



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY 14 MARCH 2012

AT 5.30 PM

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

*Paul Martin
Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

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

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

Mayor Kelly A Howlett
Councillor Arnold A Carter
Councillor Jan M Gillingham
Councillor David W Hooper
Councillor Michael (Bill) Dziombak
Councillor J E Hunt
Councillor G A Jacob

Officers

Mr Paul Martin	Chief Executive Officer
Ms Debra Summers	Manager Organisational Development
Mr Eber Butron	Director Planning and Development
Mr Gordon MacMile	Director Community Development
Mr Russell Dyer	Director Engineering Services
Ms Josephine Bianchi	Minute Taker

Public Gallery

Members of the Public	11
Members of the Media	1
Members of Staff	1

2.2 Apologies

Councillor Stan R Martin

2.3 Approved Leave of Absence

Councillor George J Daccache

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 22 February 2012**

3.1.1 Mr Bob Neville

Has the Town of Port Hedland received any response from the Minister, Hon. Brendon Grylls MLA, in relation to the letter sent from Council on 11 August 2011 requesting that the vesting of Lot 5530 Hamilton Road be changed from Recreation to Transitional Workforce Accommodation? And if any response has been received, will Council make this response public?

Chief Executive Officer advised that this matter, including all background relating to the issue, will be the subject of an agenda item presented to Council in the very near future.

Will Council, following the now public knowledge contained in the responses to previous questions in relation to Council Agenda Item 11.1.1.9 'Proposed Partial Closure of Reserve 31895 Lot 5530 Hamilton Road, South Hedland and the Change in Vesting from "Recreation" to "Transient Workforce Accommodation"' on the 10 August 2011 be prepared to hold an internal investigation into this proposal to change the vesting of recreation land to TWA, and determine how this proposal came about without the knowledge of the elected members of Council and who and which (if any) outside organisations were involved in any preliminary discussions?

Chief Executive Officer advised that this matter, including all background relating to the issue, will be the subject of an agenda item presented to Council in the very near future.

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

Nil.

ITEM 4 PUBLIC TIME

5:33pm Mayor opened Public Question time.

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

At the Ordinary Council meeting on 25 January 2012 I asked a number of questions that have not been included in the confirmed minutes; can I have a reason for that?

Chief Executive Officer advised that he will have to take the question on notice. He also advised that if answers are provided to questions as part of the meeting they are recorded in the minutes of those meetings. If answers to questions are taken on notice then a written response is included in the agenda of the next meeting.

If Mr Blanco has particular questions that either didn't make one or two of those meetings, the Chief Executive Officer said he would be happy to go back and look at them to see whether they have been answered. If they haven't they can be addressed either in the minutes or the agenda.

NOTE: Mr Blanco advised that he has written the questions down.

At the Ordinary Council meeting on 25 January 2012 I asked about questions not being presented and answered in the December agenda and tonight I am again asking why questions have not been presented and answered in the January agenda. When will I receive answers to all questions asked at each of these Council meetings?

Chief Executive Officer advised that he is happy to write to Mr Blanco in the next seven working days and give responses to those questions and explain whether they were in the minutes or the agenda. If Mr Blanco has a list of the questions that he asked they can be checked. Chief Executive Officer said that if the questions were omitted, he apologises in advance, otherwise he will outline whether they were in the minutes or the agenda.

NOTE: Mayor asked Mr Blanco whether he was happy with this. Mr Blanco indicated that he was.

Why did my statement read out in public statement time on 25 January not present in the January agenda?

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

According to the verbal answer I received on 25 January 2012 that Council was aware Local Government Regulations required each question and answer to be presented in the agenda, why then did the January questions not present in the February agenda?

Chief Executive Officer advised that Administration Regulations require the Minutes to provide responses to question that were answered as part of the meeting. Any questions taken on notice get referred to in the Agenda of the next meeting. This is the standard process the Town of Port Hedland's administration uses which is recommended by the Department of Local Government. Chief Executive Officer also said he is happy to go and look back at particular examples.

I have read the unconfirmed minutes of the January Council meeting, all questions and statements were in those minutes, who authorised to delete the content?

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

Is the Town broke?

Chief Executive Officer advised that the Town is currently preparing a 10 year financial plan. The Town does not currently have one and KPMG has been engaged to develop the plan that will identify a range of issues that Council will have to consider for long term financial sustainability.

What is the balance in the Town's municipal fund as of today?

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

Are we into overdraft?

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

Three years ago the Town had a footpath program, why has that program stopped?

Director Engineering Services advised that this program is subject to budget allocation. With the South Hedland Underground Power Project it was decided to not push ahead with the footpath program and to allocate funds elsewhere.

When is it starting again?

Chief Executive Officer advised that part of the scope of works KPMG has been engaged to do is a detailed Asset Management Plan. This includes capturing footpaths, curbs, roads, and the whole range of assets. Officers are currently working with KPMG to develop this plan. The Chief Executive Officer expects the program to commence again in the next financial year. However, this time it will be done in a more informed way thanks to a detailed and comprehensive asset management plan.

Three years ago the Town had a road upgrade, reseal and repair program, why has that program stopped?

Director Engineering Services advised that the program has not stopped. The resealing usually happens each year after cyclone seasons. The Town receives funds from the Regional Roads Group and grants from Main Roads; the works are allocated depending on funds and changing traffic conditions. The Town could nevertheless do with more money for its roads.

If the program has not stopped then why are our roads in such a sad state of repair?

Director Engineering Services advised that he recently met with Main Roads about the conditions of our roads. The sheer volume of traffic on our roads together with recent increased rain fall wears them out greatly. More stabilisation and strengthening into the base course and widening of intersections of our roads is required.

Chief Executive Officer also advised that the asset management program that KPMG is working on will identify exactly how many and which roads are in need of upgrades so Council will get a full picture. This will be a much more sophisticated process.

Is the town actively seeking funding to upgrade the road system?

Director Engineering Services advised that each year, apart from Council's funds, there are the Regional Roads Group funds and also grants from Main Roads. There is also the Regional Roads Group Network where Pippingarra Road has been included, however there is a certain criteria that needs to be addressed to get roads on this group.

Did Council authorise a compliance audit on Wedgefield at the last meeting?

Director Planning and Development advised that the Town has set up a strategy to address outstanding issues in Wedgefield. Part of the strategy provides for issue of notices to be complied with within a certain time followed by a series of different options.

Three years ago the Town had an intersection upgrade program in place for Wedgefield, why did that program not finish?

Director Engineering Services advised that this is due to reallocation of funds and prioritisation of projects.

Have all roads in Wedgefield been changed to 'Network 10 without conditions'?

Director Engineering Services advised that a few years ago all local governments were asked to assess their roads to find out whether they needed to be on the RAV network. This means that these roads upgrades are now under Main Roads.

When was that change authorised?

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

Is the Town responsible for the dangers it has created, by allowing 53 meters of road train to navigate the small roads of Wedgefield?

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

4.1.2 Mr Chris Whalley

Mr Whalley said he called the graffiti erasers number two weeks ago but nothing has been done about his complaint as yet. In view of this, could Council do something about erasing the graffiti on the beige coloured metal back fencing facing the Shay Gap Park?

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

4.1.3 Mr Kane Williamson

Mr Williamson's questions refer to Agenda Item 11.1.1.1 'Proposed Partial Closure of Portions of Trumpet Way Road Reserve. (File No.: 28/01/0017).

Is Council aware that the Department of Housing has gifted an 813m², 10m wide parcel of land that the Mosque may use as a parking area to contain a greater number of car bays (17) on their own land?

Director Planning and Development advised he is aware of this matter and this information has gone towards supporting the Officer's Recommendation included in Agenda Item 11.1.1.1.

Is Council aware that it is only a partial road closure and the future development will introduce more residents to help with surveillance of existing community assets?

Chief Executive Officer advised that Council will get to this matter when considering the item in question later on tonight.

Is Council aware of an existing similar carpark on Limpet Crescent available for use of mosque visitors and there are no plans to redevelop or close this facility?

Director Planning and Development advised that this matter has been taken into consideration in the preparation of Agenda Item 11.1.1.1.

Is Council aware of the proposal to provide additional on-street visitor parking to be used by all residents as part of the redevelopment?

Chief Executive Officer responded in the affirmative.

Has Council been advised that the increased road connections west of Trumpet will help disburse traffic away from the locality?

Mayor responded in the affirmative.

Is Council aware that not to act on this road closure, the subdivision and scheme amendments already supported by Council will require significant reconsideration and re-design at an overall detriment to the project and the community?

Chief Executive Officer advised that this matter forms part of officer's recommendation

Was there a mistake made in the Minutes of 19 October 2011 Ordinary Council meeting in terms of the request for a development plan?

Director Planning and Development advised that part of Council's resolution from 19 October 2011 meeting requested that a development plan be prepared. Since then the Town has been working closely with the Department of Housing and Jaxons and it is the Officer's Recommendation tonight to waive the request for a development plan in order to expedite the subdivision process.

5:48pm Mayor opened Public Statement time.

4.2 Public Statement Time

4.2.1 Mr Camilo Blanco

The Ordinary Council meeting 25 of January I asked if the Town was aware the Local Government Act stated 'a summary of each question raised by members of the public at the meeting and a summary of response to the question must be included in the minutes' and the response was 'yes'. Yet questions that may be embarrassing to the Town were left out of the agenda. This contravenes the Act and Standing Orders 4.1.

Again Wedgefield is in the crosshairs of the town with another compliance audit. Most people and business in Wedgefield will comply with the town's requirements. Obviously this cost is on top of all the other costs related to the Shire and living in Port Hedland. This is a 'two way street' so to speak, so how about taking an interest in Wedgefield and resealing, repairing and sweeping the roads, cleaning out the storm water drainage all over Wedgefield and repairing the drain on Iron Ore Street once and for all? The Planning and Building Department becoming user friendly to the businesses of Wedgefield and the Town for that matter.

In relation to not standing before the meeting. Well you can call that a protest. I am protesting about the Town not acknowledging all the pioneers of our area. The fact that it is not a requirement to stand, it is a choice that a person may make; we live in a free country and we are free people, I do not respect the Council's direction, so I do not stand.

Also this is about the erosion of our infrastructure, the Town Council

losing touch with what the people really want out of our town, until that changes I will not stand.

4.2.2 Ms Annelies Oldham

The following statement is in reference of Agenda Item 11.1.2.1 'Trading in Public Places Applications (5)-Proposed Food Vans (File No.: 19/04/0001)'.

Firstly I would like to begin by introducing myself. My name is Annelies Oldham; I am 26 years old, originally from 'Sunny Queensland' and I am the business owner of Las Patronas Mexicana. I have been living in South Hedland for nearly a year now and believe there is an opportunity for me to develop a successful food business here in town.

Las Patronas is the story of a group of elderly women who live in a quiet little village in Central America. These women who have very little money themselves, spend their time making traditional Mexican fare for the poorest of immigrants travelling north to try and find work. It is a story of community, friendship and helping one another. Something that I feel is really worthwhile thinking about.

I am proposing a Mobile Mexican food truck that will serve traditional Mexican Food to the wonderful people of Port and South Hedland and everywhere in between.

Proposed locations of operation include Port Hedland (near BHP), South Hedland near Caltex and the Wheelbarrow in Wedgefield.

The business will operate as a sole trader, Annelies Oldham.

'Las Patronas Mexicana' will provide a fresh alternative and variety to the current vans in the area.

This business will be providing hot and cold lunches to takeaway. The food will be cooked in the van, onsite as it is ordered.

Products on offer will include a combination of hard and soft tacos and burritos, all offering vegetarian and meat options. Mexican salads and savoury pastries such as empanadas will also be on the menu, in conjunction with this a variety of cold drinks and authentic 'Mexican Hot Drinking Chocolate'.

One of the core values of 'Las Patronas Mexicana' is to provide a variety of fast, fresh and flavoursome food. I want people to enjoy what they are eating and ensure that they are maintaining a healthy lifestyle without ever compromising the flavour! Fresh, Fast and Flavoursome. 'Las Patronas Mexicana' will offer freshly made, seasonal food that is both convenient and healthy.

As the owner of 'Las Patronas Mexicana' I am dedicated to reducing the amount of waste, rubbish and recycling produced by the business.

Packaging will be biodegradable where possible, all cleaning chemicals will be eco-friendly, organic food scraps will be used for compost, this will then go into the household garden veggie patches and every effort to re-use and recycle will be made.

Customer service is important to the success of the business. There is a strong focus on delivering a friendly and efficient service to all customers. Quality every time! As an owner-operator my main objective is to ensure customers are happy with the service and the quality of the food.

'Las Patronas Mexicana' is committed to supporting the local community whenever and wherever I can. Events and markets that are currently operating in town, such as the West End Markets, Business Expos and other community events sponsored by some of the major operations in town would be a great way to further develop my business financially whilst contributing to community involvement.

The 'Think Tank' at Las Patronas is working overtime to continually create a fun, interactive experience for its customers. We are currently creating an iphone app that will allow customers to become 'Amigos, Members' of the business. This app will allow my members to 'play with their food'. There are photographic images of all the food on offer and it allows them to choose their ingredients and order directly from their phone. This will then pop up on the van's iPad and an order will be created to allow them to come over to the van and collect their order. Weekly competitions will be run as well as pricing specials.

Food van eating is a real cult dining experience across the US and UK currently, I believe that having a number of vans with varied offerings can put Port Hedland on the map as leading the way in van dining.

United, we can create something really special (more profitable) and marketable and interesting for the diners of Hedland and all those who visit the town. I believe that we can create a place where people can come and enjoy a variety of flavours. There's a tasty revolution happening on the streets of Port Hedland and it's flipping the age-old image of street food on its head.

'Fast, Fresh and Flavoursome', this is Las Patronas Mexicana.

4.2.3 Ms Clare Robkins

The following statement is in reference of Agenda Item 11.1.2.1 'Trading in Public Places Applications (5)-Proposed Food Vans (File No.: 19/04/0001)'.

My name is Clare Robkins and I operate the Robkin's Coffee van by the Don Rhodes Mining Museum. I am requesting to expand my current trading permit to establish Robkin's Coffee and Juice Bar. This is because our customers have asked to see additions to our coffee menu, however under our current permit we have not been able to provide. Our customers have been asking for something cold, refreshing and healthy, that can be drunk at any time of the day. This is how our idea of freshly squeezed pure juices, with no additives, preservatives, sugars or chemicals was born!

