, high rise buildings, mining developments etc) and taking whatever resources suits them using the authority of the TOPH over many years and wonder all the time where it will end. The decisions made by a few are left with the long time residents of this town, once those who have taken what they want get their \$\$ and leave to another area.

I used to go and help Barbara Greenfield (Auny Barb) as a teenager when she was alive build up the horse riding estate from nothing. She left me with nothing but inspiration and pride for the rural area and its activities. Now I have seen over the past 10 years people buy acre lots and build a home for the peace and quiet away from the town site where everything is becoming industrialised with the mining boom. I brought out there to one day get a few horses and provide a home for not only my family but my pets, our chooks and live in harmony with the little bit of zoned rural setting left in the township.


I am not happy to watch the rural estate become a town estate where it loses the purpose it was intended to as outlined above to further accommodate fifo needs. The rural estate is the only bit of zoned land area where you can have a horse and the increased flow of traffic into the area will diminish the rural nature and intent of zoning for purpose of rural business/activities.

I oppose this application for those reasons and also question the Councils play of words on this application to consider approving the second dwelling regardless of what you want to call it. It goes against the rules of rural estate zoning.

I encourage and support the enhancement of rural type activities where we can keep horses other livestock and businesses that support and enhance the community's rural activities.

Yours sincerely

Gloria Ann Lockyer Kays
Resident of Rural Estate
71 Greenfield Street, South Hedland WA 6722

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11.1.9 *Proposed Street Names for the approved subdivision of Lot 1693 Parker Street and Lot 2119 Stanley Street, South Hedland (File No.: 28/17/0001)*

Officer	Ryan Djanegara Planning Officer
Date of Report	11 June 2012
Application No	2012/198
Disclosure of Interest by Officer	Nil

Summary

The Town has received a request from Cedar Woods Pty Ltd to endorse the proposed names for the new roads that will be created as a result of the proposed subdivision of Lot 1693 Parker Street and Lot 2119 Stanley Street, South Hedland.

This report is before Council to approve the proposed street names.

Background

The subdivision of Lot 1693 Parker Street and Lot 2119 Stanley Street will result in the creation of new roads. The applicant has proposed the following road names:

1. Cherabin Boulevard
2. Threadfin Loop
3. Longtom Loop
4. Trevally Road
5. Wrasse Crescent
6. Perch Way
7. Cobia Close

The applicant has provided a list of alternative names, should the proposed names not be suitable. The suffixes for the roads may be changed. They are listed as follows:

1. Wahoo
2. Trout
3. Emperor
4. Snapper
5. Barramundi
6. Crab
7. Whiting

Consultation

Nil

Statutory Implications

The naming or renaming of roads must be dealt with as per Part 2, Division 3, Section 26A of the *Land Administration Act 1997*.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The road names provided by the applicant are in keeping with the general theme of the area, being mainly nautical. These names represent various marine fauna species that are well associated with the local area as identified in the *Species Identification Guide – North Coast Region (Pilbara/Kimberley)* (Attachment 2).

As they have not been utilised within the Town, the following names are recommended for approval:

1. Cherabin Boulevard
2. Threadfin Loop
3. Longtom Loop
4. Trevally Road
5. Wrasse Crescent
6. Perch Way
7. Cobia Close

Options

Council has the following options for responding to the request:

1. Support the request for the use of Cherabin Boulevard, Threadfin Loop, Longtom Loop, Trevally Road, Wrasse Crescent, Perch Way and Cobia Close for the newly created roads as indicated on Attachment 1.

The approval of the applicants request will result in the newly created roads being named as per Part 2, Division 3, Section 26A of the *Land Administration Act 1997*.

2. Reject the request for the use of Cherabin Boulevard, Threadfin Loop, Longtom Loop, Trevally Road, Wrasse Crescent, Perch Way and Cobia Close for the newly created roads as indicated on Attachment 1.

Should Council choose to refuse the applicants request, the applicant will need to seek an alternative names for the newly created roads.

Attachments

1. Street Name Plan

201112/514 Officer's Recommendation/Council Decision

Moved: Cr Carter

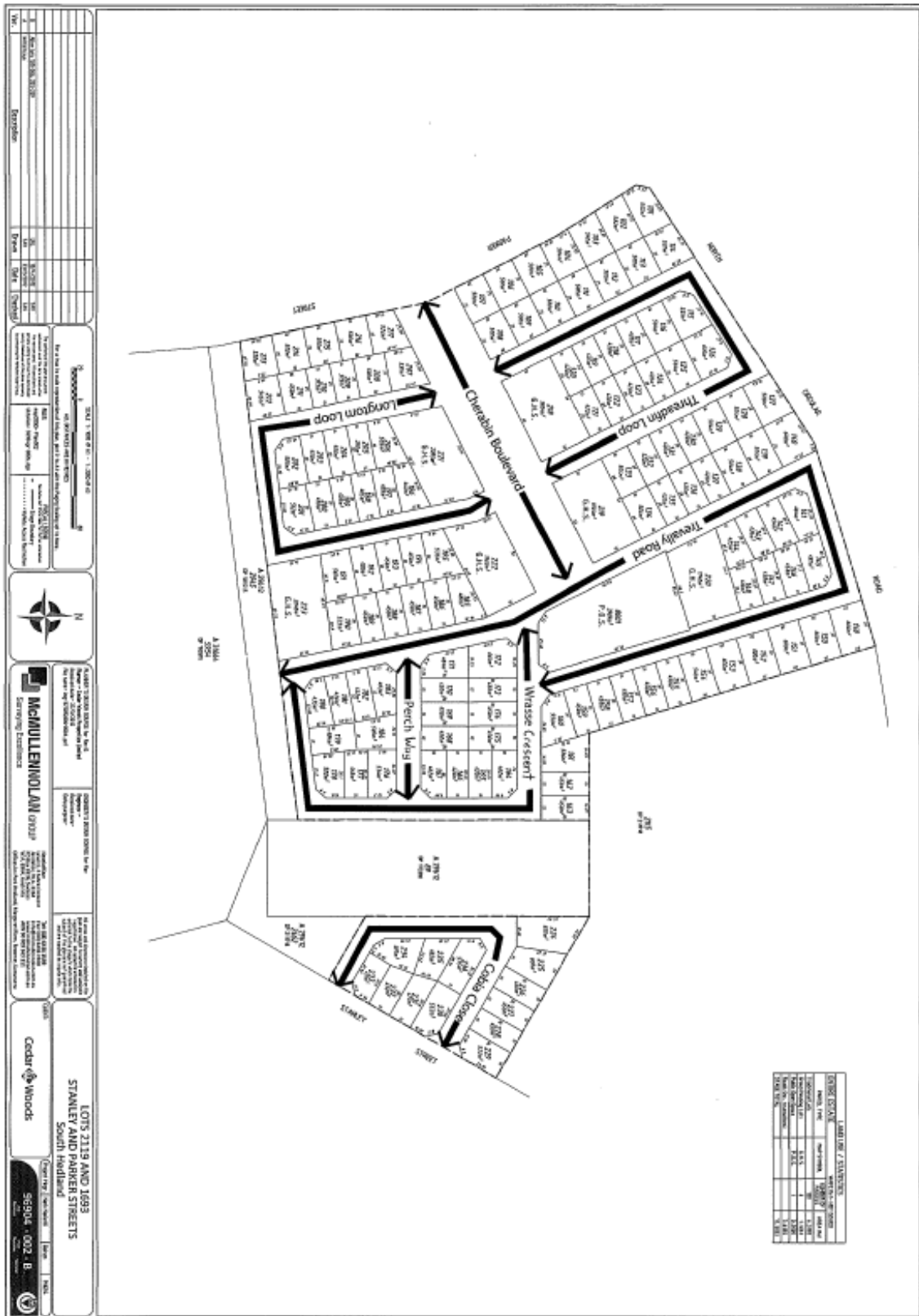
Seconded: Cr Gillingham

That Council:

1. **Approves the use of Cherabin Boulevard, Threadfin Loop, Longtom Loop, Trevally Road, Wrasse Crescent, Perch Way and Cobia Close for the newly created roads as indicated on Attachment 1;**
2. **Delegates the Manager Planning Services to forward the approved road names to the Geographic Names Committee for final approval;**
3. **Advises the applicant that any cost associated with the required road signage will be at the cost of the applicant;**
4. **Advises the applicant that the proposed street signs are to be to the specifications of the Council's Engineering requirements and to the satisfaction of the Manager Infrastructure and Development.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.9



11.1.10 Request for Council to support "Industry – Noxious" land use on Reserve 30985

Officer	Michael Pound Senior Planning Officer
Date of Report	13 June 2012
Disclosure of Interest by Officer	Nil

Summary

Council Officers have received a request from Miguel Grima on behalf of Savannah Engineers (WA) Pty Ltd to comment on the proposal to excise a portion of land on Reserve 30985 for the development of an "Industry – Noxious" land use.

This item is presented to determine Council's position on the matter.

Background

Savannah Engineers have applied to the Department of Regional Land and Development (DRDL) to excise a portion of land on Reserve 30985 (site) (*ATTACHMENT 1 & 2*). DRDL requested the applicant obtain a letter of support from the Town of Port Hedland in order to progress their request.

The applicant has requested the letter of support as they are constrained by the availability of land within Wedgefield given the size of land required for their proposed operations.

Consultation

The applicant has received sixteen (16) letters of support from the following companies/agencies (*ATTACHMENT 3*):

- Sandringham Nominees (Councillor Carter);
- S R Martin Building & General Contractors (Councillor Martin);
- Town of Port Hedland Airport Operations Management;
- Town of Port Hedland Works Facilities Management;
- Town of Port Hedland Waste Management;
- Hedland First National (Mr Serge Doumergue);
- Coleman Brothers Pty Ltd (Mr Henry and Robert Coleman)'
- Managers of Budget, Avis, Thrifty and Eurocar Rentals and Hire;
- C.M.A Recycling (Mr Adam Mischke);
- Avanti Windscreens (Mr Daniel Fraser); and
- Freo Group (Mr Andrew Martain).

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 endorsed Land Use Master Plan (LUMP)
- The Pilbara's Port City Growth Plan

Budget Implications

Nil

Officer's Comment*Council's strategic objective for Wedgefield*

The Land Use Master Plan (LUMP) recommends the Wedgefield Industrial area be rezoned to "Light Industry", making noxious uses "non-conforming", and converting existing general industrial uses to "additional uses" for a period of ten years from the date new land suitable for general industrial use is released for development.

Furthermore, LUMP identified that for noxious and general industrial uses that have significant impacts on their surroundings, the Town of Port Hedland will define an area of approximately 200 hectares immediately south of Boodarie Industrial Estate. This area is well removed from sensitive land uses and it has access to Great Northern Highway.

The Pilbara's Port City Growth Plan has identified the area in Boodarie as Precinct 15. The area will support major down-stream processing, port dependant industrial, noxious industry, utilities and general industrial support operations.

Suitability of Reserve 30985

Given the large area of undeveloped land on the Reserve and its access to Great Northern Highway, the proposed location of this land use is considered desirable for the proposed use on the site.

Applicant's justification

The applicant has provided the following justification in support of obtaining a portion of land on Reserve 30985:

Savannah Engineers (WA) Pty Ltd (SE) and its fully owned subsidiary Savannah Mining and Marine Solutions (SMMS) would like to apply to the State of WA for land leases to facilitate its expansion and service its current and future contracts.

Expansion of SE and SMMS and its service is constrained by the lack of land to buy or lease and the cost of that land when opportunistic selling and/or leasing prices prevail due to shortage.

SE as the parent company has made it company policy to be a local company in every town we operate in, our commitment to each town is demonstrated by:

- *Employing 180 local workers, with only 2 being fly in fly out*
- *Employing local Indigenous workers*
- *Buying stock and spare parts locally where possible*
- *Contracting other local businesses to provide other services*
- *Sponsoring local sporting clubs, charity's, community events, fundraisers and schools*
- *Offering the facilities and services as a " ONE STOP SHOP " for all aspects in the commercial, industrial, private, residential, mining and marine sectors that are desperately needed in the Pilbara.*

SE has to date purchased 2 commercial properties in Port Hedland. The first in the Port Hedland LIA and the second in Wedgefield. Our commercial success has seen our company outgrow both premises and we have now found ourselves to be in a position that our current and future growth is been hindered by the lack of suitable premises. We currently require premises equivalent to 40,000m² but at a minimum 20,000m² or 2 20,000m² premises would be ideal, where we can operate from 24 hours a day.

SE has been seeking premises for some time now and at present Wedgefield still has no premises available close to either 40,000m² or 20,000m². The closest land available is a combination of 2 titles, 7 Trig Street and 16 Murrena which is not suitable as this is the biggest lot available and is only 9032m².

The Port Hedland Port Authority also has no land available to lease and Landcorp have advised that the next release of land is only approx 2,000m² lots with the biggest future block being approx 8,000m² and that is up to 5 years away. We also have additional constraints in Wedgefield with the fact that there are in excess of 100 care takers residences, a 1000 person camp in Schillaman Street, which mean we cannot operate 24 hours a day 7 days a week. In addition road train, fixed and mobile plant access to Wedgefield is limited, it is also limited as power lines cross the roads and are lower than plant when transported.

This it-self presents a unique set of issues and extreme cost to the client due to power outages to other Wedgefield business when power has to be disconnected for access.

Therefore our last resort is to apply to the State of WA for lease land. Our investigations have revealed that land may be available in the Bell Street, 7 miles and 12 mile areas. Our preference would be in order 12 mile then 7 mile and lastly Bells Street. If no lots are available in these areas we would like to consider any other lots and sizes that you have available as we may possibly be able to break up our operations into smaller segments, although this is not preferable.

The release of land in the 7 or 12 mile areas would be ideal as a large proportion of our clientele base operates in the vicinity of 7 and 12 mile such as hire car agencies from the airport, Coleman Brothers Transport, Town of Port Hedland Council and Air Port Services. We are also currently in negotiations to facilitate a 20,000m2 hardstand and gas line project for a gas pipe line whom also have the supply contract for the Wheat Stone Project and may only be based in Port Hedland if 20,000m2 can be made available, with a project start date of March 2012. We request a lease with the permitted uses of commercial/industrial and accommodation.

The allocation of these lease premises will enable SE to expand their core business and provide greater local employment, greater participation in the local economy and its long term sustainability.

Options

Council has the following options in responding to the request:

1. Resolve to support the proposal to excise a portion of land on Reserve 30985 for the development of an "Industry – Noxious" land use..

Supporting the proposal will allow the applicant to progress the application with DRDL to excise a portion of land for their development needs.

2. Resolve to object to the proposal to excise a portion of land on Reserve 30985.

Objecting to the proposal will result in the noxious operations being relocated to the Boodarie locality as identified in the LUMP and the Pilbara's Port City Growth Plan.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Proposed Draft Site Plan
3. Letters of Support

201112/515 Officer's Recommendation/Council Decision

Moved: Cr Carter

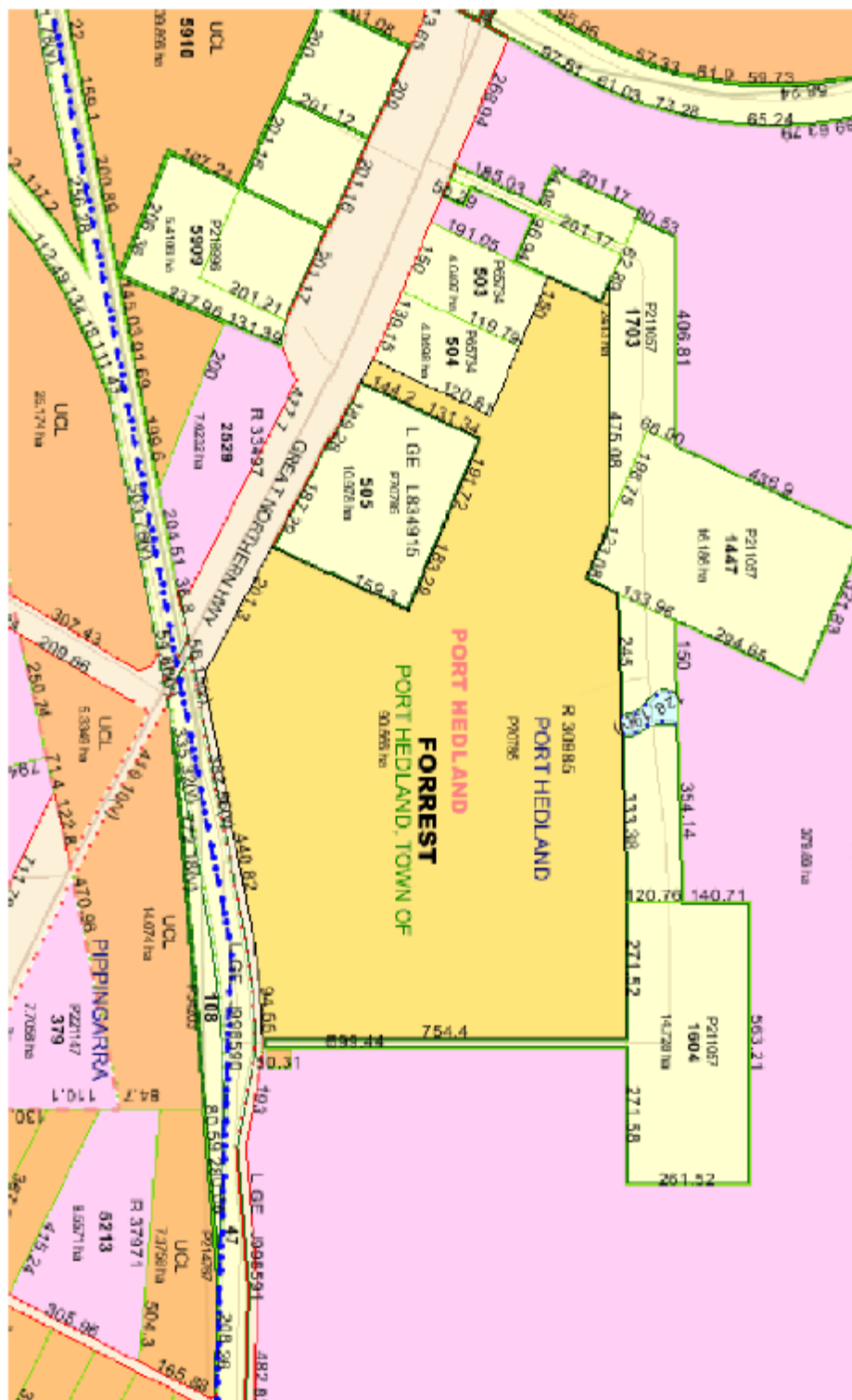
Seconded: Cr Jacob

That Council:

1. **Supports the proposal to excise a portion of land on Reserve 30985 for the development of an "Industry – Noxious" land use;**
2. **Delegates the Manager Planning Services to inform the Department of Regional Development and Lands that Council supports the proposal to excise a portion of land on Reserve 30985 for the development of an "Industry – Noxious" land use;**
3. **Requests Manager Planning Services to investigate the option of excising a larger portion of land; and**
4. **Requests the Manager Planning Services to investigate a Scheme Amendment to rezone the reserve to Strategic Industry.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.10



ATTACHMENT 2 TO ITEM 11.1.10



30 Pinnacles Street, Wedgefield W.A. 6721
P.O. Box 70
Ph: (08)9173 3928 fax: (08)9173 3903
Email: hedland.@savannah.net.au
ABN: 91 153 540 428

Tuesday 17/04/2012

TO WHOM IT MAY CONCERN

(As per our initial submission please view the below details)

Savannah Mining and Marine Solutions and Savannah Engineers have been operating in the Pilbara for the past 20 years. The diverse service solutions we offer are as follows:

- 1) Heavy diesel mechanical repairs
- 2) Light vehicle maintenance and repairs
- 3) Marine engine maintenance and repairs
- 4) Fixed plant and load out facility maintenance and repairs
- 5) Self bunded mobile service facilities
- 6) Field service support
- 7) Auto electrical repairs
- 8) Air conditioning repairs
- 9) Wind screen fitting
- 10) Flat laminate glass fitting
- 11) Hydraulic repairs and componentry
- 12) Parts and accessories
- 13) Preventative maintenance and scheduled servicing programs
- 14) Engineering, line boring and boiler making
- 15) Structural fabrication and light to medium construction
- 16) Sheet metal work specialising in aluminium and stainless steel
- 17) Sand blasting and spray painting
- 18) Tyres
- 19) Marine and automotive upholstery
- 20) Powered marine workshop facilities
- 21) Remote parts delivery
- 22) Labour hire
- 23) Machining
- 24) Rubber lining

Upon approval of our industries requirements to utilise the land and on completion of our feasibility studies we intend on building the following infrastructure:

- 1) Workshop facilities to accommodate the above mentioned services
- 2) Hydrocarbon waste management facility
- 3) Wash down bay facility
- 4) First aid facility
- 5) Office facility

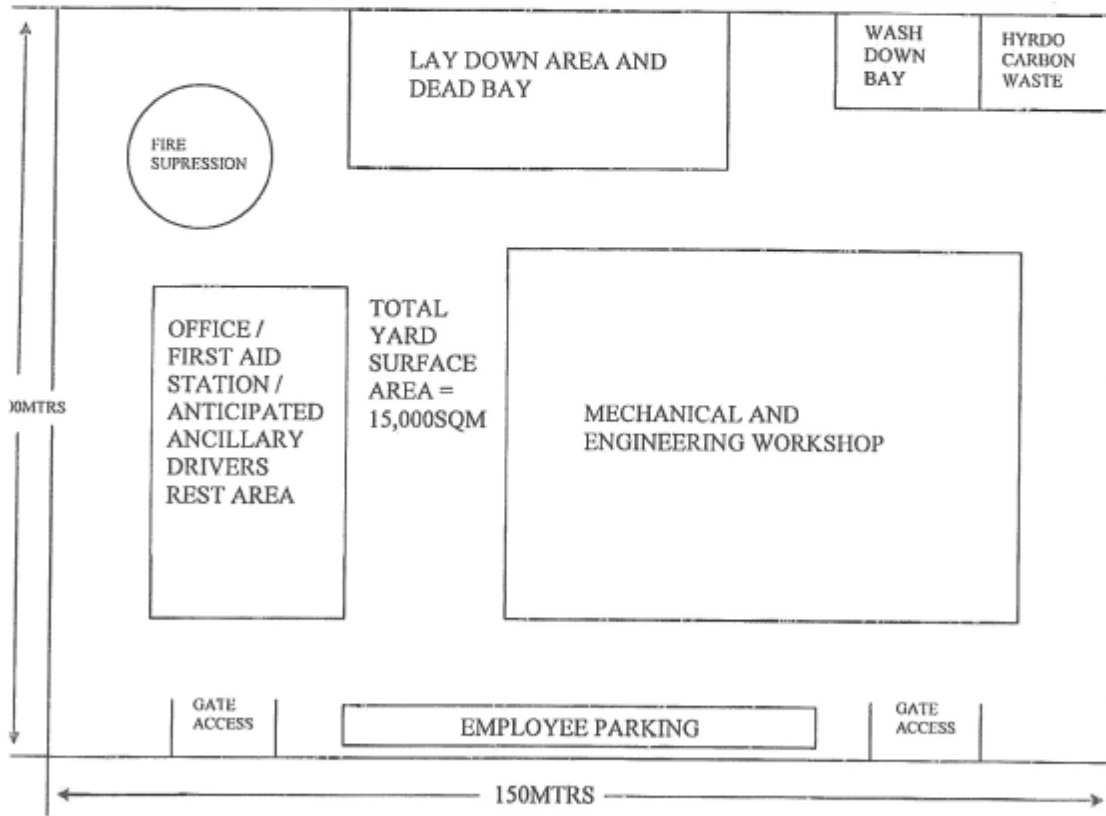


30 Pinnacles Street, Wedgefield W.A. 6721
 P.O. Box 70
 Ph: (08)9173 3928 fax: (08)9173 3903
 Email: hedland.@savannah.net.au
 ABN: 91 153 540 428

- 6) Anticipated ancillary drivers rest area facility
- 7) Fire suppression facility

The land mass we would like to obtain is approximately: 15000 square metres

The proposed infrastructure layout is illustrated below:



The coordinates for the two (2) parcels of land we are interested in are as follows:

Parcel 1: 20 degrees 14'8"/118 degrees 24'18", 20 degrees 13'49"/118 degrees 23'24", 20 degrees 14'48"/118 degrees 23'27", 20 degrees 14'47"/118 degrees 23'25"

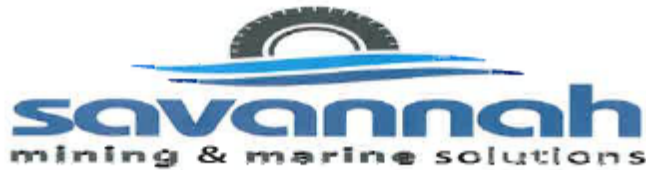
Parcel 2: 20 degrees 14'60"/118 degrees 24'58", 20 degrees 14'54"/118 degrees 24'56", 20 degrees 14'48"/118 degrees 24'59", 20 degrees 14'42"/118 degrees 24'57"



30 Pinnacles Street, Wedgefield W.A. 6721
P.O. Box 397
Ph: (08)9173 3928 fax: (08)9173 3903
Email: mechanical@savannah.net.au
ABN: 71 153 540 428

COMPLETION CHECKLIST

- 1) Our application and demonstration of proposed awarded land.
- 2) 16 confirmation letters of support existing of;
 - Mr Arnold Carter: Councillor and Managing Director
 - Mr Stan Martin: Councillor and Managing Director
 - Town of Port Hedland Airport Operations Management
 - Town of Port Hedland Works Facilities Management
 - Town of Port Hedland Waste Management
 - Mr Serge Doumergue: Hedland First National Commercial Manager, Executive member of Town of Port Hedland Chamber of Commerce and Port Hedland Small Business Association, also a community member of Town of Port Hedland Airport Development Committee.
 - Mr Henry and Mr Robert Coleman: Coleman Brothers PTY LTD.
 - The Managers of Budget, Avis, Thrifty, and Europcar rentals and hire.
 - Mr Adam Mischke: Manager of C.M.A Recycling
 - Mr Daniel Fraser: Manager of Avanti Windscreens
 - Mr Andrew Martain: Fleet Controller of Freo Group
- 3) 4 pages of donations to local sporting clubs, charities, fundraisers, community events and schools.
- 4) Our company profile: Stating what ensures Savannah Engineers and Savannah Mining and Marine are the leaders in our industries.



30 Pinnacles Street, Wedgefield W.A. 6721
P.O. Box 397
Ph: (08)9173 3928 fax: (08)9173 3903
Email: mechanical@savannah.net.au
ABN: 71 153 540 428

16th November 2011.

Murray Raven

Landgate.

RE: Application to contract for the lease of State of WA land.

Dear Mr Raven,

Savannah Engineers (WA) Pty Ltd (SE) and its fully owned subsidiary Savannah Mining and Marine Solutions (SMMS) would like to apply to the State of WA for land leases to facilitate its expansion and service its current and future contracts.

Expansion of SE and SMMS and its service is constrained by the lack of land to buy or lease and the cost of that land when opportunistic selling and/or leasing prices prevail due to shortage.

SE as the parent company has made it company policy to be a local company in every town we operate in, our commitment to each town is demonstrated by:

- Employing 180 local workers, with only 2 being fly in fly out
- Employing local Indigenous workers
- Buying stock and spare parts locally where possible
- Contracting other local businesses to provide other services
- Sponsoring local sporting clubs, charity's, community events, fundraisers and schools
- Offering the facilities and services as a " ONE STOP SHOP " for all aspects in the commercial, industrial, private, residential, mining and marine sectors that are desperately needed in the Pilbara.

SE has to date purchased 2 commercial properties in Port Hedland. The first is in the Port Hedland LIA and the second in Wedgefield. Our commercial success has seen our company outgrow both premises and we have now found ourselves to be in a position that our current and future growth is been hindered by the lack of suitable premises.

We currently require premises equivalent to 40,000m² but at a minimum 20,000m² or 2 20,000m² premises would be ideal, where we can operate from 24 hours a day.

SE has been seeking premises for some time now and at present Wedgefield still has no premises available close to either 40,000m² or 20,000m². The closest land available is a combination of 2 titles, 7 Trig Street and 16 Murrena Street, which is not suitable as this is the biggest lot available and is only 9032m². The Port Hedland Port Authority also has no land available to lease and Landcorp have advised that the next release of land is only approx 2,000m² lots with the biggest future block being approx 8,000m² and that is up to 5 years away.

We also have additional constraints in Wedgefield with the fact that there are in excess of 100 care takers residences, a 1000 person camp in Schillaman Street, which means we cannot operate 24 hours a day 7 days a week. In addition road train, fixed and mobile plant access to Wedgefield is limited, it is also limited as power lines cross the roads and are lower than plant when transported. This it-self presents a unique set of issues and extreme cost to the client due to power outages to other Wedgefield businesses when power has to be disconnected for access.

Therefore our last resort is to apply to the State of WA for lease land. Our investigations have revealed that land may be available in the Bell Street, 7 mile and 12 mile areas. Our preference would be in order 12 mile then 7 mile and lastly Bells Street. If no lots are available in these areas we would like to consider any other lots and sizes that you have available as we may possibly be able to break up our operations into smaller segments, although this is not preferable.

The release of land in the 7 or 12 mile areas would be ideal as a large proportion of our clientele base operates in the vicinity of 7 and 12 mile, such as hire car agencies from the airport, Coleman Brothers Transport, Town of Port Hedland Council and Air Port Services. We are also currently in negotiations to facilitate a 20,000m² hardstand and gas line project for a gas pipe line (whom also have the supply contract for the Wheat Stone Project) and may only be based in Port Hedland if 20,000m² can be made available, with a project start date of March 2012. We request a lease with the permitted uses of commercial/industrial and accommodation.

The allocation of these lease premises will enable SE to expand their core business and provide greater local employment, greater participation in the local economy and its long term sustainability.

SE and SMMS would also like to apply for similar sized lease premises in Onslow to facilitate the expansion of its core business and service its growing client base in Onslow.

SE and SMMS are currently engaged in due diligence for the construction of a slipway for the provision of marine services to the greater Onslow and Pilbara area. Due diligence has identified vacant land in:

- Eaglenest Road
- Watson Drive
- Onslow Road
- Second Avenue

Again we would appreciate the opportunity to consider any other premises that you can suggest.

SE and SMMS would like to thank you for your assistance and consideration. I would also like to personally thank you for your kind assistance to date.

Kind regards

SAVANNAH MINING & MARINE SOLUTIONS PTY LTD

Miguel Grima

Superintendent Mechanical Services

SANDRINGHAM NOMINEES

Trading as Carter Agencies

MANAGING DIRECTOR Mr Arnold Carter
Freemantle - Town of Fort Hedland

P.O. Box 217
Port Hedland
W.A. 6721

Ph: (08) 9173 1012
Fax: (08) 9173 1096

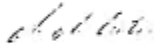
Thursday 16th November 2011

TO WHOM IT MAY CONCERN

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Yours truly



Arnold Carter
Managing Director/Councillor

SUDAN PTY LTD A.C.N. 075 331 074
Trustee for MARTIN FAMILY TRUST
Trading as S R MARTIN BUILDING
Registered Builder 10257

PO Box 437, Port Hedland 6721
2486 Ridley Street, Wedgefield
Telephone: (08) 9172 1327
Email: sudan@norcom.net.au

S R MARTIN
Building & General Contractors
A.B.N. 58 761 183 940

17th November 2011

To whom it may concern.

I wish to confirm my support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial to all road users as it would help reduce heavy traffic into Port Hedland and Wedgefield, where overhead power lines are an access issue.

Yours faithfully



Stan Martin Cr.
Managing Director.

TOWN OF
PORT HEDLAND

16/11/11

The Manager
Savannah Engineers (WA) Pty Ltd

Our Ref:
Your Ref:
Enquiries:
Direct Line:

Dear Sir / Madam,

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would **be** beneficial **as** it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Sukri Brandon', is written over a faint circular stamp.

Sukri Brandon

Airport Reporting Officer

TOWN OF
PORT HEDLAND



16/11/11

┌

┐

Our Ref:

The Manager
Savannah Engineers (WA) Pty Ltd

Your Ref:

Enquiries:

└

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Direct Line:

Dear Sir / Madam,

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Yours faithfully

Mo Davis

Senior Airport Reporting Officer

CIVIC CENTRE, MCGREGOR STREET, PORT HEDLAND
TELEPHONE: (08) 9158 9300 FACSIMILE: (08) 9158 9399

PO Box 41, PORT HEDLAND 6721
EMAIL: council@porthedland.wa.gov.au

TOWN OF
PORT HEDLAND

┌ 16/11/11

└

Our Ref:

Your Ref:

The Manager
Savannah Engineers (WA) Pty Ltd

Enquiries:

└

┌

Direct Line:

Dear Sir / Madam,

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Yours faithfully

Mark Ashby

Airport Reporting Officer

CIVIC CENTRE, McGRIBGOR STREET, PORT HEDLAND
TELEPHONE: (08) 9158 9300 FACSIMILE: (08) 9158 9399

PO Box 41, PORT HEDLAND 6721
EMAIL: council@porthedland.wa.gov.au

TOWN OF PORT HEDLAND

WORK SHOP CAJARINA RD WEDGEFIELD

TO WHOM IT MAY CONCERN

WE wish to confirm our support to Savannah Engineering (WA) PTY LTD Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern highway on the north side of Port Hedland.

A facility in this area would be beneficial as it would reduce the heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue

Yours truly

Douglas Heales

Coordinator of the Work Shop

Phone 91401963

Mob 0407388273

Email spm@porthedland.wa.gov.au

Brown Rob

To: miguel@savannah.net.au
Subject: Support Of Savannah Mining & Marine Solutions Pty Ltd

To whom it May Concern

I would like to confirm my support to Savannah Engineers WA and Savannah Mining and Marine Solutions for the establishment of a facilities based complex on the Gt Nthrn Highway on the North Side of Port Hedland.

Regards



Rob Darlington Brown
Waste Coordinator
PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9733 Fax: (08) 9158 9399
Mbr: +61 418 223 153
Email : wastec@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

Real Estate Agents, Property, Commercial & Strata Managers



2, 20 Wedge Street, Port Hedland WA 6721
Telephone: (08) 9173 9200 Facsimile: (08) 9173 2363
www.hfn.com.au

16/11/2011

TO WHOM IT MAY CONCERN

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Yours truly

A handwritten signature in black ink, appearing to read 'Serge Doumergue', written over a horizontal line.

Serge Doumergue

Commercial Manager.

Also executive member of:

Port Hedland Chamber of Commerce

Port Hedland Small Business Association.

And community member of:

Town of Port Hedland Airport Development Committee.

Corresponder.c.c.:
Westskye Property P/L ATF Westskye Trust & Riverpark Homes P/L
ATF Angus James Family Trust T/A Hedland First National Real Estate ABN 42 759 657 213
PO Box 391 Port Hedland Wa 6721
email: admin@hfn.com.au



Coleman Brothers Pty Ltd
ABN 64 874 461 733 ACN 074 461 733

2 Roper Street C^oCONNOR WA 6163
PO BOX 1023 WILLAGEE CENTRAL WA 6156
Telephone: 98 9331 4444
Facsimile: 98 9331 3533

16th November 2011

TO WHOM IT MAY CONCERN

Colemans wish to confirm support to Savannah Engineers (WA) Pty Ltd, Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland, but South of the Walkabout Hotel.

A facility on this area would be beneficial as it would reduce heavy traffic into the town and into Wedgefield, where overhead power lines are an access issue.



H.T. Coleman
Administration Manager



16th November 2011-11-16

To Whom it May Concern

We wish to confirm our support to Savannah Engineers (WA) PTY LTD and Savannah Mining and marine solutions for the establishment of a facilities complex based on the Great Northern Highway on the North Side of Port Hedland

A facility in this area would be beneficial to Budget Rent A Car for Vehicle maintenance to be done closer to our facilities here at the Airport instead of having to run our vehicle all over Port Hedland

Regards

A handwritten signature in black ink, appearing to read "DK", written over the word "Regards".

David King

Branch Manager
Budget Rent A Car

LOCAL RESERVATION TELEPHONE: 13 27 27 1698 SITE: www.budget.com.au



Avis Australia
PO Box 309
Port Hedland, WA, 6721
Ph: (08) 91401 877
Fax: (08) 91 722
Stephanie.Lynch@avis.com.au

18 Nov 2011

To whom it may concern,

We wish to confirm our support to Savannah Engineers (WA) PTY Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Hwy on the north side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic into the town and into Wedgefield where overhead power lines are an access issue.

Yours truly,

Stephanie Lynch

Manager Avis Australia
Port Hedland airport.

WHT PTY Trading as AVIS Australia Aff/5-15 000 166 865

PORT HEDLAND BRANCH Direct (08) 9172 8000
Ithe Pty Ltd Fax (08) 99140 2580
An Independent Licensee of Email porthedland@thriftywa.com
Kingmill Pty Ltd Website www.thrifty.com.au/wa
Trading as Thrifty Car Rental
A.B.N. 28 356 747 284
Harwell & Cajarina Rds
Wedgefield WA 6722 Tel RESERVATIONS
PO Box 2903 Tel 136 139 (Western Australia)
South Hedland WA 6722 Tel 1300 367 227(Interstate/International)



TO WHOM IT MAY CONCERN

WE WISH TO CONFIRM OUR SUPPORT TO SAVANNAH ENGINEERS (WA) PTY LTD AND SAVANNAH MINING AND MARINE SOLUTIONS FOR THE ESTABLISHMENT OF A FACILITIES COMPLEX BASED ON THE GREAT NORTHERN HIGHWAY ON THE NORTH SIDE OF PORT HEDLAND

A FACILITY IN THIS AREA WOULD BE BENEFICIAL AS IT WOULD REDUCE HEAVY TRAFFIC IN TO THE TOWN AND INTO WEDGEFIELD WHERE OVERHEAD POWER LINES ARE AN ACCESS ISSUE

YOURS TRULY
FRANK COLLINS

BRANCH MANAGER
PORT HEDLAND
Thrifty Australia Pty Ltd

17-11-2011

To whom it may concern

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine solutions for the establishment of a facilities complex based on the great Northern Highway on the North side of Port Hedland.

A facility area would be beneficial as it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Kind Regards,

Ashley Ruthers
Manager | Port Hedland & Karratha



M 0417026183
E porthedland.europcar@westnet.com.au
W www.europcar.com.au

Now servicing the Pilbara are including Port Hedland, Karratha, Newman and Exmouth



CMA Recycling Pty Ltd
Lot 2508 Moorabine Street
Wedgefield WA 6721

PO Box 1904
South Hedland WA 6722

Tel + 61 (0)8 9172 3124
Fax + 61 (0)8 9172 3869
www.cmacorp.net

ABN 74 003 047210

16/11/2011

To whom it may concern,

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Yours truly

Site Manger
Adam Mjischke

A handwritten signature in black ink, appearing to read "Adam Mjischke", written over a horizontal line.



Head Office
Unit 2/18 Clark Court, Bibra Lake WA 6163
P.O. Box 2334, Kardinya 6163
Phone: (08) 9418 4166 Fax: (08) 9418 6877
Email: tony@avanti.com.au

Port Hedland
2/86-88 Anderson Street, Port Hedland 6721
P.O. Box 219 Port Hedland WA 6721
Phone: (08) 9173 4334 Fax: (08) 9173 1283

To whom it may concern.

We wish to confirm our support to Savannah Engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic to the town and into Wedgefield where overhead power lines are an access Issue.

Yours Truly
Daniel Fraser.

Manager
Avanti Windscreens



1 Mandurah Road
Kwinana WA 6167
t (08) 9419 5444
f (08) 9419 4293
e sales@freogroup.com.au
AOL 089 325 124
ABN 44 089 325 124

16/11/11

To Whom It May Concern:

We wish to confirm our support to Savannah engineers (WA) Pty Ltd and Savannah Mining and Marine Solutions for the establishment of a facilities complex based on the Great Northern Highway on the North side of Port Hedland.

A facility in this area would be beneficial as it would reduce heavy traffic in to the town and into Wedgefield where overhead power lines are an access issue.

Yours truly,

Andrew Martain

Fleet Controller

www.freogroup.com.au

Gene Hire | Heavy Lift | Civil Construction | Concrete Services | Plant Hire | Labour Hire | Heavy Haulage | Over-dimensional Transport



SAVANNAH ENGINEERS (W.A.) PTY LTD - 30/06/2011 (SAVA05) *PART HEADLAND*

GL Transaction Details Report

Prepared by Lawrence Business Management PL

10:38 AM 16 November 11

July 2010 to June 2011, From Acc No. 4346 to Acc No. 4348

All Bank Accounts

Date	Reference	Batch	Comment	Type	Bank	Mth	Total	GST	A/C	Debit	Credit	Running Total
Account No. 4346 Donations												
		Current	Y.T.D.									
This Year:		3313.45	3313.45									
Last Year:		200.00	200.00									
23/07/2010	CR000177	15	Money for SOS	Jnl		7 10	-82.00	0.00			82.00	-82.00
29/07/2010	300017	15	SOS	Jnl		7 10	82.00	0.00		82.00		0.00
20/09/2010	00001915	15	Purchase : St Cecilia' 's Catholic Primary School	Jnl		9 10	1000.00	0.00		1000.00		1000.00
28/09/2010	eft	15	Sponsors hp Lamprech t Speedway	Jnl		9 10	1500.00	0.00		1500.00		2500.00
24/11/2010	00002817	15	Purchase : The Internal Baby Whisperer Pty Ltd	Jnl		11 10	513.45	0.00		513.45		3013.45
07/12/2010	eft	15	Miro Cecich	Jnl		12 10	800.00	0.00		800.00		3813.45
08/12/2010	CR000379	15	Donation s from Employee s for November	Jnl		12 10	-800.00	0.00			800.00	3013.45
11/12/2010	00002776	15	Purchase : Port Headland Yacht Club	Jnl		12 10	300.00	0.00		300.00		3313.45
*** TOTALS ***							3313.45	0.00		4205.45	800.00	
6 Transactions for this Account												

SAVANNAH ENGINEERS (W.A.) PTY LTD - 30/06/2011 (SAVA05) **NEWMAN**
 GL Transaction Details Report
 Prepared by Lawrence Business Management P/L 10:36 AM 16 November 11
 July 2010 to June 2011, From Acc No. 1346 to Acc No. 1346 All Bank Accounts

Date	Reference	Batch	Comment	Type	Bank	Mth	Total	GST A/C	Debit	Credit	Running Total
Account No. 1346 Donations Current Y.T.D. This Year: 61035.14 61035.14 Last Year: 26898.75 26898.75											
09/07/2010	00029283	2	Purchase Jnl Hillview Speedway Club Inc	Jnl		7 10	5000.00	0.00	5000.00		5000.00
10/07/2010	VISA10/7	2	Newman Motorcycles	Jnl		7 10	598.00	0.00	598.00		5598.00
30/07/2010	00030383	2	Purchase Jnl Newman Motor Cross	Jnl		7 10	2000.00	0.00	2000.00		7598.00
01/08/2010	00030485	2	Purchase Jnl East Pilbara Race Club	Jnl		8 10	12000.00	0.00	12000.00		19598.00
10/08/2010	00025505	2	Purchase Jnl Central Football Club	Jnl		8 10	1000.00	0.00	1000.00		20598.00
04/09/2010	401162	2	Bloody Slow Cup	Jnl		9 10	600.00	0.00	600.00		21198.00
25/10/2010	00030917	2	Purchase Jnl Central Football Club	Jnl		10 10	500.00	0.00	500.00		21698.00
01/11/2010	00030986	2	Purchase Jnl Newman Rotarvision	Jnl		11 10	900.00	0.00	900.00		22598.00
18/11/2010	EFT18/11	2	Rotary Club of West Perth	Jnl		11 10	200.00	0.00	200.00		22798.00
03/12/2010	00031471	2	Purchase Jnl Fortescue Golf Club	Jnl		12 10	4112.73	0.00	4112.73		26910.73
07/12/2010	AMX7/12	2	November	Jnl		12 10	968.95	0.00	968.95		27877.68
09/02/2011	00031921	2	Purchase Jnl Newman Camp-Draft & Rodeo Association	Jnl		2 11	1818.18	0.00	1818.18		29695.86
08/02/2011	00031922	2	Purchase Jnl Newman Motorcycle Club	Jnl		2 11	7000.00	0.00	7000.00		36695.86
26/02/2011	VSA26/2	2	Newman Motorcycles	Jnl		2 11	1332.00	0.00	1332.00		38027.86
26/02/2011	VSA26/2	2	Newman Motorcycles	Jnl		2 11	190.00	0.00	190.00		38217.86
02/03/2011	00032163	2	Purchase Jnl Fortescue Golf Club	Jnl		3 11	500.00	0.00	500.00		38717.86
02/03/2011	00032164	2	Purchase Jnl Fortescue Golf Club	Jnl		3 11	400.00	0.00	400.00		39117.86
21/03/2011	401196	2	Pioneers Football and Sporting Club	Jnl		3 11	1000.00	0.00	1000.00		40117.86
12/04/2011	00032527	2	Purchase Jnl Lions Club	Jnl		4 11	181.82	0.00	181.82		40299.68

SAVANNAH ENGINEERS (W.A.) PTY LTD - 30/06/2011 (SAVA05)

NEWMAN.