We are constantly reminded through our local radio station that 'Australia is the fattest country in the world'. The promotion of health and vitality is essential not only to the workers but to all the local children and families. Robkin's juices will help to promote health and vitality with 100% pure juices, as nature intended. We will add nothing whatsoever. No sugar, colouring or preservatives, just the whole goodness of each fruit. We all know fruits are good for us but do we really know what each super fruit can do for us?

Apples are packed with vitamin C and fibre; research show that they may reduce the risk of colon, prostate and lung cancer. Amazingly apples are more effective than caffeine in keeping people awake in the mornings. Bananas give us a natural hit of energy. Research show they help to prevent depression, PMS, blood pressure and constipation. Blueberries are a super food that helps the fight against cancer. Also an excellent aid in the prevention of Alzheimer's and diabetes. Oranges are packed with vitamin C, which we need to help form bones, teeth, muscle and skin. Robkin's will squeeze, pulp and blend and give the community their 5 servings of fruit a day in just 1 cup!

Robkin's Coffee and Juice Bar is unique and will not poach already existing businesses. I am only requesting to change my van to a trailer so I can have more space and equipment.

I am interested in education. In the past I have held healthy food workshops with primary and high school kids which I would like to repeat here in Hedland. These workshops will also include the indigenous community and will educate kids about healthy eating habits.

I would eventually like to operate from a shop but at the moment this is not financially viable. I have looked at a shop by the BP Service Station but the rent was \$10,000 per month.

At the moment I am requesting the extension of my permit. I am also in the process of getting a new trailer to sell coffee from the Don Rhodes location. I would therefore be utilising my old coffee van to sell juice and I would like my request for the location of the 'big wheel' at the airport, by the Great Northern Highway to be considered. This location was previously approved back in October 2011 but for a series of different reasons I then moved to the Don Rhodes. I do not believe anybody is currently operating from this site.

In summary Robkin's Coffee and Juice Bar will be about people coming together and enjoying healthy food!

6:04pm Mayor closes Public Statement time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor J M Gillingham

Councillor Gillingham advised she has received a number of calls from members of the public regarding Council's advertising in the North West Telegraph. We seem to have very big spreads; can Council have a break down as to how much they cost? Is there a cheaper way to get the information out? I have done my home work and it seems that a whole page ad could cost about \$500,000 a year. We seem to be repeating the same information in the paper, this is what people are saying to me. Can we bring this back to the table so Council can look at this matter? I know that we also have letter box deliveries for the same information. Are we doubling up on information and is there a way we can put some money to produce something else, maybe via email?

As we refer to the 'Code of Conduct' information all the time, could Councillors have an updated version of the document as my pages go back to 2003, 2004 and 2005?

Mayor advised that the above matters will be looked into.

5.2 Councillor M Dziombak

Councillor Dziombak asked the following question with regard to Late Item 12.1 'Proposed BHPBIO Hunt Point Tug Boat Project' considered at the Ordinary Council Meeting of 8 February 2012. What is the status of the amended Council resolution in regards to writing to the Port Hedland Port Authority, BHP Billiton, the Minister for Environment and the Minister for Transport expressing the concerns raised by Council at that meeting?

Chief Executive Officer advised that there were five parts to Council's resolution. The first one was expressing concerns to BHP Billiton regarding the impacts of the general public access to the Hunt Point tug area. The Town has certainly conveyed this message in writing and verbally to BHP Billiton.

The second was to request the Chief Executive Officer to meet with BHP Billiton and the Port Hedland Port Authority. This meeting has occurred and the Chief Executive Officer has emailed Councillors accordingly.

The third was requesting the Chief Executive Officer to bring these matters back to Council in April; this will be occurring as per the resolution.

The fourth was requesting BHP Billiton and the Port Hedland Port Authority to undertake public consultation; this has been done in writing and verbally.

The fifth requested the Chief Executive Officer to meet with the Minister of Environment and the Minister for Transport about community concerns to date. The Town has written to both requesting meetings to discuss community concerns and followed up on the matter, but the requests were declined.

In the last seven days the Town has also become aware of a range of other issues associated with the proposal. The Town will therefore follow up on another meeting request with the Ministers in the next day or so.

5.2 Councillor G A Jacob

Councillor Jacob received a call from the Manager of the Finucane Island Club regarding the boundary fencing between the club and the Kevin Scott Oval. There is a big hole in the fence and it is used as a passage by people working through from one side to the other. Also there are drainage and trenches with no safety barriers and a burst water pipe. Can Council look into this matter?

Director Engineering Services advised that the fence is there to stop people going through. However it has been cut repeatedly and the Town is constantly repairing the fence. The Town will potentially have to look at other solutions such as the installation of a gate. The drain is an open drain and is it's for storm water to be taken out, so it will always be there. The Town will look into the broken water pipe.

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 22 February 2012****201112/352 Officer's Recommendation/Council Decision****Moved: Cr A A Carter****Seconded: Cr J E Hunt**

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

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

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

February 2012

Monday, 13th February

- Attended TOPH Community Safety & Crime Prevention Working Group Meeting + Cr Jacob+ MEHS
- Attended TOPH Precinct 3 Working Group Meeting + Deputy Mayor + Cr Carter + Cr Martin + Cr Dziombak + Cr Hooper + Cr Hunt + Cr Jacob + CEO + DCORP
- Attended Cruise Ship Working Group Meeting
- Meeting With DeGrey Station Re: Roads & Coastal Access + Deputy Mayor + CEO

Tuesday, 14th February

- Weekly Mayor Chat Spirit Radio 1026am
- Meeting With Wally Graham (Resources Roadhouse) – Interview Re: FI/FO
- Attended Port Hedland Implementation Steering Group Meeting + CEO + DPD
- Attended Opening New Jan Ford Real Estate Office
- Attended TOPH Disability Access and Inclusion Plan (DAIP) Working Group Meeting + Cr Hunt + MCD+CDO
- Attended PHCCI Business After Hours Event + Deputy Mayor + Cr Carter + Cr Dziombak

Wednesday, 15th February

- Interview With John Barrington Re: WA Regional Cities Alliance + CEO
- Meeting With NWT Mark Hinch & Alex Massey + CEO
- Meeting With CEO The West & Seven Network + CEO

- Attended TOPH Community Garden Working Group Meeting + Deputy Mayor + MCD + CDO
- Attended TOPH Concept Forum + Deputy Mayor + Cr Gillingham + Cr Hunt + Cr Hooper

Thursday, 16th February

- Meeting With BHPBIO Richard O'Connell & Chris Cottier + CEO
- Participated In Women On Boards (WOB) – Directors At A Distance Training Session – Realising Your Board Potential
- Attended Teleconference Precinct 3 Communications + CEO + PUB
- Fortnightly Teleconference RDA- Pilbara CEO Catch Up
- Cruise Ship Town Ambassadors Information Session

Friday, 17th February

- Meeting FORM (Lynda Dorrington) Re Wedge Street Upgrade
- Meeting With Creating Communities Re 2012 Neighbour Day
- Informal Catch Up Airport Precinct Issues + Deputy Mayor + Cr Martin
- Interview Hedland Community Radio 101.3FM
- MC Courthouse Gallery Opening – Larry Mitchell: A Pilbara Project Exhibition

Saturday, 18th February

- Mayor Coffee Session – Port Hedland
- Mayor Coffee Session – South Hedland
- Interview With Pilbara Echo Re Town Ambassadors

Sunday, 19th February

- Photograph For 2012 International Womens Day – WA Hall Of Fame Nomination

Monday, 20th February

- Meeting With Major Anthony Mews & Pilbara Regiment CO + CEO
- Teleconference – PRC Workforce Location Analysis & Strategy
- Attended Meeting Cruise Ship Working Group
- Attended Briefing The Landing Project (Rob Cornish) + CEO + DPD
- Meeting Billy McKee New Operations Manager Dampier Salt Ltd (Port Hedland) + CEO

Tuesday, 21st February

- Weekly Mayor Chat Spirit Radio 1026am
- DAP Briefing + Cr Carter + DPD
- HSHS Board Meeting
- Flight To Perth
- Meeting With Minister Regional Development & Lands & FMG To Discuss FMG's Accommodation Strategy In The Pilbara + CEO

Wednesday, 22nd February

- Flight Back To Port Hedland
- Fortnightly Pilbara Shire President/Mayor Phone Link Up Meeting
- Meeting With Department Housing Will Carroll & Brett Croker Re Land Release
- Meeting Mayor & DPD – Re Population Figures Within TOPH
- Attended Briefing In Preparation TOPH Audit & Finance Committee Meeting + Cr Jacob + DCORP + DCD
- Attended TOPH Audit & Finance Committee Meeting + Cr Carter + Cr Dziombak + Cr Jacob + DCORP + DCD + DENG
- Attended Agenda Briefing Session + Deputy Mayor + Cr Carter + Cr Dziombak + Cr Hooper + Cr Martin + Cr Hunt + Cr Jacob + DCORP + DCD + DENG + DPD
- Chair OCM

Thursday, 23rd February

- Flight To Perth
- Attended RDA – Pilbara Meeting (Deputy Chair)
- Attended Pilbara Plan Meeting With Infrastructure Australia + Cr Jacob

Friday, 24th February

- Flight Back To Port Hedland
- Breakfast Meeting With Fortescue's Community Team + Deputy Mayor + Cr Hunt
- Teleconference With Public Transport Authority (PTA) Re Public Transport In Hedland & City Growth Plan
- Attended TOPH BHPBIO/Council Joint Projects Working Group Meeting + Deputy Mayor + Cr Carter + DCORP + DENG + DCD
- Attended Pilbara Regiment Sundowner Event + Deputy Mayor

Monday, 27th February

- Town Ambassador Meeting (D. Waugh)
- Attended TOPH Aboriginal Affairs Consultation Forum + DCD + MCD
- Meeting Port Hedland Primary School Head Boy, Head Girl & Student Councillors Re Being A Student Councillor and Upcoming Cruise Ship Visit

Attended Cruise Ship Working Group Meeting

- Meeting GP Housing With OSH Medical Group + DCD

Tuesday, 28th February

- Weekly Mayor Chat Spirit Radio 1026am
- Town Ambassador Meeting (S. Hands)
- Meeting With Local Resident Christine Black Re Use Basketball Courts JD Hardie Centre
- Discussion With Chris Morrison KPMG Re Community Strategic Plan + Deputy Mayor

Wednesday, 29th February

- Meeting With Local Resident Michelle Cheal, DCD Re JD Hardie School Holiday Kindy Gym Programming + DCD
- Meeting With Safe Labs Medical Re Starting In Hedland
- Meeting With Local Resident Mal Darragh Re Trucks In Wedgefield
- Weekly CEO, Deputy Mayor + Mayor Catchup + Cr Carter + Cr Dziombak
- Attended Councillors Precinct 3 Briefing + Deputy Mayor + Cr Martin + Cr Hooper + Cr Gillingham + CEO + DCORP + DENG + DPD + DCD
- Attended Pilbara's Port City Growth Plan Workshop With RPS + Deputy Mayor + Cr Hooper + Cr Gillingham + CEO + DCORP + DENG + DPD + DCD

March 2012

Thursday, 1st March

- Monthly Catch Up Media Meeting With Pilbara Echo + PUB
- Attended WACHS – Prioritising The Health Of Your Community Presentation + CEO
- Fortnightly Teleconference RDA- Pilbara CEO Catch Up
- Flight To Perth

Friday, 2nd March

- PRC Meeting + Deputy Mayor
- Flight Back To Port Hedland

Saturday, 3rd March

- Town Ambassador For Cruise Ship Visit

Mayor also commended all Town of Port Hedland staff involved in the organisation of the Gearing Up event; a lot of positive feedback was received.

Mayor was in Perth for International Women's Day where she was pleased to see Jahna Cedar, the granddaughter of Maureen Kelly inducted into the WA Women's Hall of Fame. Mayor also celebrated International Women's Day in Port Hedland on Sunday at the Walkabout; the event was organised by the Soroptimist.

Mayor reminded the public that due to the approaching cyclone the following events for the week-end have been cancelled:

- Have a Try Day on Friday
- Opening of the Water Park on Saturday
- Clean Up Australia Day on Saturday
- Koombana Celebrations on Saturday

Mayor reminded everybody to stay safe, be prepared for the cyclone and listen for updates from the Bureau of Meteorology and the ABC bulletin.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1.1 Councillor J M Gillingham**

Councillor Gillingham March organised the country music concert for the cruise ship that came to town on 3 March, which was also highlighted in the local newspaper today. There was great feedback from the cruise ship; they did not realise that they would get such talent performing for them in an industrial town.

9.1.2 Councillor M Dziombak

Councillor Dziombak advised that a new website has been set up to address the issues and concerns raised by the community surrounding the Hunt Point proposal; the website address is www.live.myhedland.com.au. The website is for the whole community to enjoy and it has been created to share experiences not only about Hunt Point but all amenities and coastal facilities around Hedland.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

ITEM 11 REPORTS OF OFFICERS**11.1 Planning and Development Services****11.1.1 Planning Services****11.1.1.1 *Proposed Partial Closure of Portions of Trumpet Way Road Reserve. (File No.: 28/01/0017)***

Officer **Caris Vuckovic
Lands Officer**

Date of Report **24 February 2012**

Disclosure of Interest by Officer **Nil**

Summary

Council has received a request from Taylor Burrell Barnett (TBB) Town Planners on behalf of the South Hedland New Living Project to permanently close a portion of the Trumpet Way Road Reserve, South Hedland.

The road closure is required to facilitate the amalgamation thereof with the adjacent Lot 6000 Trumpet Way, South Hedland.

Background

The purpose of the proposed partial road closure is to excise unused portions of the existing Trumpet Way road reserve. This will facilitate the closed portion to be amalgamated with Lot 6000 Trumpet Way, which is earmarked for a residential development.

The proposed partial road reserve closures will not adversely affect traffic, pedestrian or cycle networks in the area. For each reserve closure, appropriate applications for rezoning will be lodged to facilitate the amalgamation with the adjoining lot.