GL Transaction Details Report

Prepared by Lawrence Business Management P/L

10:36 AM 16 November 11

July 2010 to June 2011, From Acc No. 1346 to Acc No. 1346

All Bank Accounts

Date	Reference	Batch	Comment	Type	Bank	Mth	Total	GST A/C	Debit	Credit	Running Total	
Account No: 1346 - Donations						(Continued ...)						
15/04/2011	401203	2	Newman Junior Football Council	Jnl		4 11	1000.00	0.00	1000.00		41299.68	
16/04/2011	0002705	2	Purchase	Jnl		4 11	5000.00	0.00	5000.00		46299.68	
17/05/2011	00033205	2	Forbes Golf Club : East Pflera Race Club	Jnl		5 11	12000.00	0.00	12000.00		58299.68	
01/06/2011	00025695	2	Purchase	Jnl		6 11	2211.82	0.00	2211.82		50511.50	
01/06/2011	00025697	2	Newman Motorcycles : Newman Motorcycles	Jnl		6 11	523.64	0.00	523.64		51035.14	
*** TOTALS ***							61035.14	0.00	61035.14	0.00		
24 Transactions for this Account												

SAVANNAH ENGINEERS (W.A.) PTY LTD - 30/06/2011 (SAVA05) **KARRATHA**
 GL Transaction Details Report
 Prepared by Lawrence Business Management P/L 10:37 AM 16 November 11
 July 2010 to June 2011, From Acc No. 2346 to Acc No. 2348 All Bank Accounts

Date	Reference	Batch	Comment	Type	Bank	Mth	Total	GST A/C	Debit	Credit	Running Total
Account No. 2346 Donations											
Current Y.T.D.											
This Year: 10700.00 10700.00											
Last Year: 11020.41 11020.41											
28/07/2010	401505	12	Donation 2010/11 Season Sponsor Package	Jnl		7 10	500.00	0.00	500.00		500.00
01/09/2010	eft	12	RC Taverner & Sponsors	Jnl		9 10	800.00	0.00	800.00		1300.00
29/09/2010	eft	12	Sponsors hip for Lamprecht Speedway	Jnl		9 10	1500.00	0.00	1500.00		2800.00
25/10/2010	401637	12	Donation s for Indegenus Basketball Team	Jnl		10 10	500.00	0.00	500.00		3300.00
11/02/2011	401664	12	KBA Subs Mens A Team	Jnl		2 11	750.00	0.00	750.00		4050.00
11/02/2011	401657	12	KBA Subs Womens A Team	Jnl		2 11	750.00	0.00	750.00		4800.00
11/02/2011	401666	12	KBA Subs Womens B Team	Jnl		2 11	750.00	0.00	750.00		5550.00
28/02/2011	eft	12	Karratha Amateur Swimming Club	Jnl		2 11	500.00	0.00	500.00		6050.00
15/04/2011	401679	12	Sponsors hip - Roseters Football Club	Jnl		4 11	1600.00	0.00	1600.00		7650.00
01/05/2011	00042528	12	Purchase Professional Basketball Consultants Pty Ltd	Jnl		5 11	2550.00	0.00	2550.00		10200.00
14/06/2011	401688	12	Donation s to Get Justice Crew to Karratha	Jnl		6 11	500.00	0.00	500.00		10700.00
*** TOTALS ***							10700.00	0.00	10700.00	0.00	
1 Transactions for this Account											



- HEAVY DIESEL MAINTENANCE & REPAIRS
- LIGHT VEHICLE MAINTENANCE & REPAIRS
- MARINE ENGINE MAINTENANCE & REPAIRS
- FIXED PLANT MAINTENANCE & REPAIRS
- SELF BUNDED MOBILE SERVICE FACILITIES
- FIELD SERVICE SUPPORT
- AUTO ELECTRICAL & AIR CONDITIONING REPAIRS
- WINDSCREENS& FLAT LAMINATE GLASS
- HYDRAULIC REPAIRS & COMPONENTRY
- PARTS & ACCESSORIES
- PREVENTATIVE MAINTENANCE & SCHEDULE SERVICE PROGRAMS
- LINE BORING & BOILERMAKING
- SPECIALISING IN ALUMINIUM & STAINLESS STEEL
- SAND BLASTING & SPRAY PAINTING



LABOUR HIRE

P: (08) 9173 3928

M: 0427 197 969

AVAIL. 24/7

F: (08) 9173 3903

E: mechanical@savannah.net.au

PO Box 397, Port Hedland

30Pinnacles Street, Wedgefield 5721



30 Pinnacles Street, Wedgefield W.A. 6721
P.O. Box 397 Port Hedland WA 6721
Ph: (08)9173 3928 fax: (08)9173 3903
Email: hedland.@savannah.net.au
ABN: 91 153 540 428

COMPANY PROFILE

Savannah Mining and Marine Solutions (SMMS): The provider of timely and innovative solutions for the mining, marine, engineering and fabrication sectors.

SMMS is the new force in mining and marine setting the new standard in service delivery and after sales service. SMMS through its long standing strategic relationships, with state and local companies and service providers enable us to deliver superior, timely, cost effective services, spare parts, labour hire and value adding solutions to our client base from our established premises in Port Hedland, Karratha and Newman. Our client base includes the giants of mining such as BHP BIO, Fortescue Metals Group, Atlas Iron and Rio Tinto. Our business model also allows us to provide service to single vehicle businesses and we offer the same dedicated professional service to any client that may need our expertise.

Our work ethic is to consistently exceed customer expectations and our goal is to be the best provider of services to the Mining, Marine, Fabrication and Construction sectors.

SMMS is a specialist service provider founded by Savannah Engineers Pty Ltd of Port Hedland and the Pilbara. Utilising vision, experience and strategic planning, the Managing Director of Savannah Engineers identified the need for a specialist service provider who could with a holistic pro-active approach provide services that not only meet the need of its clients, but value adding and provide value for money and sustainable solutions.

In the last 2 decades, **SAVANNAH ENGINEERS** have made considerable progress by building a successful base in the Pilbara from which to launch a new company that will endure, grow and prosper far into the future. Several factors have contributed to this remarkable record of success, but one stands above all others, our **unwavering commitment to customers**.

Provision of Service:

Our core business is to provide the following all inclusive (but not limited to) services:

- Heavy diesel maintenance and repairs
- Light vehicle maintenance and repairs
- Marine engine maintenance and repairs
- Fixed plant and load out facility maintenance and repairs
- Marine and automotive upholstery
- Engineering, line boring and boiler making
- Structural fabrication and light to medium construction
- Powered marine workshop facilities
- Sheet metal work, specialising in stainless steel and aluminium
- Remote parts delivery
- Windscreens (including flat laminate)
- Hydraulic repairs and Componentry
- Auto electrical and air conditioning repairs

- Parts and accessories
- Labour hire
- Cooling systems
- Field service support facilities
- Self bunded mobile service facilities
- Sand blasting and spray painting
- Preventative maintenance and scheduled servicing programs
- SMMS are agents for: Fuchs Lubricants and Coastmac Trailers



Our dedication and focus on client needs and the ability to value add to every project means that SMMS is viewed as a market leader in the industry and will soon be an indispensable service provider.

How do we do it?

The success enjoyed by SMMS is attributed to the commitment it demonstrates towards key factors such as: staff, customers, products, quality, partnerships and superior service.

- **Staff:** Our Staff are dedicated industry professionals ensuring every client is well served. Our highly skilled management are recognised for their innovation, responsiveness, knowledge and flexibility. Each staff member is carefully selected against criteria of competency and experience. Our staff's commitment to our clients and other service providers must be second to none and together we all work as a team to achieve our goals and create value for money services to our clients.
- **Customers:** Delivering value for money service to our customers, big or small drives everything we do.
- **Safety:** Safety is paramount on every site, lease and project and is constantly reviewed and updated.
- **Service:** Excellence in service is our heart and soul and is the critical factor in the SMMS culture. It is how we continue to meet and exceed our commitments. This attention to clients and detail makes SMMS the indispensable service provider and the answer to your needs.

SMMS workshop and service centre contacts

Contact:	Miguel Grima,
Position:	Mechanical Superintendent
Telephone:	0427 197 969
Email:	miguel@savannah.net.au
Postal address:	PO Box 397 Port Hedland WA 6721
Workshop and service centre:	30 Pinnacles Street, Wedgefield WA 6721
Fabrication Centre:	McKay Street, Port Hedland WA 6721



PORT HEDLAND

P.O. Box 70
Lot 1432 McKay St
Port Hedland WA
6721
Ph: (08) 9173 3928
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KARRATHA

PO Box 213
Lot 2889 Pemberton rd
Karratha WA 6714
Ph: (08) 9185 2188
Fax: (08) 9185 4395

WEDGEFIELD

P.O. Box 70
30 Pinnacles st
Wedgefield WA 6721

NEWMAN

PO Box 522
Lot 18 Womnunna st
Newman WA 6753
Ph: (08) 9175 1168
Fax: (08) 9177 8767

www.savannahengineers.com.au

Savannah Engineers (WA) Pty Ltd is a highly successful engineering maintenance company that has been established in the Pilbara for 20 years. We are strategically located in Newman, Karratha and Port Hedland and employ 150 permanent local staff.

We are a leading provider of specialized fixed plant maintenance, shutdown management, fabrication and machining services to the mining and marine industries in the Pilbara region. We offer extensive experience and expansive knowledge in all disciplines of mining and marine maintenance.

We serve as an invaluable local resource to Australia's largest mining companies, delivering on what we say. Savannah Engineers has a simple strategy to ensure customer satisfaction and profitability;

- On site professional management
- Trained and hands on supervision
- Quality tradespeople and employees
- Focus on safe work
- Systems to assure quality



We are committed to zero harm and continuously improve our HSE systems to reflect that value.

About Us

Savannah Engineers (WA) Pty Ltd was incorporated in 1991 by Miro Cecich with the goal of creating a relevant contracting business for today's resource industries. After 30 years of engineering and contracting experience within large companies it was apparent that the heavy overheads and cumbersome systems did not provide the clients with a cost effective or rapid response service.

Savannah Engineer's objective was to provide systems and experienced hands-on personnel that would react to the client's requirements promptly, competitively, competently and most importantly safely. Savannah Engineers success is evidenced by the growth of an owned asset base, a positive cash situation and a string of blue chip clients such as BHP Billiton, Rio Tinto, FMG, HWE, Woodside and Dampier Salt.

Our core business is fixed contracting; however it is not possible to maintain continuity through that alone. Our site operations are strategically located at Newman, Karratha, Port Hedland and Wedgefield; they have fully equipped workshops and offices with management, supervisory staff and up to 150 trade personnel. These provide for everyday client requirements, ranging from minor maintenance to major capital works. These crews are supplemented by as many as 100 additional trade's personnel on major shutdowns.

From these strategic locations we can easily mobilize crews and equipment cost effectively within the entire Pilbara region and northern Goldfields.

Completed contracts have been mechanical or structural with electrical and civil works often included. Our projects are often notable by tight shutdown timetables, confined surroundings, operating mechanical plant and rapid lead times from award to commencement onsite.

Savannah Engineers is closely associated with a large fabrication and machining workshop in Perth. This creates a trusted source, quality and expeditious supply for structural steel, pressure vessels, tankage and all conceivable items between, giving us total project capability throughout WA.

In WA, an emerging environment of co-operation is allowing the freedom to appoint contractors to create solutions in commonly occurring problem areas. We encourage our clients to discuss new ways, using our human and physical resources together with their own staff.

Savannah Engineers is a resourceful company, decisions are prompt and the client requirements are heard and responded to with unequal rapidity. Our focus is to build client relations through service, safety, quality and reliability.

Our Services

Savannah Engineers offers comprehensive maintenance solutions in the following disciplines.

Our core maintenance services capability:

- Fixed price construction contracting
- Fixed and mobile plant maintenance
- Minor and sustaining capital works
- Shutdown planning, management and execution
- Fabrication
- Machining
- Line boring
- Rubber Lining
- Industrial sandblasting and painting
- Labour hire



Fixed price construction contracting

Savannah Engineers has been involved with many capital projects including mechanical, structural, pipework and other disciplines. We offer fixed prices for multi discipline projects, shutdown management and subcontracting.

Fixed and mobile plant maintenance

We offer extensive experience delivering planned maintenance contract systems to our clients. We can supply supervision/ labour for routine, preventative and breakdown maintenance and shutdowns. We offer technical procedures, supervision and repair of structures and wear components in:

- Mobile mining equipment, shovels, dozers, loaders and haulage vehicles
- Crushers, mill feeders and screening equipment
- Bins and hoppers, rock boxes and chutes including rubber lining

Minor and sustaining capital works

Savannah Engineers has extensive experience in performing minor plant upgrades and capital works projects. We are able to undertake all aspects of these projects from construction through to commissioning.

Shutdown planning, management, and execution

As one of our core business services we are highly regarded throughout the Pilbara. Savannah Engineers has an excellent record for successfully executing shutdowns safely, on time, and on budget. We have established a reputation as the contractor of choice for difficult, time constrained shutdowns and deliver on what we say.

Fabrication

Our site workshops are strategically located in Karratha, Newman, Port Hedland and Wedgefield and we fabricate the majority of steelwork, chute work and pipework for our local clients. This offers them the advantages of rapid response and bringing the project closer to the clients' control.

Karratha and Port Hedland also have fully equipped sheet metal workshops capable of handling sheet metal, stainless steel and aluminium.

Offsite we have an association with a large workshop which offers our projects the depth of its experience for large steelwork, pressure vessels, tankage, pipe work and machining.

Machining

Karratha, Newman and Wedgefield are fully fitted out for machining and the equipment included for turning, milling, drilling and horizontal boring.

Line boring

Savannah Engineers has three state of the art mobile line boring machines that are equipped with diesel welder/generator, lighting tower, oxy, toolboxes and are able to mobilize anywhere in the Pilbara 24 hours a day 7 days a week.

Rubber lining

We have a highly skilled team of rubber liners at our Newman operations and our dedicated workshop only uses quality linatex products.

Industrial sandblasting and painting

We are able to blast and paint any fabricated works, and offer onsite industrial blasting and painting.

Labour hire

We pride ourselves on having better than average personnel for any job at hand. This is borne out of our preferential status for labour hire with our many clients. Health and safety is a priority for us and all our personnel undergo rigorous safety education and induction courses before mobilizing to work sites. Personnel available;

- Supervisors/Foremen
- Boilermakers
- Welders and coded welders
- Mechanical fitters/pipe fitters
- Plant fitters/riggers/scaffolders

Our Resources

Savannah Engineers has invested extensively over many years in its plant and equipment. We own all our plant and equipment and constantly upgrade and procure new company resources. We have established excellent facilities in the northwest, where it is very difficult to obtain commercial property and workshop resources due to the very limited amount available. We have a long standing and excellent relationships with all our suppliers and are able procure any equipment we don't have required to do the job. Here is a summary of our current resources, it establishes our ability and credibility to perform both light/ heavy fabrication and maintenance or mobilize work crews anywhere in the Pilbara.

Port Hedland

Our Workshops are situated at 30 Pinnacles st Wedgefield and McKay st Port Hedland. Our Wedgefield workshop is located on 8000m² and has a 1000m² workshop fitted with a 10t overhead crane and 2 x 5t hydraulic gantry cranes. Our Port Hedland workshop is located on 3000m² and has 500m² of workshops.

Our Port Hedland workshops have various metalworking equipment that includes:

- 1 x Guillotine 36mm x 3m
- 1 x Guillotine 12mm x 3m
- 1 x Brake press 50t
- 1 x 60t Hydraulic steel worker
- 2 x spot welders
- 1 x 600t press brake
- 1 x 50t press brake
- 2 x diesel welders
- 1 x 3m lathe
- 1 x 2.5m lathe
- 1 x milling machine



Our Hedland personnel are supported by:

- 1 x 6.5t mine spec truck
- 1 x 7.5t mine spec truck
- 1 x 4.5t dual cab mine spec truck
- 1 x 3t forklift
- 1 x 18 seat mine spec bus
- 9 x mine spec light vehicles

We have various equipment to work with Stainless steel, aluminium and sheet metal. We are equipped for MIG/TIG, ARC air gouging, Flux core welding, Plasma cutting, and plate rolling. We also stock large amount of pipe, plate, sheetmetal, aluminium, angle, flatbar and various other steel.

Karratha

Our workshop situated at Lot2889 Pemberton way is located on 4000m², the workshop is 1000m² and has a 10T overhead crane.

Our Karratha workshop is fully functional with a large array of metal working equipment, these include:

- 200T Press brake (12mm over 4m)
- 50T Press brake
- 12mm Guillotine (3.7m)
- 3mm Guillotine (3m)
- 2 x Radial arm drills
- 2 x Milling Machines
- 2 x Lathes (300mm)
- 1 x 140T Hydraulic steel worker
- 1 x 55T Hydraulic steel worker
- Plate rollers (20mm x 2.4m)
- 2 x Hydraulic Bandsaws (600mm and 450mm)
- 2 x Sheet rollers



We have various equipment to work with Stainless steel, aluminium and sheet metal. We are equipped for MIG/TIG, ARC air gouging, Flux core welding, Plasma cutting, pipe bending and pipe rolling. We also stock large amount of pipe, plate, sheetmetal, aluminium, angle, flatbar and various other steel.

Supporting our personnel at our Karratha Branch we have:

- 1 x 9T Mine spec truck
- 3 x 3T Mine spec Trucks
- 1 x 5T Mine spec Truck
- 17 x Mine spec Light Vehicles
- 1 x 12 seat Mine spec Bus
- 1 x 22 seat Mine spec Bus
- 2 x 3T forklifts

Newman

Our brand new workshop situated at lot 18 Womnunna St is located on 4000m2, the workshop is 1200m2 and has a 10t overhead crane. Our other workshop situated at lot 2313 Laver st is located on 5000m2 and consists of 500m2 main workshop, 300m2 rubber lining shed and sandblasting shed.

Our Newman workshops have various metalworking equipment that includes:

- 1 x 3 m Lathe
- 1 x 2.5m Lathe
- 1 x 1.5m Lathe
- 1 x Milling machine
- 3 x Hoffman MK2 portable line borers
- 2 x Bandsaws (450mm and 600mm)
- 1 x Cold cut saw
- 4 x Airvantage diesel welders
- 2 x portable sand blasting units
- 2 x Fully equipped mobile tool sheds containing caddys, lifting equipment, electrical tools, safety equipment etc.



We also have various other workshop equipment including MIG/TIG, arc air gouging, flux core welding, various electrical tools for site shutdown operations. We stock a large amount of steel including plate, flatbar, angle and pipe at our Newman branch. We also stock a large amount of Linatex rubber and are an authorised dealer for Linatex.

Supporting our personnel at our Newman branch we have:

- 3 x 8t minespec trucks
- 8 x 4.5t dual cab mine spec trucks
- 10 x mine spec light vehicle's
- 3 x 5t fully equipped line boring trucks including diesel gen/welders, oxy, lighting tower and toolboxes
- 2 x 3t forklifts
- 2 x 24 seat mine spec buses

Company Vision and Values

Our Vision

The leader in engineering and maintenance services through quality, safety and excellence.

Our Values

Quality

- We exceed company and customers expectations
- We seek the correct information to do the job right
- We take pride in our workmanship

Safety

- Safety first and foremost
- We treat our workmates like they are our family
- We always comply with safety procedures
- We take action when we see unsafe behaviours or situations

People

- We treat everyone with fairness and respect
- We encourage and motivate one another to work as a team
- We encourage involvement at all levels and value everyone's opinions and input
- We share our skills, knowledge and experience with each other

Performance

- We deliver on what we say
- We actively support our local community and respect our environment
- We take pride in what we do
- We give our best and continually improve

11.1.11 Section 70A Notification for Lot 41 (19) Edgar Street, Port Hedland (File No.: 128650G)

Officer Ryan Djanegara
Planning Officer

Date of Report 8 May 2012

Disclosure of Interest by Officer Nil

Summary

Council has received a request from IDRI Legal on behalf of the owners of Lot 41 (19) Edgar Street, Port Hedland, to affix the Town's Common Seal to a Section 70A notification form, which will enable lodgement of the form with the Registrar of Titles.

Background

A development approval (2011/523) was granted by Planning Services on 23 December 2011. The following condition was imposed as part of the approval:

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

a. 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;

b. 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 regard to 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

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

201112/516 Officer's Recommendation/Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

That Council:

- 1. Approves the request from IDRI Legal on behalf of the owner of Lot 41 (19) Edgar 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 41 (19) Edgar 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 13 of the Development Approval (2011/523) has been satisfactorily complied with.**

CARRIED 7/0

11.1.12 Amendment of Land Use of Reserve 50372 at Lot 3267 Hedditch Street, South Hedland (File No.: 130117G)

Officer Michael Pound
Senior Planning Officer

Date of Report 18 June 2012

Disclosure of Interest by Officer Nil

Summary

Council received a request from Pilbara Cities, on behalf of FORM to amend the purpose of Reserve 50372 at Lot 3267 Hedditch Street, South Hedland, currently "Parking", to include "Community, Art and Recreation".

This request is supported by Council officers, Council is requested to formally approve the request.

Background (ATTACHMENT 1 & 2)

Reserve 50372 located at Lot 5991 Hedditch Street, South Hedland (site) is vested to the Town for "Parking" purposes, the lot is generally known as "Dreamers Corner".

The Pilbara Cities Office in consultation with State Lands has been working with FORM to identify a suitable parcel of land for the proposed development of the Spinifex Art Studio. The site is deemed to be the most suitable and has in-principle support from the Pilbara Development Commission.

In order for FORM to commence development of the Spinifex Art Studio, the current reserve purpose is required to be amended to include "Community, Art and Recreation".

Consultation

Nil

Statutory Implications

Department of Regional Development and Lands Government Land Policy Manual.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

Alternative Sites

This site is extensively used by the community to display and sell second hand vehicles / boats etc, and is commonly known as "Dreamer's Corner".

Given the extensive use of this Reserve by the community, it is imperative to ensure an alternative site is provided. In this regard the following sites have been identified by the Planning unit:

South East corner of the intersection of Hamilton Road and North Circular Road (ATTACHMENT 3).

This site is currently reserved for "Road" purposes and achieves good exposure from traffic entering South Hedland from both Hamilton and North Circular Road south bound.

As a condition of approving the amendment to the existing reserve, which effectively results in the loss of the existing "Dreamers Corner", Pilbara Cities will be requested to fund the access sealing and landscaping of the chosen alternative site.

Events are often hosted on the high school sports grounds, the identified area would serve a dual purpose by being used as parking during events. In addition, should a large event be hosted at the Collin Matheson Oval the area can be used for overflow parking.

Southern side of North Circular Road, east of the high school sport fields (ATTACHMENT 4).

This site has similar benefits as the above (ATTACHMENT 3). However, the site is currently under the ownership / control of the Department of Education, negotiations will have to be entered into to permit the rezoning the portion of land to permit the proposed use. Should this site be chosen it may not be available to the community for at least 12 months.

Options

Council has the following options when considering the request:

1. Support the request to amend the purpose of Reserve 50372 to include "Community, Art and Recreation".

The change in purpose will allow the proposed development of the Spinifex Art Studio to progress.

2. Reject the request to amend the purpose of Reserve 50372 to include "Community, Art and Recreation".

Should Council choose not to approve the change, the reserve will remain purely for parking purposes.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Landgate Plan
3. Alternative Site 1 for "Dreamers Corner"
4. Alternative Site 2 for "Dreamers Corner"

Officer's Recommendation

That Council:

1. Approves the request to amend the purpose of Reserve 50372, located at Lot 5991 Hedditch Street, South Hedland, to include "Community, Art and Recreation", subject to:
 - a. Pilbara Cities providing the funding to access seal and landscape the area identified in 2. below.
2. Approves the use of the portion of "Road Reserve" (2000m²) situated on the South East corner of the intersection of Hamilton Road and North Circular Road (ATTACHMENT 3) for the sale of second hand vehicles.
3. On receipt of a written undertaking from Pilbara Cities effecting 1(a) above, delegates the Manager Planning Services to request the Department of Regional Development and Lands to amend the purpose of Reserve 50372, located at Lot 5991 Hedditch Street, South Hedland, to include "Community, Art and Recreation".
4. Delegates the Manager Planning Services to request the Department of Regional Development and Lands to amend the management order for Reserve 50372 to give the Town the power to sub-lease.

201112/517 Council Decision**Moved: Cr Hunt****Seconded: Cr Jacob****That Council:**

- 1. Approves the request to amend the purpose of Reserve 50372, located at Lot 5991 Hedditch Street, South Hedland, to “Community, Art and Recreation”;**
- 2. Approves the use of the portion of “Road Reserve” (2000m²) situated on the South East corner of the intersection of Hamilton Road and North Circular Road (ATTACHMENT 3) for the sale of second hand vehicles;**
- 3. On receipt of a written undertaking from Pilbara Cities effecting 1(a) above, delegates the Manager Planning Services to request the Department of Regional Development and Lands to amend the purpose of Reserve 50372, located at Lot 5991 Hedditch Street, South Hedland, to include “Community, Art and Recreation”; and**
- 4. Delegates the Manager Planning Services to request the Department of Regional Development and Lands to amend the management order for Reserve 50372 to give the Town the power to sub-lease.**

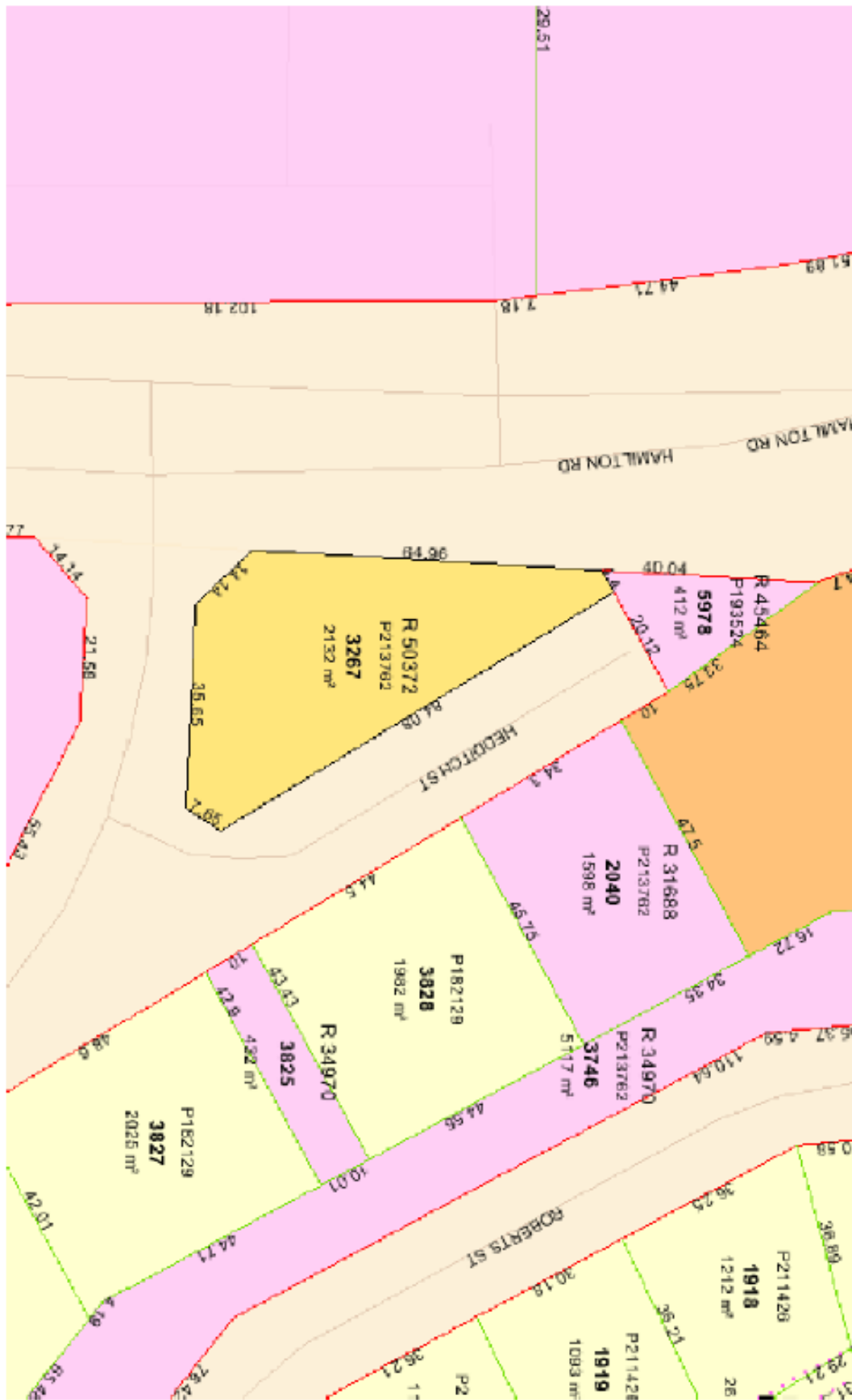
CARRIED 7/0

REASON: Council amended point 1 of the officer’s recommendation to reflect recent advice received from the Planning Department and Pilbara Cities.

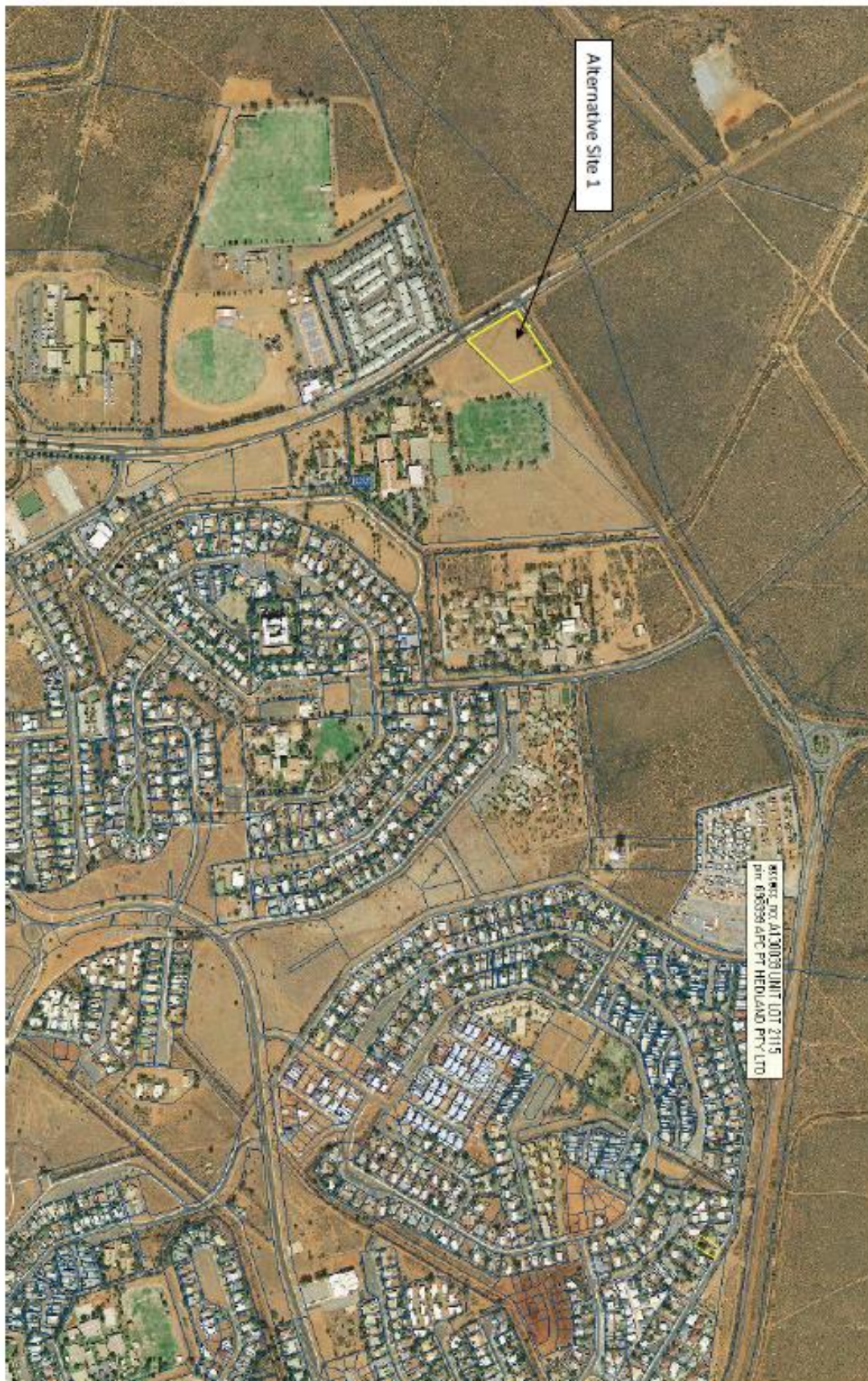
ATTACHMENT 1 TO ITEM 11.1.12



ATTACHMENT 2 TO ITEM 11.1.12



ATTACHMENT 3 TO ITEM 11.1.12



ATTACHMENT 4 TO ITEM 11.1.12



7:27pm Councillors Daccache, Dziombak and Hunt declared a financial interest in agenda item 11.1.13 'Proposed "Use Not Listed" – Fly Camp at Lot 35 Great Northern Highway Port Hedland ' as they are all BHP Billiton shareholders with shares over the statutory limit.

Councillors Daccache, Dziombak and Hunt left the room.

Councillor Jacob declared an impartiality interest in agenda item 11.1.13 'Proposed "Use Not Listed" – Fly Camp at Lot 35 Great Northern Highway Port Hedland' as her ex partner is a BHP Billiton employee.

Councillor Jacob did not leave the room.

11.1.13 Proposed "Use Not Listed" – Fly Camp at Lot 35 Great Northern Highway Port Hedland (File No.: 800280G)

Officer Michael Pound
Senior Planning Officer

Date of Report 18 June 2012

Disclosure of Interest by Officer Nil

Summary

The Town has received an application from TPG Town Planning and Urban Design (TPG) on behalf of their client BHP Billiton, for a "Use Not Listed" – Fly Camp located at Lot 35 Great Northern Highway, Port Hedland (site).

The proposal is supported by the Planning Unit. Council is requested to approve the proposed use, subject to conditions.

Background

Location and site details (ATTACHMENT 1)

The site, generally known as "Precinct 3" is located south west of the Port Hedland International Airport, and approximately 610m north of North Circular Road and approximately 1km east of Great Northern Highway. The site is currently vacant, undeveloped land. The site forms part of the overall development strategy identified in the adopted Port Hedland International Airport Land Use Master Plan (LUMP).

Previous approvals

The "airport land" consists of several lots, the WAPC on 8 May 2012 approved subject to conditions, the amalgamation and subdivision of the "airport land" thereby creating the lot on which the development is proposed.

Due to the magnitude and tight delivery time to complete the “Transient Workforce Accommodation” facility, the applicant sought separate approval for the various stages of development.

1. Approval subject to conditions was granted by Council at its Special Council Meeting in May 2012 for temporary construction access to the site.
2. Approval subject to conditions was granted by the Development Assessment Panel in May 2012 for bulk earthworks.
3. JDAP report with a recommendation for approval for a 2008 man Transient Workforce Accommodation (TWA) sent to JDAP 18 June 2012.

Current proposal (ATTACHMENT 2)

In terms of the Port Hedland Town Planning Scheme the site is wholly contained within the “Airport” zone under the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

The proposed “Use Not Listed” – Fly Camp consists of 18 transportable units (dongas) providing 74 beds. The Fly Camp is specifically required to facilitate the workers needed for the construction of the proposed 2008 man TWA.

The fly camp specifically contains:

- 72 accommodation units to accommodate a maximum of 72 workers;
- A kitchen, dining and recreation block and associated ablutions block;
- A central, grassed open space area which includes four BBQ and seating areas;
- A car park with 20 bays and a bus bay/loading dock; and
- Other associated facilities such as laundry, storage units, transformers, a bin enclosure, and water storage and wastewater tanks.

Consultation

Internally:

The application was circulated to the following internal units, with no comments /objections received.

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

Externally:

- Horizon Power,

- Water Corporation,
- Department of Water

Water Corporation, Department of Water and Horizon Power raised no objection to the proposed development

The application was advertised in the North West Telegraph for a period of 14 days on the 6th and 13th June 2012.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development of the land must be done in accordance with TPS 5.

Policy Implications

Nil

Strategic Planning Implications

The following sections of the Town's Strategic Plan 2010-2015 are considered relevant to the proposal:

Key Result Area 4: Economic Development
Goal Number 2: Mining/Roads
Other Actions: Ensure that integrated accommodation options are available for resource related projects that do not artificially inflate the local real estate market.

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

Budget Implications

The prescribed application fee of \$4,170.00 was paid on lodgement.

Officer's Comment

Council is under increasing pressure to provide accommodation options for the construction industry involved in building projects within the Town. The "Precinct 3" TWA remains a necessity in order to temporarily accommodate fly in fly out workers. However, the delivery of the project depends on the ability to house the workforce required during construction.

Streetscape & Amenity

The proposed development is located approximately 500m east of the existing Great Northern Highway.

The physical topography of the land between the proposed development and the highway places the development behind a gentle ridge, thereby naturally screening the lower levels of the development.

In terms of setbacks, the proposed development is substantially setback from the proposed lot boundaries of the proposed Lot 35, being 34.5m from the western boundary and 48.4m from the northern boundary.

With regard to the impact on the amenity of the locality, the fly camp is nearly 1km from the nearest resident being in South Hedland which is separated from the facility by a BHPBIO railway line and North Circular Road.

The proposed facility will have no adverse impact on the amenity of any existing residents. Conditions regarding the protection of airport operations will be imposed on this approval in the same manner as the previous approvals issued by the Town.

Car Parking

In terms of parking it is acknowledged that the Scheme would normally require 1 bay per bed, but in this instance the provision of 72 car parking bays for a facility where there are only going to 12 vehicles provided is unnecessary. 20 sealed car parking bays are to be provided, which is considered to be adequate to accommodate on site vehicles. A bus bay/loading bay will also be provided which will be adequate to service the facility, especially given its size. A variation is therefore sought pursuant to Clause 6.13.5 of TPS5 given that the shortfall of parking will not result in the lowering of any safety standards. It should also be noted that there is no need for oversized vehicle bays as these will be stored elsewhere on the site in accordance with the CEMP submitted to the Town as part of previous approvals.

TWA Guidance Note

In August 2008 Council put out a guidance note to all potential developers of TWA's, advising of the following key principles which will be considered when applications are submitted for potential TWA facilities:

- Town Centre Development Focus
- Community benefit
- Integration
- Quality
- Safety

The guidance note also identifies a number of TWA styles and identifies locations Council considers these facilities may be most appropriate. The current proposal best fits into the "Building Construction Camp" style which states possible/preferred locations as:

Not the Town's preferred option. All other alternates should be explored/exhausted prior to implementation. Potentially allowable on specific larger scale building construction projects with a construction period of no longer than 18 months.

The proposed "Fly Camp" is not like a 'Traditional Donga Camp' as it is there to address a spike in the construction workforce and for these such camps the Guidance Note specifically advocates it being located at the Airport. However in terms of the 'Building Construction Camp' criteria the 2008 TWA development is considered to be a specific large scale building construction project, with Stage 1 alone comprising \$21 million worth of earthworks, 2008 accommodation units, gymnasium, pool, amenities and substantial car parking and landscaping areas. The fly camp is also proposed to only be in existence for 12 months and therefore satisfies the relevant criteria of the Guidance Note.

In respect to the key principles, the following comments are provided:

Town Centre Focus: The location of the proposed development is within the Airport environs and within a short drive of the South Hedland Town Centre. Whilst it may not have a Town Centre focus given its location, communal facilities such as a fully serviced mess, gymnasium or pool are not provided for the occupants which will result in the facility having a reliance on the Town Centre and promotes integration of the workers into the wider community.

Community Benefit: The TWA is required for the workers associated with the development of the larger BHPBIO worker facility and the implementation of the approved Business Case which has significant community benefit to the Town.

Integration: As mentioned, the proposed TWA does not provide for communal facilities such as a mess hall, pool or gymnasium. This will result in the occupants having a reliance on the Town Centre and promotes integration of the facility into the wider community.

Quality: The proposed development will consist of the same TWA units as proposed for the ultimately 2008 facility and will therefore be of a reasonably high quality suitable for accommodation for long periods. The rooms each have their own en-suite, rest and study area and are more than suitable for their purpose.

Safety: The development will be provided with adequate fencing to ensure the safety of the occupants. Consideration has also been given to the workers safety in cyclonic events as previously outlined.

Having regard to the Guidance Note as it stands, it is considered that the proposal warrants support, especially given its limited life and the context of the site ultimately being used for a much larger TWA.

There is general consensus throughout the industry and community that there is an extreme lack of accommodation not just for resource companies but for the associated contractors involved in city building projects as well. By allowing the development to go ahead it will begin to alleviate the existing demand.

To meeting the objectives of the Port City Growth Plan which guides the growth of the Town into a City over the next several years, it is imperative to allow uses such as proposed for the required workforce to construct permanent residential dwellings and other infrastructure.

Attachments

1. Locality Plan
2. Development Plans

Officer's Recommendation

That Council approves the planning application submitted by TPG Town Planning and Urban Design (TPG), for a "Use Not Listed" – Fly Camp located at Lot 2444 Great Northern Highway, Port Hedland subject to the following conditions:

1. This approval relates only to the proposed "Fly Camp", as indicated on the approved plans. (DWG2012/229/1 - DWG2012/229/15). It does not relate to any other development on this lot.
2. This approval is only valid for a period of 12 months or the completion of the project whichever comes first, the applicant will return the land to its original state, to the satisfaction of the Manager Planning Services.
3. Should the commencement of any works adversely impact on the operations of the Port Hedland International Airport and / or its assets, all works shall cease immediately and shall only recommence once the relevant issues have been addressed to the satisfaction of the Manager Planning Services.
4. A minimum of 20 car bays shall be provided on the site as indicated on the approved site plan (DWG2012/229/2).
5. No parking bays shall be constructed in any way or used for other purpose than parking.
6. Fences abutting roads shall be no higher than 1.8m measured from finished ground level and be visually permeable above 1.2m.
7. The effluent disposal system shall be installed and maintained to ensure no birds or animals are attracted to the site.
8. The effluent disposal system shall be maintained to ensure no nuisance is caused with regard to odours.
9. The height of any building / equipment shall be in accordance with CASA, MOS 139 and Airservices Australia Restrictions and Considerations.

10. Lighting during and after construction shall be in accordance with CASA, MOS 139 and Airservices Australia Restrictions and Considerations.
11. No extraneous lighting shall be installed facing any runways above the horizontal.
12. The premises to be kept in a neat and tidy condition at all times to the satisfaction of the Manager Planning Services.
13. Stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of the Manager Technical Services.

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

14. Prior to the submission of a building permit application, the applicant/operator of the camp shall submit an emergency evacuation plan and obtain approval from the Manager Planning Services.
15. Prior to the submission of a building permit application, a Dust Management Plan shall be submitted to and approved by the Manager Planning Services.
16. Prior to the submission of a building permit application, the applicant / operator shall submit a Rubbish Collection Strategy / Management Plan for approval by the Manager Technical Services.
17. Prior to the submission of a building permit Application, written advice is to be submitted to Council demonstrating that the developer has liased with Main Roads (MRWA) with regard to the construction and location of the crossover from Great Northern Highway
18. Prior to the submission of a building permit application a construction management plan is to be submitted detailing how it is proposed to manage:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) Impact on traffic movement;
 - d) Operation times including delivery of materials; and
 - e) Other matters likely to impact on the surrounding land uses;

to the satisfaction of the Manager Planning Services.

Conditions to be complied with prior to the occupation of the development.

19. Prior to the occupation of the "Fly Camp" facility, 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.
20. Prior to the occupation of the "Fly Camp" facility. 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.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. A Building Permit to be issued prior to the commencement of any on site works.
3. In regard to condition 2, the 12 months is calculated from the date of this approval.
4. The development is to comply with the Health (Public Buildings) Regulations 1992.
5. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the satisfaction of the Manager of Environmental Health Services. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.
6. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the satisfaction and specification of the Manager of Environmental Health Services.
7. Be advised that at the building licence stage a detailed floor plan will be required to be submitted in order for Town to assess compliance with the Health (Public Buildings) Regulations 1992.
8. No human habitation is permitted in the shed without approval of Council.
9. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
10. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level

AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

11. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

Mayor advised that due to a lack of quorum Council is not able to consider this item.

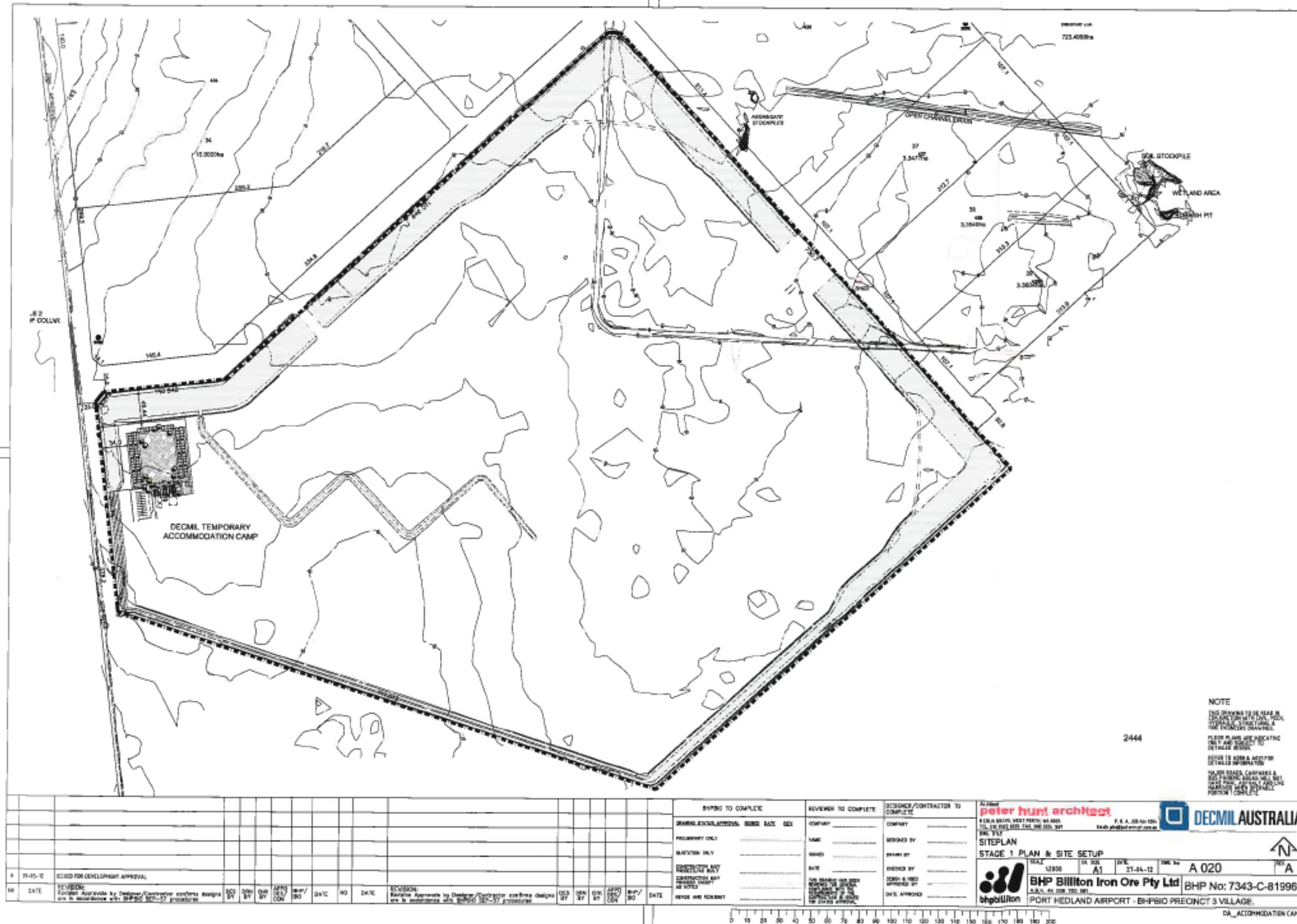
7:28pm Councillors Daccache, Dziombak and Hunt re-entered the room and resumed their chairs.

Mayor advised Councillors Daccache, Dziombak and Hunt that Council was unable to consider this item due to a lack of quorum.

ATTACHMENT 1 TO ITEM 11.1.13



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NOTE
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE TITLE, TERMS AND CONDITIONS, SPECIFICATIONS AND THE PROJECT'S DRAWINGS.
 FLOOR PLANS ARE INDICATIVE ONLY AND SUBJECT TO DETAILED DESIGN.
 REFER TO AREA ACQUISITION DETAILED INFORMATION.
 SHOWN GRADES, CORRIDORS & SOIL STOCKPILE AREAL ARE NOT TO BE TAKEN AS FINAL AND ARE SUBJECT TO SURVEY AND FIELD VERIFICATION. THESE DETAILS ARE FOR INFORMATION ONLY.

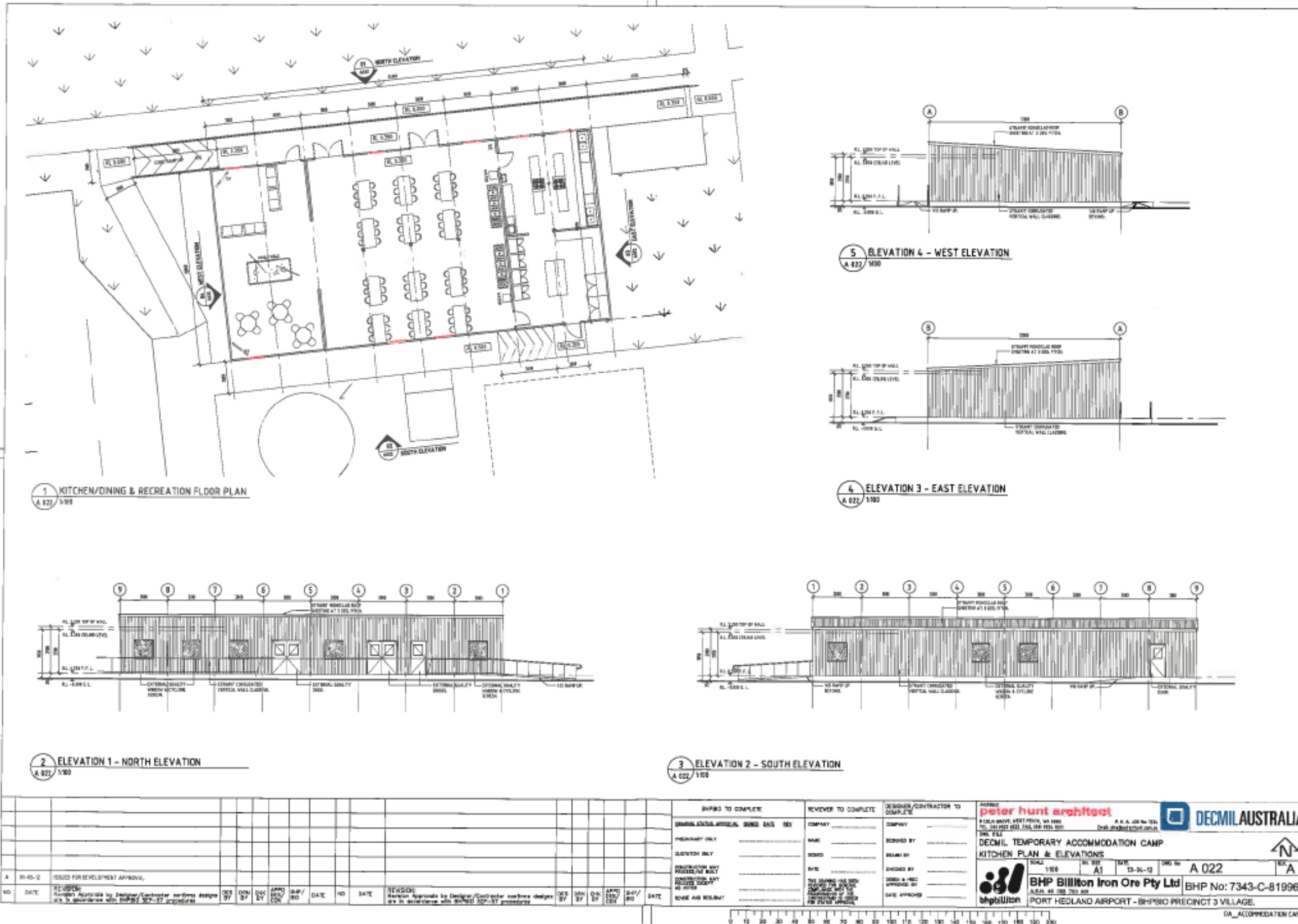
2444

BHPIO TO COMPLETE		REVIEWER TO COMPLETE		DESIGNER/CONTRACTOR TO COMPLETE	
DESIGN/ENGINEERING APPROVAL	DATE	BY	DATE	COMPANY	DATE
PRELIMINARY ONLY					
REVISION ONLY					
CONSTRUCTION ONLY					
CONSTRUCTION MAY PROCEED ONLY AS NOTED					
REVISION AND APPROVAL					

NO	DATE	REVISION	ISSUED FOR DEVELOPMENT APPROVAL	NO	DATE	DISCUSSION	NO	DATE
1	21-05-12	1	ISSUED FOR DEVELOPMENT APPROVAL	1	21-05-12	Revised Approval by Designer/Contractor confirms design and is consistent with BHPIO 30-37 procedures	1	21-05-12

BHP Billiton PORT HEDLAND AIRPORT - BHPIO PRECINCT 3 VILLAGE.		DECMIL AUSTRALIA P. & A. 200-120 6448 phillip@decmil.com.au	
SITEPLAN STAGE 1 PLAN & SITE SETUP	SCALE: 1:2000 DRAWN BY: A1 DATE: 21-05-12 SHEET NO: A 020	DESIGNED BY: DRAWN BY: CHECKED BY: DATE APPROVED:	BHP No: 7343-C-81996

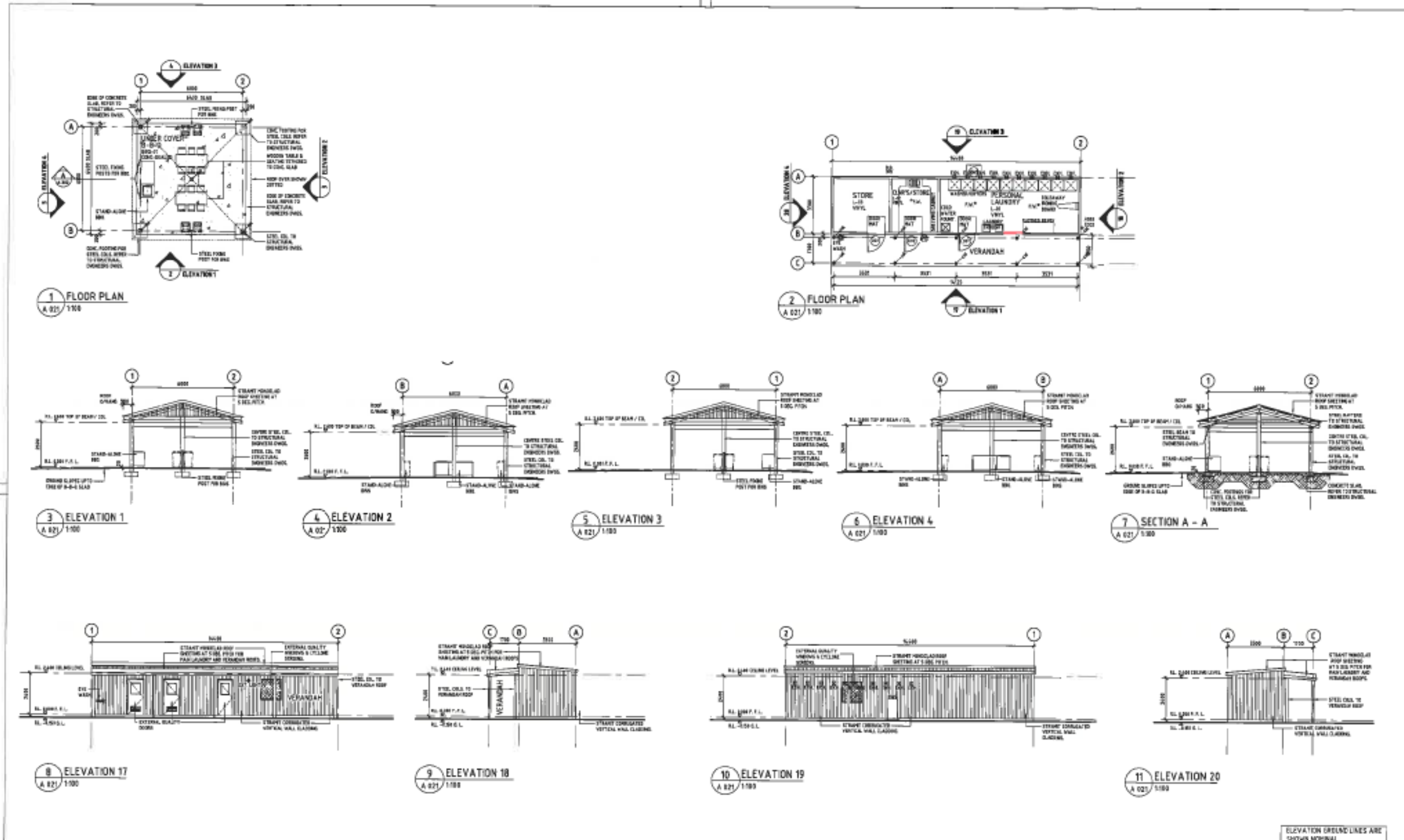




NO		DATE		ISSUED FOR DEVELOPMENT APPROVAL	DESIGNER	DATE	NO	DATE	REVISION	DESIGNER	DATE	NO	DATE	REVISION
A	30-05-12			ISSUED FOR DEVELOPMENT APPROVAL										
				REVISION										

BHP&C TO COMPLETE		REVISOR TO COMPLETE		DESIGNER/CONTRACTOR TO COMPLETE	
DESIGN/STATUS/REVISION	DATE	BY	DATE	BY	DATE
PRELIMINARY ONLY		NAME		DESIGNED BY	
QUOTATION ONLY		PHONE		DRAWN BY	
OPERATION ONLY		BYE		CHECKED BY	
OPERATION AND REVISION		THIS DRAWING HAS BEEN REVISIONED FOR APPROVAL		DESIGNED & CHECKED APPROVED BY	
				DATE APPROVED	

osler hunt architects 1/120 WILSON STREET PERTH, WA 6000 TEL: 081 932 8881 FAX: 081 932 8800 P. A. O. No 124 Email: oslerhunt@oslerhunt.com.au	DECMIL AUSTRALIA 1/120 WILSON STREET PERTH, WA 6000 TEL: 081 932 8881 FAX: 081 932 8800 P. A. O. No 124 Email: oslerhunt@oslerhunt.com.au
DEC MIL TEMPORARY ACCOMMODATION CAMP KITCHEN PLAN & ELEVATIONS	
SCALE: 1/50 DATE: 13-05-12 DRAW No: A 022 SHEET: A1	BHP Billiton Iron Ore Pty Ltd BHP No: 7343-C-81996 PORT HEDLAND AIRPORT - BHP&C PRECINCT 3 VILLAGE.



ELEVATION GROUND LINES ARE SHOWN NOMINAL

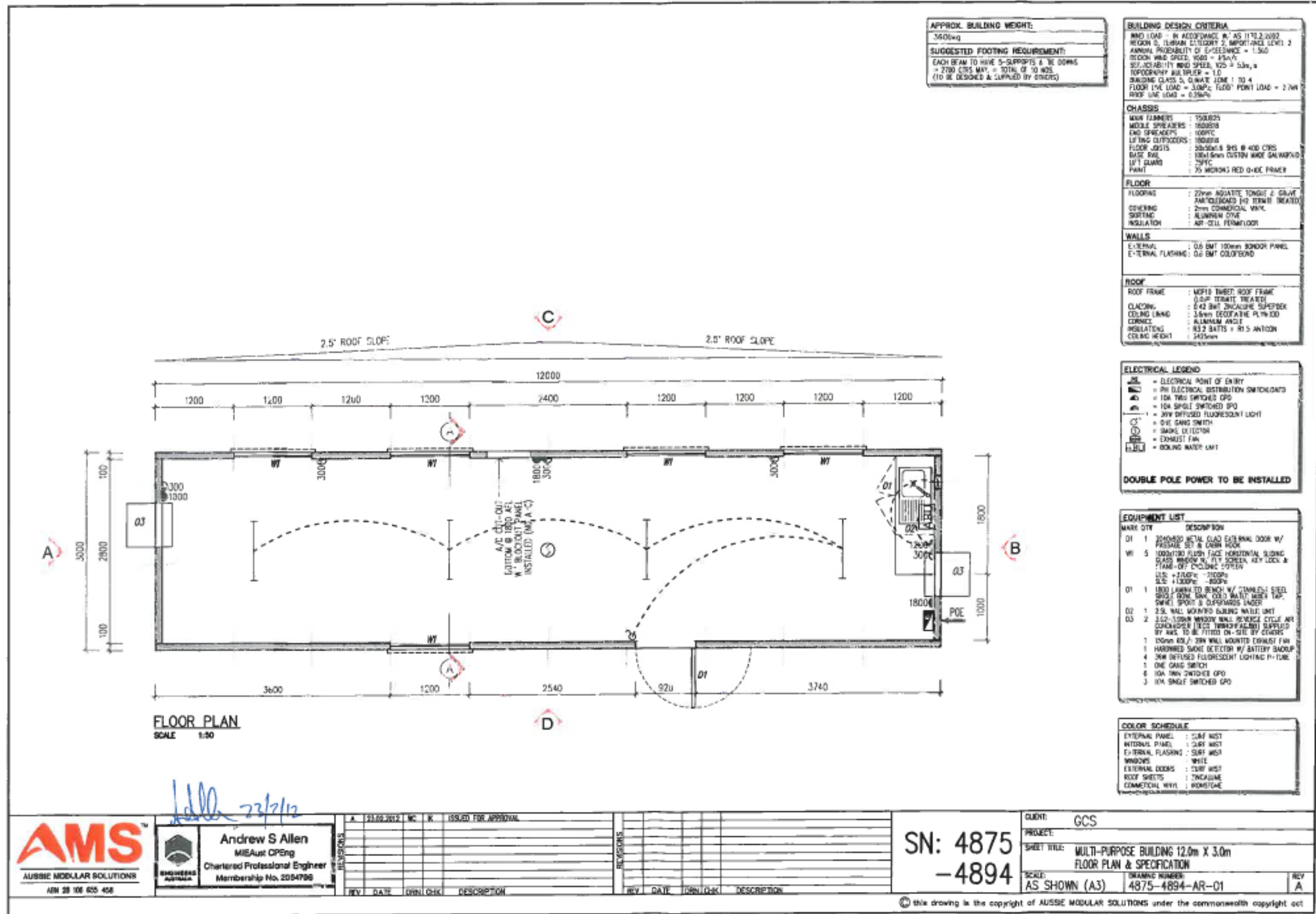
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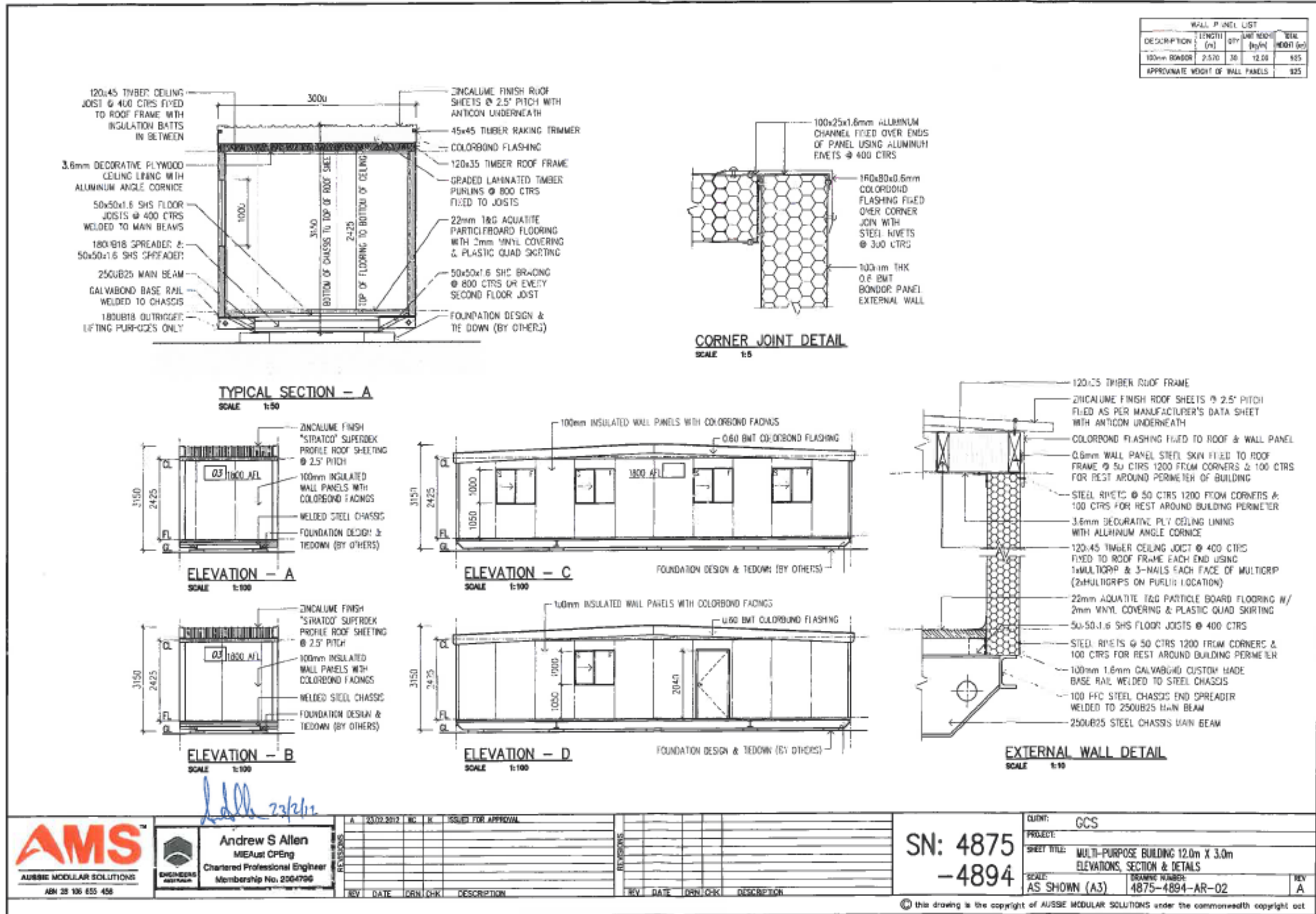
DESIGNED BY	DATE	CHECKED BY	DATE	APPROVED BY	DATE

INFORM TO COMPLETE	REVIEWER TO COMPLETE	DESIGNER/CONTRACTOR TO COMPLETE
<p>OWNER/LOCAL AUTHORITY</p> <p>PRELIMINARY ONLY</p> <p>DRAWING ONLY</p> <p>CONSTRUCTION ONLY</p> <p>AS NOTED</p> <p>REVISE AND RESUBMIT</p>	<p>NAME</p> <p>SIGNS</p> <p>DATE</p>	<p>COMPANY</p> <p>DESIGNED BY</p> <p>DRAWN BY</p> <p>CHECKED BY</p> <p>DATE APPROVED</p>

<p>prohor hunt architect</p> <p>11 ELSA DRIVE, WEST PERTH WA 6150</p> <p>TEL: 9447 0000 FAX: 9447 0001</p>	<p>DECMIL AUSTRALIA</p> <p>11 ELSA DRIVE, WEST PERTH WA 6150</p> <p>TEL: 9447 0000 FAX: 9447 0001</p>
---	--

<p>BHP Billiton Iron Ore Pty Ltd</p> <p>BHP No: 7343-C-81996</p> <p>PORT HEDLAND AIRPORT - BHPISIO PRECINCT 3 VILLAGE.</p>	<p>Scale: 1:100</p> <p>Sheet: A1</p> <p>Date: 13-06-12</p> <p>Drawn by: A 021</p> <p>Revised by: A</p>
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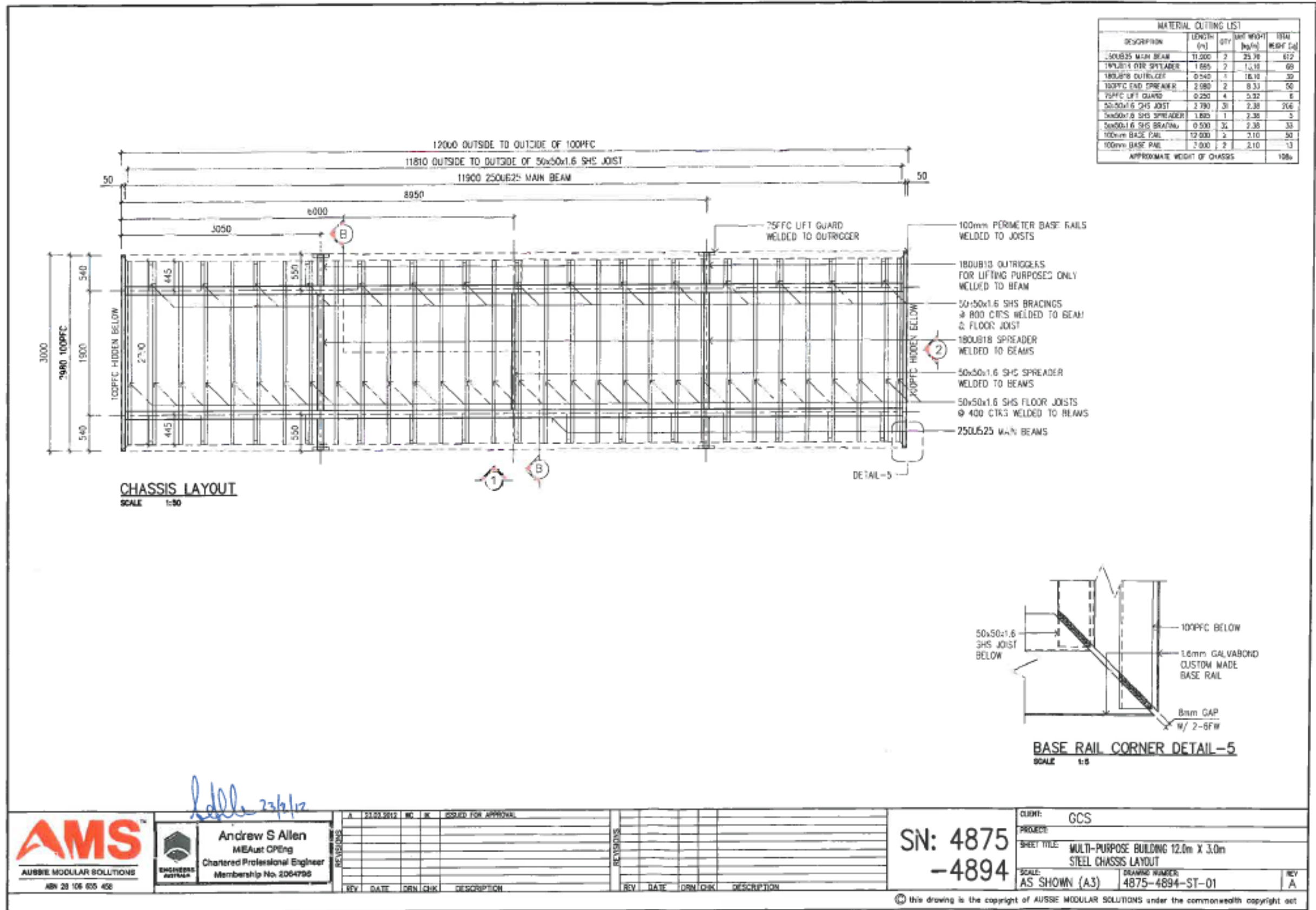


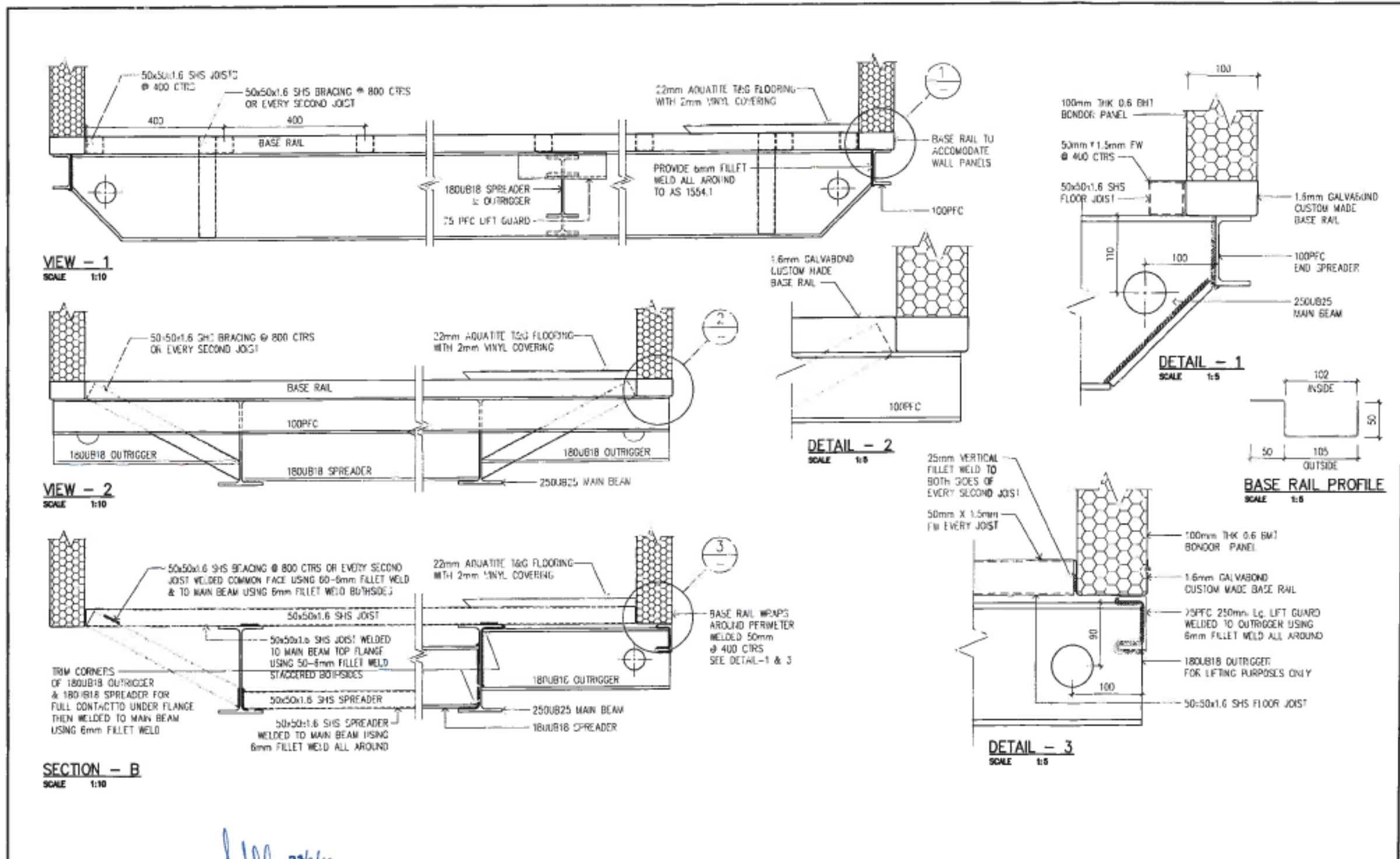
Andrew S Allen
MIE Aust CP Eng
Chartered Professional Engineer
Membership No. 2564796

REV	DATE	DRN/CHK	DESCRIPTION

QUINT: GCS
PROJECT: SN: 4875 -4894
SHEET TITLE: MULTI-PURPOSE BUILDING 12.0m X 3.0m ELEVATIONS, SECTION & DETAILS
SCALE: AS SHOWN (A3) DRAWING NUMBER: 4875-4894-AR-02
REV A

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Allen 27/6/12

Andrew S Allen
MIEAust CPEng
Chartered Professional Engineer
Membership No. 2064706

REVISIONS			
REV	DATE	BY/CHK	DESCRIPTION

CLIENT:	GCS
PROJECT:	MULTI-PURPOSE BUILDING 12.0m X 3.0m
SHEET TITLE:	STEEL CHASSIS DETAILS
SCALE:	AS SHOWN (A3)
DRAWING NUMBER:	4875-4894-ST-02
REV:	A

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FLOOR PLAN
SCALE 1:80

APPROX. BUILDING WEIGHT:	
25000g	
SUGGESTED FOOTING REQUIREMENT:	
EACH BEAM TO HAVE 3-SUPPORTS & TIE DOWNS @ 2400 CTC MAX = TOTAL OF 8 NO. (TO BE DESIGNED & SUPPLIED BY OTHERS)	

BUILDING DESIGN CRITERIA	
WIND LOAD - IN ACCORDANCE W/ AS 1170.2-2002	
REGION 0, TERRAIN CATEGORY 2, IMPORTANCE LEVEL 2	
ANNUAL PROBABILITY OF EXCEEDANCE = 1:500	
TYPICAL WIND SPEED (10M) = 38m/s	
SURVEILLANCE WIND SPEED, V25 = 53m/s	
TOPOGRAPHY MULTIPLIER = 1.0	
BUILDING CLASS 10 UNCONDITIONED, CLIMATE ZONE 1 TO 4	
FLOOR LIVE LOAD = 2.0kPa FLOOR POINT LOAD = 1.0kN	
ROOF LIVE LOAD = 0.25kPa	

CHASSIS	
MAIN RUNNERS	: 200B32
MIDDLE SPREADERS	: 190B18
END SPREADERS	: 130P7E
LIFTING SUBSIDERS	: 100N14
FLOOR JOISTS	: 50x50x16 SWS @ 400 CTC
BASE RUN	: 70x70mm CUSTOM MADE GALVANNE
LIFT GUARD	: 50x3 EA
PAINT	: 75 MICRONS RED OXID PRIMER

FLOOR	
FLOORING	: 22mm ADHESIVE TONGUE & GROOVE PARQUETBOARD (NO TERRIT TREATED)
CONCRETE	: 20mm S/P-RESISTANT PAINT
WALLING	: ALUMINIUM COVE
INSULATION	: A8-CELL POLYFLOOR

WALLS	
EXTERNAL PANEL	: 0.5 BMT 75mm BONDOR PANEL
INTERNAL PANEL	: 2.1 BMT 50mm BONDOR PANEL
CURBIC PARTITION	: 18mm MELAMINE FACED GRAP
EXTERNAL FLASHING	: 0.5 BMT COLORBOND

ROOF	
ROOF FRAME	: WSPD TIMBER ROOF FRAME (S/P-RESISTANT TREATED)
GLASSING	: 0.42 BMT INCALINE SUPERSEK
CEILING LINING	: 3.0mm DECORATIVE PL/WOOD
CONSOLE	: ALUMINIUM ANGLE
INSULATION	: R3.2 Batts + R1.5 INTERON
CEILING HEIGHT	: 2420mm

ELECTRICAL LEGEND	
	= ELECTRICAL POINT OF ENTRY
	= ELECTRICAL DISTRIBUTION SWITCHBOARD
	= 1EA SINGLE SWITCHED GPO
	= CEILING LIGHT
	= ONE GANG SWITCH
	= EXHAUST FAN

DOUBLE POLE POWER TO BE INSTALLED

EQUIPMENT LIST	
MARK QTY	DESCRIPTION
01	2 200x750 METAL CLAD EXTERNAL DOOR W/ PASSAGE SET & CASH HOLE
W1	5 300x300 FLUSH FACE OBTUSCURED SLIDING GLASS WINDOW W/ FL SCREEN & KEY LOCK U.S. +3700K - 4800mm U.S. +1300P - 1700P
01	6 TOILET PAN W/ DUAL FLUSH SYSTEM & CERAMIC FINISHED TOILET ROLL HOLDER
02	4 STAINLESS STEEL HAND BASK W/ COLD WATER WIPER TRIP & WIPER CASH BACK
03	1 1500 STAINLESS STEEL WALL MOUNTED MALE URINAL W/ COVER
2	150mm DIA 20W WALL MOUNTED EXHAUST FAN SWITCHED TO LOCAL LIGHTING
3	CEILING LIGHT
2	ONE GANG SWITCH
2	1EA SINGLE SWITCHED GPO

COLOR SCHEDULE	
EXTERNAL PANEL	: SURF MST
INTERNAL PANEL	: SURF MST
EXTERNAL FLASHING	: SURF MST
WRODING	: WHITE
EXTERNAL DOORYS	: SURF MST
ROOF SHEETS	: INCALINE
COMMERCIAL WALL	: SURF

Andrew S Allen
MIEAust CPEng
Chartered Professional Engineer
Membership No. 2664796

REV	DATE	DRN/CHK	DESCRIPTION

REV	DATE	DRN/CHK	DESCRIPTION

SN: 4895
-4914

CLIENT: GCS
PROJECT: MALE / FEMALE TOILET 6.0m x 3.0m
SHEET TITLE: FLOOR PLAN & SPECIFICATION
SCALE: AS SHOWN (A3)
DRAWING NUMBER: 4895-4814-AR-01
REV A

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ELEVATION - A
SCALE 1:100

ELEVATION - B
SCALE 1:100

ELEVATION - C
SCALE 1:100

ELEVATION - D
SCALE 1:100

CORNER JOINT DETAIL
SCALE 1:5

TYPICAL SECTION - A
SCALE 1:50

EXTERNAL WALL DETAIL
SCALE 1:5

WALL PANEL LIST				
DESCRIPTION	LENGTH (m)	QTY	NET WEIGHT (kg)	TOTAL WEIGHT (kg)
75mm BONDOR	2.425	15	11.60	44.70
50mm BONDOR	2.425	4	11.30	100.81
APPROXIMATE WEIGHT OF WALL PANELS				55.79

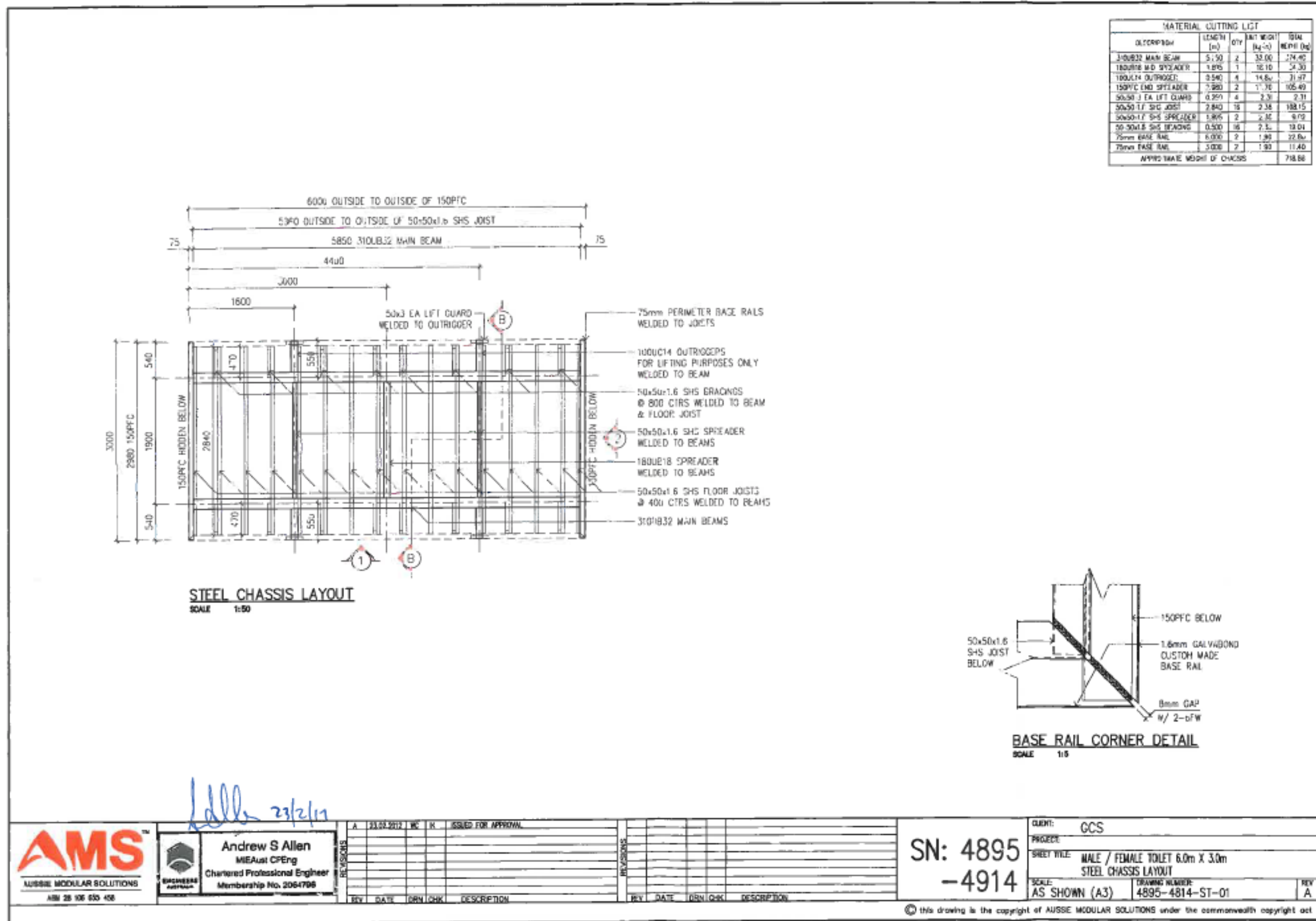
AMS
AUSSIE MODULAR SOLUTIONS
ABN 28 126 433 456