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.”

Preliminary Consultation

Preliminary consultation has taken place with the Islamic Association of North Western Australia, regarding the proposal to close a portion of Trumpet Way, currently used by the association for parking.

The response received from the association is summarized as follows:

Association Comment	Planning Response
<p>Our primary concern is for the safety of our elderly members and especially during Ramadhan and had in the past requested for increased vigilance from the police department to ensure the welfare of our property at the carpark and surrounds.</p>	<p>It is considered the land adjacent to the Mosque which is subject to the closure of the subject portion of Trumpet Way, once developed will create additional passive surveillance opportunities as well as potential pedestrian traffic. This will improve the security not only for the Mosque but for the area in general.</p>
<p>A protected cul-de-sac parking arrangement has provided a reduced safety risk as far as traffic movement is concerned.</p>	<p>Normally, car parking requirements are satisfied with a developments own property boundaries. Council Officers do not have concerns regarding traffic safety. In addition the WAPC through the assessment of the subdivision will ensure any new road layouts will not be to the detriment of the existing developments.</p>
<p>The proposed road works modifications along Trumpet Way will affect the car parking arrangements and inconvenient entrance and exits to the mosque for our members.</p>	<p>The closure will be to the benefit of the community, the applicants have through the provision of alternative parking attempted to ensure the road closure will minimize impacts to members of the Mosque. Where alternative arrangements can be made (such as parking) to facilitate development, such development should not be impeded due to the potential inconvenience it may cause to one sector of the community.</p>
<p>The bays proposed for the use of our members will also be available to the general public.</p>	<p>The bays currently being used by the Mosque are available to the public. The association is correct in that the proposed bays will also be available to the public, thereby retaining the existing status quo.</p>

Will lighting be provided for the extra parking bays as added security	Consistent with the rest of the development street lighting will be required to adequately light the street and verge.
Verge parking during special times in our Muslim calendar may cause inconvenience to the residents and traffic flow.	Council Officers are unable to confirm there may be some inconvenience to potential residents in the area. Considering the mosque is a well know landmark and similar to other religious buildings it would be a case of future residents making themselves aware of their surrounding land uses.

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 State land Services on behalf of the Minister in accordance with Part 6 of the *Land Administration Act 1997*.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$115.00 has been received in accordance with Council's adopted Town Planning Fees and Charges.

Officer's Comment

The section of the Trumpet Way Road Reserve which is being sought by the applicant is not required for road purposes.

The South Hedland Mosque utilizes a portion of the proposed closure as parking for the members of the Mosque. The applicant together with South Hedland New Living has provided the Manager Technical Services with a suitable alternative parking arrangement.

Currently the parking used by Mosque members are concentrated in Trumpet Way, with vehicles parking up to 126m from the Mosque. Should a 126m radius be drawn from the Mosque Boundary the majority proposed parking will be located within this radii.

Should Council approve the request to initiate the partial road closure further consultation will be undertaken with the Mosque and additional consultation with adjoining owners. If any objections are received the partial road closure request will be brought back to Council to consider prior to the request being forwarded to the Department of Regional Development and Lands (SLS).

The closure will result in the realignment of Trumpet Way road reserve. The closure will not pose any traffic or pedestrian risk. In addition the closed portion will be amalgamated with adjoining Lot 6000 Trumpet Way, increasing the development potential of the lot, and creating a better overall outcome for both the community and the developer of the lot.

When considering the request for partial road closure the Council has the following options:

Options

- 1) Support the request for partial closure of Trumpet Way Road Reserve, South Hedland.

The closure of the portion will improve the streetscape by allowing unused land to be incorporated into residential land and developed as such. This will result in the lot achieving maximum development potential.

- 2) Reject the request for partial closure of Trumpet Way Road Reserve, South Hedland.

Should Council not support the closure, the portion of unused road will remain vacant and undevelopable. It would also incur ongoing maintenance cost, and have a serious impact on the proposed subdivision of the vacant land adjacent to Trumpet Way.

It is recommended that Council support subject to further consultation the partial closure of Trumpet Way Road Reserve, South Hedland.

Attachments

1. Locality Plan
2. Proposed parking layout
3. Proposed Subdivision Plan
4. Comments from the Muslim Association
5. Distance diagram

201112/353 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

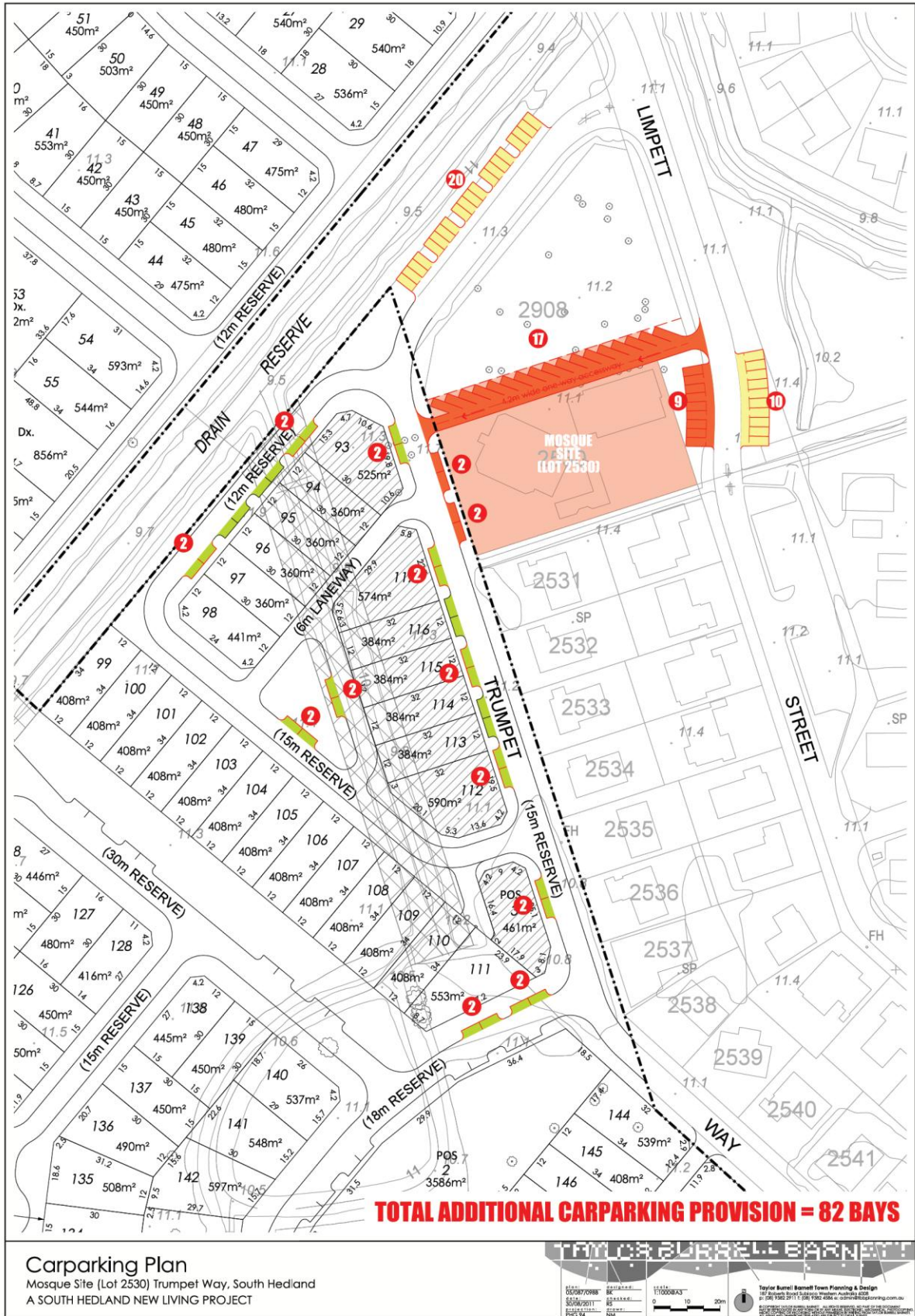
- i. Supports subject to further consultation the permanent closure of a portion of Trumpet Way Road Reserve, South Hedland.**
- ii. Delegates the Manager Planning Services pursuant to Delegation 40(12) to submit the roads closure request to the Department of Regional Development and Lands (State land Services), subject to the following conditions:**
 - a. The proposed Road Closure being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,**
 - b. No objections being received during the advertising period,**
 - c. Any relocation of existing infrastructure within the proposed portions shall be carried out and reinstated to the specification and satisfaction of the Manager Technical Services at the developers/applicants expense**
 - d. Minimum truncation and road reserve widths shall be to the satisfaction of the Manager Technical Services.**

CARRIED 7/0

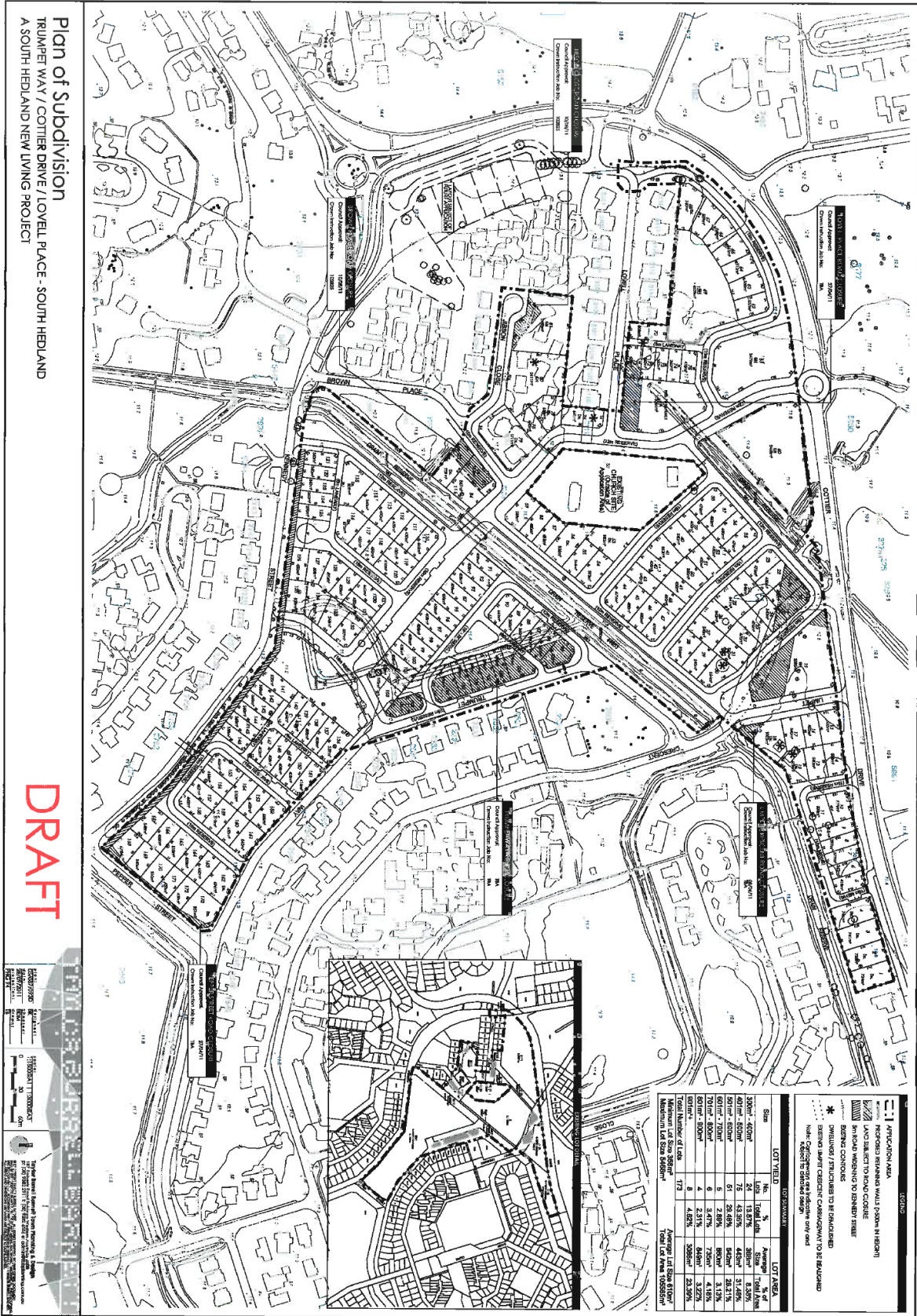
ATTACHMENT 1 TO ITEM 11.1.1.1



ATTACHMENT 2 TO ITEM 11.1.1.1



ATTACHMENT 3 TO ITEM 11.1.1.1



ATTACHMENT 4 TO ITEM 11.1.1.1

Mission Statement: To promote religious harmony, Global peace,
Community friendship and unity.

Bismillahi-R-Rahmani-R-Raheem

In the name of ALLAH the beneficent the merciful

ISLAMIC ASSOCIATION OF NORTH WESTERN AUSTRALIA

Persatuan Islam di Utara, Australia Barat

ABN No 96 677 396 328



30 January 2012

Mr Ryan Djanegara

On behalf of the Islamic Association of North Western Australia (IANWA), I would like to thank the Port Hedland Town Council in organising the meeting dated on the 24 January 2012 for involving our Islamic community on the proposed land development along Trumpet Way. We understand and acknowledge that this meeting was held prior to the objection period of the land development.

IANWA supports land development, welcomes and encourages population growth within South Hedland and the Pilbara region. The IANWA, together with the Muslim Ladies Association (MLA) has contributed in promoting religious harmony and participated in community awareness in the Town of Port Hedland for over 25 years. We actively participated in most major events and celebrations including Welcome to Hedland Night, Australia Day, Spinifex Spree, Black Rock States and also catered for private functions for mining companies and local businesses from time to time. Our reputation as an approachable and amicable society is second to none. We are proud of our achievement and involvement in the Hedland community.

We currently have over 200 members who are residential and also have member and their families travelled from all over Pilbara to the South Hedland mosque to celebrate special days such as Eid prayers and weekly Friday prayers, although we never quantify this but clearly a significant addition during these special occasions.