Andrew S Allen
MEMBER CPENG
Chartered Professional Engineer
Membership No. 2064796

CLIENT: GCS
PROJECT: MALE / FEMALE TOILET 6.0m X 3.0m
DRAWING TITLE: ELEVATIONS, SECTION & DETAILS
SCALE: AS SHOWN (A3)
DRAWING NUMBER: 4895-4814-AR-02
REV: A

SN: 4895-4914

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Allen 23/2/12

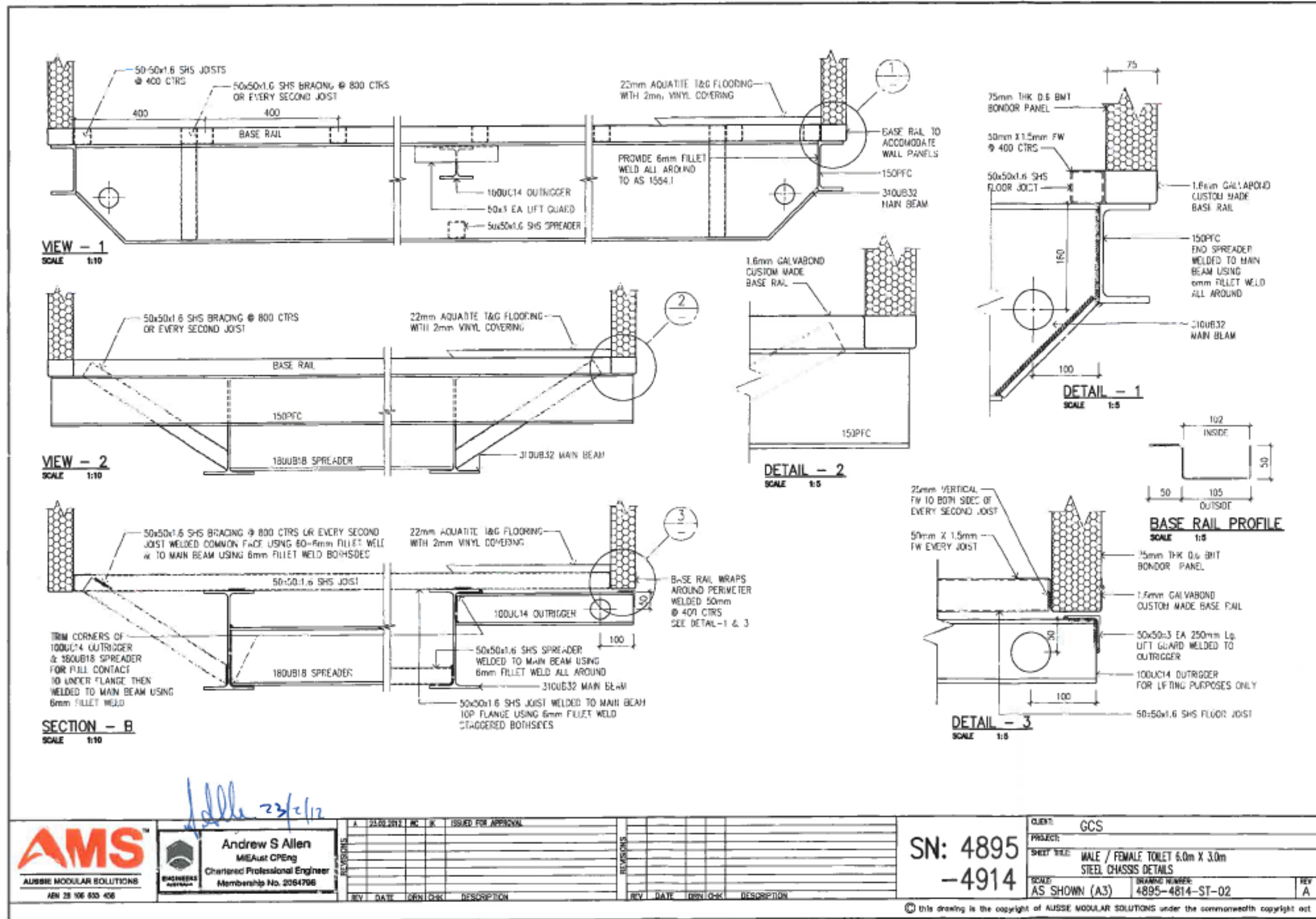


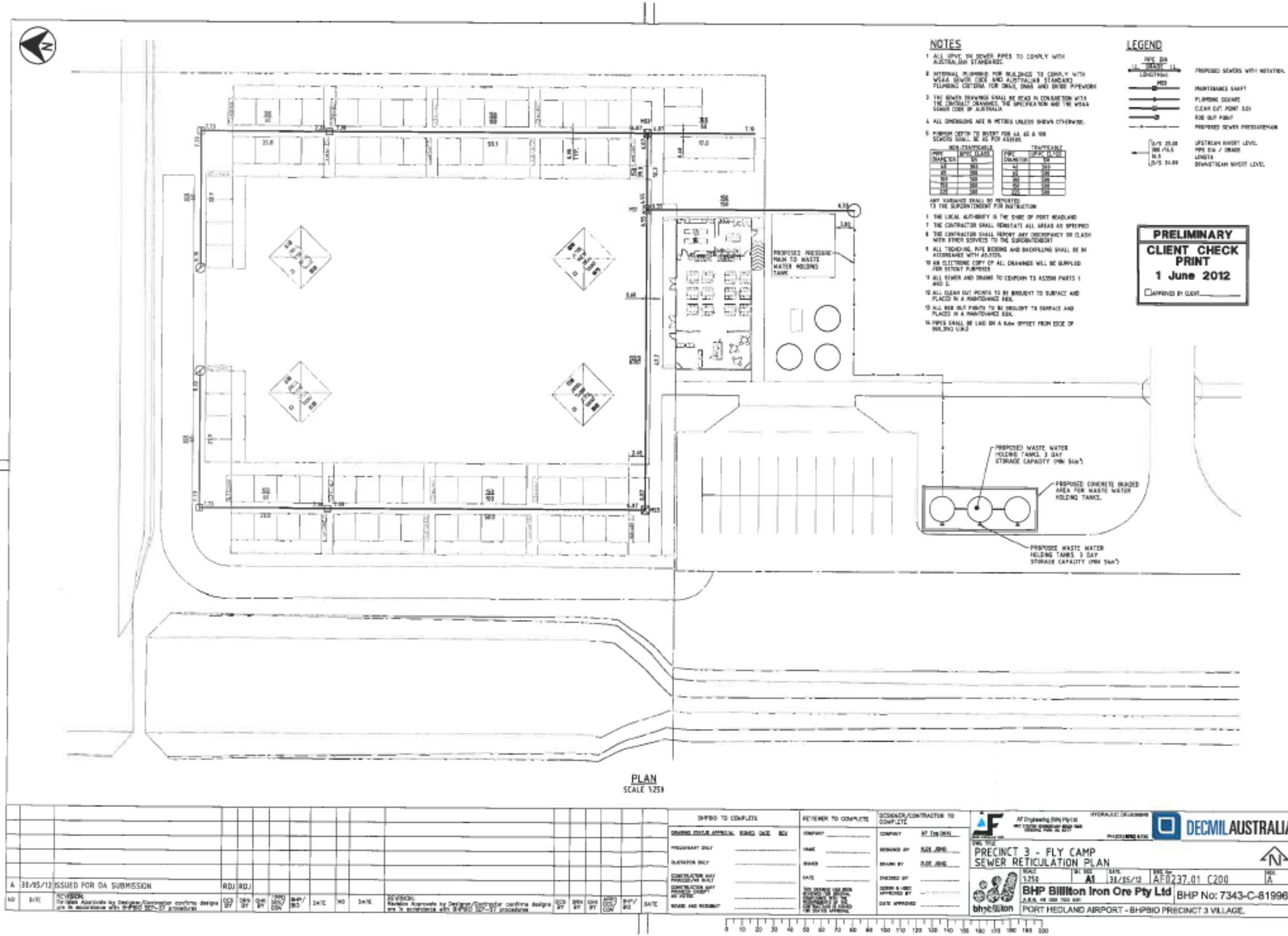
Andrew S Allen
MIEAust CPEng
Chartered Professional Engineer
Membership No. 2064798

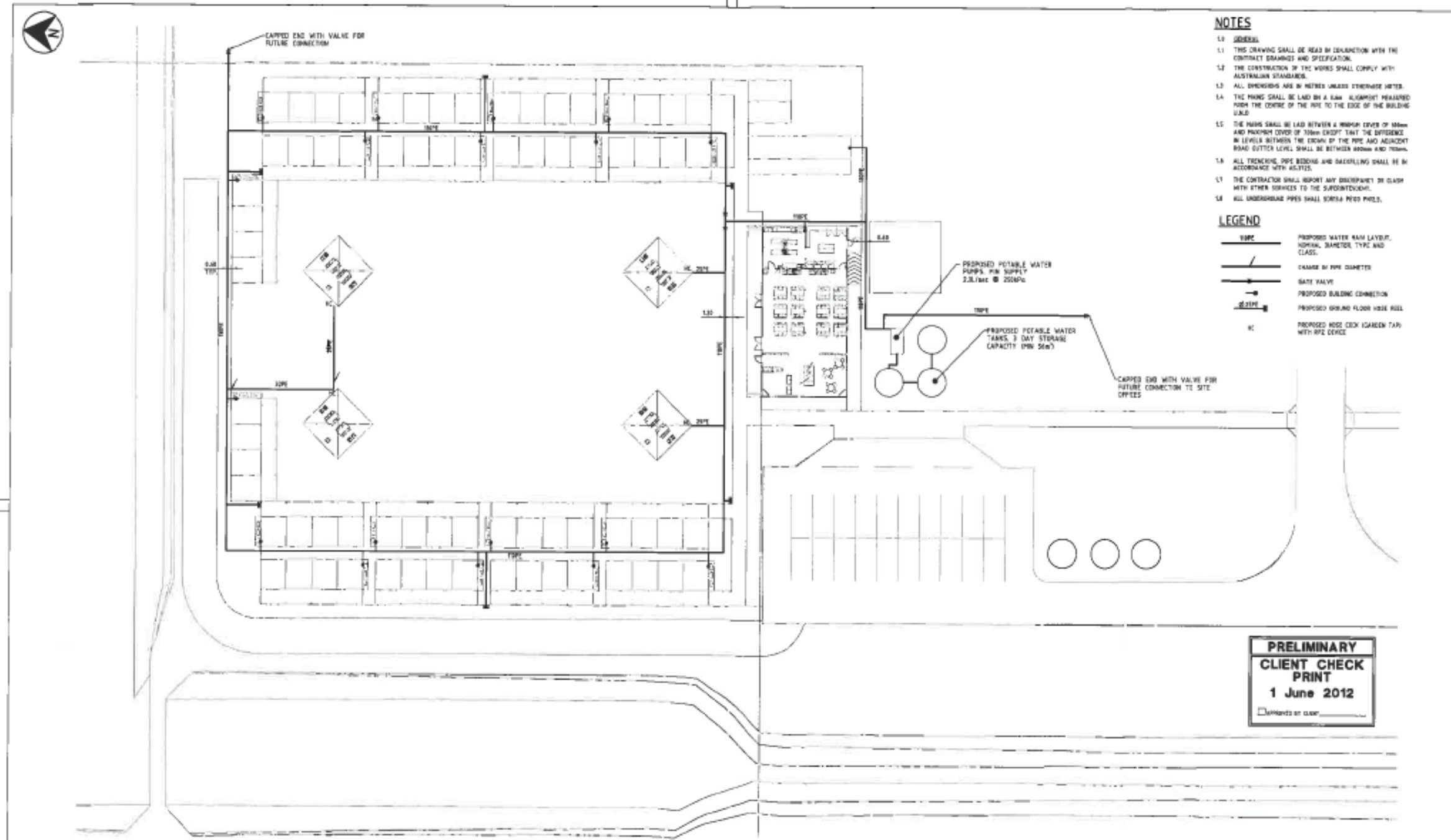
REV	DATE	DRN	CHK	DESCRIPTION
A	23.02.2012	W	H	ISSUED FOR APPROVAL

CLIENT: GCS	SN: 4895 -4914
PROJECT: MALE / FEMALE TOILET 6.0m X 3.0m	
SHEET TITLE: STEEL CHASSIS LAYOUT	SCALE: AS SHOWN (A3)
DRAWING NUMBER: 4895-4814-ST-01	REV: A

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- NOTES**
- 1.0 GENERAL
 - 1.1 THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE CONTRACT DRAWINGS AND SPECIFICATION.
 - 1.2 THE CONSTRUCTION OF THE WORKS SHALL COMPLY WITH AUSTRALIAN STANDARDS.
 - 1.3 ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE NOTED.
 - 1.4 THE PIPING SHALL BE Laid BY A SLOPE ALIGNMENT MEASURED FROM THE CENTRE OF THE PIPE TO THE EDGE OF THE BUILDING OR ROAD.
 - 1.5 THE PIPING SHALL BE Laid BETWEEN A MINIMUM COVER OF 100mm AND PROVISION COVER OF 750mm EXCEPT THAT THE DIFFERENCE IN LEVELS BETWEEN THE EXCHAM OF THE PIPE AND ADJACENT ROAD OUTER LEVEL SHALL BE BETWEEN 600mm AND 750mm.
 - 1.6 ALL TRENCHING, PIPE BEDDING AND BACKFILLING SHALL BE IN ACCORDANCE WITH AS/STIES.
 - 1.7 THE CONTRACTOR SHALL REPORT ANY DISCREPANCY OR CLASH WITH OTHER SERVICES TO THE SUPERINTENDENT.
 - 1.8 ALL UNDERGROUND PIPES SHALL BE MARKED WITH PIPES.

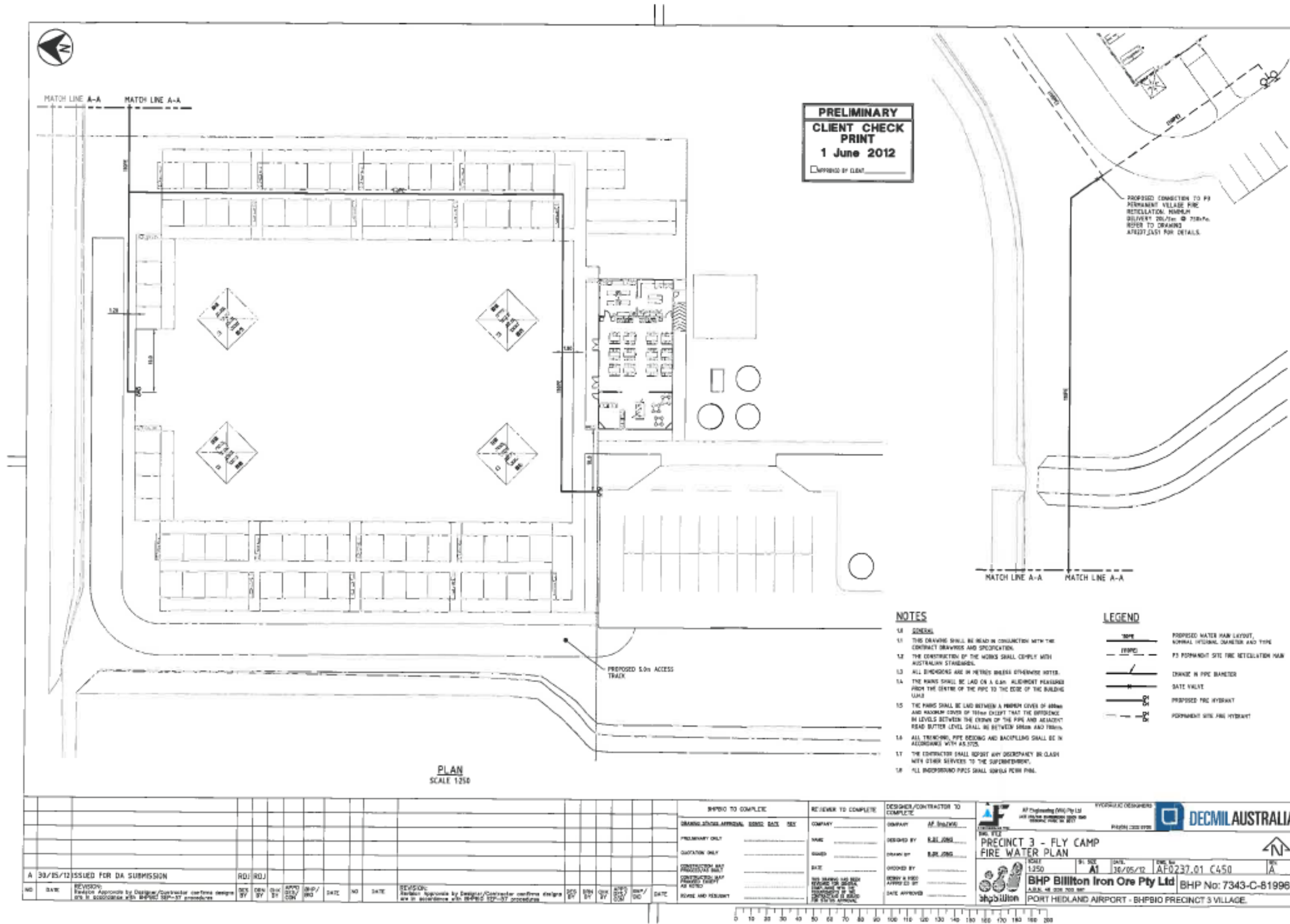
- LEGEND**
- TYPE: PROPOSED WATER MAIN LAYOUT, NOMINAL, DIAMETER, TYPE AND CLASS.
 - CHANGE IN PIPE DIAMETER.
 - BATTERY VALVE.
 - PROPOSED BUILDING CONNECTION.
 - PROPOSED GROUND FLOOR ROSE HOSE ROLL.
 - PROPOSED ROSE COCK (GARDEN TAP) WITH RPE DEVICE.

**PRELIMINARY
CLIENT CHECK
PRINT
1 June 2012**

Approved by client: _____

PLAN
SCALE 1:250

<p>ISSUED TO COMPLETE</p> <p>DESIGNED BY: _____</p> <p>DRAWN BY: _____</p> <p>CHECKED BY: _____</p> <p>DATE: _____</p>		<p>REVISIONS TO COMPLETE</p> <p>DESIGNER/CONTRACTOR TO COMPLETE</p> <p>COMPANY: _____</p> <p>DESIGNED BY: _____</p> <p>DRAWN BY: _____</p> <p>CHECKED BY: _____</p> <p>DATE: _____</p>		<p>PRECINCT 3 - FLY CAMP POTABLE WATER PLAN</p> <p>SCALE: 1:250</p> <p>DATE: 26/05/12</p> <p>PROJECT NO: AF0237.01 C400</p> <p>BHP Billiton Iron Ore Pty Ltd</p> <p>PORT HEDLAND AIRPORT - BHPND PRECINCT 3 VILLAGE.</p>	
<p>REVISION:</p> <p>NO. DATE REVISION</p>		<p>REVISION:</p> <p>NO. DATE REVISION</p>		<p>DECIMIL AUSTRALIA</p> <p>AF Engineering Pty Ltd</p> <p>1750</p> <p>AF0237.01 C400</p> <p>BHP No: 7343-C-81996</p>	



**PRELIMINARY
CLIENT CHECK
PRINT**
1 June 2012
Checked by client: _____

PROPOSED CONNECTION TO P3
PERMANENT VILLAGE FIRE
RETICULATION NETWORK
DELIVERY 200.7m @ 75mPa
REFER TO DRAWING
AFR0237 FOR DETAILS.

- NOTES**
- 1.1 GENERAL
 - 1.2 THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE CONTRACT DRAWINGS AND SPECIFICATION.
 - 1.3 THE CONSTRUCTION OF THE WORKS SHALL COMPLY WITH AUSTRALIAN STANDARDS.
 - 1.4 ALL DIMENSIONS AND SI VALUES UNLESS OTHERWISE NOTED.
 - 1.5 THE MAINS SHALL BE Laid ON A GRASS ALIGNMENT PEAKED FROM THE CENTRE OF THE PIPE TO THE EDGE OF THE BUILDING LANE.
 - 1.6 THE MAINS SHALL BE Laid BETWEEN A MINIMUM COVER OF 800mm AND MAXIMUM COVER OF 1200mm EXCEPT THAT THE DIFFERENCE IN LEVELS BETWEEN THE CROWN OF THE PIPE AND ADJACENT ROAD BUTTER LEVEL SHALL BE BETWEEN 500mm AND 750mm.
 - 1.7 ALL TRENCHING, PIPE BEDDING AND BACKFILLING SHALL BE IN ACCORDANCE WITH AS 3722.
 - 1.8 THE CONTRACTOR SHALL REPORT ANY DISCREPANCY OR CLASH WITH OTHER SERVICES TO THE SUPERVISOR.
 - 1.9 ALL UNDERGROUND PIPES SHALL BE WELDED PERM PERM.
- LEGEND**
- 100mm PROPOSED WATER MAIN LAYOUT, NOMINAL INTERNAL DIAMETER AND TYPE
 - 150mm P3 PERMANENT SITE FIRE RETICULATION MAIN
 - 100mm DRINKING WATER MAIN
 - 100mm SANITARY MAIN
 - 100mm PROPOSED FIRE HYDRANT
 - 100mm PERMANENT SITE FIRE HYDRANT

PLAN
SCALE 1:250

REVISIONS									
NO	DATE	REVISION	DESIGNED BY	CHECKED BY	APPROVED BY	DATE	NO	DATE	REVISION
A	30/05/12	ISSUED FOR DA SUBMISSION							

BHPIO TO COMPLETE			REVIEWER TO COMPLETE			DESIGNER/CONTRACTOR TO COMPLETE		
DESIGNED BY	NAME	DATE	DESIGNED BY	NAME	DATE	DESIGNED BY	NAME	DATE
CHECKED BY	NAME	DATE	CHECKED BY	NAME	DATE	CHECKED BY	NAME	DATE
APPROVED BY	NAME	DATE	APPROVED BY	NAME	DATE	APPROVED BY	NAME	DATE
DATE			DATE			DATE		

NO	DATE	REVISION	DESIGNED BY	CHECKED BY	APPROVED BY	DATE	NO	DATE	REVISION
A	30/05/12	ISSUED FOR DA SUBMISSION							

AF Engineering Pty Ltd
 1250
PRECINCT 3 - FLY CAMP
FIRE WATER PLAN
 DATE: 30/05/12
 DRAWN BY: K.B. LONG
 CHECKED BY: K.B. LONG
 APPROVED BY: _____
BHP Billiton Iron Ore Pty Ltd
 BHP No: 7343-C-61996
 PORT HEDLAND AIRPORT - BHPIO PRECINCT 3 VILLAGE

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11.1.14 *Final Adoption of Scheme Amendment No. 17 with Modifications and Removal of Requirement for a Development Plan (File No.: 18/09/0023)*

Officer	Ryan Djanegara Planning Officer
Date of Report	14 June 2012
Disclosure of Interest by Officer	Nil

Summary

On 9 June 2010, Council resolved to adopt Scheme Amendment 17 to rezone Lots 6047, 6048 and 6049 Bell Street, Port Hedland from “Local Road” and “Other Purposes - Infrastructure” to “Industry”. As part of the resolution, a development plan was required to be provided and approved prior to forwarding the documents to the Western Australian Planning Commission.

Since then, Council has received two late submissions from Main Roads WA (MRWA) and the Department of Regional Development and Lands (RDL) requesting Lot 649 Bell Street be excluded from the Scheme Amendment.

This report requests Council rescind a previous resolution for final adoption and reconsideration of Scheme Amendment No. 17 with modifications.

Background

On 27 February 2008, Council resolved to initiate Scheme Amendment No. 17 to rezone Lots 6047, 6048 and 6049 Bell Street from “Local Road” and “Other Purposes - Infrastructure” to “Industry”. The application was forwarded to the Environmental Protection Authority (EPA) and advertised in accordance with the *Town Planning Regulations 1967*.

During the advertising period, two submissions were received (from Telstra and the Water Corporation) with no objections to the proposal subject to some conditions. On 9th June 2010, Council resolved to adopt the Amendment having addressed the concerns raised within the submissions.

After the amendment was adopted, Council received two submissions (from MRWA and RDL) objecting to the Scheme Amendment.

Consultation

In accordance with the *Town Planning Regulations 1967*, the proposed scheme amendment has been advertised and circulated as follows:

North West Telegraph: 10 February 2010 to 17 March 2010

Written Notification to:

- Horizon Power;
- Main Roads Western Australia;
- Regional Development and Lands;
- Telstra; and
- Water Corporation (WC),

As a result of the above advertising, four (4) submissions were received. Telstra has raised no objections to the proposal. WC has raised no objections to the proposed amendment subject to various conditions. MRWA and RDL have objected to the rezoning of Lot 6049 Bell Street however have no objections to the rezoning of Lots 6047 and 6048 Bells Street to "Industry".

Statutory Implications

Local Government (Administration) Regulations 1996

Should Council wish to re-consider its decision such must be made in accordance with the 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.*

Voting Requirements

1. To consider – 1/3 of members (3).
2. To revoke – absolute majority.

Planning and Development Act 2005 and Town Planning Regulations 1967

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.

Development Plan requirements under the Town of Port Hedland Town Planning Scheme No. 5

Clause 5.2.1 of The *Town of Port Hedland Town Planning Scheme No. 5* states that Council may require the preparation of a Development Plan.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment*Scheme Amendment and Removal of Lot 6049 Bell Street*

Since Final Adoption of Scheme Amendment 17 was supported by Council, two submissions were received from MRWA and RDL objecting to the Scheme Amendment. MRWA advised they have concept plans for a future bypass, rerouting traffic behind the Walkabout, reconnecting at the rail crossing. This is to assist conflict between light and heavy vehicles as well as pedestrians. The proposed bypass would require Lot 6049 Bell Street as part of the proposal. RDL, being the landowners of the subject Lots have supported MRWA objection.

Council's Planning Services has negotiated with the applicant and MRWA, and have resolved to proceed with the amendment subject to the exclusion of Lot 6049 Bell Street from the Scheme Amendment.

Development Plan

The primary purpose of a Development Plan is to provide guidance for the future development of large or strategically significant parcels of land likely to be developed over time or in stages. The purpose and intent for requiring a development plan with Scheme Amendment No. 17 was to address the following aspects:

- Provision of a suitable buffer strip, including earthworks and landscaping provision, which adequately screens the proposed uses from Great Northern Highway;
- Limit access to Bell Street;
- Incorporate any concerns from Main Roads WA; and
- Incorporate any statutory requirements under the Town Planning Scheme No. 5

As the land is in single ownership and affects only two (2) lots, a Development Plan is not considered necessary, and can be appropriately addressed through the development application process.

Options

Council has the following options when considering the matter:

Officer's Option 1

1. Rescind Council's previous resolution

This option would enable the Scheme Amendment to be reconsidered. Council will then be required to adopt the amendment having addressed the concerns raised in the late submissions. In addition Council can remove the requirement for a Development Plan over the Scheme Amendment area.

2. Not to rescind Council's previous resolution

Option 1 is recommended.

Officer's Option 2

Subject to the motion carried in the Officer's Recommendation 1, Council has the following options:

1. Adopt the Scheme Amendment with modifications.

This option addresses the concerns raised by Main Roads and the Department of Regional Development and Land, allowing the future road realignment of Great Northern Highway.

Attachments

1. Locality Map
2. Scheme Amendment Documentation
3. Submissions received

NOTE: Mayor called for a show of hands in favor of considering the revocation of Council Decision 200910/434 - Agenda Item 11.1.2.2 "Proposed Amendment 17 to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 6047, 6048 and 6049 Bell Street, Port Hedland from "Local Road Reserve" and "Other Purposes – Infrastructure Reserve" to "Industry" (File No.: 18/09/0023)" presented to the Ordinary Meeting of Council held on 9 June 2010, recorded on pages 20 - 27 of those Minutes The following Elected Members indicated their intent to do so:

*Mayor Howlett
Cr Carter
Cr Daccache*

201112/518 Officer's Recommendation 1/Council Decision**Moved: Cr Carter****Seconded: Mayor Howlett**

That Council rescinds Council Decision 200910/434 of Agenda Item 11.1.2.2 "Proposed Amendment 17 to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 6047, 6048 and 6049 Bell Street, Port Hedland from "Local Road Reserve" and "Other Purposes – Infrastructure Reserve" to "Industry" (File No.: 18/09/0023)" held on 9 June 2010, recorded on pages 20 - 27 of those Minutes.

CARRIED BY ABSOLUTE MAJORITY 7/0

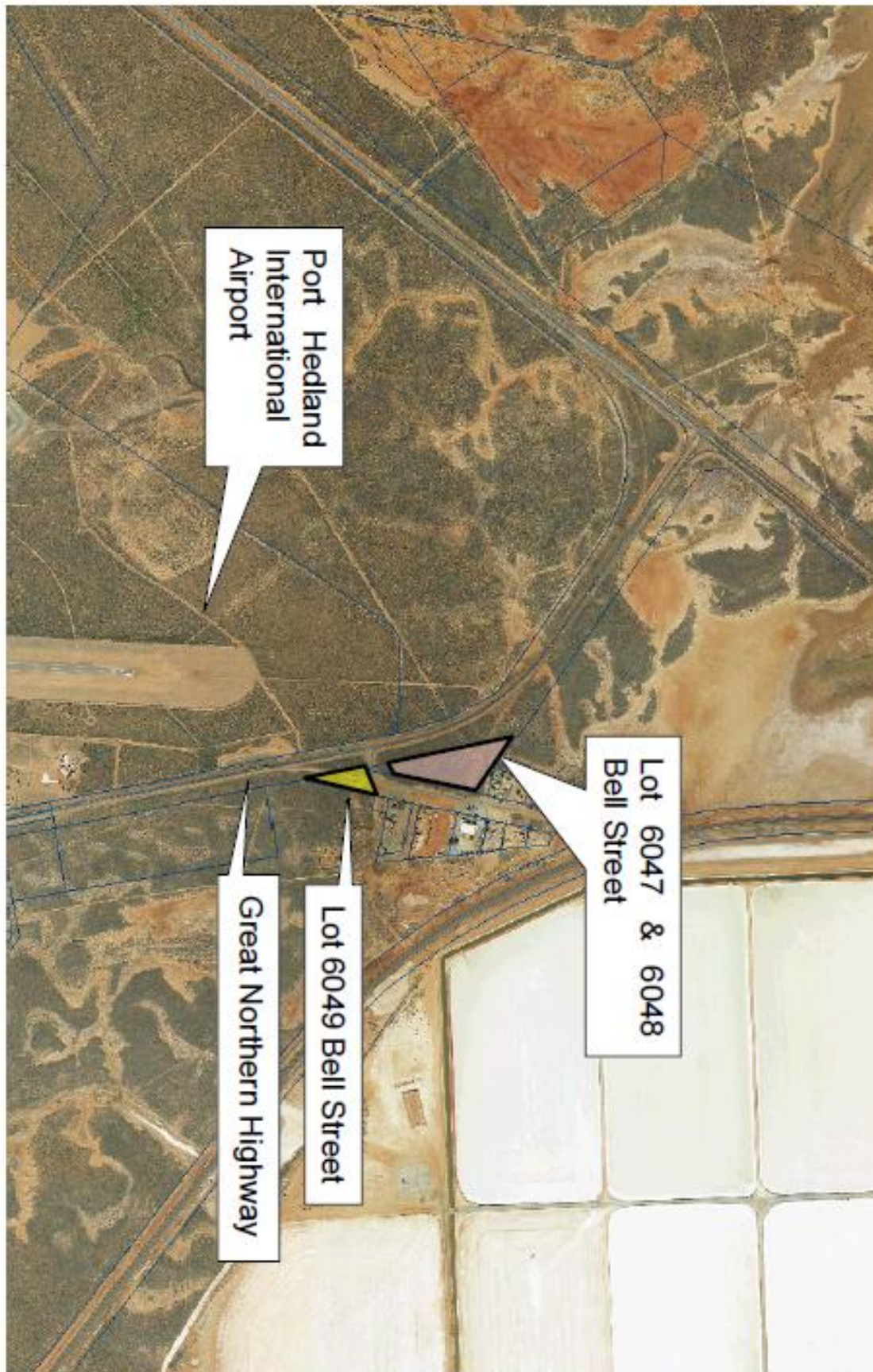
201112/519 Officer's Recommendation 2/Council Decision**Moved: Cr Carter****Seconded: Cr Daccache****That Council:**

1. **Adopts Scheme Amendment 17, to Town of Port Hedland Town Planning Scheme No. 5 subject to the following modifications:**
 - a. **Lot 6049 Bell Street is to be excluded from the Scheme Amendment.**
2. **Advises the applicant, Council no longer requires a Development Plan to be submitted and approved.**

- 3. Forwards all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended).**
- 4. Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967 (as amended), including the fixing of the Council's Common Seal in the event that the Minister for Planning approves the Amendment.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.14



TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME No 5
AMENDMENT No 17



Prepared By



July 2009

S:\Projects\12\12165\planning\scheme Amendment\100209 amendment doc.doc

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME No. 5
AMENDMENT No. 17

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Reclassifying Lots 6047, 6048 & 6049 Bell Street, Port Hedland from "Local Road" and "Other Purposes – Infrastructure" reserve to "Industry" zone; and
2. Amending the Scheme Maps accordingly.

Dated this 27th Day of February 2008.

Chief Executive Officer

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APPENDICES

- Appendix 1: Option to lease land
- Appendix 2: Certificates of Title

1.0 INTRODUCTION

This scheme amendment seeks to reclassify three lots from "Local Road Reserve" and "Other Purposes Infrastructure Reserve" to the "Industry" zone under the Town of Port Hedland Town Planning Scheme No. 5.

The amendment is intended to facilitate the redevelopment of the land with factory units that may be leased by the IBN Corporation to individuals and groups as business incubators for assorted indigenous business ventures or for commercial purposes.

The key objective of the rezoning for the Corporation is to foster and increase the survival rate for indigenous start up companies by providing the premises where the businesses may be carried out at a subsidised rate and to develop commercial facilities for lease which may include workshops or storage units.

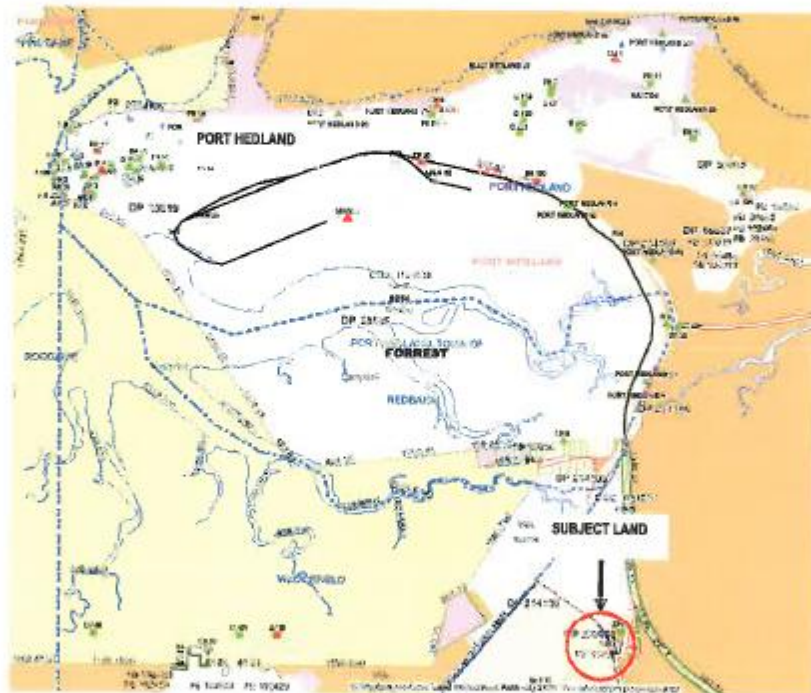


Fig 1: Location Plan (Landgate)

2.0 DESCRIPTION OF SUBJECT LAND & SURROUNDS

2.1 Location

The subject land is located roughly 3 kilometres north of the Port Hedland airport on the Great Northern Highway or Broome Highway as it is known locally. It is approximately 15 kilometres south east of the Port Hedland town centre (refer fig 1).

The Wedgefield industrial area is approximately 3 to 4 kilometres to the southwest along the Great Northern Highway.

2.2 Size & Character

The subject land comprises three lots, 6047, 6048 & 6049 Bell Street, Port Hedland which are 1.2ha, 8874m² and 6372m² respectively. Together, the lots total 2.95 hectares in size. Two of the lots are adjoining parcels of land north of the intersection of Bell Street and the Highway. The third land parcel is south of the intersection of Bell Street and the Highway (refer fig 2).

The subject land is currently undeveloped. In addition, it is relatively low lying, flat and featureless. The land could be described as Spinifex scrubland typical of the region (refer fig 3).

2.3 Ownership

The land is Unallocated Crown Land meaning it is owned by the Crown and is administered by the State but it is not vested in any particular authority for management. The IBN Corporation has an option with State Land Services to lease the land (with a view to eventually purchasing the property). Approval of the lease is contingent upon the land being rezoned for industrial use, any necessary subdivision and development approvals being obtained from the relevant authorities, native title clearance and the approval of Main Roads Western Australia whose primary concern is that development not be accessed from the Highway.

2.4 Surrounding Land Use

Surrounding land to the west, north and south is predominantly undeveloped land reserved under the Scheme for "Other Purposes" Infrastructure Reserve.

Land to the west of Bell Street however is zoned "Industry" under the Scheme. This is a small industrial area comprising 7 lots, 5 of which are developed primarily with transport related or light industrial uses including; a boarding kennel and cattery, storage shed, transport depot and machinery storage depot.

2.5 Servicing

Power and scheme water are located within the Bell Street road reserve. The land has dual road frontage to Great Northern Highway and Bell Street, both of which are constructed to a bitumen standard.

Reticulated sewerage is not available. Land use on the existing industrial lots is restricted to dry industries that do not generate large volumes of wastewater for disposal. Similar land uses are envisaged for the subject lots.



Fig 3: Aerial Photograph

3.0 PLANNING FRAMEWORK

3.1 Strategic Context – Port Hedland Land Use Masterplan (LUMP)

There is a critical shortage of available industrial land in Port Hedland as evidenced by the adhoc transport related developments that have occurred on land not zoned for the purpose. The Wedgefield Industrial Estate, which is the town’s only dedicated industrial precinct, is fully developed and its growth is constrained by Native Title issues.

The Town of Port Hedland Land Use Master Plan seeks to contain the spread of industrial uses in planned estates that are located to take advantage of existing infrastructure where possible, support existing industrial development and avoid land use conflicts.

The areas identified by the LUMP for light industrial expansion include the area on either side of the Broome Road turn off in the vicinity of Bell Street although this area was eventually eliminated due to the potential for flooding (refer fig 4).

Notwithstanding, the subject lots represent the only land available in the short term for light industrial development. The site is a logical choice for industrial development given its proximity to an existing industrial area and the airport, access to services and location on a major transport route. The potential for flooding has not been a constraint to the development of other land in Port and South Hedland for industrial purposes and can be addressed through appropriate development conditions.

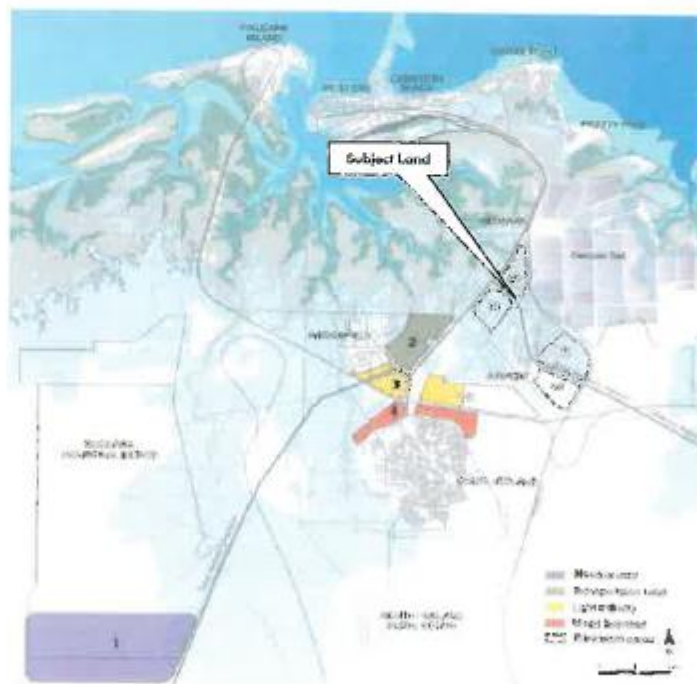


Figure 4: LUMP Industrial Expansion Areas

3.2 Town of Port Hedland Town Planning Scheme No. 5

The amendment proposes to rezone the land to 'Industry'. The purpose of the zone is to accommodate the broad range of developments required to support industry and commerce within the Town of Port Hedland.

At this stage, the factory units and service station are only proposed land uses. Other uses which could be considered on the lots (having regard to servicing issues) once it is rezoned to 'Industry' are set out in the zoning table contained within the Scheme, these are:

Land Use	Permissibility
Abattoir	SA
Intensive Agriculture	SA
Harbour Installation	AA
Hire Service	P
Industry – Extractive	AA
Industry – General	AA
Industry – Light	P
Industry – Noxious	SA
Industry – Rural	AA
Industry – Service	P
Infrastructure	AA
Stockyard	SA
Storage Facility / Depot / Laydown Area	AA
P= Permitted AA = Not permitted unless Council approves SA = Not permitted unless Council approves after advertising	

Further, clause 3.2.6 of the Town Planning Scheme gives Council the powers to consider any land use that may be proposed on the land subject to consideration of whether that use is consistent or otherwise with the objectives and purposes of the zone.

Clause 6.7 of the Town Planning Scheme contains a number of development standards applicable to the 'Industry' zone. The standards address development issues such as setbacks, plot ratio, car parking numbers and location, storage of materials, landscaping and appropriate floor area limits.

The Town Planning Scheme also sets out criteria relating to subdivision and development within the 'Industry' zone and states that Council shall not recommend approval of applications that seek to create battleaxe lots or lots below 2000m². The subject land would therefore have subdivision potential once rezoned however as it is to be leased from State Government at least initially, any application for subdivision would require the consent of the State.

3.3 WAPC Development Control Policy 4.1: Industrial Subdivision

This policy relates mainly to a process outside the scope of a scheme amendment however it provides some guidance for the assessment of a rezoning application. The objectives of the policy include the following relevant points:

- Industrial development should be compatible with adjacent development to avoid land use conflicts. It can achieve this by appropriate location, separation, buffers and design including landscaping techniques to minimise impacts.

- Land for industrial development should be appropriately serviced with at least reticulated water and where reticulated sewerage is not available, development on the land should be limited to dry industry.
- Good access to and from industrial land is imperative but direct access from industrial lots to major roads should be limited and local roads should be at least 20 metres wide to accommodate truck movements.

The subject proposal meets all of the above criteria. The Development Guide Plan forming part of this scheme amendment will limit access to the Great Northern Highway, the development approval process can ensure development on the lots is limited to dry industry and the Bell Street road reserve is greater than 20m in width.

3.4 Port Hedland Area Planning Study (2003)

Of relevance to this scheme amendment is the following statement contained on page 34 of the Planning Study:

“Although the proposed Boodarie Strategic Industrial Estate will provide a site for heavy industry, there is also a need to allocate suitable land for light and general industrial uses, particularly those associated with users of the estate. Land has been allocated in the buffer zone of the Boodarie Strategic Industrial Estate, and the Town of Port Hedland is currently investigating future industrial land options.

The majority of this land, like Wedgefield, is subject to peak storm surge inundation and flooding.”