Unfortunately, this land development proposal along Trumpet Way has caught us unexpectedly together with its one day prior notice for a meeting was challenging and noticeably we have not prepared mentally. Nevertheless, due to its urgent request for a respond, I have called a special meeting with the executive members of IANWA to discuss this matter and as expected to any change the respond was not well received. Our primary concern are for the safety of our elderly members and especially during Ramadhan and had in the past requested for increased vigilance from the police department to ensure the welfare of our property at car park and surrounding areas. A protected cul-de-sac parking

54 Trumpet Way, South Hedland, Western Australia 6722
Telephone: (091) 72 2528 (Mosque)
Postal Address: P.O. Box 2131, South Hedland, W.A. 6722
Page 1 of 3

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arrangement has provided a reduced safety risk as far as traffic movement is concern. A considerable percentage of our residential members are elderly with an average age of late 50 -65.

I ask the Town Council to consider the safety and inconvenience caused for our elders that utilises the facility daily in your planning.

As indicated earlier, the Muslim community welcomes any development and growth in Hedland in general. The proposed road works modifications along Trumpet Way will affect the car parking arrangements and inconvenient entrance and exits to the mosque for our members. Briefly, when the South Hedland Mosque was originally built in the late 70s, it was situated at the end of two roadways -Trumpet Way and Limpet Crescent. The available parking at the time has little impact or caused any issues for us or toward the general public. Later, further road works was undertaken where both roads were connected to affect a continuous road way, consequently increased traffic flow along both Trumpet Way and Limpet Crescent.

With reference to the Mosque Parking Plan (Plan 05 087 098C- as attached) emailed by Kane Williamson from Jaxon on 24 January, a total of 98 parking bays were to be made available for the Islamic community to use. Of the 98 parking bays, 52 new parking bays (in yellow and green) were also included to provide extra parking relief. Whilst these bays will be made available for our members to use, we have identified that they will be also be utilised by the general public as well. Will lighting be provided for the extra parking bays as an added security? During our committee meeting, we discussed the possible option of the Council swapping the Public Open Space (POS Adjacent to Lot 111) with Lot 93. This would potentially allow for the new POS (ex- Lot 93) to become a parking bay for our community members and the general public to use. The additional 28 parking bays (in yellow) would not be required if agreed by all.

Additional issue that may arises after completion and occupation of dwellings along Trumpet Way is verge parking during special times in our Muslim calendar namely Eid celebrations, this may cause inconvenient to the residents and traffic flow. However, we envisage the council to provide a community awareness of the potential issues and recommend measures to safe and courteous use of designated parking areas.

In view of the above, I and on behalf the Muslim community appreciate that our concerns and issues and suggestions are duly considered for the development along Trumpet Way and look forward to a harmonious future for the Muslim and the general community.

Once again I thank you for the briefing for the Trumpet Way, South Hedland development.

**Mission Statement: To promote religious harmony, Global peace,
Community friendship and unity.**

We are excited and honoured to be part of a vision that encourages open dialogue and community involvement.

Please do not hesitate to contact me for further discussions. I can be contacted on 91401414 (H) or 041 7927 681(Mob)

Kind Regards



Farid Dhat

IANWA Representative

ATTACHMENT 5 TO ITEM 11.1.1.1



11.1.1.2 FIFO and Temporary Workforce Accommodation Strategy (File No.)

Officer Luke Cervi
Senior Planning Officer

Date of Report 23 February 2012

Disclosure of Interest by Officer Nil

Summary

Council is under increasing pressure to approve camps for temporary workers required to undertake city building and other projects. This report recommends Council endorse a Fly in Fly out (FIFO) and Temporary Workforce Accommodation (TWA) Strategy that will attempt to manage and facilitate Temporary Workforce Accommodation in a better way than at present.

Background

FIFO or temporary worker camps have long been a topic of debate within the community. Council has acknowledged the necessity of temporary camps but retained concerns about negative impacts they can have on the community. When considering applications Council has sought to maximize community benefits and legacies that provide long term benefits to the Town.

As a result of demands and pressures, Council endorsed a "Guidance Note for Potential Developers of Transit Workforce Accommodation (TWA)" in August. The Guidance Note stated:

"The Town of Port Hedland acknowledges that additional temporary accommodation will be required for construction workforces and is eager to support appropriate development proposals. Council is committed to ensuring that appropriate accommodation is available for the expected influx of permanent and temporary residents of the Town in a timely manner."

The Guidance Note identified town centre development focus, integration, quality and safety as key principles and identified five styles of TWA, Those styles being:

1. Mining/Rail Camps:
2. Student Education Accommodation Facilities
3. Traditional Donga Camps:
4. Higher quality, more permanent accommodation facilities (Inc hotels/motels)
5. Building Construction Camp

The Council expanded on this by adopting a FIFO policy position (Policy 15/002) in February 2009 with key components being:

1. The Town of Port Hedland's strong preference is for residentially based workforces as opposed to FIFO workforces.
2. While the Town does not support FIFO, it recognizes that the practice is:
 - An appropriate manner of delivering large construction projects.
 - A valid and preferred work choice of some individuals.
 - Likely to become substantially more prevalent in the Town of Port Hedland unless combined efforts are made by all parties (industry and government) to provide affordable accommodation and better quality services and facilities for the community.

Policy 15/002 identified Council's commitment to:

1. Take a Pilbara-wide leadership position against FIFO in conjunction with other relevant stakeholders
2. Actively discourage industry, government and businesses from using FIFO workforces in, particularly for operational workforces.
3. Lobby for increased leadership by other levels of government and industry on the issue of building a stronger, more sustainable Town of Port Hedland. This includes seeking commitments to reduce the level of FIFO for operational workforces.
4. Object to the construction of FIFO facilities that take infrastructure development/enhancement opportunities away from the Town such as plane landing strips and elaborate recreational and entertainment facilities in FIFO facilities.
5. Actively lobby government to undertake legislative action that makes FIFO less attractive or available to industry, government and business. This includes, but is not limited to modifications to State Agreement Acts and Zone Tax Allowance provisions)
6. Ensure that any accommodation facilities that are built for FIFO workforces clearly demonstrate:
 - Town centre focus
 - Whole of community benefit
 - Community integration
 - Quality development
 - Safety
 - Continue to closely partner with industry and government to build the community infrastructure and community services that are needed to help the Town achieve its vision.

The Pilbara's Port City Growth Plan (Growth Plan) considered these documents with recent developments resulting in the following objectives for FIFO / TWA being identified:

- i. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.*
- ii. Clear time limits on the operation of TWA facilities should be stipulated to encourage a shift to a more permanent and integrated skilled workforce in Port Hedland, and have regard to the actual planned land use for the site.*
- iii. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.*
- iv. Development proposals for TWA sites should clearly demonstrate their ability to leave a tangible legacy for the City, along with a commitment to longer term 'City Building' in their own right.*
- v. The ToPH's statutory and policy framework should be revised to include the principles and development requirements associated with TWA facilities, as well as providing prospective TWA developers with the relevant guidance in site selection and facility design.*

Despite these documents the statutory framework surrounding FIFO and TWA remains lacking and consequently outcomes have been reliant on negotiations and the good will of proponents.

Over recent years the demand for TWA and FIFO accommodation has increased considerably and thus demand is expected to continue to escalate.

It is therefore considered appropriate to develop a Strategy for clarifying Council's objectives relating to FIFO / TWA and how those objectives will be achieved.

Consultation

The Growth Plan has been subject to significant consultation including corporate and government stakeholders as well as the general public.

Whilst it is considered that no consultation is required to endorse the strategy the Scheme Amendment and Local Planning Policy do require public consultation and will be advertised in accordance with statutory requirements.

Statutory Implications

The implementation of the strategy proposes actions that would provide statutory powers to assist in ensuring the objectives set out in the strategy are achieved.

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.

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council to establish a Developer Contribution Plan. State Planning Policy 3.6 – Developer Contributions for infrastructure provides further guidance.

Section 5.1 of TPS5 enables the Council to make a Local Planning Policy and details the process to be followed.

Policy Implications

The implementation of the strategy would include the preparation of a Local Planning Policy that would replace Policy 15/002 Fly-In-Fly-Out Policy Position.

Strategic Planning Implications

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

Key Result Area 4 – Economic Development

Goal 2 – Mining/Roads

Immediate goal 2 - Actively pursue integration of FIFO workers into the local community.

Budget Implications

The creation of a Developer Contribution Plan would provide statutory weight for Council to obtaining 'Community Contributions' which are currently obtained on voluntary agreement with the proponent.

Officer's Comment

The FIFO and Temporary Workforce Accommodation (TWA) Strategy will consolidate Council's FIFO and TWA positions into a single overarching document which provides a strategic basis for amending the statutory processes related to FIFO and TWA.

By endorsing the strategy, Council would be providing an updated direction and objectives for FIFO and TWA.

The endorsement of the strategy therefore proposes the rescinding of Council's 'Guidance Note for Potential Developers of Transit Workforce Accommodation (TWA)' and policy 15/002 'Fly In Fly Out Policy Position'.

These statutory processes relating to FIFO and TWA would be amended through a three phase implementation plan. These are:

1. Scheme Amendment

The key aspects of the scheme amendment would be:

- Replace the definition Transient Workforce Accommodation with Temporary Workforce Accommodation
- Not permit Temporary Workforce Accommodation as a permanent land use
- Delete the Transient Workforce Accommodation zone
- Prohibit Temporary Workforce Accommodation in the Strategic Industry zone
- Require permanent structures proposed as part of Temporary Workforce Accommodation to have their permanent land use nominated and approved.
- Require any temporary structure proposed as part of a Temporary Workforce Accommodation is to be accompanied by information indicating how and when the structures will be removed allowing for the land to be developed for a permanent land use consistent with the zone.

2. Developer Contribution Plan

The key components of the Developer Contribution Plan would be to:

- Determine the financial impact of providing facility and services for TWA on the airport zone
- Determine the proportional financial impacts of providing facilities and services for TWA on Urban Development and other lands.

3. Local Planning Policy

The key aspects of the Local Planning Policy for Temporary Workforce Accommodation would be:

- Define "Fly Camp" and "City Building Camp"
- Identify preferred locations for "Fly Camps" and "City Building Camps"
- Specify criteria to be considered for length of planning approval.

- Specify requirement for 'Community Benefit' contribution to be based on a per bed basis with the contribution being determined by a Developer Contribution Plan. An interim figure of \$1850 per annum will apply until such time as a Developer Contribution Plan is adopted.
- 10% of all "City Building Camp" rooms are to be provided free of charge for key worker housing. Administration of key worker housing to be managed by Council.
- Require liaison with Council and Emergency Services to ensure resourcing impacts the temporary increase in population will have on the provision of Emergency Services are met.
- Require adherence to applicable Design Standards (Design Guidelines for Airport zone or R Codes for other zones)
- Limit communal facilities in "Fly Camps" to a manner consistent with Grouped or Multiple Dwelling developments.
- Limit facilities in "City Building Camps" and require all facilities provided to be made available to the general public (free of charge or at a cost approved by Council).

Given the significant community and stakeholder interest in this matter it is proposed to provide a four week public comment period prior to formal consideration of the policy by Council. During this time the community and stakeholders will be actively encouraged to make comment for Council's consideration.

Attachments

1. Fly In Fly Out and Temporary Workforce Accommodation Strategy
2. Proposed Scheme Amendment documents
3. Proposed Local Planning Policy 14 – Temporary Workforce Accommodation

201112/354 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

1. **Request the CEO to undertake a four week public advertising and consultation of the draft strategy with the community, State Government Agencies and industry groups; and**
2. **Request the CEO to report this matter back to Council following completion public advertising and consultation for future consideration.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.2

Fly In Fly Out (FIFO) and Temporary Workforce Accommodation (TWA) Strategy

Introduction

Port Hedland currently relies on at least 3,000 fly-in fly-out (FIFO) workers with that number expected to peak at 15,050 in 2016 before tapering back to approximately 5,800. While a proportion of this workforce is accommodated in permanent residential housing in established areas, a large number of FIFO workers are accommodated in a variety of short stay and transient workforce accommodation throughout the town.

FIFO and TWA workers have a significant impact on the housing supply issues experienced within the Town as well as the supply and demand for services and facilities. The Pibara's Port City Growth Plan (Growth Plan) and Pibara's Port City Implementation Plan (Implementation Plan) acknowledges the importance of Transient Workforce and Short Stay accommodation and to that end has highlighted the location and nature of current and proposed TWA facilities in Port and South Hedland. Section 3 of the Growth Plan highlights the short to medium term imperative to provide adequate levels of transient workforce accommodation in order to cater for the necessary operational and construction FIFO workers and help relieve immediate housing supply issues.

Current trends suggest an area of approximately 100m² is required on average for each person accommodated within a TWA resulting in a peak need of approximately 150ha of land for TWA purposes.

Classifying types of FIFO and TWA

The growth plan mentions two types of FIFO workers, operational and construction. The operational workers are skilled workers which are required on an ongoing basis whereas construction workers are required for a certain aspect of a project only.

Strategy Objectives

Regardless of FIFO type, the Growth Plan advocates a balanced and dispersed approach to the siting and location of TWA facilities, and the imposition of clear time limits on the operation of TWA sites to encourage a shift to a more permanent and integrated skilled workforce in Port Hedland.

Whilst certain locations are clearly more appropriate for TWA developments than others, the creation of very large, self contained TWA complexes (including all associated facilities and key services) in locations removed from existing or future planned urban development areas is contrary to the overarching aims of the Growth Plan to create a liveable, sustainable regional city.

This strategy seeks to expand on the vision set out within the Growth Plan to identify a clear direction for FIFO/TWA accommodation and provide a statutory framework that achieves the following:

- i. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.
- ii. Clear time limits on the operation of TWA facilities should be stipulated to encourage a shift to a more permanent and integrated skilled workforce in Port Hedland, and have regard to the actual planned land use for the site.
- iii. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.
- iv. Development proposals for TWA sites should clearly demonstrate their ability to leave a tangible legacy for the City, along with a commitment to longer term 'City Building' in their own right.
- v. The ToPH's statutory and policy framework should be revised to include the principles and development requirements associated with TWA facilities, as well as providing prospective TWA developers with the relevant guidance in site selection and facility design.

Meeting the objectives

i) Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.

The provision of accommodation and facilities for operational FIFO workers should be consistent with that of a permanent resident. To achieve integration it is proposed that TWA's not be permissible for operational FIFO workers. However, given the current need and housing shortages, an alternative needs to be available. To address this it is proposed to include a new land use definition within the Town Planning Scheme (TPS).

The definition for operational FIFO to include the following:

- A temporary land use limited to a maximum period of 5 years
- Designed in a manner capable for conversion to a permanent residential use that demonstrates compliance with relevant R Codes.
- Limits the inclusion of communal facilities other than recreational facilities commonly available in grouped or multiple dwelling development (gym, pool = ok, cinema, private restaurant = no)

Planning Policy to be developed that requires:

- Accommodation strategy

- The primary resident of any sole occupancy unit to be directly employed by the landowner (company owned and managed not third party managed – essentially a higher density grouped/multiple dwelling development)
- Management strategy (i.e parking, waste disposal)

ii. Clear time limits on the operation of TWA facilities should be stipulated to encourage a shift to a more permanent and integrated skilled workforce in Port Hedland, and have regard to the actual planned land use for the site.

TWA facilities should only be provided to meet specific project needs and not be speculative. As such it is proposed to amend the definition of TWA from Transient Workforce Accommodation to Temporary Workforce Accommodation. The Temporary Workforce Accommodation will then be split into “Fly Camp” and “City Building Camp”. A Fly Camp will cater for a specific building project and be limited in size generally to 100 beds and in time to 18 months. A City Building Camp will provide for any number of beds but be limited to a period of 5 years. City Building Camps must be able to demonstrate clear links to approved and/or forecast projects.

iii. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.

The location of TWA’s are to generally be restricted to the Airport and Urban Development zoned land. Benefits achieved by locating TWA’s at the airport include:

- Restricting impacts/issues in an area where historical approvals already exist.
- Additional ability for Council to control length of tenure through leasing arrangements separate from planning permit conditions.
- Ability to quickly facilitate land transactions to facilitate TWA needs
- Lease income returns to the community.

Benefits achieved by locating TWA’s on Urban Development zoned land include:

- Earthworks and services provided for TWA prepares land for future growth
- Promotes integration with the existing community
- Consistent with Town expansion plans
- TWA facilities are more accessible to the general public.
- Town facilities are more accessible to TWA occupiers.

In addition to integrating operational staff, it is considered beneficial to better integrate temporary workers. To maximise location benefits of the airport it is proposed to promote longer term (city building) camps being located on the western side of the runway (80ha identified) closer to the services

and facilities of South Hedland to encourage greater integration with the Town. Given that the anticipated demand for temporary workforce accommodation is to peak at 15,050 in 2016 before tapering back to approximately 5,800 by 2031, the current TWA location on the eastern side of the runway is still necessary for some years. Given that the current location is further from the Town Centre and services, it is proposed to be the preferred location for shorter term (fly) camps.

iv. Development proposals for TWA sites should clearly demonstrate their ability to leave a tangible legacy for the City, along with a commitment to longer term 'City Building' in their own right.

City Building is to be the focus of TWA with changes to the definition to clarify this intent. A standard community contribution to be applied to all beds on an annual basis with a Developer Contribution plan prepared. 'City Building' projects will be required to provide for 10% of rooms to be provided free of charge to Council who will manage the rooms for Key Worker accommodation.

Focusing TWA's towards Urban Development zoned land will provide servicing and infrastructure legacies that will assist the long term development of the land. Lease contracts entered into with Council being the freehold owner of the Airport zoned land will provide further income for the Town which could be used for projects that ensure the broader community obtains legacies from the temporary workforce needs.

v. The ToPH's statutory and policy framework should be revised to include the principles and development requirements associated with TWA facilities, as well as providing prospective TWA developers with the relevant guidance in site selection and facility design.

The Planning and Development Act 2005, provides the statutory powers for land use planning in Western Australia. The Planning and Development Act 2005 provides a number of options for providing statutory backing for planning principles and development control. These include the Local Planning Scheme, Developer Contribution Plans and Local Planning Policies.

A Local Planning Strategy must be approved by the Western Australian Planning Commission (WAPC) and identifies the strategic direction of Council for land use planning purposes. The Growth Plan is the Town's Local Planning Strategy.

The Growth Plan has acknowledged the importance of FIFO within Port Hedland and recommended that the statutory policy framework be revised to include the Town's principles and development requirements associated with TWA facilities. Amendment to the Local Planning Scheme as well as the development of a Developer Contribution Plan and Local Planning Policy relating to TWA are imperative to meeting the objectives.

Implementing the Strategy

The implementation of the strategy is dependent on the following actions being undertaken:

1. Scheme Amendment

The Scheme Amendment needs to incorporate the following:

- a) Replace the definition *Transient Workforce Accommodation* with *Temporary Workforce Accommodation*:

A building/s intended for the temporary accommodation of temporary workers with such buildings designed to transition into another permissible use or be removed from site.

- b) Clause 3.1 (a) iii. Delete the Transient Workforce Accommodation zone
- c) Clause 3.2 Zoning Table:
 - I. Remove Transient Workforce Accommodation zone
 - II. Reword land use 22 from Transient Workforce Accommodation to Temporary Workforce Accommodation
 - III. Change land use 22 from a SA to ~ use in the Strategic Industry zone
- d) Clause 6.5 *Transient Workforce Accommodation* reworded to *Temporary Workforce Accommodation*
- e) Clause 6.5.1 reworded to: *Any permanent structure proposed as part of a Temporary Workforce Accommodation is to obtain approval for its permanent use prior to or concurrently with approval for use as Temporary Workforce Accommodation.*
- f) Clause 6.5.4 reworded to: *Any temporary structure proposed as part of a Temporary Workforce Accommodation is to be accompanied by information indicating how and when the structures will be removed allowing for the land to be developed for a permanent land use consistent with the zone.*

2. Developer Contribution Plan

Developer Contribution Plan to be prepared that:

- a) Considers the requirements of services and facilities directly related to TWA on Airport zoned land
- b) Nominates an equivalent tenancy rate to be applied to development of TWA on any land excluding Airport zoned land.

3. Local Planning Policy

A Local Planning Policy for Temporary Workforce Accommodation needs to be prepared that incorporates the following:

- a) Definitions:
 - I. Fly Camp – To be a Fly Camp the TWA must meet the following criteria:

- Be linked to works that have received planning approval or any other relevant approval in the event that planning approval is not required.
 - A temporary land use limited to a period of 18 months or such further time permitted by Council for the completion of works the camp is required for.
 - Maximum occupancy of 100 persons or such greater number as demonstrated to be necessary for the completion of the works.
- II. City Building Camp – To be a City Building Camp the TWA must meet the following criteria:
- A temporary land use limited to a maximum period of 5 years in any approval. Re-approval is available subject to demonstrated links to further construction projects.
 - Communal facilities are available for public use either free of charge or at a reasonable cost commensurate with the type of facility being provided.
- b) Location:
- I. City Building Camps to be limited to Airport (runway west) or Urban Development zone
- II. Fly camps encouraged to Airport (runway east) or Urban Development zone, other zones considered on merit having regard to:
- length of approval
 - impacts on neighbourhood
 - distance from construction/project site
- c) Length of approval
- I. City Building Camps limited to 5 years or other period where need is demonstrated through a business plan. Re-approval considered where demonstrated links to further construction projects.
- II. Fly Camps limited to 18 months or project completion whichever is the lesser. Re-approval considered on Airport and Urban Development zoned land only.
- d) Community Benefit/ legacy
- I. Fly Camps
- ‘Community Benefit’ contribution to be based on a per bed basis with the contribution being determined by a Developer Contribution Plan. An interim figure of \$1850 per annum will apply until such time as the Developer Contribution Plan is adopted.
 - Communal facilities other than recreational facilities commonly available in grouped or multiple dwelling development (gym, pool) subject to a ‘community benefit’ contribution.
- II. City Building Camps
- ‘Community Benefit’ contribution to be based on a per bed basis with the contribution being determined by a Developer Contribution Plan. An

interim figure of \$1850 per annum will apply until such time as the Developer Contribution Plan is adopted.

- 10% of all rooms are to be provided free of charge for key worker housing. Administration of key worker housing to be managed by Council with any profits being used for projects identified within the Pilbara's Port City Implementation Plan.
- Not to impact on provision of Emergency/Critical Services (Police, Fire, Ambulance, etc) to the broader community. Require liaison with Council and Emergency Services to ensure resourcing impacts the temporary increase in population will have on the provision of Emergency Services are met.
- To leave legacy in the form of physical infrastructure and/or community infrastructure.

e) Design Standards

In addition to complying with any Development Plan or Design Guidelines that may apply to the site, the following requirements must also be met:

I. Fly Camps

- Limit communal facilities to a manner consistent with Grouped or Multiple Dwelling developments.
- May only include a dry mess when located on Airport zone.

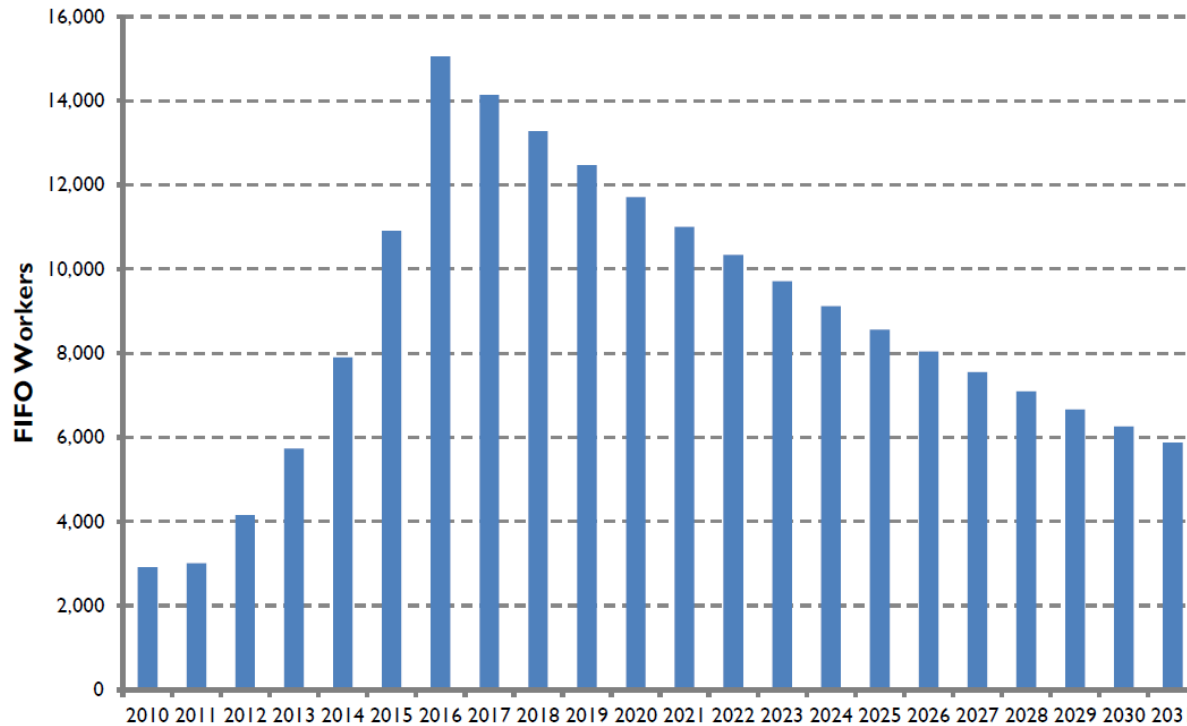
II. City Building Camps

- When on Urban Development land, are to be designed as a permanent structure that can be converted into a subdivision, grouped dwelling or multiple dwelling development that complies with R Code requirements for the site.
- Limit facilities and require all facilities to be made available to the general public free of charge or at a reasonable cost commensurate with the type of facility being provided. Facilities are to be available to the general public at any time the facility is available to temporary workers residing at the camp unless the prior written consent of Council has been obtained to restrict use.

f) Design Guidelines

Design guidelines to be created for the Airport (runway west) zone.

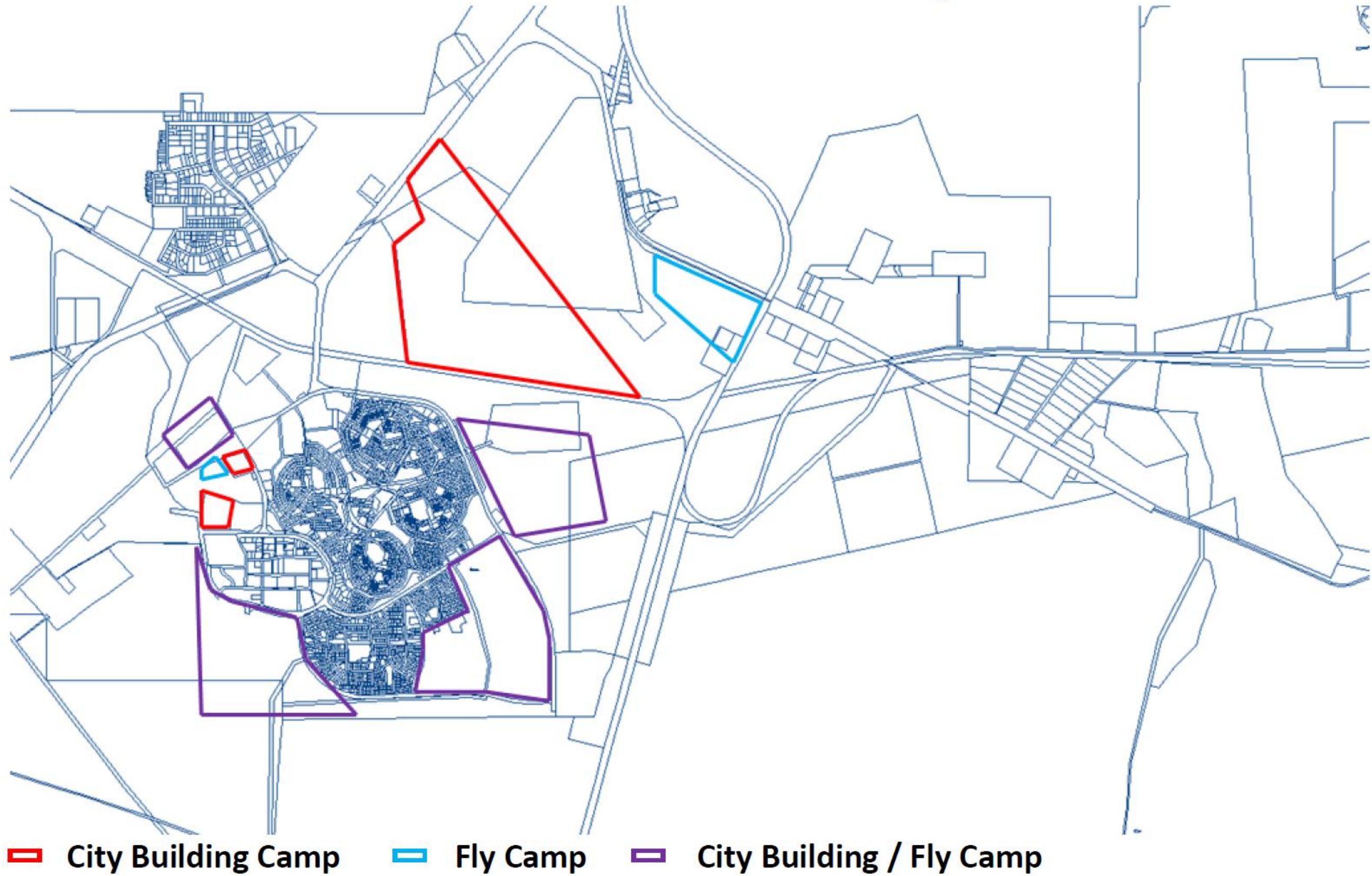
Number of FIFO Workers, Town of Port Hedland, 2010 to 2031