The passage identifies the need for land for light industrial purposes and states that the sole existing industrial area is subject to storm inundation as is the land the subject of this amendment. The issue therefore should not represent a constraint to approval of this scheme amendment.

4.0 PROPOSED AMENDMENT

4.1 Amendment Proposal

In order to facilitate the development of the land for the intended use it is proposed to rezone it to 'Industry' in accordance with nearby lots. This will round off the zone and maximise the development potential of the subject land.

A 'Light Industrial' zone was originally considered appropriate for the intended development of the land but this was discarded due to the fact that the Scheme does not contain this zone and as such, a scheme amendment to introduce it would have to be more complex than a simple rezoning. Although the "Industry" zone may allow uses not suitable for the land due to its level of servicing, Council has the ability to restrict development on the lots to light industrial uses through the development approval process. Clause 6.7.2 of the Scheme states:

"In considering planning applications within the Strategic Industry, Industry, or Industrial Development Zones, Public Purpose or other reservations, or the industry buffers identified in the policy manual, Council shall have regard for the:

- (a) *compatibility of uses,*
- (b) *potential impact of the proposal on the efficient and effective operations of the existing and planned industry, infrastructure or public purpose, and*
- (c) *risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use."*

It is unknown why Lots 6047 and 6049 have a "Local Road" reservation whilst Lot 6048 remains reserved for "Other Purposes – Infrastructure". However, it is certain that the lots will never be required for road purposes and the current zoning is likely an historic anomaly that has never been corrected.

5.0 DEVELOPMENT CONSIDERATIONS

5.1 Storm Surge / flooding

The subject land is in an area that has potential for flooding because it is subject to storm surge inundation (refer fig 5). This does not preclude its development for industrial purposes however (as evidenced by the adjacent industrial land and portions of the Wedgefield industrial estate) and development can be considered subject to adequate fill being provided to raise floor levels above the storm surge level and foundations being appropriately engineered.

This is ratified by the Land Use Master Plan, which states that one of the environmental objectives of the LUMP strategy is to:

"Locate new development wherever possible above the 100 year storm surge elevation, with only uses that would incur limited flood damage, such as certain industrial or outdoor storage activities, permitted within the flood plain" (pg: 8 cl 2.1(b))



Figure 5:100 year flood plain and storm surge (LUMP)

5.2 *Development Guide Plan*

This scheme amendment contains a Development Guide Plan (DGP) which articulates the restrictions and standards that apply to the development of the lots. The DGP was a requirement of the initiation of the scheme amendment primarily to provide a mechanism to implement a landscaping strip along the western edge of the lots. The DGP will ensure uniform development across all three lots and will be implemented by council staff at the development application stage.

The purpose of the landscaping strip in part is to soften the landscape, provide a measure of screening of the development from the Great Northern Highway and help meet the landscaping requirements of the Scheme. The purpose of setting the landscaping within a swale is to utilise natural rainfall as far as possible to irrigate and establish the vegetation.

The DGP sets out other issues relating to development of the land including the requirement for fill to set finished floor levels higher than the 1 in 100 storm surge and the applicable highway access restrictions.

5.3 *Native Title*

Almost all of the Town of Port Hedland is under Native Title claims and numerous heritage sites have been identified in and around the development sections of the town. There are no recognised sites within vicinity of the subject land however and native title clearance is expected to be issued. IBN Corporation has been negotiating this issue with the relevant department for a number of months.

6.0 JUSTIFICATION / CONCLUSION

The salient points summary and support of this proposed rezoning area are:

- The amendment should be formality giving the level of commitment already made by state government to the proposal through the granting of a **lease** over the land;
- The scheme amendment has an altruistic intent as it aims to **foster** and facilitate indigenous start up businesses;
- The proposal a logical rounding off of the industrial zoning in the locality and the land has been identified in strategic planning documentation as a potentially suitable location for industrial development;
- There is a recognised shortage of light industrial zoned land in Port and South Hedland which has resulted in adhoc industrial development in inappropriate locations;
- The land can be serviced adequately for the intended end use or otherwise the land uses approved on **the** lots can be appropriately restricted to benign uses with little to no impact;
- Whilst it has yet to be secured, Native Title clearance is **expected** because of the nature of the proposal and its relative insignificance;
- Development controls imposed by the Development Guide Plan can implement the objectives of Council and address the concerns of Main Roads Western Australia; and
- There are no constraints to development of the lots above and beyond the usual local conditions that can't be dealt with through appropriate development controls.

Given the above, it is respectfully requested the Hon. Minister grant final approval to the amendment.

APPENDIX 1: DEED OF OPTION

DUPLICATE**DEED OF OPTION**

THIS DEED is made on the 20th day of June 2007.

BETWEEN

THE MINISTER FOR LANDS acting for and on behalf of the State of Western Australia a body corporate under the *Land Administration Act 1997* care of the Department for Planning and Infrastructure, 1 Midland Square, MIDLAND WA 6055 ("the Grantor")

AND

IBH CORPORATION PTY LTD of Bldg 5, Pundulmurra Campus, SOUTH HEDLAND WA 6722 ("the Grantee")

BACKGROUND:

- A. The Grantor is authorised by section 85 of the *Land Administration Act 1997* (the "LAA") to grant leases of Crown land for certain purposes and on such terms and conditions as the Grantor may determine and by section 88 of that Act to grant options for such leases.
- B. In consideration of payment of the Option Fee and GST on the Option Fee, the Grantor has agreed to grant to the Grantee an option to lease the Land subject to any Encumbrances and for the term and on the conditions contained in the Schedule and the annexure (Annexure "A") to this Deed.
- C. Upon the exercise of this Option by the Grantee, as set out in clause 4 of this deed, the Grantor shall grant to the Grantee a lease of the land described in item 1 of the Schedule, on the terms and conditions set out in Annexure "A".

OPERATIVE PART**1. Interpretation**

1.1 In this Deed, unless the context otherwise requires:

- (a) "Business Day" means any day other than a Saturday, Sunday or State public holiday in Western Australia.
- (b) "Lease" means the Lease document comprising Annexure "A" and including the dealing created by execution of that document;
- (c) "Expiry Date" means the expiry date stated in Item 3 of the Schedule.
- (d) "LAA" means the *Land Administration Act 1997*;
- (e) "Land" means the land described in Item 1 of the Schedule;

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(f) "Option Fee" means the amount stated in Item 2 of the Schedule; and

(g) "Schedule" means the schedule to this Deed.

- 1.2 The singular includes the plural and vice versa.
- 1.3 Words importing a gender include every gender.
- 1.4 Headings and numbering are for convenience only and do not affect the interpretation of this Deed.
- 1.5 The Schedule and Annexure "A" form part of this Deed.
- 1.6 Where a party to this Deed is more than one person they are jointly and severally liable under the terms of this Deed.
- 1.7 Person includes a company, partnership, joint venture or like entity.
- 1.8 A reference to any party includes that party's executors, administrators, agents and permitted assigns, or in the case of a company, its successors and permitted assigns.

2. Grant of Option

- 2.1 In consideration of the payment of the Option Fee and GST on the Option Fee by the Grantee to the Grantor, the Grantor grants to the Grantee an option (the Option) to lease the Land for the term set out in Item 4 of the Schedule and on the terms and conditions set out in the Lease.

3. Option Fee

- 3.1 If the Option is not exercised the Option Fee will be forfeited to the Grantor.

4. Exercise of Option

- 4.1 As a condition precedent to the right to exercise this Option the Grantee must:
- (a) provide to the Grantor at least 30 days before the Expiry Date -
- (i) evidence in writing to the Grantor's absolute satisfaction that the Grantee has secured any necessary rezoning of the land to permit subdivision and or development for light industry or the like;
 - (ii) evidence in writing to the Grantor's absolute satisfaction that the Grantee has obtained WAPC conditional approval for subdivision of the land into three or more serviced lots;
 - (iii) evidence in writing to the Grantor's absolute satisfaction that the Grantee has obtained the consent of the Town of Port Hedland to the proposed subdivision or development of the land;

- (iv) evidence in writing to the Grantor's absolute satisfaction that the Grantee has obtained the consent of Main Roads to any proposed subdivision or development of the land;
 - (v) evidence in writing to the Grantor's absolute satisfaction that the Grantee has obtained the consent of the native title parties to the taking or any rights or interests and that any rights or interest in the land have been taken under the future act provision of the Native Title Act and the IAA.
- (b) Obtain from the Grantor at least 7 days before the Expiry Date, notice in writing from the Grantor stating that the Grantee has met the conditions precedent.

4.2 The Option may only be exercised by:

- (a) The Grantee giving written notice (signed by the Grantee) of exercise to the Grantor on or before 5:00pm on the Expiry Date; and
- (b) delivery to the Grantor together with the notice of exercise of the Option a bank cheque in favour of the Grantor for the first instalment of the Lease rental on or before 5.00 pm on the Expiry Date; and
- (c) the signing of the Lease and delivery of the same to the Grantor on or before 5.00 pm on the Expiry Date.

5. Binding Contract

- 5.1 Upon the Grantor receiving the notice of exercise of the Option and the first instalment of the Lease rental (less the Option Fee), the Grantor will be bound to grant the Lease and the Grantee will be bound to accept the Lease of the Land on the terms set out in the Lease and the Lease will be deemed to be entered into upon the day of the exercise of the Option.

6. Notices

The provisions in the Lease relating to the giving of notice shall also apply to this Deed.

7. Default

- 7.1 If, at any time before the Expiry Date, the Grantee:
- (a) breaches or fails to comply with any condition, covenant or obligation under this Deed;
 - (b) becomes bankrupt or enters into any form of arrangement (formal or informal) with any of its creditors, or an administrator or a receiver or a receiver and manager is appointed to any of its assets;

- (c) being a company, an order is made or a resolution is passed for its winding up except for the purpose of reconstruction or amalgamation;
- (d) being a company, ceases or threatens to cease to carry on business or goes into liquidation, whether voluntary or otherwise, or is wound up or if a liquidator or receiver (in both cases whether provisional or otherwise) is appointed;
- (e) being a company, is placed under official management under the Corporations Law or enters into a composition or scheme of arrangement,

the Grantor, by notice to the Grantee, may terminate this Option and the Grantee shall forfeit the Option Fee and, at the Grantor's absolute discretion, the Grantor may grant a further option or Lease of the Land to another person.

8. Business Day

- 8.1 If the Expiry Date falls on a day which is not a Business Day, the option may only be exercised on a Business Day after the Expiry Date.

9. Assignment

- 9.1 The Grantee shall not assign any of its rights or obligations under this Deed without the prior written consent of the Grantor, which may be given or refused at the Grantor's absolute discretion.

10. Goods and Services Tax

10.1 Definitions

In this clause the following terms have the following meanings:-

"**GST**" has the meaning given in Section 195-1 of the GST Act;

"**GST Act**" means *A New Tax System (Goods and Services Tax) Act 1999* and any legislation substituted for or amending that Act;

"**GST law**" has the meaning given in Section 195-1 of the GST Act;

"**Tax Invoice**" has the same meaning given in Section 195-1 of the GST Act;

"**Taxable Supply**" has the meaning given in Section 195-1 of the GST Act.

10.2 Grantee to pay GST

The Grantee must pay additional to the Option Fee any GST payable by the Grantor in respect of the option granted by this Deed. Where GST is payable, the Grantor shall provide to the Grantee, if required by the Grantee, a Tax Invoice in the format and form required as set out in the GST law.

10.3 Schedule is conclusive

The amount of GST appearing in Item 2 of the Schedule as being payable, in addition to the Option Fee, is conclusive between the parties except in the case of an obvious error.

10.4 The Grantee must pay GST at same time

The Grantee must pay to the Grantor the amount of the GST that the Grantee is liable to pay under this Deed, in addition to the Option Fee:

- (a) at the same time; and
- (b) in the same manner,

as the Grantee is obliged to pay for the Option Fee.

10.5 GST not credited

If the option granted by this Deed is exercised, the GST paid by the Grantee under this clause 10 will not be credited in reduction of any GST payable in respect of the Taxable Supply made or to be made under the Lease.

11. Proper Law

- 11.1 This Agreement is governed by and construed in accordance with the laws of Western Australia and each party submits to the non-exclusive jurisdiction of the Courts of Western Australia.

6

SCHEDULE

Item 1

LAND

LOT 6047, 6048 AND 6049 ON DP 220990

Item 2

OPTION FEE

\$500.00 PLUS \$50.00 GST on the Option Fee

Item 3

OPTION EXPIRY DATE

20 JUNE 2009

Item 4

TERM OF LEASE


TWO YEARS

Item 5

ENCUMBRANCES (if any)

NIL

Signed as a Deed by the Parties

Signed by (insert name) GRANT BUSSELL
in the presence of:  Signature



Witness: Genni McCormack

Address: 410, 9 Masters Way
SOUTH HEDLAND 6722

Occupation: Campus Administrator

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Signed by (insert name) *ALAN Scott*)
 in the presence of:)
 Signature

7




~~Witness~~ *Cenni McCormack*

~~Address~~ *Unit 10, 9 Masters Way
 South Hedland WA 6722*

~~Occupation~~ *Campus Administrator*

Signed by an authorised officer)
 for and on behalf of the MINISTER)
 FOR LANDS by delegated authority)
 under section 9 of the Land)
 Administration Act 1997)

Annexure A

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DATE

This deed is made the _____ day of _____ 20____

PARTIES

The parties to this Lease are the Lessor and the Lessee defined herein.

RECITALS

- A. The Lessor is the registered proprietor of the Land.
- B. The Minister is empowered under the LAA to grant leases of certain land, including the Land.
- C. Pursuant to section 85 of the LAA, the Minister has agreed to grant a lease to the Lessee and the Lessee has agreed to take a lease of the Land subject to the Encumbrances, for the Term and on and subject to provisions of the LAA and the terms and conditions of this Lease.

LEASE

The Lessor hereby leases the Land to the Lessee subject to the Encumbrances for the Term and at the Rent and on the other terms and conditions set out in this document.

1. DEFINITIONS AND INTERPRETATION**1.1 Definitions**

In this Lease, unless the contrary intention appears:

Act means any present or future Act (State or Commonwealth), regulation, by-law or other subsidiary legislation made under any Act, and any order, notice or requirement of any Authority made under any such Act, regulation, by-law or other subsidiary legislation.

Approvals has the meaning in clause 6.3.

Authority means any Federal, State or local government, or other governmental statutory or public department, tribunal, agency, body or authority of any kind.

certificate of Crown land title includes a qualified certificate of Crown land title.

Commencement Date means the commencement date set out on the front page.

construction of the Services means the construction and provision of all services and other improvements in, on and to the Land necessary to legally permit the subdivision of the Land in accordance with the approval of the WAPC for that purpose, including the satisfaction of all Planning Conditions.

Corporations Law means the *Corporations Law* of Western Australia.

DLI means the Department of Land Information or such other Government department principally assisting the Minister in the administration of the *Land Administration Act 1997*.

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DPI means the Department for Planning and Infrastructure or such other Government department principally assisting the Minister in the administration of the *Land Administration Act 1997*.

Encumbrances means the encumbrances set out on the front page.

front page means the front page of this Lease, being in the form suitable for registration at DLI

Guarantor means the person or persons named in item 7 of the Schedule, and if more than one, means those persons jointly and severally.

Insolvency Event means:

- (a) if the Lessee or Guarantor, as the case requires, becomes bankrupt, is wound up, dissolved or otherwise ceases to exist, enters into any form of arrangement (formal or informal) with any of its creditors, or a liquidator, provisional liquidator, administrator, receiver or receiver and manager is appointed to any of its assets; or
- (b) any notice is given as a prerequisite to or other proceeding is commenced the effect of which would be (if successful) any of the events referred to in subclause (a) occurring.

Insurance Policies means the insurance policies referred to in clause 4.1.

Interest Rate means the rate determined under section 142(1) of the *Supreme Court Act 1935* from time to time.

LAA means the *Land Administration Act 1997*.

Land means the land set out on the front page and includes all buildings, fixtures and other improvements on that land at the Commencement Date.

Lessee means the person named on the front page as Lessee, and includes its and each of their executors, personal representatives, successors in title and permitted assigns.

Lessee's Agents means each of the Lessee's employees, agents, contractors, assignees, sublessees, visitors and any other person who is on the Land with the Lessee's express or implied consent.

Lessor means the State of Western Australia and includes the Crown in right of the State of Western Australia.

Minister means the Minister for Lands, being a body corporate existing under section 7(1) of the LAA and being the Minister to whom administration of the LAA is committed from time to time.

Minister's Notice means a notice issued under clause 10.2(a)(ii) in respect of each Stage.

Permitted Use means the use set out in item 4 of the Schedule.

Planning Conditions means any condition imposed by the WAPC or any Authority in relation to the development and subdivision of the Land, including the construction of the Services, under any Approval, whether such condition is imposed as a condition precedent or a condition subsequent.

Purchase Price means the purchase price payable for the land determined by the Minister on advice from the Valuer General as to the unimproved market value of the land at the time of Lessee's Notice.

related body corporate has the same meaning as that term is defined in the *Corporations Law*

Rent means the annual rent set out in item 1 of the Schedule, as varied from time to time under this Lease.

Rent Payment Date means the first day of January of every year during the Term.

Rent Review Date means each date set out in item 2 of the Schedule.

Services means all public utility services including roads, footpaths, water supply, drainage, electricity and gas reticulation, and telecommunications facilities.

subsidiary legislation has the same meaning as that term is defined in the *Interpretation Act 1984*.

Term means the term of this Lease set out on the front page, commencing on the Commencement Date, and when the context requires, includes any period of holding over and any additional or extended term (including under clause 14).

TP&D Act means the *Town Planning and Development Act 1928*.

Transfer means the transfer document referred to in clause 10.4.

Transfer Conditions has the meaning in clause 10.1 in respect of each Stage.

WAPC means the Western Australia Planning Commission as constituted under the *Western Australia Planning Commission Act 1965*.

1.2 Interpretation

In this Lease, unless the contrary intention appears:

- (a) a reference to a clause, schedule or annexure is a reference to a clause of or schedule or annexure to this document and references to this document include any recital, schedule or annexure;
- (b) a reference to this document or another instrument includes any variation or replacement of either of them;
- (c) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (d) the singular includes the plural, the plural includes the singular and any gender includes each other gender;
- (e) a reference to any thing is a reference to the whole or any part of it;
- (f) an obligation on the Lessee to do or not to do any thing includes an obligation on the Lessee to suffer, permit or allow or not to suffer, permit or allow any other person (including the Lessee's Agents) to do that thing;

- (g) the word person includes a firm, a body corporate, an unincorporated association or an authority;
- (h) a reference to a person includes that person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns;
- (i) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- (j) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (k) if a period of time is specified and dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (l) a day means the period of time commencing at midnight and ending 24 hours later;
- (m) a month means a calendar month;
- (n) a reference to currency is a reference to Australian currency;
- (c) including is deemed to be followed by the words, "but not limited to"; and
- (p) words, which are defined in the LAA and used in this Lease, have the meaning given to them in that Act.

1.3 Performance of Functions by Minister or Delegates

- (a) Where in this Lease the Lessor or the Minister may or is required to do any thing or exercise any power that thing may only be done or that power may only be exercised by the Minister or the Minister's delegate appointed under section 9 of the LAA.
- (b) Where, pursuant to this Lease, payments and rights accrue to the Minister or obligations are imposed on the Minister, the same are for the benefit and burden respectively of the Lessor unless the context otherwise requires.

1.4 Implied Covenants

Such of the covenants and powers as might, but for this clause, be implied in this Lease pursuant to the *Transfer of Land Act 1893*, are excluded from and do not apply to this Lease, to the fullest extent such exclusions as permitted by that Act and at law.

2. RENT

2.1 Payment of Rent

The Lessee must pay to the Minister the Rent:

- (a) by an initial payment equal to one half of the Rent on the execution of this Lease, and then by consecutive half yearly payments in advance on each Rent Payment Date, each payment being one-half of the Rent (excluding the payment of Rent immediately after the initial payment, which must be apportioned if necessary);

- (b) at the place and in the manner notified by the Minister in writing at any time or in the absence of that direction, at the address specified in item 3 of the Schedule;
- (c) without deduction or abatement; and
- (d) without demand from the Minister.

2.2 Review of Rent

- (a) The Rent will be varied on each Rent Review Date in accordance with subclause (b) below.
- (b) On each Rent Review Date, the Rent will be varied to the amount that is the minimum rental approved by the Minister at that date for leases granted under the LAA.
- (c) The amount of the Rent so determined by the Minister as from each Rent Review Date is payable from that relevant Rent Review Date, irrespective of when notice of the approved minimum rental is given to the Lessee.

3. OTHER PAYMENTS BY LESSEE

3.1 Rates, Taxes and Charges

The Lessee is to pay:

- (a) by the due date all rates, taxes and services charges and rents which are assessed, imposed or charged by any Authority in relation to the Land or the Lessee's use and occupation of the Land, including local authority rates, water, sewerage and drainage rates, excess water charges, and land tax. For this purpose, land tax is to be calculated on the basis that the Land is the only land owned by the Lessor; or

3.2 Legal Costs and Stamp Duty

The Lessee is to pay or reimburse the Minister on demand for:

- (a) all stamp duty and penalties payable on this Lease, any extension of the Term of this Lease and the Transfer;
- (b) all costs relating to the registration of this Lease, any extension of the Term of this Lease and the Transfer; and
- (c) the Minister's, including the Minister's solicitors' costs and expenses relating to the exercise or enforcement of any right under this Lease, including the preparation and service of any notice of forfeiture under the LAA or any process of termination for default under this Lease.

3.3 Interest

- (a) If any amount payable by the Lessee under this Lease (whether or not formally demanded) is not paid within 30 days after it becomes due for payment, the Lessee is to pay interest on demand, on the amount from the due date for payment until it is paid in full
- (b) Interest is to be calculated on a daily basis, at the Interest Rate.

- (c) Nothing in this clause 3.3 affects or prejudices any other right which the Minister may have in respect of the Lessee's failure to pay any amount by the due date for payment.

3.4 Goods and services tax

(a) Definitions

Unless the contrary intention appears, in this clause:

GST means a tax on the value of any goods or services or property supplied, including but not limited to the value represented by the Rent or other money payable to the Lessor or the Minister for goods or services or property, whether such tax is levied, raised or payable under a State or Commonwealth Act or by agreement between the Commonwealth and State Governments.

Supply means any goods or services or property supplied under this Lease, including but not limited to the Land, other goods or services or property the cost of which comprises part of the cost which the Lessee is liable to pay or reimburse to the Lessor or the Minister under this Lease.

(b) Lessee must pay GST

The Lessee must pay to the Minister the amount of any GST the Lessor or the Minister pays or is liable to pay on a Supply.

(c) Lessee must pay GST at same time

The Lessee must pay to the Lessor or the Minister the amount of the GST that the Lessee is liable to pay under this Lease:

- (i) at the same time; and
- (ii) in the same manner,

as the Lessee is obliged to pay for that Supply.

(d) Consideration does not include GST

The consideration for each Supply, including Rent, fixed or determined under this Lease does not include GST on that Supply and the Lessee must pay the amount of GST in addition to the consideration for that Supply fixed or determined under this Lease.

(e) Apportionment of GST

Where a Supply is not separately supplied to the Lessee, the liability of the Lessee for any amount for GST in relation to that Supply is determined on the same basis as the Lessee's proportion of that Supply is determined.

(f) Statement of GST paid is conclusive

A written statement given to the Lessee by the Minister of the amount of GST that the Lessor or the Minister pays or is liable to pay is conclusive as between the Parties except in the case of an obvious error.

4. INSURANCE**4.1 Insurance Premiums**

- (a) Subject to subclause (b), the Lessee is to take out and keep in force at all times with insurers approved under the *Insurance Act 1973 (Cth)*, and if requested by the Minister to have its and the Lessor's interest noted on the policies:
- (i) a public liability policy with a cover of not less than \$5,000,000.00 for any one claim, including in respect of any works undertaken in relation to the construction of the Services and any other improvements on the Land;
 - (ii) a contractors risk insurance policy to cover all works (temporary and permanent) undertaken in relation to the construction of the Services and any other improvements on the Land, for loss, destruction or damage of or to property insured arising from any one cause for not less than 110% of the full amount of the contract sum under any building contract;
 - (iii) on completion of construction of the Services and any other improvements on the Land, a policy of insurance to cover the Services and all fixtures, fittings and other improvements in or made to the Land against loss or damage by fire, flood, storm, tempest, rainwater, cyclones, explosion, smoke, lightning and such other risks against which in the Minister's opinion a lessee may and does ordinarily insure, to their full replacement value; and
 - (iv) any other insurance policies which the Minister may reasonably require.
- (b) The Lessee is not required to take out insurance policies under subclause (a), to the extent that they relate to the construction of the Services and any other improvements on the Land, if the builder retained by the Lessee is licensed under the *Builders Registration Act 1939* or any other applicable Act and has comparable insurance policies in effect, (noting, if required, the Minister's and Lessor's interest on the policies).

4.2 Deliver Insurance Details

The Lessee is to deliver to the Minister on request:

- (a) a copy of the Insurance Policies; and
- (b) a certificate of currency or receipt for payment of the premium relating to the Insurance Policies.

4.3 Lessee's Obligations

The Lessee is:

- (a) not to do anything which adversely affects the continuation, validity, extent of cover or ability to make a claim under any Insurance Policy;

- (b) to immediately rectify any thing which might prejudice any Insurance Policy, to pay any increased premium payable as a result of any thing done by the Lessee or the Lessee's Agents and to reinstate any Insurance Policy if it lapses or is cancelled;
- (c) to notify the Minister immediately if an event occurs which gives rise or might give rise to a claim under any Insurance Policy or which could prejudice any Insurance Policy;
- (d) to comply with the requirements of any Authority, the Insurance Council of Australia and any Insurer in relation to fire protection of any improvements on the Land, when it is being or is constructed;
- (e) to expend any moneys received in respect of a claim made under an insurance Policy referred to in clause 4.1(a)(ii), (iii) and, if appropriate, (iv) or clause 4.1(b) in reinstating or replacing the damaged or destroyed property in respect of which the claim was made; and
- (f) to waive all rights of subrogation and is to ensure that under the insurance Policies the insurer has no rights of subrogation against the Minister or the Lessor, and the Lessee indemnifies the Minister and the Lessor against any loss arising from a breach of this subclause (f).

6. INDEMNITIES

6.1 Third Party Indemnity

The Lessee indemnifies the Minister and the Lessor and each of their agents, servants, employees and contractors against all claims, demands, proceedings, judgments, damages, costs, expenses and losses incurred or suffered by any of them arising from or in connection with the loss of life, personal injury to any person or loss of or damage to any property arising from or out of:

- (a) any accident on the Land;
- (b) the use and occupation of the Land by the Lessee, including the construction of the Services and any other improvements on the Land and the carrying on of any business on and from the Land (including the Permitted Use);
- (c) any act, neglect, default or omission by the Lessee or the Lessee's Agents; or
- (d) the pollution of the Land or any adjoining land and of the air generally above the Land by any matter or thing whatsoever, but limited to the extent the same is caused or contributed to by the act, neglect, or default of the Lessee or the Lessee's Agents.

6.2 Loss to Lessor or Minister

The Lessee indemnifies the Minister and the Lessor and each of their agents, servants, employees and contractors against all loss and damage to any of them caused by:

- (a) any accident on the Land;
- (b) the use and occupation of the Land by the Lessee, including the construction of the Services and any other improvements on the Land and the carrying on of any business on and from the Land (including the Permitted Use);

- (c) any act, neglect, default or omission by the Lessee or the Lessee's agents, and
- (d) the pollution of the Land or any adjoining land and of the air generally above the Land by any matter or thing whatsoever, but limited to the extent the same is caused or contributed to by the act, neglect, or default of the Lessee or the Lessee's Agents.

5.3 Lessee's Assumption of Responsibilities

The Lessee agrees to take and be subject to the same responsibilities to which it would be subject in respect of persons and property if, during the Term it were the owner and occupier of the freehold of the Land.

5.4 Release

The Lessee:

- (a) agrees to occupy, use and keep the Land at the risk of the Lessee;
- (b) releases to the full extent permitted by law the Lessor from any:
 - (i) claims and demands of any kind;
 - (ii) liability which may arise in respect of any accident or damage to property or death or injury to any person, of any nature in or near the Land; and
 - (iii) loss of or damage to fixtures or personal property of the Lessee or any of the Lessee's Agents.

5.5 Obligations Survive Termination

The obligations of the Lessee under this clause 5 continue after the termination of the Term in respect of any act, deed, matter or thing occurring before the termination of the Term.

5.6 Definition of Lessor

For the purposes of this clause 5, the term Lessor includes the Crown, the Minister, and the agents, servants, employees and contractors of the Lessor, the Crown and the Minister.

8. DEVELOPMENT OF LAND

8.1 Development of Land for Light Industrial Use

By the end of the Term, the Lessee must develop and subdivide the Land and construct the Services on the Land, and do all things necessary so that on registration of the Transfer:

- (a) all Planning Conditions will have been complied with (or will be on registration of the Transfer and any supporting or accompanying documents), including the construction of the Services; and
- (b) all Minister's Conditions will have been complied with (or will be on registration of the Transfer and any supporting or accompanying documents).

This clause 6.1 and any other relevant provisions of this Lease (including clause 6.4) is to apply and be read in all respects as if the TP&D Act did apply, including the compliance with all subdivision conditions that the WAPC would impose on such a subdivision and development application if that Act did apply.

6.2 Development in Stages

The Lessee may carry out its obligations under clause 6.1 in relation to the subdivision and development of the Land into whole Lots in one or more Stages, as may be agreed by the Minister.

6.3 Approvals

Prior to commencing construction of the Services and any other improvements on the Land, the Lessee is to apply for and obtain (which may be subject to Planning Conditions):

- (a) development and subdivision approval under the TP&D Act for the development and subdivision of that Land as separate lots; and
- (b) any other licences, permits or authorisations required to be obtained under any Act or from any Authority relating to the development and subdivision of the Land and construction of the Services and any other improvements relating to that Land,

(Approvals), as if the Land were alienated land.

6.4 Standard of Construction

The Lessee is to construct the Services and any other improvements on the Land:

- (a) in a proper and efficient manner, exercising a high standard of care and skill applicable in the land development industry and using new materials of good quality;
- (b) in a manner which complies with the Approvals, the Building Code of Australia (if applicable) and any other relevant Act or standard; and
- (c) otherwise to the satisfaction of the Minister.

7. DEALING WITH INTEREST IN LEASE

7.1 Registration of Lease

The Lessee is to lodge this Lease for registration on the certificate of Crown land title to the Land, at D.I.J, within 14 days after it is executed by the Minister and the Lessee. The Lessee must attend to all stopped document notices and other requisitions and to pay all necessary fees for registration of the Lease.

7.2 No Dealings without Consent

The Lessee may not sell, transfer, sublease, mortgage, charge, encumber or otherwise deal with its interest in this Lease or part with possession of the Land without the prior approval in writing of the Minister, given in accordance with section 18 of the LAA.

7.3 Deemed Assignment

For the purpose of clause 7.2, where the Lessee is a corporation (not being a corporation whose shares are listed on any Stock Exchange in Australia) any change in the beneficial ownership of a substantial shareholding (within the meaning of section 50 of the *Corporations Law*) in the corporation or any related body corporate shall be deemed to be an assignment of the Land and the benefit of this Lease and must require the prior approval in writing of the Minister.

7.4 No Encroachments

Without limiting clause 7.2, the Lessee must not agree to permit any encroachment or easement into, or, over or against the Land without the Minister's prior written approval.

8. LESSEE'S GENERAL OBLIGATIONS**8.1 Use of Land**

The Lessee is to use the Land for the Permitted Use, and is not to use the Land for any illegal or improper purpose or for residential purposes.

8.2 Compliance with Laws

The Lessee is to comply on time with all Acts, laws and requirements of any Authority, including obtaining all necessary licences, approvals or authorities relating to:

- (a) the Land and occupation of the Land; and
- (b) the construction of the Services and any other improvements on the Land.

8.3 No Nuisance

The Lessee is not to do any thing on or in relation to the Land which:

- (a) may be a nuisance or annoyance to the Minister, the Lessor or occupiers of other land or property in the neighbourhood of the Land; or
- (b) is or may be deemed a nuisance by any Authority, under any Act or at common law,

and is to promptly do all things necessary to abate that nuisance or annoyance.

8.4 State of Land and Improvements

- (a) The Lessee is to put the Land in a condition that is and keep the Land clean, free from rubbish, pests and weeds, safe and free from hazards, except to the extent it may not be possible to comply with these requirements as a result of or during the construction of the Services and any other improvements on the Land.
- (b) On completion of construction of the Services and any other improvements on the Land, the Lessee is to remove from the Land all construction debris and rubbish.
- (c) The Lessee is to keep all buildings, fixtures and other improvements on the Land (including the Services), once constructed, in good and substantial repair and condition.

9. QUIET ENJOYMENT

Subject to the rights of the Minister and the Lessor under this Lease and the LAA, if the Lessee complies with its obligations under this Lease, the Lessee may hold the Land during the Term without interruption by the Minister or the Lessor.

10. TRANSFER OF FEE SIMPLE**10.1 Lessee's Notice**

if the Lessee,

- (a) has complied fully with its obligations under clause 6.1 so that the WAPC has approved or is prepared to unconditionally approve (subject only to the registration of any documents with the Transfer) the plan or diagram of survey in respect of the Land;
- (b) has paid the Rent due by the date of the Lessee's notice referred to in this clause;
- (c) has complied with and performed all of its obligations under this Lease (other than the obligation to develop and subdivide any remaining Stage),

(Transfer Conditions) the Lessee may give notice in writing to the Minister that the Lessee considers it has satisfied the Transfer Conditions in respect of that Land.

10.2 Minister's Inspection and Notice

- (a) When the Minister has received a notice from the Lessee under clause 10.1:
 - (i) the Minister may inspect the Land and the state and stage of development and subdivision of the Stage and the construction of Services relating to that Stage; and
 - (ii) if the Minister is of the opinion that the Transfer Conditions have been satisfied, in respect of that Stage, the Minister will give a notice in writing to the Lessee to that effect (Minister's Notice).
- (b) In forming his opinion under subclause (a)(ii) as to the satisfaction of the Transfer Conditions, the Minister may consult with the relevant local government and any other relevant Authority or body, whose objects, functions or activities are or may be relevant to the matter being considered.

10.3 Transfer of Fee Simple in Land

- (a) On the issue of the Minister's Notice and payment of the Purchase Price, the Lessee is entitled to a transfer of and the Minister agrees to do all things necessary to transfer to the Lessee an interest in fee simple of the Land (including all buildings, fixtures and other improvements on the Stage Land Lot/s at the Commencement Date) subject to:
 - (i) the Encumbrances to the extent that each relate to the Stage Land Lot/s;
 - (ii) the Covenants;

- (iii) any restrictive or positive covenants, memorial, charge, easement, notification or any other encumbrance or interest (interests), whether registrable under the LAA, the *Transfer of Land Act 1893* or any other Act and whether in favour of the Minister or any other person, or as may be required as a Planning Condition or Minister's Condition to the extent that each of the foregoing relate to that Stage Land Lot/s; and
- (iv) subclause (c).
- (b) The Lessee by this document consents to the registration of the Encumbrances, Covenants and interests referred to in subclause (a), and this consent shall survive the termination of this Lease or merger of the Lessee's interest in this Lease with the interest in fee simple in the Stage Land Lot/s.
- (c) The Lessee will take a transfer of an interest in fee simple of the Land:
 - (i) irrespective of the state of title to the Land or otherwise, as to any of the matters referred to in clause 16.3; and
 - (ii) despite any error or misdescription in the Land,and the Lessee shall not have any claim against the Minister or the Lessor relating to any of these matters.
- (d) For the avoidance of doubt, the parties acknowledge that the Rent and all other payments due by the Lessee under this Lease are payable by the Lessee to the Lessor or the Minister are to be deducted from the Purchase Price payable in respect of the transfer of an interest in fee simple of the Land under this clause 10.
- (e) The Lessee agrees that if for any reason whatsoever, the Encumbrances, Covenants or any other interests referred to in subclause (a) are not referred to or created in or at the time of registration of the Transfer, the Lessee takes the interest in fee simple of the Land subject to those Encumbrances, Covenants and other Interests and will do all things and sign all documents necessary to ensure the registration of those Encumbrances, Covenants and other Interests as soon as reasonably practicable after registration of the Transfer, on the relevant certificate or certificates of title.

10.4 Transfer Document

Within 30 days of receiving the Minister's Notice, the Lessee is to deliver to the Minister a duly executed and stamped transfer of the Land in a form suitable for registration at DLI that complies with clause 10.3, between the State of Western Australia as transferor and the Lessee as transferee.

10.5 Execution by Minister

The Minister will execute the Transfer and return it to the Lessee.

10.6 Registration of Transfer

The Lessee is to lodge the Transfer at DLI for registration, and is to attend to all stopped document notices and other requisitions and to pay all fees necessary for registration of the Transfer to be completed.

10.7 Effect of Registration

- (a) Until registration of the Transfer, the Lessee is to continue to comply with and perform its obligations under this Lease.
- (b) On registration of the Transfer the interest of the Lessee in this Lease in respect of the Land the subject of the Transfer, shall merge with the interest in fee simple of the Land, and this Lease, as to that part, shall be automatically surrendered by operation of law, except to the extent that any provision of this Lease expressly provides that it shall continue to apply after termination of the Term.
- (c) Registration of the Transfer automatically effects the creation and registration of a certificate of title for the Land and partial or whole cancellation of the certificate of Crown land title as it relates to the Land.

11. DEFAULT**11.1 Essential Terms**

- (a) Without limiting the provisions of this Lease, which are essential terms, it is agreed that each of the covenants by the Lessee contained in each of the following clause is deemed to be an essential term of this Lease:
 - (i) Clause 2 (Payment of Rent);
 - (ii) Clause 3 (Other Payments by Lessee);
 - (iii) Clause 4 (Insurance);
 - (iv) Clause 5 (Indemnities);
 - (v) Clause 6.1 (Development of Land);
 - (vi) Clause 6.4 (Standard of Construction);
 - (vii) Clause 7 (Dealings with Interest in Lease); and
 - (viii) Clause 8.3 (No Nuisance).
- (b) In respect of the Lessee's obligation to pay Rent or make other payments, the acceptance by the Lessor or the Minister on behalf of the Lessor of any late payment or any part payment shall not constitute a waiver of the essentiality of the Lessee's obligation to make that payment or of the Lessee's continuing obligation to pay during the Term.

11.2 Termination of Lease

- (a) The parties agree that, in addition to any other ground for termination at law, this Lease may be terminated by the Lessor:
 - (i) in the event of breach of an essential term of this Lease;
 - (ii) if the Lessee vacates or abandons the Land;
 - (iii) if an Insolvency Event occurs in relation to the Lessee or any Guarantor; or
 - (iv) pursuant to the provisions for forfeiture under section 35 of the LAA.
- (b) Despite subclause (a), if section 81(1) of the *Property Law Act 1969* applies, the Lessor's right to terminate only arises after the Lessor has given a notice which complies with that section and the Lessee has failed to comply with that notice.

- (c) This Lease may be terminated under paragraph (a)(i) either by the Lessor giving notice to the Lessee or by the Lessor re-entering the Land without notice.

11.3 Compensation for Termination

- (a) Without limiting the Lessor's rights and remedies at law, in respect of any term of this Lease, it is agreed that in the event of termination of this Lease pursuant to this clause or otherwise at law, the Lessee shall compensate the Lessor for all costs and losses incurred by the Lessor. The losses to be so compensated include loss of rent in respect of the period from the time of termination to the time at which the Lease would otherwise have expired at the end of the Term. The costs to be so compensated include reasonable legal costs.
- (b) The Lessor's entitlement to recover compensation or damages shall not be affected or limited by any of the following:
- (i) the Lessee abandoning or vacating the Land;
 - (ii) the Lessor electing to re-enter or to terminate this Lease;
 - (iii) the Lessor accepting any repudiation of this Lease by the Lessee; or
 - (iv) conduct by any of the parties constituting a surrender by operation of law.

11.4 Effect of Forfeiture

- (a) Despite the forfeiture of the Lessee's interest in this Lease and the Land:
- (i) the Minister may cause any improvements made by the Lessee to the Land to be valued by agreement with the Lessee or failing any such agreement, by arbitration under the *Commercial Arbitration Act 1985* to enable the value of improvements, less any moneys owing to the Minister by the Lessee, to be paid to the Lessee, if the Minister thinks fit, and
 - (ii) the Lessee remains liable to pay any moneys payable to the Minister under this Lease prior to the date that it is forfeited.

12. TERMINATION OF LEASE

12.1 Deliver up Possession

When this Lease is terminated (other than upon a transfer of the fee simple interest of the Land under clause 10), the Lessee is to deliver up possession of the Land and all fixtures, buildings and other improvements on the Land (including the Services) in the state and condition consistent with the required performance by the Lessee of its obligations under this Lease.

12.2 Obligations Survive Termination

The performance by the Lessee of its obligations under clause 12.1 survive the termination of this Lease (whether by expiry of the Term or otherwise), other than on a transfer of the interest in fee simple of the Land under clause 10.

12.3 Ownership of Improvements

When this Lease is terminated (other than on a transfer of the interest in fee simple of the Land under clause 10):

- (a) the property in the Services and any other improvements made to the Land by the Lessee vests in the Crown under section 92 of the LAA; and
- (b) the Lessee may, with the Minister's permission:
 - (i) remove the Services and all fixtures from the Land within 3 months after termination; or
 - (ii) cause the Services and any other improvements made to the Land by the Lessee to be valued to enable the price of the Services and those improvements to be paid to the Lessee by any incoming lessee or, or any purchaser of the fee simple in, the Land.

12.4 Section 92 Land Administration Act

This clause 12 is not to be taken to affect, alter or derogate from the operation of section 92 of the LAA.

13. MINISTER'S RIGHTS**13.1 Right to Enter**

The Minister or any person authorised by the Minister may enter on to the Land at all reasonable times and on reasonable notice with all necessary plant, equipment and materials:

- (a) to inspect the construction of the Services or the state and condition of the Land and any improvements on it or being constructed on it;
- (b) to repair, maintain or carry out any works in relation to the Land, which the Lessee is liable to do under this Lease and has failed to do within 30 days of the Minister serving notice on the Lessee requiring it to carry out those works, or
- (c) to remove any harmful substance.

The Minister is not required to give any notice to the Lessee before entering on to the Land or carrying out any works under subclause (b), if the Minister is of the opinion those works are of an emergency nature.

13.2 Remedy Lessee's Default

The Minister may, but is not obliged to, remedy any default by the Lessee of its obligations under this Lease without notice (unless any clause specifically provides otherwise), including the payment of any moneys payable by the Lessee under this Lease.

13.3 Recover Costs from Lessee

If the Minister carries out any works under clause 13.1 which it is the Lessee's obligation to do under this Lease or remedies a default under clause 13.2, the Lessee is to pay to the Minister on demand all debts, costs and expenses, including legal costs and expenses, incurred by the Minister as a result of carrying out those works or remedying that default.

13.4 Approval by the Minister

- (a) In any case where under this Lease the doing or executing of any act matter or thing by the Lessee is dependent on the approval or consent of the Minister, such approval or consent will not be effective unless it is given in writing and may be given or withheld by the Minister in the Minister's absolute discretion and may be given subject to such conditions as the Minister may determine unless otherwise provided in this Lease or the LAA.
- (b) The Lessee agrees that any failure by the Lessee to comply with or perform a condition imposed under subclause (a) will constitute a breach of a condition or covenant under this Lease.

14. EXTENSION OF TERM

The Minister may, in its absolute discretion, grant or refuse to grant one extension of the Term and if granted, the extension of the Term will be for no longer than 3 years and on such other terms and conditions as the Minister thinks fit.