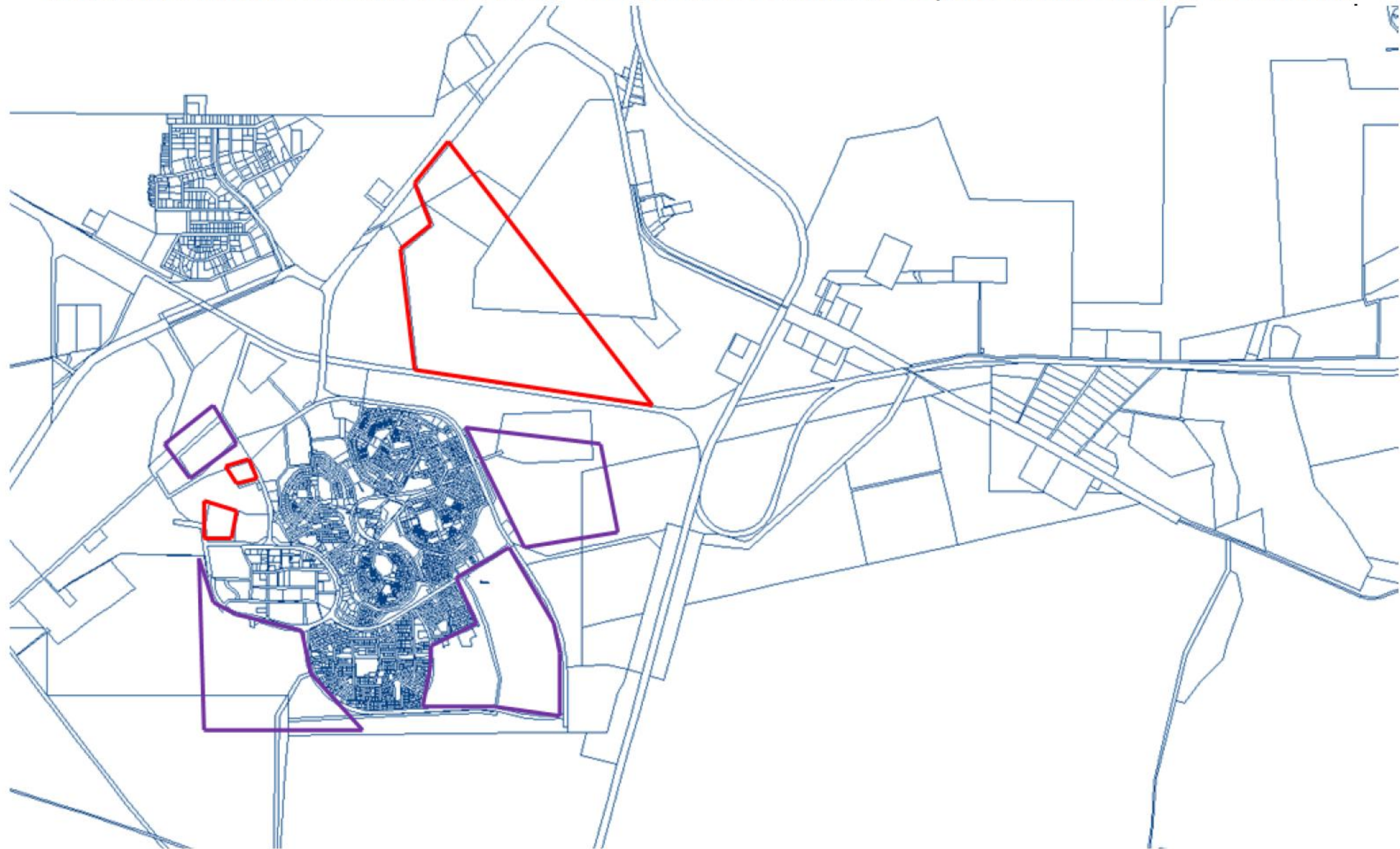
Year	FIFO Workers
2010	2,908
2011	3,007
2012	4,150
2013	5,727
2014	7,903
2015	10,906
2016	15,050
2017	14,135
2018	13,276
2019	12,469
2020	11,712
2021	11,000
2022	10,331
2023	9,703
2024	9,114
2025	8,560
2026	8,040
2027	7,551
2028	7,092
2029	6,661
2030	6,256
2031	5,876

Project-Based
Return to Long-Term Trend in
2031

TWA PREFERRED LOCATIONS 2016 – FORECAST DEMAND OF 15,050 TEMPORARY WORKERS

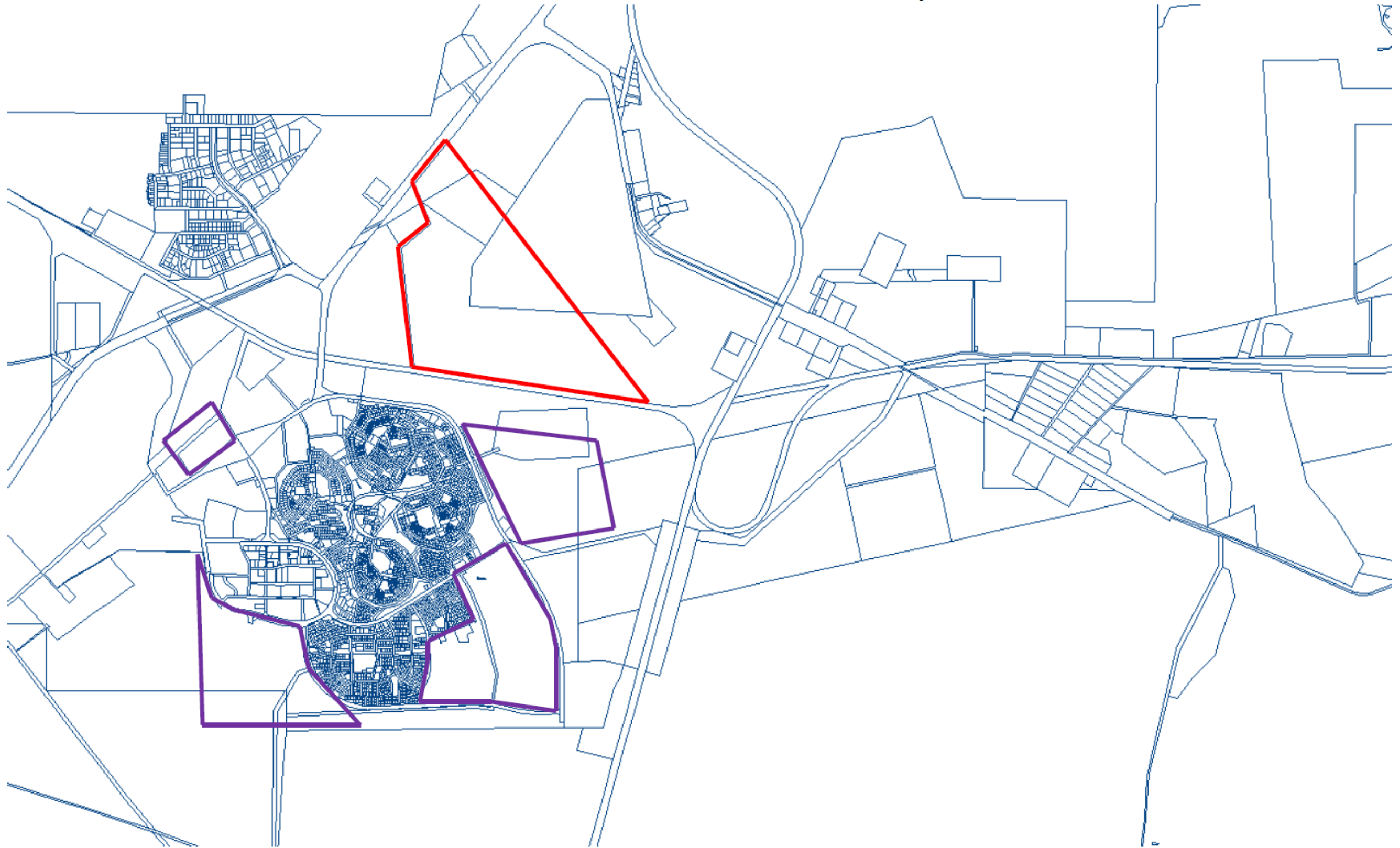





TWA PREFERRED LOCATIONS 2021 – FORECAST DEMAND 11,000 TEMPORARY WORKERS



- ▭ City Building Camp
- ▭ Fly Camp
- ▭ City Building / Fly Camp

TWA PREFERRED LOCATIONS 2026 – FORECAST DEMAND 8,040 TEMPORARY WORKERS



-  City Building Camp
-  Fly Camp
-  City Building / Fly Camp

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ATTACHMENT 2 TO ITEM 11.1.1.2

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO.5
AMENDMENT NO.54

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

1. Replace the definition Transient Workforce Accommodation with Temporary Workforce Accommodation:

“A building/s intended for the temporary accommodation of temporary workers with such buildings designed to transition into another permissible use or be removed from site.”
2. Clause 3.1 (a) iii. Delete the Transient Workforce Accommodation zone
3. Clause 3.2 Zoning Table:
 - a) Remove Transient Workforce Accommodation zone
 - b) Reword land use 22 from Transient Workforce Accommodation to Temporary Workforce Accommodation
 - c) Change land use 22 from a SA to ~ use in the Strategic Industry zone
4. Clause 6.5 Transient Workforce Accommodation reworded to Temporary Workforce Accommodation
5. Clause 6.5.1 reworded to:

“Any permanent structure proposed as part of a Temporary Workforce Accommodation is to obtain approval for its permanent use prior to or concurrently with approval for use as Temporary Workforce Accommodation”.
6. Clause 6.5.4 reworded to:

“Any temporary structure proposed as part of a Temporary Workforce Accommodation is to be accompanied by information indicating how and when the structures will be removed allowing for the land to be developed for a permanent land use consistent with the zone.”

Dated this day of 200

AMENDMENT REPORT

Introduction

Port Hedland currently relies on at least 3,000 fly-in fly-out (FIFO) workers with that number expected to peak at 15,050 in 2016 before tapering back to approximately 5,800. While a proportion of this workforce is accommodated in permanent residential housing in established areas, a large number of FIFO workers are accommodated in a variety of short stay and transient workforce accommodation throughout the town.

FIFO and TWA workers have a significant impact on the housing supply issues experienced within the Town as well as the supply and demand for services and facilities. The Pibara's Port City Growth Plan (Growth Plan) and Pibara's Port City Implementation Plan (Implementation Plan) acknowledges the importance of Transient Workforce and Short Stay accommodation and to that end has highlighted the location and nature of current and proposed TWA facilities in Port and South Hedland. Section 3 of the Growth Plan highlights the short to medium term imperative to provide adequate levels of transient workforce accommodation in order to cater for the necessary operational and construction FIFO workers and help relieve immediate housing supply issues.

Current trends suggest an area of approximately 100m² is required on average for each person accommodated within a TWA resulting in a peak need of approximately 150ha of land for TWA purposes.

Classifying types of FIFO and TWA

The growth plan mentions two types of FIFO workers, operational and construction. The operational workers are skilled workers which are required on an ongoing basis whereas construction workers are required for a certain aspect of a project only.

Strategy Objectives

Regardless of FIFO type, the Growth Plan advocates a balanced and dispersed approach to the siting and location of TWA facilities, and the imposition of clear time limits on the operation of TWA sites to encourage a shift to a more permanent and integrated skilled workforce in Port Hedland.

Whilst certain locations are clearly more appropriate for TWA developments than others, the creation of very large, self contained TWA complexes (including all associated facilities and key services) in locations removed from existing or future planned urban development areas is contrary to the overarching aims of the Growth Plan to create a liveable, sustainable regional city.

This strategy seeks to expand on the vision set out within the Growth Plan to identify a clear direction for FIFO/TWA accommodation and provide a statutory framework that achieves the following:

- i. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.

ii. Clear time limits on the operation of TWA facilities should be stipulated to encourage a shift to a more permanent and integrated skilled workforce in Port Hedland, and have regard to the actual planned land use for the site.

iii. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.

iv. Development proposals for TWA sites should clearly demonstrate their ability to leave a tangible legacy for the City, along with a commitment to longer term 'City Building' in their own right.

v. The ToPH's statutory and policy framework should be revised to include the principles and development requirements associated with TWA facilities, as well as providing prospective TWA developers with the relevant guidance in site selection and facility design.

Meeting the objectives – Scheme Amendment

i) Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.

The provision of accommodation and facilities for operational FIFO workers should be consistent with that of a permanent resident. To achieve integration it is proposed that TWA's not be permissible for operational FIFO workers. However, given the current need and housing shortages, an alternative needs to be available. To address this it is proposed to include a new land use definition within the Town Planning Scheme (TPS).

The definition will be Temporary Workforce Accommodation which will replace Transient Workforce Accommodation. The change in definition will clarify the temporary nature of the worker as opposed to a permanent worker in a FIFO arrangement.

ii. Clear time limits on the operation of TWA facilities should be stipulated to encourage a shift to a more permanent and integrated skilled workforce in Port Hedland, and have regard to the actual planned land use for the site.

TWA facilities should only be provided to meet specific project needs and not be speculative. As such it is proposed to amend the definition of TWA from Transient Workforce Accommodation to Temporary Workforce Accommodation. Types of Temporary Workforce Accommodation will then be identified within a Local Planning Policy being "Fly Camp" and "City Building Camp". A Fly Camp will cater for a specific building project and be limited in size generally to 100 beds and in time to 18 months. A City Building Camp will provide for any number of beds but be limited to a period of 5 years. City Building Camps must be able to demonstrate clear links to approved and/or forecast projects.

iii. Where possible, operational TWA facilities should be provided in locations close to or integrated within existing urban areas, encouraging enhanced integration between temporary and permanent residents and shared/common use of local facilities, activity centres and key services.

The location of TWA's are to generally be restricted to the Airport and Urban Development zoned land. Benefits achieved by locating TWA's at the airport include:

- Restricting impacts/issues in an area where historical approvals already exist.
- Additional ability for Council to control length of tenure through leasing arrangements separate from planning permit conditions.
- Ability to quickly facilitate land transactions to facilitate TWA needs
- Lease income returns to the community.

Benefits achieved by locating TWA's on Urban Development zoned land include:

- Earthworks and services provided for TWA prepares land for future growth
- Promotes integration with the existing community
- Consistent with Town expansion plans
- TWA facilities are more accessible to the general public.
- Town facilities are more accessible to TWA occupiers.

In addition to integrating operational staff, it is considered beneficial to better integrate temporary workers. To maximise location benefits of the airport it is proposed to promote longer term (city building) camps being located on the western side of the runway (80ha identified) closer to the services and facilities of South Hedland to encourage greater integration with the Town. Given that the anticipated demand for temporary workforce accommodation is to peak at 15,050 in 2016 before tapering back to approximately 5,800 by 2031, the current TWA location on the eastern side of the runway is still necessary for some years. Given that the current location is further from the Town Centre and services, it is proposed to be the preferred location for shorter term (fly) camps.

iv. Development proposals for TWA sites should clearly demonstrate their ability to leave a tangible legacy for the City, along with a commitment to longer term 'City Building' in their own right.

City Building is to be the focus of TWA with changes to the definition to clarify this intent. A standard community contribution to be applied to all beds on an annual basis with a Developer Contribution plan prepared. 'City Building' projects will be required to provide for 10% of rooms to be provided free of charge to Council who will manage the rooms for Key Worker accommodation.

Focusing TWA's towards Urban Development zoned land will provide servicing and infrastructure legacies that will assist the long term development of the land. Lease contracts entered into with Council being the freehold owner of the Airport zoned land will provide further income for the Town which could be used for projects that ensure the broader community obtains legacies from the temporary workforce needs.

v. The ToPH's statutory and policy framework should be revised to include the principles and development requirements associated with TWA facilities, as well as providing prospective TWA developers with the relevant guidance in site selection and facility design.

The Planning and Development Act 2005, provides the statutory powers for land use planning in Western Australia. The Planning and Development Act 2005 provides a number of options for providing statutory backing for planning principles and development control. These include the Local Planning Scheme, Developer Contribution Plans and Local Planning Policies.

A Local Planning Strategy must be approved by the Western Australian Planning Commission (WAPC) and identifies the strategic direction of Council for land use planning purposes. The Growth Plan is the Town's Local Planning Strategy.

The Growth Plan has acknowledged the importance of FIFO within Port Hedland and recommended that the statutory policy framework be revised to include the Town's principles and development requirements associated with TWA facilities. Amendment to the Local Planning Scheme as well as the development of a Developer Contribution Plan and Local Planning Policy relating to TWA are imperative to meeting the objectives.

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO.5

AMENDMENT NO.54

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. Replace the definition Transient Workforce Accommodation with Temporary Workforce Accommodation:

"A building/s intended for the temporary accommodation of temporary workers with such buildings designed to transition into another permissible use or be removed from site."
2. Clause 3.1 (a) iii. Delete the Transient Workforce Accommodation zone
3. Clause 3.2 Zoning Table:
 - a) Remove Transient Workforce Accommodation zone
 - b) Reword land use 22 from Transient Workforce Accommodation to Temporary Workforce Accommodation
 - c) Change land use 22 from a SA to ~ use in the Strategic Industry zone
4. Clause 6.5 Transient Workforce Accommodation reworded to Temporary Workforce Accommodation
5. Clause 6.5.1 reworded to:

"Any permanent structure proposed as part of a Temporary Workforce Accommodation is to obtain approval for its permanent use prior to or concurrently with approval for use as Temporary Workforce Accommodation".
6. Clause 6.5.4 reworded to:

"Any temporary structure proposed as part of a Temporary Workforce Accommodation is to be accompanied by information indicating how and when the structures will be removed allowing for the land to be developed for a permanent land use consistent with the zone."

EXISTING AND PROPOSED SCHEME (AMENDMENT) MAPS

(if rezoning/reclassifying)

ADOPTION

Adopted by resolution of the Council of the Town of Port Hedland at the Ordinary Meeting of the Council held on the 14th day of March 2012.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Town of Port Hedland at the Ordinary Meeting of the Council held on the day of 200 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

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

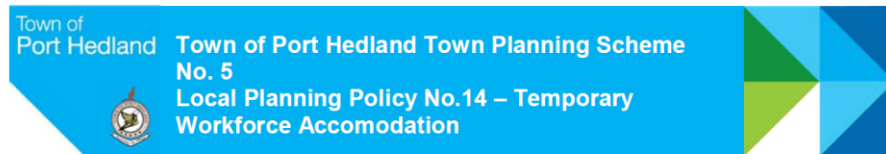
.....
DELEGATED UNDER S.16 OF
THE PD ACT 2005

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....



1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Clause 5.1 of the *Town of Port Hedland Town Planning Scheme No.5 (The Scheme)* allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Town.

This policy will be made effective once Council has completed the process provided by Clauses 5.1.4 – 5.1.7 inclusive of *The Scheme*.

1.2 Relationship of this Policy to *The Scheme*

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

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

2. APPLICATION OF THE POLICY

This policy provides for the accommodation of temporary workers for the construction stage of city building and other significant projects for the duration of the construction.

3.0 POLICY OBJECTIVES

The objectives of this policy are to:

1. Provide for the accommodation of temporary workers required for significant construction projects that have been approved.
2. Specify the preferred location of temporary worker camps.
3. Identify criteria for determining the number of workers, facilities provided and duration of accommodation permissible.
4. Ensure that temporary workforce accommodation is designed and managed in a manner that protects the amenity of the neighbourhood.
5. Maximise benefit for the greater community.
6. Ensure the policy is in plain English and easily understood.



4.0 TYPES OF TRANSIENT WORKFORCE ACCOMMODATION

4.1 Fly Camp

To be a Fly Camp the TWA must meet the following criteria:

- a. Be linked to works that have received planning approval or any other relevant approval in the event that planning approval is not required.
- b. A temporary land use limited to a period of 18 months or such further time permitted by Council for the completion of works the camp is required for.
- c. Maximum occupancy of 100 persons or such greater number as demonstrated to be necessary for the completion of the works.

4.2 City Building Camp

To be a City Building Camp the TWA must meet the following criteria:

- a. A temporary land use limited to a maximum period of 5 years in any approval. Re-approval is available subject to demonstrated links to further construction projects.
- b. Communal facilities are available for public use either free of charge or at a reasonable cost commensurate with the type of facility being provided.

5.0 FLY CAMP REQUIREMENTS

1. To be located within the Airport Zone (runway east), Urban Development Zone or within close proximity to the land where the works are being undertaken.
2. Communal facilities other than recreational facilities commonly available in grouped or multiple dwelling development (gym, pool) subject to a 'community benefit' contribution.
3. 'Community Benefit' contribution to be based on a per bed basis with the contribution being \$1850 per annum (To be reviewed as part of Development Contribution Plan).



6.0 CITY BUILDING CAMP REQUIREMENTS

1. To be located within the Airport Zone (runway west) or Urban Development Zone only.
2. Communal facilities are available for public use either free of charge or at a reasonable cost (to be approved by Council) commensurate with the type of facility being provided.
3. 'Community Benefit' contribution to be based on a per bed basis with the contribution being \$1850 per annum (To be reviewed as part of Development Contribution Plan).
4. 10% of all rooms are to be provided free of charge for key worker housing. Administration of key worker housing to be managed by Council with any profits being used for projects identified within the Pilbara's Port City Implementation Plan.
5. Not to impact on provision of Emergency/Critical Services (Police, Fire, Ambulance, etc) to the broader community. Require liaison with Council and Emergency Services to ensure resourcing impacts the temporary increase in population will have on the provision of Emergency Services are met.
6. To leave a legacy in the form of physical infrastructure and/or community infrastructure.



7.0 INFORMATION TO BE SUBMITTED WITH PLANNING APPLICATION IN ADDITION TO GENERAL REQUIREMENTS

7.1 All applications

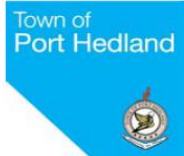
1. Workforce Accommodation Strategy. The strategy to include:
 - a. Number of operational positions resulting from the approved construction project.
 - b. How operational staff are to be accommodated being one or more of the following:
 - i. Dwellings owned by the company
 - ii. Dwellings leased by the company
 - iii. Employees responsibility
2. Project schedule for the approved construction works including the number of temporary workers required at each stage of the project.

7.2 Fly camp applications on Residential, Town Centre or Rural zoned land

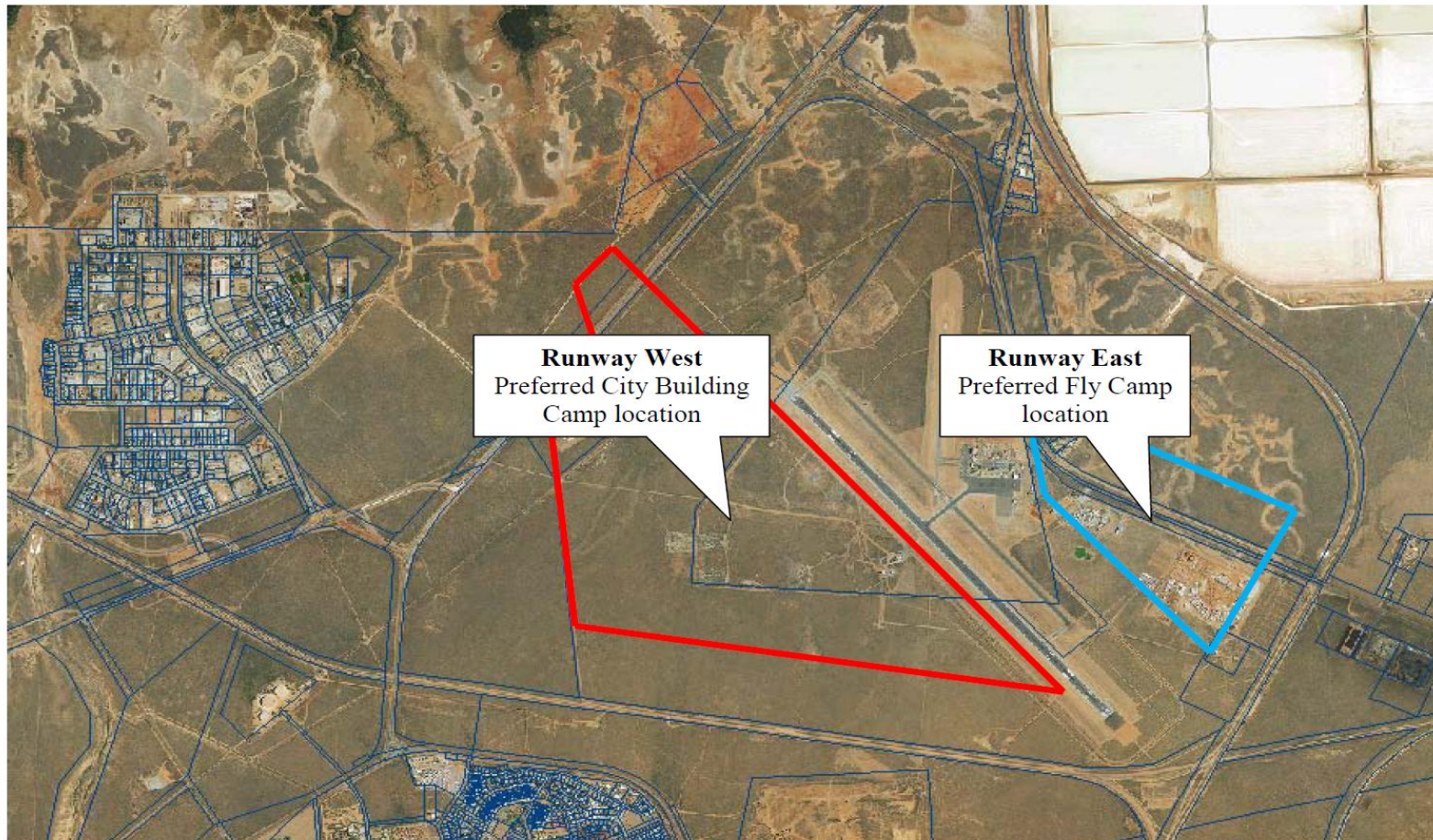
1. Distance from approved construction works
2. Amenity Management Plan addressing:
 - a. Noise
 - b. Vehicle Parking
 - c. Visual amenity

7.3 City Building Camp

1. Emergency/Critical services strategy. The strategy to include:
 - a. Forecast impacts on resources of Emergency/Critical service providers.
 - b. Proof of liaison with relevant Emergency/Critical services where impacts on resources are forecast.
2. Legacy report that identifies the form of physical infrastructure and/or community infrastructure being provided for the benefit of the community either during or at the cessation of the City Building camp.