If the Lessee desires to extend the Term, it is to make a request to the Minister to that effect, at least 6 months prior to the expiry of the original Term.

15. NOTICES**15.1 Service of Notices on Lessee**

Any notice or other document to be served on the Lessee under this Lease will be served in accordance with section 274 of the LAA.

15.2 Service of Notices on Minister

Any notice or other document to be served on the Minister under this Lease may be effected:

- (a) by delivering the document to the offices of DPI personally; or
- (b) by sending the document by letter (by pre-paid post) to the address or by facsimile to the facsimile number of DPI, as set out in item 6 of the Schedule or to the other address or facsimile number previously notified to the Lessee by the Minister.

16. MINISTER'S EXCLUSIONS**16.1 No Warranty as to Use**

The Minister and the Lessor do not give any warranty (express or implied) that the Land is zoned for the Permitted Use or is otherwise suitable or adequate for any purpose for which the Lessee intends to use the Land, including the construction of the Services. To the extent permitted by law, the Minister and the Lessor exclude any warranty in relation to the Land which is implied by law.

16.2 Minister and Lessor Not Liable

The Minister and the Lessor are not liable for any damage or loss suffered by the Lessee as a result of:

- (a) any breakage, malfunction, interruption, accident or damage of or to any buildings, fixtures or other improvements on the Land;
- (b) any act or omission of any person on the Land; or
- (c) damage to or loss of any property or injury to any person on or near the Land due to any cause,

except to the extent it may be caused by the wilful misconduct or negligence of the Minister or the Lessor.

16.3 No Warranties as to Transfer of Title

- (a) The Minister and the Lessor do not give any warranty (express or implied) or make any representation in relation to any of the following matters:
 - (i) the zoning of the Land or permitted use to which the Land may be put under any relevant Act;
 - (ii) any outstanding or impending demands, orders or requisitions of any Authority relating to the Land;
 - (iii) any proposals for the re-alignment, widening or alteration of the level of any road adjoining the Land by any Authority;
 - (iv) any sewers, drains, pipes, cables or other installations passing through the Land;
 - (v) any outstanding or impending demand, notice, claim or liability to contribute to the construction or repair of a dividing fence between the Land and any adjoining land under the Dividing Fences Act 1961 or otherwise;
 - (vi) any encroachment onto the Land by any fence, building or other structure on any adjoining land;
 - (vii) any encroachment onto adjoining land by any fence, building or other structure on the Land; and
 - (viii) any amounts owing to any Authority in respect of works performed or to be performed or any expenses incurred or to be incurred by any Authority in respect of the Land.

- (b) To the extent permitted by law, the Minister and the Lessor exclude any warranty in relation to any of the matters referred to in subclause (a).
- (c) The benefit of the exclusion contained in this clause 16.3 applies at the date of the parties entering into this Lease, and continues throughout the Term, including at the date on which the Lessee becomes entitled to a transfer of an interest in fee simple of the Land and the date on which an interest in fee simple of the Land is transferred to the Lessee under clause 10.

17. GENERAL PROVISIONS

17.1 Lessee's Costs

Where the Lessee is required to do any thing under any provision of this Lease, that thing is to be done at the cost and expense of the Lessee, unless expressly provided otherwise in this Lease.

17.2 Variation

This Lease may only be amended or varied by a document in writing signed by the Minister and the Lessee.

17.3 Waiver

Any consent or waiver by the Minister to any breach by the Lessee of any of its obligations under this Lease is not to be construed as a consent to or waiver of any other breach by the Lessee of the same or any of its other obligations under this Lease.

17.4 Accrued Rights

The termination of the Term does not affect the rights of the Minister in relation to a breach of this Lease by the Lessee before the termination of the Term.

17.5 Severance

If any clause in this Lease or its application to any person or circumstance is or becomes invalid or unenforceable, then the remaining clauses of this Lease will not be affected and each remaining clause will be valid and enforceable to the fullest extent permitted by law.

17.6 Governing Law

This Lease is governed by the Law in force in the State of Western Australia and each party irrevocably submits to the non-exclusive jurisdiction of the courts of that State.

18. GUARANTEE AND INDEMNITY**18.1 Guarantee and Indemnity**

In consideration of the Minister entering into this Lease at the Guarantor's request, the Guarantor:

- (a) unconditionally and irrevocably guarantees to the Minister the due and punctual payment by the Lessee to the Minister of all amounts payable by the Lessee under this Lease and the due performance by the Lessee of all of its other obligations under this Lease; and
- (b) as separate undertakings:
 - (i) unconditionally and irrevocably indemnifies the Minister against all loss, liability, cost or expense incurred or suffered by the Minister arising from or in connection with any default by the Lessee in performance of its obligations under this Lease or as a consequence of a disclaimer of the Lease by a liquidator or trustee of the Lessee; and
 - (ii) as principal debtor agrees to pay to the Minister on demand a sum equal to the amount of any loss, liability, cost or expense described in clause 18.1(b)(i).

18.2 Continuing Guarantee and Indemnity

This guarantee and indemnity:

- (a) continues in full force and effect while the Lessee:
 - (i) occupies or is entitled to occupy the Land under this Lease or any other form of tenancy or right of occupation or as a trespassor or other unauthorised occupier; or
 - (ii) holds an equitable interest in the Land under an agreement for lease or as a periodical lessee; or
 - (iii) is holding over under this Lease,until the Lessee complies with all of its obligations under this Lease and is not discharged by any one payment;
- (b) extends to all extensions and renewals of this Lease and any new lease of the Land; and
- (c) extends to claims by the Minister for loss or damage arising from the repudiation of this Lease or from breaches of the terms of this Lease, including, but not limited to:
 - (i) the Lessee vacating (otherwise than in accordance with the terms of this Lease) or abandoning the Land; or
 - (ii) the Minister re-entering or terminating this Lease, including for the Lessee's repudiation of this Lease.

15.3 Waiver

The Guarantor waives:

- (a) all its rights as a surety in respect of this guarantee and indemnity; and
- (b) any right it may have of first requiring the Minister to commence proceedings or enforce its rights against the Lessee before claiming under this guarantee and indemnity.

15.4 Minister's Rights Not Affected

The liability of the Minister and the rights of the Minister under this clause 15 are not prejudiced or otherwise affected by anything which might otherwise affect them in law or in equity, including, but not limited to, one or more of the following:

- (a) the Minister granting time or other indulgence to or compromising with or partially releasing in any way the Lessee, the Guarantor or another Guarantor;
- (b) acquiescence, delay, acts or omissions on the part of the Minister;
- (c) a variation of this Lease with or without the consent of the Guarantor;
- (d) the death, dissolution or other incapacity of the Lessee or another Guarantor;
- (e) the Lessee or the Guarantor becoming bankrupt, wound-up or dissolved or entering into any arrangement with its creditors or a liquidator, administrator, receiver or trustee;
- (f) the fact that another Guarantor may never execute this Lease or that the execution of this Lease by another Guarantor is void or voidable;
- (g) the invalidity or unenforceability of an obligation or liability of the Lessee under this Lease;
- (h) the disclaimer of this Lease by a liquidator or trustee of the Lessee; or
- (i) the Minister releasing, disposing of or dealing in any other way with any other security interest it may hold given by the Lessee or any other Guarantor.

15.5 Restriction on Guarantor

The Guarantor may not, without the prior written consent of the Minister:

- (a) raise a set-off or counterclaim available to it against the Lessee in reduction of its liability under this clause;
- (b) prove or claim in any bankruptcy, liquidation, composition, arrangement of or in relation to the Lessee until the Minister has received 100 cents in the \$ in respect of the money owing by the Lessee under this Lease; and the Guarantor holds in trust for the Minister any proof or claim and any dividend received by it; or
- (c) claim to be entitled by way of contribution, indemnity, subrogation, marshalling or otherwise to the benefit of any other security held by the Minister in connection with this Lease.

18.6 Void Payments

If a claim that a payment to the Minister in connection with this Lease is void or voidable under laws relating to insolvency or protection of creditors is upheld, conceded or compromised, the Minister is immediately entitled as against the Guarantor to the rights to which it would have been entitled under this clause if all or part of the payment had not been made.

18.7 Minister's Costs

The Guarantor agrees to pay to the Minister on demand the Minister's costs and expenses, including legal costs and expenses relating to any action in connection with this guarantee and indemnity, including its enforcement. Money paid to the Minister by the Guarantor is to be applied firstly against costs and expenses payable under this clause 18.7 and then against other obligations under this clause 18.

18.8 Definition

A reference in this clause 18 to this Lease includes a reference to any tenancy or other rights whether legal or equitable under which the Lessee occupies or is entitled to occupy the Land, including but not limited to a tenancy for a fixed term, a periodic tenancy or a tenancy at will.

23

SCHEDULE**1. RENT PAYABLE**

Rent \$2000.00 a year, until varied in accordance with this Lease.

GST on Rent (if applicable) \$200.00 a year, until varied consequent to a review of rent.

2. RENT REVIEW DATES

Every three years.

3. PLACE FOR PAYMENT OF RENT

Accounts Manager
Department for Planning and Infrastructure
State Land Services
1 Midland Square
Midland WA 6056

4. PERMITTED USE

Subdivision and the production of Light Industrial lots and construction of Services and other works necessary for or ancillary to that development and subdivision.

5. INTERESTS TO WHICH TRANSFER SUBJECT

NIL

6. NOTICES TO MINISTER

Manager - Land Asset - Pilbara
Department for Planning and Infrastructure
State Land Services
PO Box 1575
Midland WA 6936
Facsimile No: (08) 9347 5001

7. GUARANTOR(S)

NIL

APPENDIX 2: CERTIFICATES OF TITLE



REGISTERED NUMBER	
6047/D/P220990	
CLASS OF INTEREST	DATE REGISTERED (MM/YY)
N/A	N/A

RECORD OF CERTIFICATE OF CROWN LAND TITLE
 UNDER THE TRANSFER OF LANDS ACT 1994 AND THE LAND ADMINISTRATION ACT 1997

ISSUE NO: 130313 DATE: 775

NO DUPLICATE CREATED

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

[Signature]
 REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 6047 ON DEPOSITED PLAN 220990

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
 (FIRST SCHEDULE)**

STATUS ORDER/INTEREST: UNALLOCATED CROWN LAND

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

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

Warning: A careful search of the sketch of the land and the statement shown in detail of position, dimensions or area of this lot is required. For as described in the land description may be a lot or location.

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

STATEMENTS:

The statements set out below are not intended to be relied on as substitutes for inspections of the land and the relevant documents or for legal, government, legal, surveying or other professional advice.

SKETCH OF LAND: DP220990 (SHEET 1)
 PREVIOUS TITLE: THIS TITLE.
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
 LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND.

NOTE 1: R033039 CORRESPONDENCE FILE 02/95-1993 (1)RO

LANDGATE COPY OF ORIGINAL NOT TO SCALE Mon Oct 29 15:52:04 2007 JOB 29325709



PROPERTY NUMBER 6048/DP220990	
REGISTERED N/A	WITH LOCAL GOV. PERMIT N/A

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE**
UNDER THE TRANSFER OF LAND ACT 1993
AND THE LAND ADMINISTRATION ACT 1997

NO. OF SHEETS: 1 (R3113) 776

NO DUPLICATE CREATED

The undesignated land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the terms and conditions shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

R. Roberts
REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 6048 ON DEPOSITED PLAN 220990

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: UNALLOTTED CROWN LAND

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

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

Warning: A current search of the lands of the land should be obtained where detail of restrictions, dimensions or area of the land is required. Errors described in the land description may be a liability to the State.

-----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 in respect of the land and the relevant documents, or for legal, accounting, legal, surveying or other professional advice.

SKETCH OF LAND: DP220990 (SHEET 1)
PREVIOUS TITLE: THIS TITLE.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE
LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND.

NOTE 1: 3043040 CORRESPONDENCE FILE 02493 1093 0120



REGISTRATION NUMBER
6049/DP220590
 PREVIOUS TITLE: N/A
 NEW TITLE: N/A

RECORD OF CERTIFICATE
 OF
 CROWN LAND TITLE
 UNDER THE TRANSFER OF LAND ACT 1997
 AND THE LAND ADMINISTRATION ACT 1997

ISSUE NO. 1.83113
 PAGE 777

NO DUPLICATE CREATED

The undermentioned land is Crown Land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Statutory Covenants shown in the first schedule, which are subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRATION
 REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 6049 ON DEPOSITED PLAN 220590

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
 (FIRST SCHEDULE)**

STATUS ORDER/INTEREST: UNALLOCATED CROWN LAND

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

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

Warning: A comparison of the sketch of the land should be obtained with detail of position, dimensions or area of the lot as required for distribution in the land description only be a lot or location.

-----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 legal professional, legal, surveying or other professional advice.

SKETCH OF LAND: DP220590 (SHEET 1)
 PREVIOUS TITLE: THIS TITLE
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE
 LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND

NOTE: R033041 CORRESPONDENCE RULE 02495-1003-GIRO

LANDGATE COPY OF ORIGINAL, NOT TO SCALE Mon Oct 29 15:32:04 2007 JOB 29325709

ATTACHMENT 3 TO ITEM 11.1.14



Document #: ICR3483
Date: 08.03.2010
Officer: LEONARD LONG
File: 18/09/0023

NRR



Your Ref: 2007/313
Our Ref: JT1 2010 01649 V01
Enquiries: Wayne Burns
Telephone: 9420-2617

02 March 2010

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

629 Newcastle Street
Leederville 6007
Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

Attn: Mr Terry Sargent

**PROPOSED TOWN PLANING SCHEME NO.5 AMENDMENT NO.17
Lots 6047, 6048 & 6049 Bell Street, Port Hedland**

I refer to your letter dated the 8th February 2010, seeking the Corporation's comments with respect to the abovementioned scheme amendment.

The Corporation has no concerns with the proposed rezoning, however, notes that the land is located outside of any of its current sewer operating areas. Accordingly, appropriate arrangements will be required to be made, to collect, treat and dispose of any effluent generated from the future factory units. In the absence of any such arrangements, land uses permitted to operate on these sites, should be restricted to those of a 'dry' nature, which do not generate wastewater.

Should you have any queries with respect to any of the above, please do not hesitate to contact Mr Wayne Burns on the contact details provided.

Wayne Burns
Senior Town Planner
Development Services Branch
Water Corporation

Memos should be put on properties.



Nichole Sullivan

From: Walkerden, Norm F [Norman.F.Walkerden@team.telstra.com]
Sent: Friday, 26 February 2010 11:20 AM
To: Nichole Sullivan
Subject: ICR3330 - FW: Port Hedland TPS No 5 - Scheme Amendment No17 -Rezone Various Lots

SynergySoft: ICR3330

Nichole,

My apologies for the mailing error, original below.

Regards,

Norm Walkerden

Forecasting & Area Planning Western,
Integrated Network Planning, Network and Technology

Postal: Locked Bag 2525 Perth WA 6001
Phone: 08 9491 6272 Fax: 08 9221 5730

Email Norman.F.Walkerden@team.telstra.com

Strategic Forecasting Intranet Page : www.in.telstra.com.au/ism/infrastructureplanningfunction/index.asp

From: Walkerden, Norm F
Sent: Thursday, 25 February 2010 3:05 PM
To: 'pa@porthedland.wa.gov.au.'
Subject: Port Hedland TPS No 5 - Scheme Amendment No17 -Rezone Various Lots

Attn: Terry Sargent

Ref: 2007/313
18/09/0023

DWN OF PORT HEDLAND TPS NO 5 - SCHEME AMENDMENT NO17 - Lots 6047, 6049 & 6049 Bell Street

Thank you for your correspondence re above. At present Telstra has no objection to the amendment.

Regards,

Norm Walkerden**Telstra**

Forecasting & Area Planning Western,
Integrated Network Planning, Network and Technology

Postal: Locked Bag 2525 Perth WA 6001
Phone: 08 9491 6272 Fax: 08 9221 5730

Email Norman.F.Walkerden@team.telstra.com



ABN: 50 980 676 021

Enquiries: Manish Gupta on 08 9172 8813
Our Ref: 06/3513-03
Your Ref: 2007/313 /18/09/0023

18 March 2011

Mr L Cervi
Senior Planning Officer
Town of Port Hedland
P O Box 41
Port Hedland WA 6721

Dear Luke

**TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME AMENDMENT NO. 17
-LOTS 6047, 6048 & 6049 BELL STREET, PORT HEDLAND**

Thank you for your notice of 18 March 2011 requesting comments from Main Roads Western Australia (MRWA) regarding the above scheme amendment.

MRWA has the following points for submission on the proposed scheme amendment;

- There is a high likelihood that Lot 6049 Bell Street is going to be required for road purposes in the future. MRWA has had preliminary internal discussions regarding a rerouting of the Great Northern Highway in the vicinity of Bell Street and lot 6049 is considered integral to the future road planning for the locality.
- Subsequently, MRWA objects to the proposed rezoning of Lot 6049 Bell Street from "Local Road" to "Industry". MRWA does not have any concerns with the proposed rezoning of Lots 6047 & 6048 Bell Street from "Other Purposes – Infrastructure" and "Local Road" to "Industry".

If you require any further information please contact Manish Gupta on 08 9172 8813.

Yours faithfully

Andrew Pyke
NETWORK MANAGER

Pilbara Region, Brand Street, South Hedland or PO Box 2256, 5th Hedland Western Australia 6722
Telephone: (08) 9172 8877 Facsimile: (08) 9140 1078
Email: pitreg@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au



Government of Western Australia
Department of Regional Development and Lands
Lands Division

Your ref: 2007/313 / 18/09/0023
Our ref: 02495-1993/3 Job No. 072752
Enquiries: Trevor Thomson Ph: (08) 8552 4868
Fax: (08) 8552 4415
Email: trevor.thomson@rdl.wa.gov.au

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

F.16 | no fence return B 23/4/12



Document #: IPA25907
Date: 23.04.2012
Officer: LEONARD LONG - RYAN
File: 18/09/0023

Attention: Ryan Djanegara

Dear Ryan

Application No: 2007/313 for Scheme Amendment No. 17 - Rezoning Lots 6047, 6048 and 6049 Bell Street, Port Hedland from "Local Road Reserve" and "Other Purposes Infrastructure Reserve" to "Light Industry"

Thank you for your letter dated 10 April 2012, with reference to Main Roads WA (MRWA) objection to the amendment of Lot 6049 Bell Street, Port Hedland from "Local Road Reserve" to "Light Industry".

The Department of Regional Development and Lands does not object to MRWA's request that Lot 6049 be retained/zoned for future road requirements.

Please contact this office quoting the above reference and job number should you require further information or if you wish to discuss this matter.

Yours faithfully

B Jones (for)

Trevor Thomson
Team Leader - Pilbara
Lands Division



17 April 2012

cc: Manish Gupta
Asset Manager - Pilbara Region
Main Roads Western Australia
PO Box 2256
SOUTH HEDLAND WA 6722

cc: emailed to david@adcweb.com.au
(David Tucker, Development and Planning Consultant)

Gordon Stephenson House, 140 William Street, Perth Western Australia 6000 PO Box 1143, West Perth Western Australia 6872
Telephone: (08) 8552 4400 Facsimile: (08) 8552 4417 Freecall: 1800 735 784 (Country only)
Email: info@rdl.wa.gov.au Website: www.rdl.wa.gov.au
ABN: 28 807 221 246

Objective Id: A1898029
072752 - 2012.17.04 - Letter to ToPH.doc

20120421

11.1.15 Proposed Shed at Lot 96(7) Councillor Road, South Hedland Rural Estate. (File No.:154437G)

Officer Luke Cervi
Senior Planning Officer

Date of Report 18 June 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Andrew Olding on behalf of Scott Smith the landowner of Lot 96(7), Councillor Road, South Hedland Rural Estate for a Single Dwelling – Outbuilding addition.

The proposed outbuilding will have a negative impact on amenity and streetscape of the area, Council is requested to refuse the application.

Background*Location and description*

The subject site is known as Lot 96 (7) Councillor Road, South Hedland Rural Estate and comprises an area of 11,940m². The site has two street frontages being Councillor Road and Greenfield Street, yet to be completed.

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is zoned “Rural Residential” and is developed with a single dwelling.

The Proposal

To construct a 200m² outbuilding (shed) within the primary street setback. The outbuilding would be 15m from Councillor Road (Primary Street) and 20m from Greenfield Street (Secondary Street) frontages.

Consultation

Nil

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

Nil

Budget Implications

An application fee of \$224.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The applicant contends Councillor Road is the 'secondary street', only requiring a 10m setback as opposed to the 20m setback required from the 'primary street'.

The definition of 'primary street' is:

"Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling."

The front door of the dwelling faces towards Councillor Road and is the 'primary street'.

A variation to allow a 15m setback is required and needs to be considered against the performance criteria of the R Codes. The performance criteria reads:

"Outbuildings that do not detract from the streetscape or the visual amenity of residents or adjoining properties."

The building is proposed to be located in a prominent location on the corner of Greenfield Street and Councillor Road. The building itself is of a basic design and has no features of interest. The basic design when combined with the prominence of the location will exacerbate the bulk and scale of the building.

The proponent has indicated they will construct a bund with native vegetation to screen the development. Details of the bund have not been provided and would need to be of considerable height to remove the impact of the shed (pad height of approximately 1 – 2m, wall height of 3.6m and ridge height of 4.8m proposed). A bund of this size will appear out of character given the predominately flat surrounds, and may result in creating a traffic hazard at the T- intersection of Councillor Road and Greenfield Street.

Council Officers are of the opinion there are alternatives (eg, the south eastern corner of the lot is more accessible to the house and has a higher natural ground level resulting in the need for less fill/earthworks) for the placement of the outbuilding that would not detract from the streetscape and have a minimum impact on the visual amenity of the neighbourhood.

Options

Council has the following options when considering the application:

1. Refuse the application

This option is recommended as the proposed building would detrimentally impact the streetscape and visual amenity of the neighbourhood.

2. Approve the application

Council officers are of the opinion this would negatively impact upon both amenity and streetscape of the area.

Option 1 is recommended.

Attachments

1. Locality Map.
2. Site Plan.
3. Floor and Elevation Plans

201112/520 Officer's Recommendation/Council Decision

Moved: Cr Carter

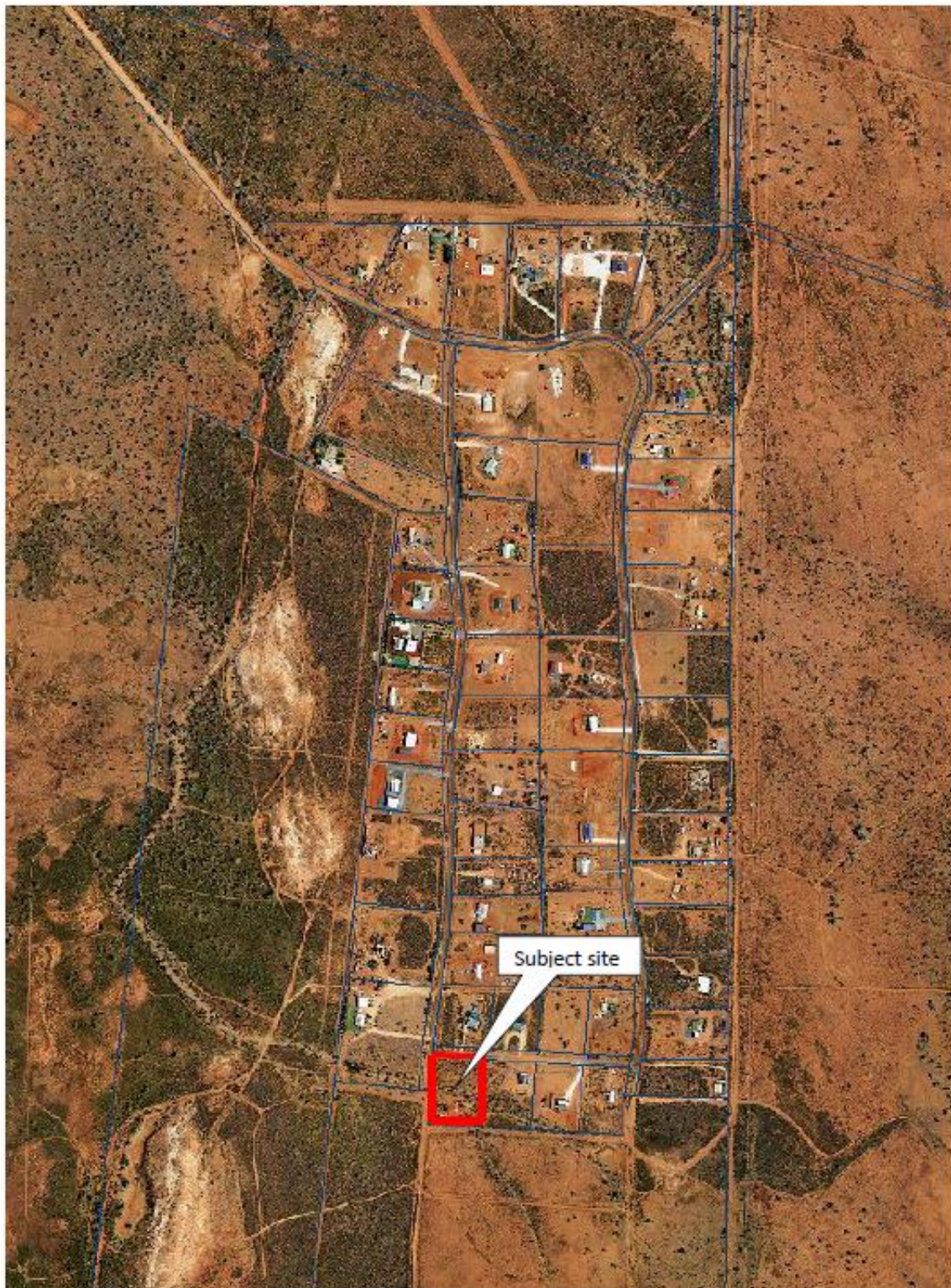
Seconded: Cr Dziombak

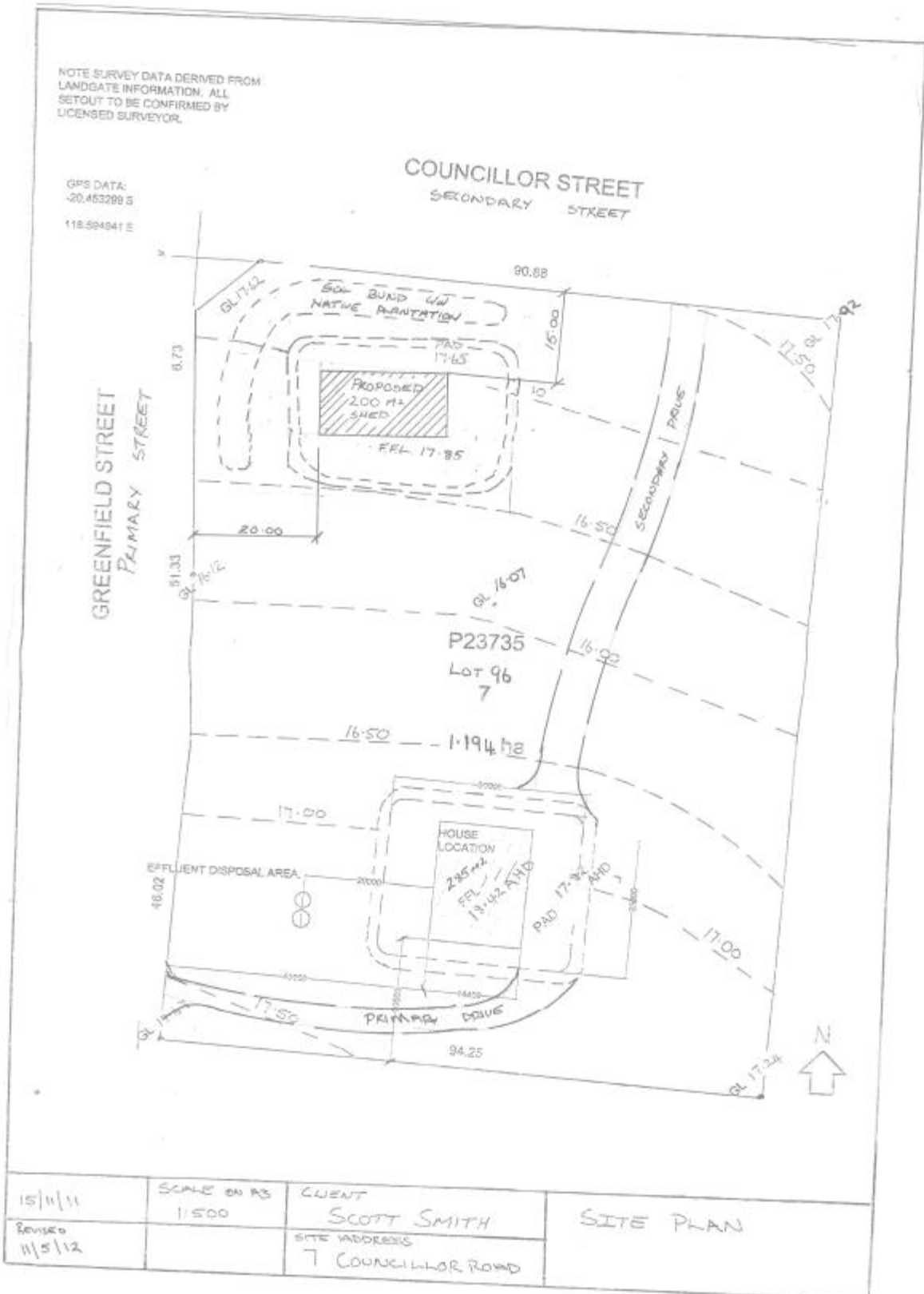
That Council refuses the application from Andrew Olding on behalf of Scott Smith being the landowner of Lot 96(7), Councillor Road, South Hedland Rural Estate for a Single Dwelling – Outbuilding addition on the following grounds:

- 1. The proposed building is inconsistent with Section 6.10.1 of the Residential Design Codes of Western Australia**
- 2. The proposed building would detract from the streetscape of Councillor Road and Greenfield Street**
- 3. The proposed building would adversely impact on the visual amenity of the neighbourhood.**

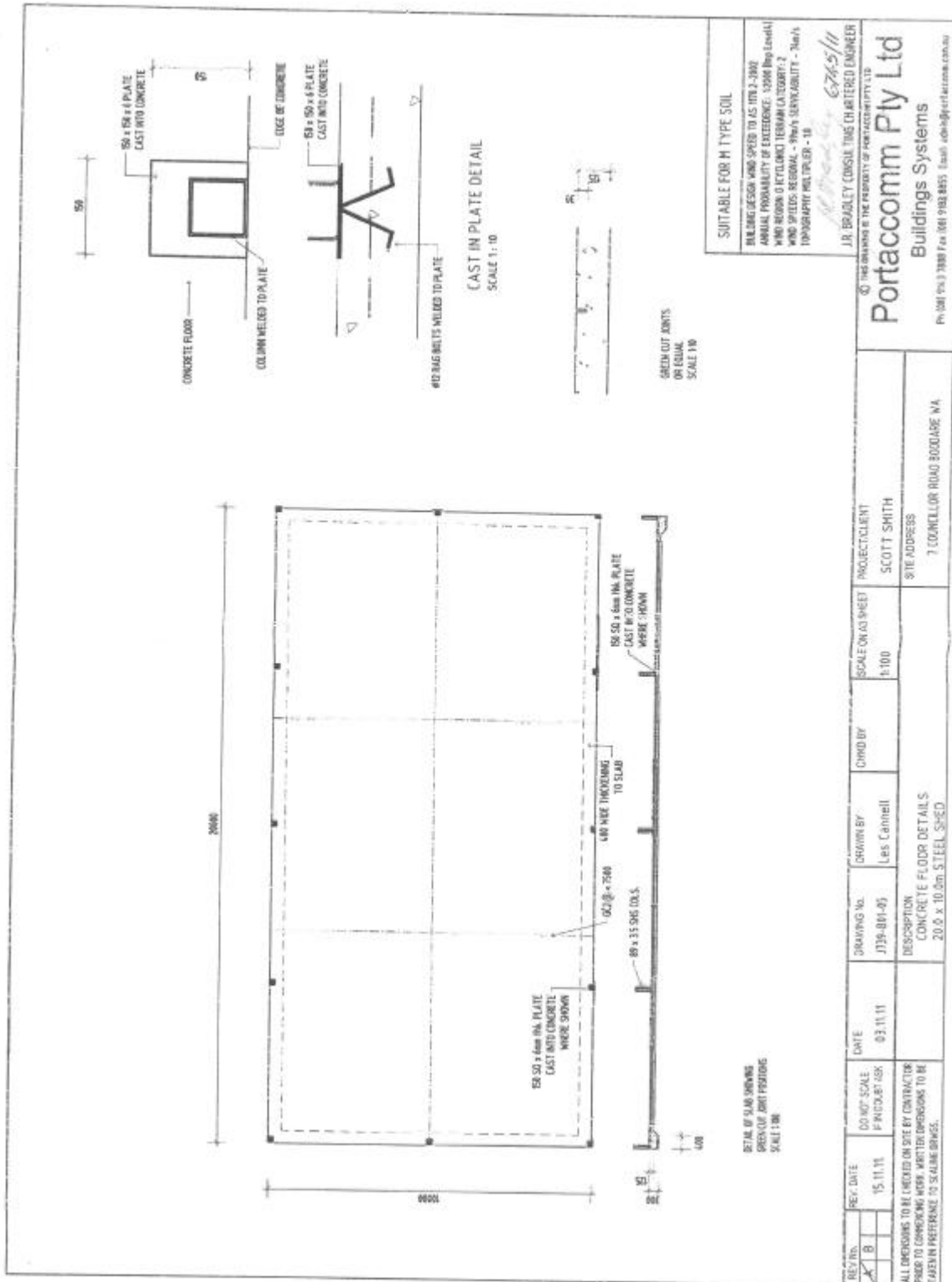
CARRIED 4/3

ATTACHMENT 1 TO ITEM 11.1.15





ATTACHMENT 3 TO ITEM 11.1.15



SUITABLE FOR H TYPE SOIL

BUILDING DESIGN WIND SPEEDS TO AS 1170.2-2002
 ANNUAL PROBABILITY OF EXCEEDENCE: 1/2000 (Reg Level)
 WIND REGION: 0 (CYCLOPS TERRANILVA ZONE) 2
 WIND SPEEDS REGIONAL - 9m/s SERVICABILITY - 2m/s
 TOPOGRAPHY MULTIPLIER - 1.0

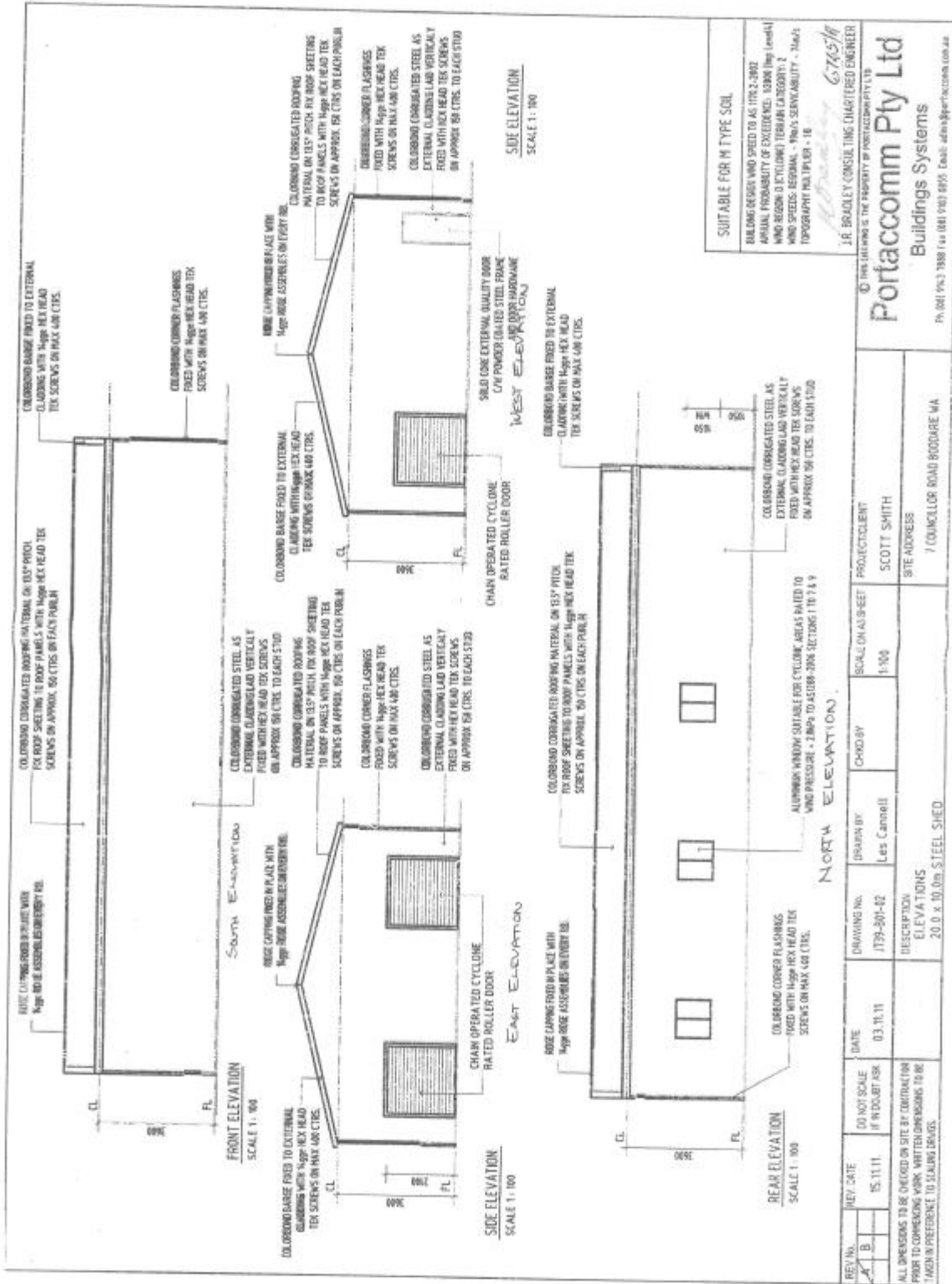
J.R. BRAGLEY CONSULTING ENGINEER

INCORPORATING THE PROPERTY OF PORTACOMM PLY LTD

Portacomm Ply Ltd
 Buildings Systems

Ph: (081) 953 7399 Fax: (081) 953 8455 Email: info@portacomm.com.au

REV. NO.	REV. DATE	DO NOT SCALE	DATE	DRAWING NO.	DRAWN BY	CHKD BY	SCALE ON THIS SHEET	PROJECT/CLIENT
B	15.11.11	PROJECT/ASK	03.11.11	J739-004-05	Les Camell	SCOTT SMITH	1:100	SCOTT SMITH
DESCRIPTION								SITE ADDRESS
CONCRETE FLOOR DETAILS								7 CONNELLOR ROAD BOOCHUMBA, N.A.
20.0 x 10.2m STEEL SIZED								



11.1.16 Land Activities to Facilitate the Wedgefield Bypass, Great Northern Highway (File No.800280G)

Officer Luke Cervi
Senior Planning
Officer

Date of Report 8 June 2012

Disclosure of Interest by Officer Nil

Summary

Main Roads requires access to a portion of lot 2443 Great Northern Highway being part of Council's Airport land and are seeking its concurrence for a number of portions of land to be dedicated as road to facilitate the Wedgefield Bypass. This report recommends Council provide support to these land activities.

Background

The Wedgefield Bypass is an important infrastructure upgrade for the Town and will reduce traffic conflict and improve traffic flow particularly for heavy vehicles. To facilitate the project, Main Roads will need to acquire a portion of lot 2443, Great Northern Highway (Airport land) and has also requested the following from Council:

1. Interim access to the portion of the Airport that is to be acquired and authorization to undertake works on this land
2. Relinquish the vesting of part reserve 33848
3. Support for the inclusion of various lands into the Great Northern Highway Road Reserve.

The Airport land being acquired is an undeveloped portion of approximately 3.6702 ha in size and located in the north east corner of the site. Main Roads have discussed the matter with Council officers and confirmed that Council (as the landowner) will be provided with compensation in accordance with relevant legislation. The acquisition process is envisaged to take 6-9 months to complete.

To facilitate fast tracking of the proposal, Main Roads are requesting interim access to the land being acquired. In addition, the Department of Regional Development and Lands has required that Main Roads obtain the support of Council for the inclusion of lands into the Great Northern Road Reserve.

Consultation

The proposal was referred to Council's Manager Airport Operations who advised:

"I cannot foresee any impediment to Airport operations or development that would preclude the resumption being agreed to."

Statutory Implications

The *Land Administration Act 1997* provides for statutory authorities such as Main Roads to acquire lands required for public works.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Plan 2010-2015 are considered relevant to this proposal:

Key Result Area 1:	Infrastructure
Goal 1:	Roads, Footpaths and Drainage
Other Actions:	Ensure that the \$200 M Port Hedland Road Project progresses in a timely manner.

Key Result Area 1:	Infrastructure
Goal 2:	Airport
Immediate Priorities 1:	Complete the development of the Airport Land Development Plan and commence implementation of the key initiatives that are identified.

Key Result Area 1:	Infrastructure
Goal 2:	Airport
Other Actions:	Develop a Capital Improvement Plan for airport infrastructure that ensures Airport infrastructure can catered for projected growth.

Budget Implications

Compensation will be provided to Council (being the landowner) in accordance with the *Land Administration Act 1997* for the compulsory acquiring of the land by Main Roads.

Officer's Comment

Acquisition of Airport land

The area of land required by Main Roads has been identified on the Airport Master Plan as being "Detention/Infiltration Basin". Referral to the Manager Airport Operations confirmed that the disposal of the land would not have any adverse impacts on current or future operations of the Airport.

The next stage of the process by Main Roads requires them to send a Notice of Intention To Take Land to the Council. Given the lack of need for the land and its limited development potential, it is recommended Council support the disposal of the land by offering no objection at any point during the acquisition process which may delay the process.

Interim access to the Airport land being acquired

By providing interim access to the land acquired by Main Roads and authorizing works to be undertaken, Council will facilitate the fast tracking of the project. Council's Manager Airport Operations has suggested that the boundary fence be relocated to reflect the new Airport boundary which would enable free access to Main Roads staff and prevent the need for workers to be escorted by Airport staff. This is a practical solution that will ensure that Airport staff resources are not impacted by the proposal. It is proposed that access be supported subject to appropriate fencing being installed at the cost of Main Roads.

Relinquish vesting of part reserve 33848

Part of the lands to be included in to the Great Northern Highway is vested to the Town for "recreation – equestrian" purposes. The Town has no agreements with any sporting/community group to use this land. It is understood the land has not been utilized since the conclusion of a lease with Barbara Smith and Irene Burtenshaw In 2001.

Given the extensive amount of time that has passed since the land was used, it is recommended Council relinquish the Management Order over the entire land. This will enable part of the land to be included into the Great Northern Highway and the remainder of the land revert back to unallocated Crown land.

Inclusion of lands into the Great Northern Highway Road Reserve

The Department of Regional Development & Lands require the concurrence of Council for the proposed inclusion of lands into the Great Northern Highway Road Reserve. Council's only interest in this land relates to reserve 33848 (discussed above). It is recommended Council supports the proposal. Furthermore, it is further recommended that Main Roads be requested to prepare a Scheme Amendment to rezone all land within the realigned Highway to State and Regional Road.

Options

Council has the following options to deal with the following matters:

Acquisition of Airport land

1. Support the acquisition of the land by Main Roads

Main Roads would acquire the portion of land required to facilitate the bypass and Council will receive compensation for the land in accordance with the Land Administration Act 1997 and a valuation to be undertaken by the Valuer General's Office.

2. Object to the acquisition of the land by Main Roads

This will delay the acquisition process and impact on the delivery of the bypass.

Interim access to the Airport

1. Approve interim access by allowing the relocation of the boundary fencing.

This will provide unrestricted access to the land

2. Approve interim access without any alterations to boundary fencing

This will provide restricted access to the land. Any person wishing to enter the site will be required to be escorted by airport staff.

3. Refuse interim access

This will prevent Main Roads ability to undertake works on this land prior to the finalization of the acquisition process.

Relinquish vesting of part reserve 33848

1. Relinquish the vesting

The land is not being utilized by Council or any sporting or community groups. This will facilitate the fast tracking of the Great Northern Highway realignment.

2. Refuse to relinquish the vesting

Main Roads would need to amend the realignment route or request the Minister of Lands to revoke the vesting of the land to the Town.

Provide concurrence to the Inclusion of lands into the Great Northern Highway Road Reserve

1. Approve concurrence

This will meet with the requirements of the Department of Regional and Lands.

2. Refuse to relinquish the vesting

Department of Regional and Lands requirements would not be met and may lead to delays to the project.

Attachments

1. Locality Plan

Officer's Recommendation

That Council:

1. Supports Main Roads acquisition of part Lot 2443 on Plan 212197 generally in accordance with the plans provided in attachment 1.
2. Provides Main Roads with access to part Lot 2443 on Plan 212197 subject to the land being fenced to the satisfaction of the Manager Airport. The alignment of the fence to be consistent with boundaries resulting from acquisition.
3. Relinquishes the vesting to reserve 33848 and authorizes the Manager Planning to provide the necessary documentation to the Department of Regional Development and Lands.
4. Provides concurrence to the inclusion of the lands shown in attachment 1 in to the Great Northern Highway Road Reserve.
5. Requests Main Roads prepare a Scheme Amendment to rezone all lands affected by the Great northern Highway realignment to State and Regional Road.

201112/521 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

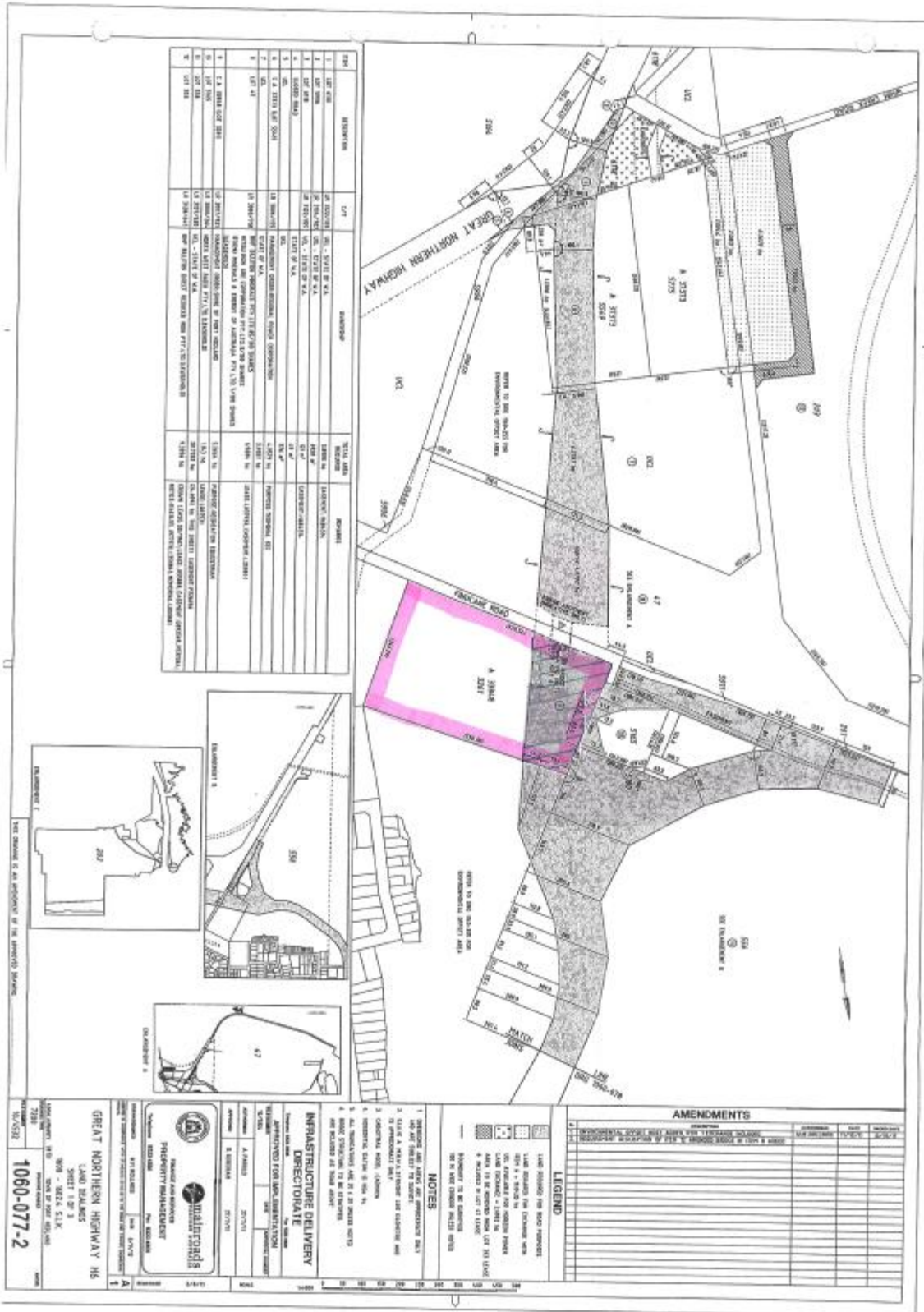
1. **Supports Main Roads acquisition of part Lot 2443 on Plan 212197 generally in accordance with the plans provided in attachment 1;**
2. **Provides Main Roads with access to part Lot 2443 on Plan 212197 subject to the land being fenced to the satisfaction of the Manager Airport. The alignment of the fence to be consistent with boundaries resulting from acquisition;**
3. **Relinquishes the vesting to reserve 33848 and authorizes the Manager Planning to provide the necessary documentation to the Department of Regional Development and Lands;**

4. Provides concurrence to the inclusion of the lands shown in attachment 1 in to the Great Northern Highway Road Reserve;
5. Requests Main Roads prepare a Scheme Amendment to rezone all lands affected by the Great northern Highway realignment to State and Regional Road; and
6. Applies for compensation from Main Roads under the Land Administration Act 1997.

CARRIED 7/0

REASON: Council added point 6 to its decision to highlight discussions already held between the Town's officers and Main Roads with regard to compensation.

ATTACHMENT 1 TO ITEM 11.1.16



NO.	DESCRIPTION	AREA	TOTAL AREA	REMARKS
1.	LOT 201	1.3020	1.3020	
2.	LOT 202	1.3020	1.3020	
3.	LOT 203	1.3020	1.3020	
4.	LOT 204	1.3020	1.3020	
5.	LOT 205	1.3020	1.3020	
6.	LOT 206	1.3020	1.3020	
7.	LOT 207	1.3020	1.3020	
8.	LOT 208	1.3020	1.3020	
9.	LOT 209	1.3020	1.3020	
10.	LOT 210	1.3020	1.3020	

AMENDMENTS			
NO.	DESCRIPTION	DATE	APPROVED
1.			
2.			
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LEGEND

- LOT BOUNDARY OR ROAD BOUNDARY
- BOUNDARY TO BE DETERMINED
- TO BE DETERMINED

NOTES

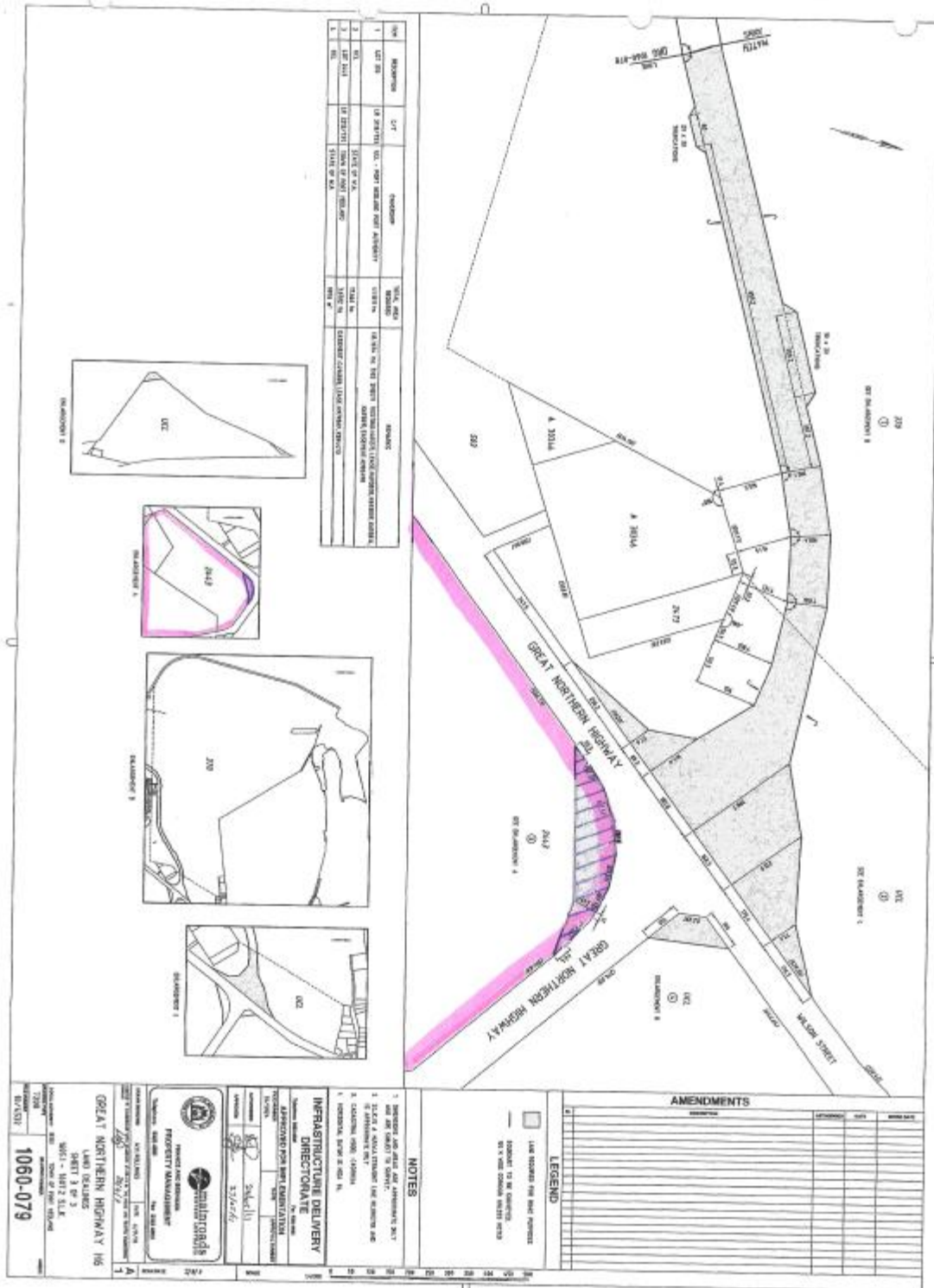
1. PREPARED BY: [NAME]
2. DATE: [DATE]
3. SCALE: [SCALE]
4. [OTHER NOTES]

INFRASTRUCTURE DELIVERY DIRECTORATE

REGISTRY MANAGEMENT

1060-078-1

1060-078



1060-079



11.2 Engineering Services

Nil

11.3 Community Development**11.3.1 *Request for Proposal 12/02 – Management of the Courthouse Art Gallery (File No.: 05/09/0017; 20/01/0026)***

Officer Graeme Hall
Manager Recreation Services and Facilities

Date of Report 18 June 2012

Disclosure of Interest by Officer Nil

Summary

The management arrangements for the Port Hedland Visitors Centre (PHVC) and Courthouse Gallery are currently in place and expiring between early and mid 2012. With consideration for the future management of both facilities generally coinciding, the opportunity existed for Council to test the market in terms of operators, as well as assessing whether management synergies exist between the Port Hedland Visitors Centre and the Courthouse Gallery.

A request for proposal process was undertaken to seek management operators for the Port Hedland Visitors Centre and the Courthouse Gallery. While a proposal has been received from FORM to manage both facilities, further negotiation / development is required in relation to the Visitors Centre and an interim operator is available (separate report within this Agenda).

With the management contract for Courthouse Gallery expiring at the end of June 2012, Council is requested to Awards the contract for the management of the Courthouse Gallery to FORM for the period of 1 July 2012 to 30 June 2015.

Background

FORM Contemporary Craft and Design Inc. were awarded (January 2010) the management of the Courthouse Gallery for a period of 2 years from 1 July 2010 to 30 June 2012. A further period of up to 3 years was available under the agreement.

Request for Proposal Process

The OCM on 14 December 2011 resolved that Council:

1. *Notes the current management arrangements for the Port Hedland Visitors Centre and Courthouse Gallery*

2. *Delegates Authority to the Chief Executive Officer to advertise Requests for Proposals for the management of the Port Hedland Visitors Centre and Courthouse Gallery for a period of 3 years commencing 1 July 2012, with a further 2 year mutual agreement option*
3. *Notes that Requests for Proposal submissions will be reported to Council in early 2012 for consideration and endorsement.*

The Request for Proposal for the management of the Port Hedland Visitors Centre and / or the Courthouse Gallery was advertised in the West Australian on Saturday 4 February 2012. The closing date for submissions was Wednesday 7 March 2012.

One compliant proposal was received from FORM at the close of the submission period.

FORM Proposal

The advertised Request for Proposal required proponents to detail the following information regarding the management and operation of the Port Hedland Visitors Centre and / or Courthouse Gallery.

- Working Criterion 1 – Operational Plan (including service delivery and programming)
- Working Criterion 2 - Financial Management
- Working Criterion 3 - Performance Measurement
- Working Criterion 4 - Human Resources
- Working Criterion 5 - Marketing and Branding.

The proposal from FORM was for the management of the Courthouse Gallery and the Port Hedland Visitors Centre.

The OCM (26 April 2012) resolved in part that Council:

1. *Selects FORM as the preferred proponent for the management of the Port Hedland Visitors Centre and Courthouse Gallery*
2. *Endorses the Chief Executive Officer or delegated officer to negotiate additional outcomes / key performance indicators within the contract to achieve the best result for the Town of Port Hedland*

While the FORM proposal is for the management of both facilities further negotiation / development is required in relation to the Visitors Centre (separate report within this Agenda).

With the contract expiring at the end of June 2012, this report focuses on the management of the Courthouse Gallery.

Consultation

Internal

- Chief Executive Officer
- Director Community Development
- Manager Community Development
- Economic Land and Development Officer.

A Concept Briefing was held with Council regarding the proposal from FORM on 18 April 2012.

Statutory Implications

- Local Government Act (1995): Section 3.57 Tenders for Providing Goods and Services
- Local Government (Functions and General) Regulations 1996: Division 2 — Tenders for providing goods or services (s. 3.57)

Policy Implications

The Request for Proposal process outlined in this report is in accordance with Council's Procurement Policy and Tender Policy.

Strategic Planning Implications

Key Result Area 4: Economic Development
 Goal 1: Tourism
 Develop additional tourist information at Town entry points and other key focal points within the Town.

Key Result Area 3: Community Development
 Goal 3: Arts and Culture
 That the Town is recognised as a location where arts and culture is promoted and quality art work is produced.

Budget Implications

The existing contract for the Courthouse Gallery has been based on the following annual management fees:

Facility	2011/12 Budget Amount
Courthouse Gallery	\$280,000

The annual outcomes detailed in the proposal from FORM are as follows:

Description	Amount (\$)
Year 1 - Courthouse Gallery (Operational Surplus) *	\$3,431
Year 2 - Courthouse Gallery (Operational Surplus) *	\$3,551
Year 3 - Courthouse Gallery (Operational Surplus) *	\$3,675

* The above annual outcomes are based on contract management fees paid by Council as follows:

Facility	Management Fee 2012/13	Management Fee 2013/14	Management Fee 2014/15
Courthouse Gallery	\$380,000	\$393,300	\$407,066

Officer's Comment

Quality of Management, Operations and Financial Plans

FORM have provided within their proposal a series of plans to manage the Courthouse Gallery.

Working Criteria 1 - Operational Plan

Hours of Operation

The proposal included by FORM details a series of opening hours for the Courthouse Gallery that is in line with the current high level of service provided.

The proposed hours of operation for the Courthouse are:

Trading Hours	Peak May to September	Off Peak October to April
Courthouse Gallery		
Monday to Friday	9.00am to 4.30pm	9.00am to 4.30pm
Saturday	9.00am to 2.00pm	9.00am to 2.00pm
Sunday	9.00am to 2.00pm	9.00am to 2.00pm

Maintenance/Cleaning and Service Schedules

The proposal addresses the cleaning and maintenance of the facilities in an acceptable manner that reflects good presentation and the preservation of assets.

Programming and Service Delivery

FORM's proposal is based on the continued provision of existing activities, as well as the expansion of programs and services. The expansion of programs and services accounts for approximately 50% of the proposed increase in management fees for both facilities.

Key programming and service delivery points for the Courthouse Gallery are:

- Continuation of existing core base services including exhibitions, art awards, artistic workshops, programs including local markets and indigenous art development
- Increase professional development of artisans associated with the West End markets
- Additional outreach activities including development work with the Spinifex Hill artists.

Key Staff

FORM's proposal is based on the principal of having key management staff working and living in Port Hedland.

The approach of having Port Hedland based staff has attributed to approximately 50% of the increase in the proposed contract management fee.

The acute shortage and resultant cost of accommodation in Port Hedland has impacted the FORM's operation and reflected in the requested contract management fee.

Working Criterion 2 – Financial Management

FORM's proposal provides a 3 year (draft) business plan based on budgets for the Courthouse Gallery. The budget is reflective of programming, service delivery and facility operation plans that combine both existing activities and proposed new activities.

Working Criteria 3 - Performance Management

FORM proposes a range of key performance indicators that would generally provide a means of accessing the quality and quantity of management / operational outcomes.

Should Council appoint FORM to manage the facilities, then detailed KPI's would be further negotiated and reported through the Audit and Finance Committee process on a quarterly basis.

Working Criteria 4 - Human Resources

FORM have identified through their proposal that they are well positioned to meet Council's requirements with regard to managing the workforce of the facility.

Working Criteria 5 - Marketing and Branding

FORM have identified in their proposal a complete redevelopment of the marketing, promotion and branding of the Visitors Centre that will compliment that of the Courthouse Gallery.

Further negotiation will be required regarding the incorporation of the Town of Port Hedland branding.

*Relevant Experience**Courthouse Gallery*

FORM has managed the Courthouse Gallery for Council since 2007, as well as a gallery and retail store in the Perth CBD.

FORM has provided an extremely high level of service to Port Hedland arts and cultural initiatives of the past 2 years. FORM's links to the local, national and international arts community has attracted programs and performers to Port Hedland that would otherwise not have visited.

FORM has reported their activities, financial statements and a summary of customer feedback on a quarterly basis through the Audit and Finance Committee. Feedback received and reported to Council has been of the highest quality and detailed in Attachments 1, 2 and 3 to this report.

Additional Management Fees

The proposal from FORM includes annual contract management fees to be paid by Council that are higher than existing levels (see Budget section of report). The basis of these proposed increases are:

- 50% additional costs – accommodation, housing, airfares, and staffing
- 50% additional programs and services including exhibitions, artistic workshops, expanded local markets, indigenous art development (Spinifex Hill Artists), increased professional development of artisans associated with the West End markets.

Additional Opportunities

Preliminary discussions with FORM have identified that within the proposed contract management fees, the following additional activities / initiatives could be further investigated:

- West End Coordination – Currently events and activities within the West End are provided by FORM and Council. Discussions have been held regarding the potential for FORM to undertake the event activities of Council within the West End within the proposed management fee.

This would then potentially allow current Community Development funds and resources to be redirected towards the activation of the South Hedland CBD. These funds would be presented as a new item / request for additional funds in 2012/13 without this reallocation / redirection.

Summary

FORM has provided a quality proposal to manage the Courthouse Gallery, incorporating existing programs / services as well as a range of new initiatives.

The management fees contained within the proposal from FORM is increased from previous levels and is a result of increased costs and increased program / service offer.

There also exists the opportunity to investigate with FORM the opportunity to explore additional initiatives within the proposed management fee that would allow Council to save or reallocate funds to alternative areas.

The breakdown of additional costs and value of potentially negotiated outcomes are summarized as:

Additional Programs / Services / Staff	\$ 50,000
Additional Costs	\$ 50,000
West End (FORM focus) / SH CBD (CD)	\$ 40,000

With this in mind, Council is recommended to award FORM the contract for the management of the Courthouse Gallery.

Attachments

1. Feedback Summary – Hedland Art Awards 2011
2. Feedback Summary – West End Market Workshop 2012
3. Feedback Summary – Larry Mitchell Painting Workshop 2012.

201112/522 Officer's Recommendation/Council Decision**Moved: Cr Jacob****Seconded: Cr Daccache**

That Council awards the contract for the management of the Courthouse Gallery to FORM for the period of 1 July 2012 to 30 June 2015, based on

Facility	Management Fee 2012/13	Management Fee 2013/14	Management Fee 2014/15
Courthouse Gallery	\$380,000	\$393,300	\$407,066

CARRIED BY ABSOLUTE MAJORITY 7/0

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2011 Hedland Art Awards

First Name	Surname	Please rate your overall experience of this exhibition	How did you hear of the exhibition?	What were the highlights of your visit to this exhibition?	What was it that motivated you to visit this exhibition?	Do you have any additional comments ? (e.g. Future exhibitions, improvements)
		Very Good	Newspaper	Diverse artwork- both Indigenous and non-Indigenous displayed together.	See local artists work. See a cultural side to the town	
		Excellent	Newspaper	The range.	Great for Hedland, love the culture of art.	
Tracey	Hamilton	Excellent	Newspaper	The quality of the work is excellent. Quite surprised.	Was in the area.	
Yvette	Hamilton	Excellent	Newspaper, just passing by	All the beautiful artworks.	Love art.	
Kristie	Cervi	Excellent		Exceptional artwork- always love visiting.	I live around the corner.	Great for the kids!
		Very Good		The art itself.	Major sponsor.	
		Good	Walk in.			Interesting choice of winners.
		Good.	Walk in.	Diversity of works. Strong regional focus.	Was passing through Port Hedland and interested in seeing especially Indigenous art.	
		Excellent	Friends			
		Very Good	Email	Being here again - it's great!	Have lived in Hedland and always loved the Awards. Great to see local artists represented.	
		Good	Email	Seeing it.	Always enjoyed past exhibitions.	Sorry to see so few works, particularly mixed media/ sculpture and few landscapes.
A.	Rowlands	Excellent	Walk in.	#27 <i>Decision Time</i> ; #9 <i>Ngarrgooroon</i> ; #77 <i>Salt, Dust and Dirt</i>	Have visited Port Hedland before and this gallery. I love art.	All breathtaking, interesting and moving.
		Excellent	Friends	Variety and interaction.	Art.	
		Excellent	Just paid a visit on our way up north.	Well presented. A variety of different styles presented.	Previous visit was in 2010.	
		Excellent	Friends		See more of what Port Hedland has to offer.	

First Name	Surname	Please rate your overall experience of this exhibition	How did you hear of the exhibition?	What were the highlights of your visit to this exhibition?	What was it that motivated you to visit this exhibition?	Do you have any additional comments ? (e.g. Future exhibitions, improvements)
		Good.	Other	Seeing artwork was sold.	Wife's pieces exhibited.	Tell artists to paint the edge of their canvases.
		Very Good	Other: Local tourist Info.	Surprised by such a vivid exhibition and actual gallery.	Seek to understand diversity of Indigenous artworks.	
		Excellent	Other	The overall range of the art.	Intersted in Aboriginal art.	Keep up the high standard!
		Very Good	Mail and email	All the works are of a high standard.		Good selection of entries. Hung very nicely.
		Very Good	Mail, email, friends, website	Seeing my work on display. Looking at the various techniques of other artists.	My art being on display.	
		Excellent	Walked in	The Indigenous artists from Aboriginal Co-ops.	I like local art.	Keep it up!
Helen	Hanson	Very Good	Newspaper	So many stand out pieces.	Seeing my friend's artwork hanging.	A great exhibition overall.
		Excellent	Email	Diversity of artwork.	Great seeing local artists on display.	Favourite exhibition of the year.
		Very Good	Email	Voting for my People's Choice choice.	This has been a pleasure.	
		Very Good	Newspaper	So great!	I missed the opening and came in to see the works before they came down. Glad I made the effort!	
		Good	Email	Every piece is so unique and special.	A great time.	Wished I could have spoken to the judges about their choices.
Christine		Good	Friends	Helen Ansell's piece is a stand out.		Beautiful overall.
		Very Good	Email			
		Very Good	Visitors' Centre		Just popped in to have a look before heading north.	Loved the works.
Julia	Kagi	Excellent		The quality of the works presented.		
		Good	Walked in			Would be nice to see more variety in mediums.
David	M.	Excellent	Mail and Email	Certain peices were really great while others were kinda lost.	Wanted to see local art.	
		Very Good	Friends	Unusual mix of artwork.	Had heard really good things.	
		Good	Email		Came in to buy a gift and had a walk through the exhibition.	

First Name	Surname	Please rate your overall experience of this exhibition	How did you hear of the exhibition?	What were the highlights of your visit to this exhibition?	What was it that motivated you to visit this exhibition?	Do you have any additional comments ? (e.g. Future exhibitions, improvements)
		Good	Mail and Website	Wide range of works exhibited. Enjoyed the Indigenous peices in particular.	Came to see the Indigenous artwork.	
		Excellent	Walked in		Looked interesting from the outside.	
		Very Good	Walked in		Came in with a friend.	
		Very Good	Email	Liked viewing the winners and trying to understand the judges' perspective.		
		Excellent	Email	Good exhibition overall.		
		Good	Newspaper and Posters			
J.	Matthews	Very Good	Mail			Really enjoyed the walk through.

Market Workshop 2012 Feedback - February

The Works : Craft, Design & know how for Markets Workshop with Helena Bogucki, Carolyn Gorman, Carrie McDowell and Issy MacCaulay 18 & 19

2.12

Name	1 = Poor - 5 = Excellent			1. List the key outcomes for you from this workshop?	2. List one or more comments about the guest artist/artist's session	3. Which aspects of the workshop did you enjoy most?	4. Which aspects of the workshop did you find most beneficial?	5. Did the workshop meet your expectations?	6. Do you have any other further comments or suggestions?
	Workshop and content	Duration of workshop	Venues/Facilities						
Melissa North Sharon Gosling Dannielle Aggiss	5 5 5	5 5 5	4 5 5	Branding Own Business Direction for what path I would like to take.	Lizzy was excellent!!! Particularly re: artists to look at - branding etc. Others were really helpful too. Very informative. Good content, very inspirational ladies.	Marketing / Branding / Making. Also I learnt new techniques. Receiving info. Meeting other crafty types, bouncing ideas	As above. Net working. Feedback on products.	Yes Yes. More than I expected.	Re- group again before markets to see progress. Well worth it. More similar workshops.
Faye Harris	5	5	5	To attain fresh ideas on marketing. Meeting other people involed in photography and arts. Getting advice and listening to others experience.	I was inspired, to "do" and not "think" and this allowed me to create. Really relaxed and comfortable friendly atmosphere. Great exposure to others skills and hobbies.	The interaction with other participants and the presenters. All of it.	The relaxed atmosphere- it allowed the flow of conversation. Marketing information from full time artists and experiences.	Yes. Yes.	Great day thanks.
Amy Ryan Amanda Gould	5 4	5 5	5 5	Resurrecting my creative energy. Meeting like minded business/Arts individuals. Get confidence to get out there with my work.	Lved hearing the artists "stories".	Assisted crafting. Networking over and artistic process (relaxed enviroment).	Merchandising and setting up the stall.	Yes. Yes.	Great, thanks.
Amy - Jean Pope.	5	5	5	Understanding a business front.	Inspiring and real content.	Networking over and artistic process (relaxed enviroment).	Networking.	Yes.	Renee should make chai lattas for the day! Fantastic, and overwhelming. I want to do it all- textile work- scarves, miniture artworks, cushions. But I would also like to sew childrens clothe (dresses mainly). Also like the idea of 3D necklaces and loose garments. Not sure where I will start - but its all positive.
Kathryn Chynoweth Naomi Stanitzki	5 5	5 3	5 5	The need to catergorise my work (w/sale- markets) Update labels, font etc. Learn new skills, share ideas.	Thoroughly enjoyed the textile element, learing, experimenting. Makes me realise what I can so with all my scraps. Inspiring and diverse.	Practical, marketing, meeting like minded souls. Making stuff and having fun.	Practicak textile, marketing- particularly social media. Networking, having fun.	Yes. Yes!	Thankyou so much!

Name	Workshop and content	Duration of workshop	Venues/Facilities	1. List the key outcomes for you from this workshop?	2. List one or more comments about the guest artist/artist's session	3. Which aspects of the workshop did you enjoy most?	4. Which aspects of the workshop did you find most beneficial?	5. Did the workshop meet your expectations?	6. Do you have any other further comments or suggestions?
Rena Mercer	4	3	5	Learning new crafts and getting inspired. Great to get "branding" advice. Marketing content Fabulous!! And meeting other creatives very inspiring. Confidence in my work and knowing Im on the right track. Heaps of inspiration. Great techniques and ski8lls.	It was really interesting hearing their stories and how they have developed/changed their products and marketing over thime.	The crafting day. (Day 2)	It was inspiring hearing their stories. It was great learning new crafts and feeling a fresh inspiration to try new craft endeavours.	Yes, however I thought I may have had one on one time with the facilitators to talk about market set up. (it was done more in a group setting)	I think it would have been better to do more crafting in the first day, or split into two groups. I think I was too eager to learn more crafts!
Amanda Smith	5	5	5	Confidence in my work and knowing Im on the right track. Heaps of inspiration. Great techniques and ski8lls.	Loved them all!	Marketing - establishing brand.	As above.	Over and above.	Just that it was an awesme inspiring weekend and I loved every minute of it! Thanks! Can we please have more workshops to bring like minded people together.
Di Boyd	5	5	5	Confidence in my work and knowing Im on the right track. Heaps of inspiration. Great techniques and ski8lls.	All artists were extremely patient. All of the guest artists were lovely, helpful and inspiational.	Craft sessions.	All learnign new ways to throw things together.	Yes.	Can we please have more workshops to bring like minded people together.
Fiona Brough	5	5	5	Confidence in my work and knowing Im on the right track. Heaps of inspiration. Great techniques and ski8lls.	All artists were extremely patient. All of the guest artists were lovely, helpful and inspiational.	I really enjoyed all of it	All of it!	Yes definitely and more.	Loved it! Thank you!

Larry Mitchell Painting Workshop 2012 Feedback

Visual Arts Development Program: Workshop 1 18.2.12 - Feedback

1 = Poor - 5 = Excellent									
Name	Workshop and content	Duration of workshop	Venues/Facilities	1. List the key outcomes for you from this workshop?	2. List one or more comments about the guest artist/artist's session	3. Which aspects of the workshop did you enjoy most?	4. Which aspects of the workshop did you find most beneficial?	5. Did the workshop meet your expectations?	6. Do you have any other further comments or suggestions?
Sam Hancock	4	4	5	Paint mixing and techniques	Very insightful Larry is a great and humble teacher.	Painting and the social	Watching and learning the process of Larry's painting, his techniques and how to create different effects	Yes	No
Melissa Anderson Robyn Ann Ann Chia	5	5	5	Inspiring to use oils again	Easy going. Very good communicating skills.	Great group. Experimenting with oils.	Color Palette. Creating texture.	Yes and beyond.	Thank you Form and thank you Larry.
Lyn Kerr	5	5	5	I learnt techniques for painting sea and rocks.	He is a brilliant, encouraging teacher.	Learning how to paint reflections and direct light.	Larry's Mitchell's tips and advice.	Yes	I hope Larry Mitchell can return for another workshop.
K. Cory	4	2	4	All good.	All good.	Landscape.	Techniques and using rubber brushes.	Yes	
Naomi Stanitzki	5	3	5	Learn new approaches to painting.	Wonderful, clear, inspiring.	Practicing new methods.	Looking at and getting an insight to Larry's paintings.	Yes!	
George Couttie	5	5	5	Learning from a talented artist.	Absolutely brilliant.	Everything Watching him paint and displaying his techniques.	All of it.	Yes absolutely.	Please bring Larry back as soon as you can for another workshop.
Veronica Napier	5	5	5	Oils can be used similar to watercolours.	Easy to listen to. Larry is so good, we are so lucky to have him as a teacher.	Learning the techniques that make landscape more simple.	Learning new techniques.	Yes.	
Margaret Cahill Barbara Taylor	5	5	5	Using oils and finding them easy. Working in oils again was good.	Engaging and fun.	Expert skill of Larry.	Again the techniques and paint techniques. Use of landscape paints/structure.	Yes and more. Yes.	Please repeat if possible.

11.3.2 Town of Port Hedland Leisure Facilities - Proposed Amendment to the Bank Guarantee (File No: 03/09/0010)

Officer Graeme Hall
Manager Recreation
Services and Facilities

Date of Report 18 June 2012

Disclosure of Interest by Officer Nil

Summary

A request has been received from the YMCA to amend the Bank Guarantee obligation within the management contract for the Town of Port Hedland Leisure Centres.

The relationship between the YMCA and Council has been in place for many years and on a good standing, therefore the requested reduction in bank guarantee is supported. The detailed wording within the contract about the Bank Guarantee has been subject to advice from McLeod's Barristers and Solicitors.

Council is requested to approve the reduction of the Bank Guarantee required of the YMCA from \$200,000 to \$100,000.

Background

The Town of Port Hedland advertised the tender of the management of the leisure facilities in November 2011. The tender documentation contained a draft of the contract for all tenderers to consider. The draft tender documentation identified the requirement for the contract manager to provide the Town of Port Hedland with a Bank Guarantee.

The Bank Guarantee provision in the contract was as follows:

"In the event of any failure by the contractor to carry out and complete its obligations under this contract, the Town may have recourse to the Bank Guarantee in respect of any monies for which the contractor may be liable to the Town under this contract or otherwise. Without limiting the rights of the Town under this clause, the Town or its representative may deduct from the Bank Guarantee any sum payable to the Town".

The figure of \$200,000 provided in the draft contract was based on an estimate of a six month shortfall between income and expenditure for the facilities.

In March 2012, Council endorsed the YMCA as the preferred tenderer for the management of the Town's leisure facilities.

Contained within the negotiations with the YMCA in relation to the operational, budget and contractual obligations of both parties, the subject of the Bank Guarantee has been raised.

The YMCA have formally requested (via correspondence at Attachment 1) to:

- Reduce the amount of the Bank Guarantee from \$200,000 to \$100,000
- Amend the wording in the contract surrounding the Bank Guarantee.

The changes requested by the YMCA are considered a significant variation from the contractual terms negotiated previously. It is therefore necessary to seek the Council's endorsement of any proposed changes.

The request was considered at the 13 June 2012 Ordinary Council meeting and was laid on the table as a result of confusion around the contents of the attached letter. The letter included comments from the YMCA in relation to the draft contract which has now been executed and is not relevant to the bank guarantee request. Consequently the attached letter has been removed from the item.

Consultation

Nil

Statutory Implications

This Tender was called in accordance with 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

Key Result Area 3

Community Development

Goal 1:

Youth and Children

That parents and young people in the Town have access to a range of facilities and services that is comparable to the metropolitan area.

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

It is not anticipated that there would be any implication to the budget position of the Town.

Officer's Comment

The request by the YMCA for a reduced Bank Guarantee is considered reasonable. The reputation of the YMCA as a not for profit organisation and their long standing relationship with Council strongly supports this position.

The amount originally selected was based upon a number of assumptions. While the tender and contract documentation were clear in their expectations with regard to the figure nominated for the Bank Guarantee, it is considered reasonable that a lesser amount be accepted.

Council has worked with McLeod's Barristers and Solicitors in the development of the contract for the management of the Town's leisure facilities. The changes to the wording in the contract regarding the bank guarantee have been referred to McLeod's for consideration, pending a decision of Council.

Attachments

Nil

201112/523 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. Approves a reduction in the Bank Guarantee within the contract for the Management of the Town of Port Hedland Leisure Facilities from \$200,000 to \$100,000 as per the request from the YMCA; and**
- 2. Approves the amendment of the Leisure Facilities contract regarding the wording of Bank Guarantee clause in accordance with legal advice.**

CARRIED BY ABSOLUTE MAJORITY 7/0

11.4 Corporate Services**11.4.1 Finance and Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 31 May 2012 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Jodie Ellis
Coordinator Financial Management

Date of Report 31 May 2012

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 May 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. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 May 2012, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 May 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 27 June, 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			
NMF010512	NMF010512	\$569.14	1	1	1	Municipal Fun	Photocopier Lease x 2 - South Hedland Library & JD Hardie
NMF010512	NMF010512	\$1,244.32	1	1	1	Municipal Fun	Photocopier Lease x 2 - Regulatory Services
CHQ21283	CHQ21310		1	4	1		
CHQ21211	CHQ21211		-	-	1	Municipal Fun	Cancelled Cheque
CHQ21212	CHQ21222		4	6	1	Municipal Fun	
CHQ21223	CHQ21223		-	-	1	Municipal Fun	Cancelled Cheque
CHQ21224	CHQ21367	\$177,552.86	6	11	1	Municipal Fun	
EFT39719	EFT40268	\$5,431,876.41	11	109	1	Municipal Fun	
NMF070512	NMF070512	\$284.57	110	110	1		Photocopier Lease x 1 - Community Development (Airport)
NMF100412	NMF100412	\$284.57	110	110	1	Municipal Fun	Photocopier Lease x 1 - Community Development (Airport)
PAY010512	PAY010512	\$402,812.87	1	1	1	Municipal Fun	
PAY150512	PAY150512	\$383,346.53	110	110	1		
PAY290512	PAY290512	\$385,517.64	110	110	1	Municipal Fun	
CAL160412	CAL160412	\$4,266.39	110	110	1		Caltex Direct Debit
CAL160512	CAL160512	\$3,492.58	110	110	1	Municipal Fun	Caltex Direct Debit
WOW160312	WOW160512	\$1,118.98					
	Municipal Total	\$6,792,366.86					
3002245	3002260	\$109,866.40	112	112	3	Trust Fund	
	Trust Total	\$109,866.40					
	Sub-Total	\$6,902,233.26					
LESS: one-off pays		-					
	Total	\$6,902,233.26					

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 a Statement of Financial Activity
 - 1.2 Pages 5 to 16.
Notes 3 to 11 which form part of the Statements of Financial Activity. Also Note 10 – May 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. May 2012 Accounts for Payment
(Attached under separate cover)

201112/524 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council notes the:

- i)**
 - a) Statements of Financial Activity (represented by Schedules 3 to 14);**
 - b) Notes (1 to 11) forming part of the Statements of Financial Activity for the period ending 31 May 2012; and**
 - c) Review of Transaction Activity, as attached and/or presented;**
- ii) Graphic representation of the Town's energy, water and fuel use as attached; and**
- iii) List of Accounts paid during May 2012 under Delegated Authority, as presented and/or attached.**

CARRIED 7/0

NOTE: Councilor Carter requested clarification of account numbers 496, 1691, 7122, 7951, 7920.

11.4.2 Governance and Administration**11.4.2.1 *Annual Western Australian Local Government Convention and Exhibition 2012 (File No: 13/01/0009)***

Officer Ayden Férdeline
Administration Officer
Governance

Date of Report 20 June 2012

Disclosure of Interest by Officer Nil

Summary

To determine who shall attend the Annual Western Australian Local Government Convention in Perth, and which Elected Members will be Council's voting delegates at the Western Australian Local Government Association's (WALGA) Annual General Meeting (AGM).

Background

The Western Australian Local Government Convention and Exhibition is held annually in Perth and comprises formal presentations, seminars and workshops relevant to the business of local governments. There are also social events which provide Elected Members with the opportunity to network with other Elected Members and senior local government Officers.

The event is promoted by the Western Australian Local Government Association, as the premier local government event held each year. WALGA also offers the opportunity for Elected Members to attend professional development usually in the days before and/or after the Convention.

Statutory Implications

Nil

Policy Implications

Policy 4/005 'Members Professional Development and Associated Travel and Accommodation' ensures that Elected Members receive appropriate opportunities for professional development so they can adequately fulfil their duties as a Councillor.

Strategic Planning Implications

Key Result Area 6: Governance
 Goal 1: Leadership
 Immediate Priority 1: Actively market the achievements that the Town has made and the plans that are in place for the future.

Budget Implications

The estimated cost per person to attend the 3 day convention is \$3,783.05, which includes:

Local Government Convention Registration	\$ 1,250.00
Convention Breakfast	\$ 88.00
ALGWA Breakfast / AGM	\$ 55.00
Convention Gala Dinner	\$ 190.00
Accommodation	\$ 974.10
Daily Meals Allowance x 3 days (\$108.65)	\$ 325.95
Economy Flight (estimated)	\$ 900.00
	\$ 3,783.05

Cab charge vouchers will also be provided to Elected Members for transportation purposes.

This estimate does not include associated costs of Councillors who wish to attend the WALGA Professional Development Modules. Council has a Professional Development budget allocation for individual Councillors to attend those.

Officer's Comment

This year's event is being held at the Perth Convention and Exhibition Centre from Wednesday, 1 August 2012 to Friday, 3 August 2012. It appears likely that meetings of the Pilbara Regional Council, the WA Regional Capitals Alliance, and the Port Hedland Steering Group will also be held over this period.

Events at the Convention will include Annual General Meetings, including that of the Western Australian Local Government Association (WALGA) on Wednesday, 1 August 2012 at 1:30pm, of which two Council attendees will be voting delegates.

It is recommended that Town of Port Hedland delegates stay at the Ibis, which is in walking distance from the Convention and Exhibition Centre and offered to delegates at a reasonable charge of \$245 per night.

Attachments

1. Brochure for the Western Australian Local Government Convention and Exhibition 2012.

201112/525 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That:

i) The following Elected Members:

- **Councillor Daccache**
- **Councilor Carter**
- **Councilor Martin**
- **Councilor Gillingham**
- **Councilor Dziombak**
- **Councilor Hooper**
- **Councilor Jacob**

attend the WALGA Local Government Convention and Exhibition 2012; and

- ii) Councillor Daccache and Councilor Jacob represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting to be held on Wednesday 1 August 2012 at 1:30pm.**

CARRIED 7/0



WEDNESDAY 1 - FRIDAY 3 AUGUST 2012 **PERTH CONVENTION & EXHIBITION CENTRE** 21 MOUNTS BAY ROAD PERTH

INFORMATION & REGISTRATION



event partners



WALGA

Founding Corporate Partner

LGIS is the WA Local Government sector's dedicated facility for risk financing and management.

Established by WALGA and managed by JLT Australia, LGIS provides specialised services to all Councils across the State by way of:

- A WA Local Government group self-insurance scheme for liability, workers compensation and property risks;
- A specialised insurance broking service for Local Government general insurance needs; and
- Risk management specialist services in all disciplines, such as OSH, liability and property risks, human resource risk management, professional risks, emergency management and business continuity planning, and an Organisational Risk Management program covering the full spectrum.



REGISTER ONLINE EARLY TO WIN

Register online before close of business on Friday 8 June for a chance to WIN two corporate package tickets to the AFL Western Derby on Saturday 4 August. Further details on page 8.

Principal Sponsor

Civic Legal is a preferred supplier of legal services to the Local Government sector. A loyal supporter of the sector and of the annual Convention, it is a favourite with Councils for its approachability, responsiveness and clarity of advice.



CMC LEGAL

Convention Supporter



City of Perth

an invitation

This year brings the introduction of a new format for the annual WA Local Government Convention and Trade Exhibition and it is again my great pleasure to invite colleagues to attend.

Developed from feedback expressed by Members over time, the Convention is now scheduled across two days -Thursday 2 and Friday 3 August – with the AGM immediately beforehand on Wednesday 1 August.

With an overarching theme of **NEW OPPORTUNITIES – NEW GROUND** the conference program has been shaped around community engagement, leadership resilience in times of trial, a review of ongoing sector reform and in the lead up to the upcoming State Election we will take a look at the political landscape.

We are excited to have as our opening presenter Sir Jackie Stewart OBE. A legend of Formula One Racing, Sir Jackie is renowned for his indefatigable leadership in enforcing driver safety standards for this dangerous sport, subsequently saving many lives. From a personal and humanitarian perspective the closing address will be presented by Qantas Captain Richard de Crespigny who piloted the stricken Airbus A380 into a successful emergency landing in Singapore late in 2010 after an uncontained engine explosion – an outstanding story of courage and leadership.

The trade exhibition continues to expand and again will showcase the diverse products and services relevant to Local Government including a large range of heavy plant and equipment. I encourage you to take this once a year opportunity to meet with these valuable suppliers and be updated on what is currently available for the sector.

Our partners are again an integral part of our annual gathering and a special activities program has been created for their enjoyment. Social networking with colleagues is amply featured with the Convention Opening Welcome Reception following the AGM on Wednesday, a Sundowner and the Mayors and Presidents' Government House Reception on Thursday and finally the Convention Gala Dinner being held on Friday evening.

I would like to thank the City of Perth for its continuing support for the popular Banners in the Terrace competition and especially express appreciation for the valuable support provided by the Convention Founding Partner LGIS and Principal Sponsor Civic Legal.

I look forward to seeing you in August.



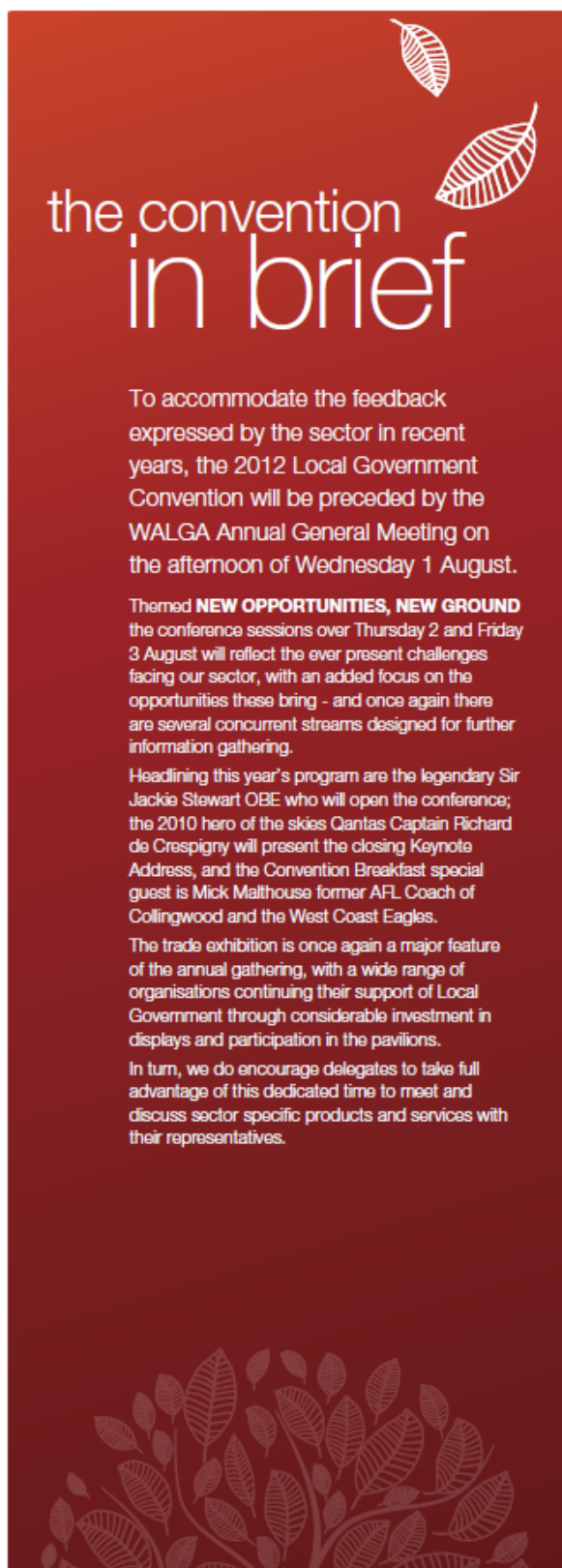
Mayor Troy Pickard
President



BANNERS IN THE TERRACE

2011 Overall Winner – The Shire of Mullewa
(now known as the City of Greater Geraldton)

Do take some time to view the outstanding display of this year's creative entries in the Banners in the Terrace competition – flying high along St Georges and Adelaide Terraces between Sunday 29 July and Saturday 11 August.



the convention
in brief

To accommodate the feedback expressed by the sector in recent years, the 2012 Local Government Convention will be preceded by the WALGA Annual General Meeting on the afternoon of Wednesday 1 August.

Themed **NEW OPPORTUNITIES, NEW GROUND** the conference sessions over Thursday 2 and Friday 3 August will reflect the ever present challenges facing our sector, with an added focus on the opportunities these bring - and once again there are several concurrent streams designed for further information gathering.

Headlining this year's program are the legendary Sir Jackie Stewart OBE who will open the conference; the 2010 hero of the skies Qantas Captain Richard de Crespigny will present the closing Keynote Address, and the Convention Breakfast special guest is Mick Malthouse former AFL Coach of Collingwood and the West Coast Eagles.

The trade exhibition is once again a major feature of the annual gathering, with a wide range of organisations continuing their support of Local Government through considerable investment in displays and participation in the pavilions.

In turn, we do encourage delegates to take full advantage of this dedicated time to meet and discuss sector specific products and services with their representatives.

REGISTRATIONS ARE ONLINE

With a chance to WIN two corporate box tickets to the AFL Western Derby on Saturday 4 August 2012. All details on page 8.

WHO SHOULD ATTEND?

The Convention and Trade Exhibition is presented specifically for all those engaged in the Local Government sector.

The conference sessions aim to support and inform Mayors, Presidents, Elected Members and Chief Executive Officers. Additional attendance by General Managers and Directors and other senior managers is also highly recommended. Available options include full conference participation and daily registration.

LOCAL GOVERNMENT OFFICER PROGRAM

A selection of special sessions has also been created for Local Government Officers for information gathering and networking support for those involved in policy development and management in the areas of **Human Resources, Environment and Waste, Roads and Transport, Community Libraries, Emergency Management and Community Events**. Further details on page 7.

ELECTED MEMBER PROFESSIONAL DEVELOPMENT OPPORTUNITIES

WALGA Training courses are offered for several days from Monday 30 July to Saturday 4 August to coincide with the Convention. Full details are enclosed in a separate flyer – **enquiries to training@walga.asn.au**.

SPECIAL BREAKFASTS

Thursday ALGWA AGM and Breakfast
Friday Convention Breakfast with Mick Malthouse, former AFL Coach

SOCIAL ACTIVITIES

The **Partner Program** offers an interesting range of options for accompanying guests, and social networking functions include the **Official Opening Welcome Reception** on Wednesday, a **Sundowner** and the invitational Mayors and Presidents' Reception hosted by the Governor of Western Australia, His Excellency Malcolm McCusker AC CVO QC at Government House on Thursday and the closing **Gala Dinner** which is scheduled for Friday evening.

There is also an optional fun activity available for delegates and partners on Saturday 4 August.

the program

WEDNESDAY 1 AUGUST

12.00pm	Delegate Service Desk open for Convention Registration (Perth Convention & Exhibition Centre Level 2)
12.00pm – 1.00pm	Luncheon for 2012 WALGA Honours Recipients
1.30pm – 5.30pm	WALGA Annual General Meeting Parliamentarian addresses invited from <i>Hon. Colin Barnett MLA, Premier of Western Australia.</i> <i>Hon. Mark McGowan MLA, Leader of the Opposition.</i>
5.30pm – 7.00pm	Convention Opening Welcome Reception in Trade Pavilion

THURSDAY 2 AUGUST

7.00am	Delegate Service Desk open for Registration (Perth Convention & Exhibition Centre Level 2)
7.00am – 8.30am	ALGWA (WA) AGM and Breakfast. Register online via Delegate Registration. Other enquiries to Mayor Heather Henderson – City of Subiaco M 0457 733 469; H 9387 5343 or hhenderson@subiaco.wa.gov.au

SESSION 1 NEW OPPORTUNITIES - NEW GROUND

9.00am	Driving New Ground – Sir Jackie Stewart OBE The indefatigable efforts by Sir Jackie to lead the move to safer motor racing in the face of long held practices and powerful interest groups is a story of personal triumph and tenacity that would be of immense benefit to community leaders. Sir Jackie did not just make a sport more professional, he saved lives and while most remember him as a three-time world champion, it is his achievements off the track that should have most salience with anyone facing personal or professional challenges.
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Sir Jackie Stewart OBE

10.15am	Refreshments
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SESSION 2 THE CHANGING NATURE OF COMMUNITIES – NEW OPPORTUNITIES

11.00am	In creating a sense of belonging in our changing cities and towns we need to foster active living and sustainability in our neighbourhoods. So how do we make a difference in the quality of life, and what strategies can we embrace so as to create more liveable and healthier communities?
---------	--




Peter Fitzpatrick

This session will showcase two perspectives around building a healthy community. Firstly, the opportunity to create more active places for people using design to encourage physical activity, and secondly developing a more sustainable environment in a strategic alliance around waste management – a key issue for the Local Government sector.

Peter Fitzpatrick, Chair - The Waste Authority.

12.30pm	Lunch
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SESSION 3		CONCURRENT SESSIONS – A CHOICE OF GENERAL SECTOR UPDATES	
1.45pm		All delegates are asked to indicate session preference to assist with venue planning.	
Governance		<p>Elected Member and CEO Relationships</p> <p>Good Elected Member-officer relationships are critical to the success of each and every Local Government. They hinge on clear and concise understandings by each of the role and responsibilities of the other, so that boundaries are respected and the business of the Local Government is facilitated.</p> <p>The idea is simple, but the execution can be complicated: hear from two of the sector's "best practice teams" about how they get the balance right.</p>	
Regional Development		<p>Flying High</p> <p>The newspapers tell you that Western Australia's mining communities are "booming", with big wages, jobs for everyone who wants one and opportunities for all. But what's the real story?</p> <p>This session will explore the impacts of Fly-In-Fly-Out (FIFO) and Drive-In-Drive-Out (DIDO) workforces on both the economies and communities of our so called Boom Towns, and will seek to answer questions such as;</p> <ul style="list-style-type: none"> • Why have companies adopted this workforce management strategy? • How do you plan sustainable community infrastructure and services when a large percentage of your population is so mobile? • How do you pay for it? • Is there a social cost? 	
Community and Planning		<p>Libraries Out Loud in the Year of Reading</p> <p>Libraries aren't what they used to be. No longer quiet places, lined with aisles of books. Libraries are vibrant connected community hubs – a centre of activities, music concerts, and business development. Library usage is increasing across Australia, in a time of economic uncertainty.</p> <p>So what does this say about the future of libraries? What does this mean for Local Government and how can we maximise opportunities to deliver better services by taking a different look?</p> <p>Down times have a potential upside - they demand re-invention: hear how innovative thinking is making public library services edgier, smarter, more creative and cost effective in a world that is being transformed by digital and social technologies.</p>	
3.30pm		Refreshments	
SESSION 4		THE NEW LANDSCAPE	
4.00pm		<p>Reform of the sector continues to loom on the horizon with the Local Government Metropolitan Review Panel to report to the Minister in June and conjecture whether the process will be extended to regional and remote areas. In this session hear those that have been through reform and amalgamations including the political strategist who assisted Queensland Councils during the consolidation in that state.</p> <p><i>Jannette Cotterell, Managing Director – Executive Counsel Australia.</i> <i>Mayor IW (Ian) Carpenter, City of Greater Geraldton.</i></p>	
			
5.30pm – 7.00pm		<p>Mayors and Presidents' Reception at Government House</p> <p>Hosted by His Excellency the Governor of Western Australia Malcolm McCusker AC CVO QC, and Mrs Tonya McCusker (by prior invitation); or the Sundowner in the Trade Pavilions.</p>	



FRIDAY 3 AUGUST

7.00am Delegate Service Desk open

7.30am – 8.45am **Breakfast with Special Guest Mick Malthouse**

Mick Malthouse

One of the most influential figures in Australian Rules football, Mick Malthouse has played and coached in over 700 games combined. He is one of only five coaches that have coached three different clubs to finals series. His contribution to the game has earned him the coveted Australian Sports Medal, and he was named Coach of the Australian team to take on Ireland in the International Rules Series in 2008.

SESSION 5 TALES FROM THE BATTLEFIELD – LEADERSHIP RESILIENCE IN UNIMAGINABLE TIMES

9.00am Given the ongoing devastating natural events being experienced around our regions there is an increasing focus in Local Government around the strategic direction for emergency management.



Tim Manning

What happens when your community infrastructure is wiped out by a natural disaster, homes and businesses have been destroyed, and you have to find a way to respond and establish recovery activities? How do other jurisdictions foster shared responsibility and partnerships and implement community engagement strategies to improve disaster resilience?

Tim Manning, Deputy Administrator for Protection and National Preparedness, FEMA.

10.45am Refreshments

SESSION 6 FRIENDS, FOES AND MEDIA – INFLUENCING THE INFLUENTIAL

11.15am Keep your friends close and your enemies even closer. Knowing how to influence the influential – how to get your concerns to government and your message in the media – is a critical part of public life in Local Government. In this session you will hear from experts on the local political and media landscapes on developing and implementing successful advocacy strategies.



Paul Everingham

Andrea Burns

Paul Everingham, Managing Director - GRA Everingham and Associates.

Andrea Burns, Award winning Journalist - formerly of Today Tonight.

12.30pm Lunch

1.30pm Banners in the Terrace Awards

SESSION 7 THE STATE OF PLAY

1.30pm A conversation around the inside of Australian politics - both Federal and State - from two masters of political commentary – what does it all mean for the many and varied issues facing Australians today.



Graham Richardson

Glenn Milne

Graham Richardson, former Federal Minister.

Glenn Milne, Award winning Journalist.

2.45pm Refreshments

SESSION 8 CONVENTION KEYNOTE ADDRESS
3.15pm **Qantas Pilot, Captain Richard de Crespigny**

Captain Richard de Crespigny

A testament to his outstanding professionalism and exceptional courage, in late 2012 Captain de Crespigny piloted the stricken Airbus A380 carrying 400 passengers in a successful emergency landing in Singapore, after an uncontained engine explosion. This pivotal event has changed his life forever – a breathtaking tale of leadership amid times of crisis.

4.30pm Close of the 2012 Local Government Convention

7.00pm – Midnight Pre-Dinner Drinks and Gala Dinner, Perth Convention & Exhibition Centre BelleVue Ballroom.

Post Convention There is an optional full day visit to Rottnest Island for Delegates and Partners for those remaining in Perth over the weekend – details are included in the Partner Activities overleaf.

partner activities

Registration required for all activities – prices include GST.



		INCLUDES	COST
WEDNESDAY 1 AUGUST			
5.30pm – 7.00pm	Opening Welcome Reception in Trade Exhibition, Level 1		\$50
THURSDAY 2 AUGUST			
9.00am – 11.00am	Styling and Wardrobe Planning How challenging fashion can sometimes be ... what is in, what is out, what goes with this, what goes with that. Andrea the wardrobe specialist at Myer will present an in store workshop that will make sense of it all – ensure you will look and feel fabulous and help you co-ordinate your wardrobe for the coming season.	Wardrobe planning workshop, morning tea and facilitator	\$65 min 20 max 40
9.30am – 11.30am	Some Matters Legal (at the PCEC) Presented by the Citizens Advice Bureau, this session provides a special opportunity to demystify the legal issues around Wills, Enduring Power of Attorney, Enduring Power of Guardianship – and other questions of the Legal Service. The Bureau also advises families, community groups, neighbours and small business on matters of disputation.	Legal expert workshop and morning tea	\$40 min 20
1.45pm – 5.15pm	Beer and Beef Tasting Calling all red meat and beer lovers: first the Brewer will talk about boutique beers, then a guided tour through the microbrewery - with tempting beer tastings and gourmet snacks to enjoy, then it is a Chef demonstration and commentary "from paddock to plate" – what makes a great steak, how to select the best cuts, how to cook them – then the ultimate, a taste.	Facilitator, transport and Tastings	\$170 min 12 max 18
2.30pm – 5.00pm	High Tea at Rigby's Enjoy a traditional and delicious High Tea in the Old World setting which was the residence and grounds of one of our greatest pioneers, Lord Alexander Forrest - and hear some of its history.	High tea, Guide and Commentary	\$55 min 20
5.30pm – 7.00pm	Mayors and Presidents' Civic Reception at Government House (by prior invitation)		
5.30pm – 7.00pm	Sundowner in the Trade Exhibition, Level 1		\$50
FRIDAY 3 AUGUST			
7.30am – 8.45am	Breakfast with Special Guest Mick Malthouse, former AFL Coach		\$88
9.00am – 4.30pm	Away for a Day in Fremantle A cruise down the iconic Swan River to Fremantle and a visit to the Maritime Museum will set the nautical tone for the morning. After a stroll amid the magnificent display of historic sailing vessels, including the controversial winged keel yacht of America's Cup fame and an enjoyable lunch, we will take a guided walking tour through parts of the unique port city to the Fremantle Markets. Here there will be tasty treats from some of the stall holders including a range of sumptuous honey, preserves, olive oil – and much more.	Guide, ferry and coach transfers, entry to Maritime Museum, lunch and tastings	\$110 min 15 max 30

6.

2012 Western Australian Local Government Convention & Trade Exhibition

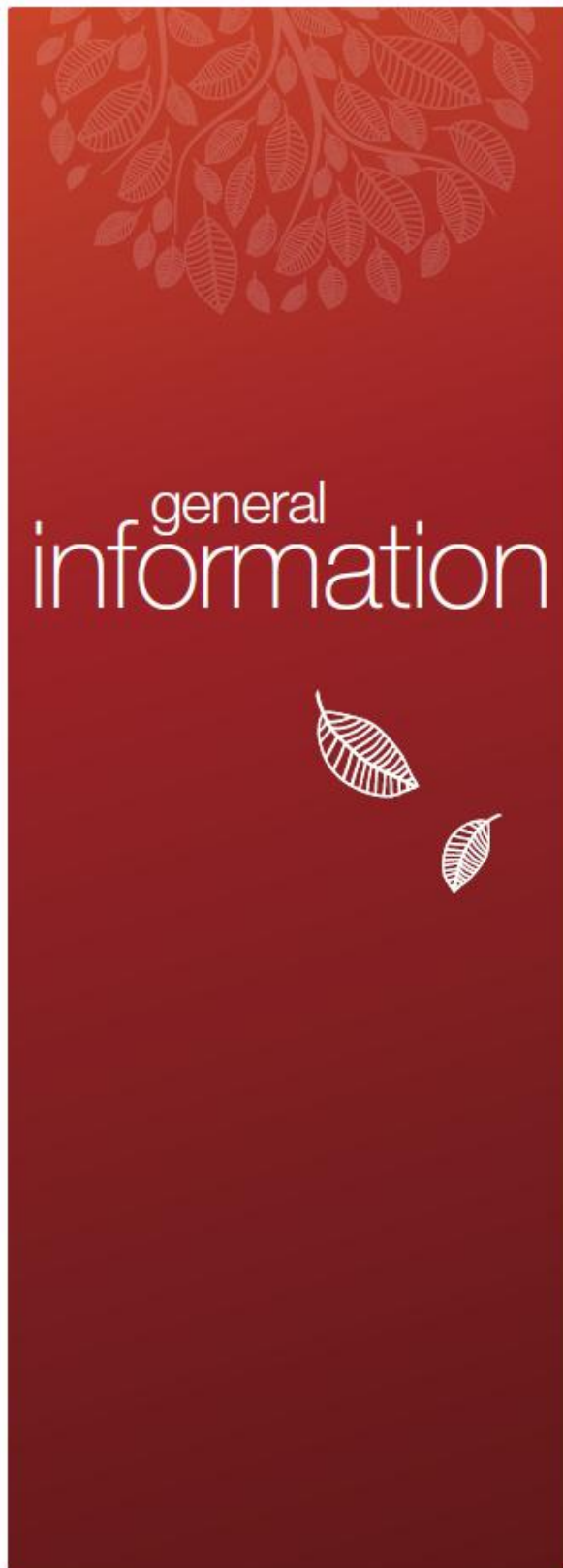
		INCLUDES	COST
9.00am – 12.00pm	Scrapbooking (at the PCEC) Discover what many people are talking about and becoming so passionately involved with. Create photo sharing cards, or record the yearly events made into a calendar - the ideas are endless. Our expert will demonstrate the intricacies of the fascinating world of scrapbooking.	Facilitator, morning tea, workshop and incidentals	\$65 min 20 max 40
2.30pm – 5.30pm	Masterclass in Cocktail Making An entertaining lesson on classical and modern cocktails: a 'hands on' masterclass - shaking cocktails, tasting the ingredients - and a behind the scenes tour of the bar. There will also be the "Star Mixology Pupil" Award for the "Apprentice Mixologist" who will receive a Luxe Bar Bartender Kit – just the thing to emulate Tom Cruise of Cocktail fame at the next home "db".	Facilitator, coach transfers and the MasterClass	\$120 min 15 max 30
1.30pm – 5.30pm	Tour of West Australian Newspapers If you have ever wondered how our primary newspaper, the West Australian comes together, this tour will provide the answer: smell the ink, hear the presses thundering, and witness the creation of our biggest circulated daily newspaper. Note: All participants must wear fully enclosed flat soled shoes - and if hearing aids are worn then ear muffs will be issued.	Facilitator, transport, hospitality and Tour	\$60 min 10 max 15
7.00pm – Midnight	Convention Gala Dinner (PCEC)		\$190
SATURDAY 4 AUGUST AN ADDITIONAL OPTION FOR DELEGATES AND PARTNERS			
8.45am – 5.15pm	All Day visit to Rottnest Island A "day on Rotto" has long been a favourite pastime for Western Australians. It may be winter and bathers will be left behind but there will be much to see and enjoy. After an arrival coffee a chartered coach will tour the island before an enjoyable lunch at the famous "Lodge". Fully replenished it will then be time to learn more about the fascinating history of the settlement on foot – then a little free time before heading back to the mainland after a special day out.	Guide, coach and Rottnest Express transfers, refreshments, lunch and guided tours on the Island	\$205 min 20 max 44

THURSDAY 2 AND FRIDAY 3 AUGUST

Local Government Officer Program

Running parallel to the conference program is a selection of special sessions available to Local Government Officers. These sessions are specifically designed to facilitate information gathering and networking support for those involved in policy development and management in the areas of Human Resources, Environment and Waste, Finance, Roads and Transport, Libraries, Emergency Management and Community Events.

Access to full session details and online registration: www.walga.asn.au – 2012 Convention link



ONLINE CONVENTION REGISTRATIONS – A SIMPLE PROCESS

Log on to www.walga.asn.au - then go to the 2012 Convention and Trade Exhibition. Complete the registration form by following the instructions, and then submit – allow 2-3 days for an emailed acknowledgement.

Register early by the close of business on **Friday 8 June** for a chance to **WIN two Corporate Package Tickets** to the highly coveted **AFL Western Derby** on Saturday 4 August. Limousine transfers also will be provided from within the metropolitan area to and from Patersons Stadium in Subiaco.

The winner will be randomly selected from the computer registration database, and the winner notified on Monday 11 June.

Full delegate fees cover the daily conference program, lunches and refreshments – the Opening Reception on Wednesday 1 August and the Sundowner on Thursday 2 August.

The Convention Gala dinner on Friday evening is optional, and a ticket fee applies.

CONVENTION FEES

Prices are per person and are all inclusive of GST.
Deadline for all Registrations is **Tuesday 3 July 2012.**

Full Delegate	\$1,250
WALGA Life Members	Complimentary (excluding Gala Dinner)
Day: Thursday 2 August	\$725 (includes Sundowner)
Day: Friday 3 August	\$670
Convention Gala Dinner	\$190
Opening Reception (Wednesday)	\$50 for partners and guests
Sundowner (Thursday)	\$50 for partners and guests
Convention Breakfast	\$88
ALGWA Breakfast	\$55
Partner Tours	Individual tour fees as listed

Local Government Officer Sessions –
see www.walga.asn.au – Convention link for full details

Elected Member Professional Development –
see enclosed leaflet for details.

Registration cancellations must be advised in writing prior to the deadline date of Tuesday 3 July 2012. Thereafter full fees are payable, or alternatively a registration may be transferred to another member of Council – to be advised in writing.

SPECIAL REQUIREMENTS

Any special dietary requirements, mobility or any other special needs should be indicated on the registration form – WALGA will use its best endeavours to meet these requests.

ACCOMMODATION

A range of accommodation options were issued to Councils in December, and hotel booking forms and details are available on www.walga.asn.au. Reservations are to be made direct and please note that city hotels have limited guest parking so clarify these arrangements when booking.

INTER-VENUE TRANSFERS

Coach transfers will be provided for the **Mayors and Presidents' Reception** at Government House on Thursday, collecting guests from Mounts Bay Road (near Mill Street intersection) - with returns to both the Perth Convention & Exhibition Centre and CBD hotels, as required.

A limited service will similarly be provided between CBD hotels and the Perth Convention & Exhibition Centre for the **Gala Dinner** on Friday evening.

The convenient, **free and frequent bus services** operating within the CBD is again recommended for transfers between city hotels and the Perth Convention & Exhibition Centre – for detailed information on these services go to www.transperth.wa.gov.au - and hotel staff can offer some local advice to guests.

The limited transfer schedule will be displayed at the Delegate Service Desk.

PERTH CONVENTION & EXHIBITION CENTRE PARKING

For those requiring daily parking, WALGA can arrange for a multi-entry (24 hour access) **parking space** in the underground car park at the Perth Convention & Exhibition Centre at a daily cost of \$30. Parking space requests must be indicated on the registration form – **please note the non-extendable deadline for these requests is Tuesday 3 July 2012.**

ENQUIRIES

Ulla Wolter
WALGA Marketing and Events Support Officer
T (08) 9213 2000 | **F** (08) 9322 2611
E registration@walga.asn.au

Information in this brochure is correct at time of printing but may be subject to change.



PRESENTED BY



WALGA

15 Altona Street, West Perth WA 6005
T (08) 9213 2000 | F (08) 9322 2611
www.walga.asn.au

11.4.2.2 Review of 2012/13 Delegation Register (File No.: .../...)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 19 June 2012

Disclosure of Interest by Officer Nil

Summary

This report seeks Council's adoption of the 2012/13 Delegation Register.

Background

Council is statutorily required to review its Delegated Authority Register at least once every financial year.

Council reviewed the Town's 2011/12 Delegation Register on 22 June 2011 and is therefore required to review the 2012/13 Delegation Register by 30 June 2012.

Prior to the register being presented to Council, an extensive internal review of the document has taken place, supported by consultation with external government bodies.

The review has identified a number of delegations that require deletion and some that require amendments. Additional delegations have also been proposed.

Consultation*External*

- Department of Local Government
- WALGA
- Other WA local governments

Internal

- Chief Executive Officer and Executive
- All Managers

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.*
[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
(b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
(c) *appointing an auditor;*
(d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
(e) *any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
(f) *borrowing money on behalf of the local government;*
(g) *hearing or determining an objection of a kind referred to in section 9.5;*
(ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
(h) *any power or duty that requires the approval of the Minister or the Governor;*
(i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.] “

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.*

- (2) *Nothing in this Division is to be read as preventing —*

- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
(b) *a CEO from performing any of his or her functions by acting through another person.*

- 5.46. *Register of, and records relevant to, delegations to CEO's and employees*
- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
 - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
 - (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."*

Policy Implications

Town of Port Hedland Policy Manual and Local Laws apply.

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

An annual review of the Delegation Register has been undertaken for adoption by Council as required under the Local Government Act.

Following advice from internal and external stakeholders changes to the Delegation Register have been incorporated into the revised document (attachment 1).

The main changes proposed to the delegation register will be deletions, amendments and additions as listed in the tables on the following page.

Furthermore, in accordance with Section 5.44 of the Local Government Act 1995, the Chief Executive Officer may delegate some of his powers and duties to other employees. Following Council's resolution it will therefore be at the Chief Executive Officer's discretion which powers and duties he wishes to subdelegate to Town of Port Hedland employees, in order to efficiently carry out the Town's administrative matters. All delegations to employees will be in writing and each employee will be required to keep a register of each time they exercise a specific delegation.

A presentation was made at the Concept Forum on 20 June 2012 outlining the process for the review and indicating the major changes for the 2012/13 Delegation Register.

Delegations to be Deleted	Function to be performed	Reason for deletion
Public Telephone Boxes, Sitting	The Chief Executive Officer is delegated authority to negotiate and determine the sitting of public telephone boxes on road reserves under the care, control and management of the Council.	This matter is already part of Town Planning Scheme No.5 provisions and is no longer required.
Street Appeals	The Chief Executive Officer is delegated authority to determine all applications for street appeals.	To be incorporated in future policy if necessary, currently not required.
Uniforms	The Chief Executive Officer is delegated authority to determine a suitable uniform, including the colour and style of the uniform, in consultation with employees of the Town of Port Hedland.	Part of EBA and employment contracts.
Travel and Accommodation Arrangements	The Chief Executive Officer is delegated authority to determine all travel and accommodation arrangements for staff and Councillors while on official Council business. In exercising this delegation, the Chief Executive Officer shall have regard to Council Policy No. 1/014 and the availability of appropriate funding on Council's Budget.	Part of Policy with funding identified through the annual budget process, delegation not necessary.
Insurance	The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance.	Insurance contracts get dealt with as all other contracts in the organisation and do not require a specific delegation. Further, this matter will be included in a new policy for 'Execution of documents.'
Live Shows, Matt Dann Cultural Centre	The Chief Executive Officer is delegated authority to negotiate and budget for the conduct of live shows at the Matt Dann Cultural Centre where the net cost to Council (i.e. loss) on any show will not exceed \$4,000. The Chief Executive Officer in exercising this delegated authority shall have regard to the total income and expenditure budget allocations for the Matt Dann Cultural Centre in any one (1) year.	Finance matters related to Council facilities are all dealt with as part of budget process and do not require a specific delegation.
Assistance to community organisations and events	The Chief Executive Officer is delegated authority to determine the level of assistance provided to community organisations and events in urgent cases where the item cannot be considered by the Donations Working Group in the timeframe required. The assistance may be in-kind and may include the use of Council plant and machinery or the use of Council employees. In exercising this delegation, the Chief Executive Officer shall have regard to any existing Council policies.	This matter is dealt with as part of the current Donations Policy, where requests for assistance by community groups are referred to the Audit and Finance Committee.
Advertising on Recreation Reserves	The Chief Executive Officer is delegated authority to determine applications for the placement of advertising signs on recreation reserves. The Chief Executive Officer in exercising this delegation shall have regard to Council Policy 6/002 - Advertising on Recreation Reserves.	The policy which the delegation refers to has been recently rescinded. This delegation can be deleted as it will be incorporated as part of a new and fully comprehensive policy regarding advertising on recreation reserves.

Delegations to be Deleted	Function to be performed	Reason for deletion
Sale of information available for inspection by the Public	The Chief Executive Officer is delegated the duty to ensure that copies of all of the information/documents listed in Section 5.94 of the Act are available and that the price at which the copies are sold does not exceed the cost of providing the copies.	This matter is already part of current fees & charges and as per section 5.96 of the Act.
Enforcement and Legal Proceedings	<p>The Chief Executive Officer is delegated authority to appoint persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Town of Port Hedland generally in proceedings in the court of petty sessions and Local Court.</p> <p>The Chief Executive Officer is delegated authority under section 9.10 of the Local Government Act 1995 to appoint, in writing, persons or classes of persons to be authorised for the purposes of performing particular functions under sections 9.11, 9.13, 9.16, 9.17, 9.19 and 9.20 of the Act.</p> <p>The Chief Executive Officer is delegated authority under section 3.24 of the Local Government Act 1995 to authorise any person to exercise the powers given to a Local Government under Subdivision 2 of Division 3 of Part 3 of the Act.</p>	<p>The concepts of 'Enforcement' and 'Legal Proceedings' have been split for ease of reference.</p> <p>Enforcement will be dealt with as part of 'Authorised officers' delegation and 'Legal Proceedings' will be dealt with in the newly created 'Representing Local Government in Court'.</p>

Delegations to be amended	Original function to be performed	Reason for amendment	Wording of Amendment
Contract variations	The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council	The word minor has been defined as per advice received by WALGA, to better clarify the matter in future contract variations.	The definition of minor being 10% of the total project value, up to a maximum of the CEO's delegation for authorisation of expenditure.
Appointment of Authorised Persons	<p>A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.</p> <p>The Chief Executive Officer is delegated the power to: designate pursuant to Section 96(3) of the <i>Building Act 2011</i> Planning and Building Officers as authorised persons for the following purposes of the Building Act 2011.</p>	In this case the delegation rather than being amended has had wording added to it, to incorporate the concepts of 'Powers of Entry' and 'Enforcement' as previously covered by the 'Enforcement and Legal Proceedings' delegations.	The Chief Executive Officer is delegated the power to: authorise persons for the following purposes of the Local Government Act 1995: 3, Part 3, Division 3 - Powers of entry 9.11 Persons found committing breach of Act to give name on demand 9.13 Onus of proof in vehicle offences may be shifted 9.16 Giving a notice 9.17 Content of notice 9.19 Extension of time 9.20 Withdrawal of

Delegations to be amended	Original function to be performed	Reason for amendment	Wording of Amendment
Property – Acquisition and Disposal	The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$50,000 provided that appropriate provision is made on Council's budget.	The 2 concepts have been separated. An additional delegation for 'Authorisation of Expenditure' from Municipal has been created.	The Chief Executive Officer is delegated authority under section 6.10 (d) of the Local Government Act 1995 and Local Government (Financial Management) Regulation 5(1) (e) to authorise expenditure for the supply of goods or services where expenditure has been approved in the annual budget in accordance with Council Procurement Policy 2/007 or otherwise approved in accordance with Section 6.8 of the LG Act 1995.
Disposal of Surplus Equipment, Materials, Tools, etc	The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, etc which are no longer required, or are outmoded, or are no longer serviceable. This delegation applies only to items with an estimated value less than \$5,000.	This delegation has been renamed to 'Disposal of Property', which reflects all the types of property disposal as listed in the LG Act 1995. These being by tender/public auction, by way of gift and by lease.	<p>Delegation 1): That Council delegate authority to the Chief Executive Officer to dispose of property by public tender or public auction or expressions of interest where the individual value of the property disposal is greater than \$500 or less than \$100,000.</p> <p>Delegation 2): That Council delegate authority to the Chief Executive Officer to gift or donate property with a maximum written down value of \$500.</p> <p>Delegation 3) That Council delegate authority to the Chief Executive Officer to enter into lease arrangements for the leasing of Council owned facilities and property. This section does not apply to:</p> <p>(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or</p> <p>(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or</p> <p>(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or</p> <p>(d) any other disposition that is excluded by regulations from the application of this section.</p>

New delegation title	Function to be performed	Reason for addition
Authority to initiate prosecutions	The Chief Executive Officer is delegated authority to commence a prosecution for an offence against this Act or under a local law under Section 9.24 of the Local Government Act 1995.	To establish the CEO's authority to initiate prosecutions for an offence against this Act or under a local law.
Write Off Debtors (Rates and Others) up to \$200.00	The Chief Executive Officer is delegated to write off debtors (rates and others) with an Account balance of \$200.00 or less pursuant to Local Government Act s.6.12(1).	To reflect best practice in the management of local government finances.
Recovery of Debts (Other than Rates and Service Charges)	The Chief Executive Officer is delegated to take action to recover any outstanding debts (other than a rate or service charge) pursuant to the LG Act 1995, Section 6.10.	To reflect best practice in the management of local government finances.
Waiver of fees and charges (Other than Rates and Service Charges)	The Chief Executive Officer is delegated to waive fees and charges (other than rates or service charges) the subject of court settlement process.	To better manage the Town's waiver of fees subject of court settlements.
Representing Local Government in Court	The Chief Executive Officer is delegated authority to appoint persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Town of Port Hedland generally in proceedings in the court of petty sessions and Local Court.	This concept has been separated from the original 'Enforcement and Legal Proceedings' delegation.
Airport and Audit & Finance Committees	Outline of the Committee's Terms of Reference.	As per Section 5.18 of LG Act 'Register of Delegation to Committees' to be kept and reviewed yearly.

Attachments

1. 2012/13 Delegation Register
(Attached under separate cover)

Officer's Recommendation

That Council adopts the attached 2012/13 Delegation Register.

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).

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 *Confidential : Appointment of Chief Executive Officer (CEO)*

NOTE: The Mayor advised that this item will not be considered tonight.

12.2 *Establishment of Town of Port Hedland Mayoral Facebook Page.*

NOTE: The Mayor advised that this item will not be considered tonight.

Following this decision, the applicant provided artist impression plans that show an improved streetscape. It is noted that these plans are inconsistent with the floor plans and elevation plans that have been submitted.

Consultation

Externally:

- Horizon Power,
- Water Corporation,
- Department of Water

Water Corporation and Department of Water have not responded within the 14 day referral period. Horizon Power have raised no objection to the proposal.

Internally:

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

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

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

Nil

Budget Implications

An application fee of \$499.20 has been received as per the prescribed fees approved by Council.

Officer's Comment

There are three issues of concern relating to the proposed development, classification of use and visual amenity.

Classification of use

From a planning perspective the greatest concern relates to the defining of the building. The applicant has requested that the building be approved as a "Residential Building" which is defined in the Port Hedland Town Planning Scheme No. 5 as being:

"a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation:

- a. temporarily by two or more persons, or*
- b. permanently by seven or more persons*

Who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, and motel or holiday accommodation".

It is the Planning Unit opinion that proposal is best defined as a "Grouped Dwelling", which is defined as:

"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".

A Grouped dwelling is a prohibited use within a Rural Residential area. Council considered a similar matter at its Ordinary Council Meeting held 19 October 2011 where it was resolved to approve an application for a change of use from a "Shed" to a "Residential Building".

Visual amenity

The two buildings that would comprise the residential building are of a simplistic design and lack architectural features and points of interest. Whilst detailed plans of the kitchen/laundry unit are yet to be provided, the applicant has advised that the design will be "using similar materials/colours and to the same standard as the accommodation unit".

Of particular concern is the lack of windows and or openings in the elevation that would address the street. Whilst the walls are not of a significant scale, the lack of openings results in no passive surveillance and a poor streetscape. The applicant proposes to address the issue by providing vegetation screening of the buildings. This is not considered an acceptable streetscape or passive surveillance outcome.

Potential Traffic Impact

The proposed "Residential Building" contains four bedrooms that are designed in a way to afford privacy to individuals and in current circumstances, likely to be occupied by four independent persons.

This is likely to result in an increase to local traffic and contribute to road deterioration.

The artist impression plans provided address the concerns of visual amenity however, these plans are inconsistent with the floor plans and elevation plans submitted.

Options

Council has the following options when considering this application:

1. Approve the Application

This option should be chosen if Council agrees with the applicant that the proposal includes a "Residential Building" as opposed to "Group Dwelling" as contended by the Planning Unit and believes the visual amenity associated with the building is acceptable.

2. Refuse the Application

This option should be chosen if Council agrees with the Planning Unit that the proposal includes a "Grouped Dwelling" which is a prohibited use in the Rural Residential zone or believe the visual amenity resulting from the building would not be acceptable.

It has been recommended that Council refuses the application due to the proposal containing a prohibited use being a "Grouped Dwelling".

Attachments

1. Locality Map.
2. Site Plan.
3. Elevations of Accommodation Unit.
4. Additional Information from applicant 26 June 2012 including Artistic Plans

Officer's Recommendation

That Council refuses the application submitted by RPS on behalf of Jamie Reus and Katrina Wilson for a "Residential Building" at Lot 3 Manilinha Drive, Turner River for the following reasons:

1. The proposed use does not meet the definition of a "Residential Building" as defined by the Town Planning Scheme No. 5 (TPS 5).
2. In terms of TPS 5 the proposed use is better defined as "Grouped Dwelling" being a prohibited use within a "Rural Residential" zone.

201112/527 Council Decision**Moved: Cr Daccache****Seconded: Cr Jacob**

That Council approves the application submitted by RPS on behalf of Jamie Reus and Katrina Wilson for a “Residential Building” at Lot 3 Manilinha Drive, Turner River, on the following conditions:

1. This approval relates only to the proposed “Residential Building”, and is to be generally in accordance with the approved plans (DRG/2012/183/1 – DRG/2012/183/7) but subject to the following modification:

Amended floor and elevation plans showing the windows, roof line and other articulation as depicted in the artist impression plans.

2. In terms of the Town of Port Hedland Town Planning Scheme No. 5, “Residential Building” is defined as follows and shall only be used for this purpose:

“Residential Building,

A building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- a) Temporarily by two or more persons, or
- b) Permanently by seven or more persons,

Who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, motel or holiday accommodation.

3. This approval shall remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval shall remain valid for twelve (12) months only.
4. A minimum of six (8) car bays shall be provided as per the approved site plan.
5. No parking bays shall be obstructed in any way or used for any other purpose than parking.
6. Stormwater shall be retained on-site, in accordance with Council’s Technical Services Guidelines.

- 7. 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.**
- 8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the developers cost, to the specification and satisfaction of the Manager Technical Services.**

Conditions to be cleared by Planning Services prior to application being made for a building permit.

- 9. Prior to the submission of a building licence permit, the owner / developer shall submit and have approved by the Manager Planning Services an Erosion Prevention and Sediment Control Plan.**
- 10. Prior to the submission of a building permit application, a construction management plan shall be submitted and approved by the Manager Planning Services. The construction management plan shall indicate how it is proposed to manage the following during construction:**
 - i) The delivery of materials and equipment to the site;**
 - ii) The storage of materials and equipment on the site;**
 - iii) The parking arrangements for the contractors and subcontractors;**
 - iv) Impact on traffic movement;**
 - v) Operation times including delivery of materials; and**
 - vi) Other matters likely to impact on the surrounding residents / businesses**

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

- 11. Prior to the occupation of the “Residential Building”, 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.**
- 12. Prior to the occupation of the “Residential Building”, an approved effluent disposal system shall be installed to the specification of the Town’s Environmental Health Services and to the satisfaction of the Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.**

ADVICE NOTES:

1. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements.
2. In regard to Condition 4, two (2) car parking bays are required for the existing "Dwelling" and one (6) car parking bay for the "Residential Building".
3. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300.
4. The developer shall take note, the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services the one hundred (100) year Annual Recurrence Interval cycle of flooding may affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure measures adopted to avoid risk will be adequate. The issuing of a Planning Approval and/or Building Permit is not intended as, and must not be understood as, confirmation the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
5. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval

CARRIED 7/0

ITEM 13 REPORTS OF COMMITTEES

Nil

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

Nil

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

201112/528 Council Decision

Moved: Cr Daccache

Seconded: Cr Carter

That the following application for leave of absence:

- Councillor Gillingham from 4 July to 23 July**

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 11 July 2012, commencing at 5.30pm.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:43 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____.

CONFIRMATION:

MAYOR

DATE