Town of Port Hedland Town Planning Scheme No. 5
Local Planning Policy No.14 – Temporary Workforce Accommodation



11.1.1.3 Proposed Development Plan for Lot 3435 Daylesford Close, Lots 3505, 3506, 3508, 3713 and part of Lot 3715 Koojarra Loop, Lot 3509 Kabbarli Loop and Lots 3570 and 3625 Captains Way, South Hedland (File No.: 802337G)

Officer Steve de Meillon
Planning Officer

Date of Report 29 February 2012

Disclosure of Interest by Officer Nil

Summary

Council has received a Development Plan prepared by RPS on behalf of Jaxon Property Management Pty Ltd over various Lots 3505, 3506, 3508, 3713 and part of Lot 3715 Koojarra Crescent, Lots 3625 and 3570 Captains Way, Lot 3435 Dorrigo Loop, and Lot 3509 Kabbarli Loop, South Hedland (the site).

Council is requested to initiate the proposed Development Plan to allow advertising.

Background

Site Description and Locality (Attachment 1)

The site is situated approximately 850 metres southeast of the South Hedland Town Centre, and surrounded predominately by medium density residential land uses.

The site is bound by Masters Way to the east, Koojarra Loop to the south, Daylesford Close to the west and Kabbarli Loop to the north.

Current Zoning

In terms of the Town of Port Hedland Town Planning Scheme No.5 (TPS5) the site comprises a variety of zonings as outlined in table 1 below.

Table 1 - Current Zoning

Current Zoning
"Community – Education" "Residential R20" "Parks and Recreation" "Other Public Purpose – Water and Drainage" reserve

The site is currently the subject of a rezoning, should the rezoning "Scheme Amendment 49" be adopted the zoning of the site will be "Urban Development".

The Proposal (Attachment 2)

The Development Plan proposes a mixture of R30 and R40 residential development. In terms of these zoning it may be possible to obtain a yield of 216 residential dwellings.

Consultation

Internal

The proposed development was circulated internally to ensure all aspects of the Development Plan are compliant.

Manager Recreation Services:

"Consideration has been given to the level and nature of Public Open Space (POS) provided within the Development Plan application. The Town has significant concerns that the application does not provide a suitable level of high quality POS."

The issued raised in regarding the provision of POS area as follows:

- The area surrounding the proposal is currently underprovided with quality passive POS.
- There is heavy reliance on the development of the drainage reserves.
- The size and location of the proposed POS is not adequate to provide any genuine community benefit.
- There is no consideration given to the demographic of this area in South Hedland.

In light of the quality of the proposal, and the proposed contributions to improve the drainage reserves, the Town is willing to consider proposals that are innovative in how POS is provided.

A reduction in POS will be subject to the consideration and approval of the Manager Recreation Services and Facilities.

External

Should Council initiate the Development Plan, external consultation and public advertising will be undertaken in accordance with the requirements of TPS5.

Statutory Implications

Once endorsed by Council, a Development Plan becomes a policy statement under the statutory provisions of TPS5.

Policy Implications

Nil

Strategic Planning Implications

Town of Port Hedland Strategic Plan 2010/2015
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.

Draft Pilbara Port City Growth Plan
Precinct 12 – South Hedland East
Implementation Indicators:

- Masterplanning commencing (Department of Housing) for detailed site design and development of priority land release south of Murdoch Drive.
- Amendment to TPS5 proposed to facilitate continues regeneration of established areas following progression of 'New Living' program.
- Key immediate land release sites being progressed by the private sector and not-for-profit organizations.

Budget Implications

The applicant has paid an application fee of \$5,414 for the proposed Development Plan.

Officer's Comment

The Development Plan has been circulated internally to ensure accordance with Appendix 6 – "Matters to be addressed by Development Plans" of TPS5. The proposed Development Plan is deemed to satisfy the requirements and additional matters associated with the "Urban Development" zone.

Public Open Space

The Development Plan proposes 0.11ha of public open space (POS), which comprises 1.3% of the total area, falling significantly short of the 10% POS generally required.

In lieu of the shortfall of POS the applicant has committed to upgrading 1.39ha of drainage reserve equating to a contribution in of approximately 16.4% of the area.

The contribution to upgrade the drainage reserves will be accepted by Council Officers on the condition high quality landscaping is provided, including walkways and cycle paths. To ensure a high quality product is delivered, a Memorandum of Understanding (MOU) will be entered into with the applicant. Current agreements have indicated the upgrade contribution will be equivalent to a cash contribution of \$1.2 million.

Council Officers will provide comment to the WAPC on receipt of the subdivision application, to include a condition that prior to subdivision clearance, the applicant submits an extensive landscaping plan and timeframes to the satisfaction of the Manager of Recreation Services.

Developer Contribution

As part of the Lease agreement between the applicant and Department of Regional Development and Lands (RDL) a developer contribution is required to the benefit the Town of Port Hedland.

The applicant proposes to construct culvert crossings adjacent to the site, to improve east – west traffic movements within the immediate vicinity.

The Town will enter into an agreement, to the satisfaction of the Manager of Technical Services, with the applicant to ensure the level of the contribution is adequate, and a sufficient bank guarantee is provided at the stage of subdivision clearance.

Density

The site is identified as an immediate term housing supply opportunity within the Draft Pilbara Port City Growth Plan (Draft Growth Plan).

Strategically, the estimated 216 new dwellings contributes to the Town achieving the Key Figures outlined for Precinct 12 within the Draft Growth Plan.

The Development Plan proposes a mixture of R30 and R40 residential zoning. The proposed density is considered to complement existing development within the vicinity of the site, predominately comprised of medium residential developments.

Further the proposal is in accordance with the Town's future plans to increase the residential density in South Hedland.

Attachments

1. Development Plan Report – attached under separate cover

Options

Council has the following options when considering the request:

1. Support the public advertising of the Development Plan.

This would allow the advertising of the Development Plan and address any concerns or questions raised by the community.

2. Require changes prior to supporting public advertising.

This option should be resolved if Council has concerns regarding the proposed Development Plan such as layout, density or land uses.

3. Refuse the request to initiate the Development Plan.

Refusing the initiation of the Development Plan would be in direct conflict with the Town's current Strategic Plan and Draft Growth Plan.

Option 1 is recommended.

Officer's Recommendation

That Council:

- i) Gives notice of the proposed Development Plan in accordance with Section 5.2.8 of the Town of Port Hedland Town Planning Scheme No. 5 as follows:
 - a) Publish a notice of the proposed Development Plan once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:
 1. The land affected by the draft Development Plan,
 2. Where the draft Development Plan may be inspected,
 3. In what form and during what period (being no less than 14 days from the day the notice is published) submissions may be made, and
 - b) Erect a sign/s displaying the notice of the proposed Development Plan on the affected land.
- ii) Should no objections be received during the statutory advertising period, Council formally adopts the Development Plan.

- a) The date of adoption shall be the date of the Ordinary Council Meeting following the closing date of the advertising period.
- iii) Delegates authority for the CEO to agree to the level of the community contribution to be received by the Town.
- iv) Delegates authority for the CEO to agree to the conditions of the MOU.
- v) Subject to ii) above delegates the Manager Planning Services pursuant to clause 5.2.7 of the Town Planning Scheme No. 5 to forward the Development Plan to the WAPC for adoption.

201112/355 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i) **Gives notice of the proposed Development Plan in accordance with Section 5.2.8 of the Town of Port Hedland Town Planning Scheme No. 5 as follows:**
 - a) **Publish a notice of the proposed Development Plan once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:**
 - 1. **The land affected by the draft Development Plan,**
 - 2. **Where the draft Development Plan may be inspected,**
 - 3. **In what form and during what period (being no less than 14 days from the day the notice is published) submissions may be made, and**
 - b) **Erect a sign/s displaying the notice of the proposed Development Plan on the affected land.**
- ii) **Should no objections be received during the statutory advertising period, Council formally adopts the Development Plan.**
 - a) **The date of adoption shall be the date of the Ordinary Council Meeting following the closing date of the advertising period.**
- iii) **Delegates authority for the CEO to agree to the level of the community contribution to be received by the Town and report back to Council.**

- iv) Delegates authority for the CEO to agree to the conditions of the MOU.**

- v) Subject to ii) above delegates the Manager Planning Services pursuant to clause 5.2.7 of the Town Planning Scheme No. 5 to forward the Development Plan to the WAPC for adoption.**

CARRIED 7/0

11.1.1.4 Proposed Restrictive Covenant Notifications for Various Lots, Wedgefield (File No.: 804077G)

Officer	Caris Vuckovic Lands Officer
Date of Report	10 February 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from RPS Environment and Planning on behalf of the Landcorp to affix the Towns Common Seal to two (2) Restrictive Covenant Notifications, which will enable lodgement of the form with the Registrar of Titles.

Background

Subdivision approvals (143410 and 143413) were granted by the Western Australian Planning Commission on 19 April 2011.

The following condition was imposed on both approvals:

“12. Design Guidelines to be prepared and implemented to address screening and landscaping requirements for the proposed lots abutting Great Northern Highway.

FOOTNOTES:

7. In relation to Condition 12, the applicant is advised that the design guidelines are to be prepared in accordance with the policy provisions included in the approved Wedgefield Industrial Estate Development Plan with regard to Control Area 2.”

In order to finalise the Restrictive Covenant Notifications and obtain the Town’s Common Seals, a Council resolution is required.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The required Restrictive Covenant 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 enable the lodgment of the application with the Registrar of Titles and will not complete the land owners / 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

201112/356 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- 1. Approves the request from RPS Environment and Planning on behalf of Landcorp to affix the Town's Common Seal to two (2) Restrictive Covenant Notifications;**
- 2. Approves the use of the Town's common seal for the purposes associated with the registering of a Restrictive Covenant Notification on Lots 201 – 221 on Deposited Plan 73690 and Lots 301 – 313 on Deposited Plan 73689;**
- 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 12 of the Western Australian Planning Commission subdivision approvals (143410 and 143413) have been satisfactorily complied with.**

CARRIED 7/0

11.1.1.5 Proposed Scheme Amendment No. 49 to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lots 3505, 3506, 3508 Koojarra Crescent, Lots 3625 and 3570 Captains Way, Lot 3435 Dorrigo Loop and Lot 3509 Kabbarli Loop, South Hedland to “Urban Development”. (File No.: 18/09/0063)

Officer	Steve de Meillon Planning Officer
Date of Report	29 February 2012
Disclosure of Interest by Officer	Nil

Summary

At the Ordinary Council Meeting (OCM) held on the 19 October 2011 Council initiated Scheme Amendment No. 49 (Amendment 49) to the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)*.

Amendment 49 rezoned Lots 3505, 3506, 3508 Koojarra Crescent, Lots 3625 and 3570 Captains Way, Lot 3435 Dorrigo Loop and Lot 3509 Kabbarli Loop, South Hedland (the site) to “Urban Development”.

Prior to Amendment 49 being forwarded to the Planning Commission for final approval the applicant submitted revised plans to include Lot 3713 and part of Lot 3715 as part of Amendment 49.

The inclusion of Lot 3713 and part of Lot 3715 within Amendment 49 is considered insignificant and rationalises underutilized land. The revised amendment area is supported by officers; Council is requested to adopt the scheme amendment with modifications.

Background

The amendment was initiated at the Ordinary Council Meeting (OCM) of 19 October 2011. The conditions carried as part of the approval stated inter alia the following:

1. Approve the request from RPS on behalf of Jaxon to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 to amend the coding of Lots 3505, 3506 and 3508 Koojarra Crescent, Lots 3625 and 3570 Captains Way, Lot 3435 Dorrigo Loop and Lot 3509 Kabbarli Loop, South Hedland from “Community – Education” and “Residential R20” and “Parks and Recreation” and “Other Public Purpose – Water and Drainage” Reserve to “Urban Development”.

During the advertising period the applicant submitted an amended plan to include Lot 3713 and part of Lot 3715 as part of Amendment 49. The two (2) lots comprise pedestrian access ways (PAWs) and are located to the east and west of Lot 3508 Koojarra Crescent, which is centrally located within the site.

As such the revised plan for Amendment 49 is required to be presented to Council for consideration prior to being forwarded to the Planning Commission for final approval.

Consultation

Internally

The proposed scheme amendment was circulated to the following internal units:

- Manager Recreation Services and Facilities

Externally

Receipt of the application was advertised in the North West Telegraph on the 14 December 2011, and the 4 and 18 January 2012. Two (2) notices were placed on site for a 14 day period for any interested parties to provide comments/objections to the proposal.

Written notifications were sent to the following agencies:

- Water Corporation
- Horizon Power
- Main Roads WA
- Optus

In addition to the above advertising, letters were posted to all adjoining property owners allowing a 14 day period in which to provide comments/objections to the proposal.

No objections were subsequently received.

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

Town of Port Hedland Strategic Plan 2010/2015
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.

Draft Pilbara Port City Growth Plan
Precinct 12 – South Hedland East
Implementation Indicators:

- Master planning commencing (Department of Housing) for detailed site design and development of priority land release south of Murdoch Drive.
- Amendment to TPS5 proposed to facilitate continues regeneration of established areas following progression of 'New Living' program.
- Key immediate land release sites being progressed by the private sector and not-for-profit organizations.

Budget Implications

The applicant has paid \$7,556.20 for the initiation of the scheme amendment and advertising.

Officer's Comment

Council approved initiation of Amendment 49 at the OCM of 19 October 2011, subject to no submissions being received formally adopts the Scheme Amendment.

Since initiation the application has requested the inclusion of the two (2) undeveloped PAWs to the east and west of Lot 3508 Koojarra Crescent.

Through the development plan, required due to the proposed zoning "Urban Development" the applicant has indicated the drainage reserves will be upgraded to function as a PAW and drainage to ensure the area is used optimally.

Attachments

1. Locality Plan of additional land parcels
2. Original Scheme Amendment Map.
3. Amended Scheme Amendment Map.

Options

Council has the following options when considering the request:

1. Adopt the Scheme Amendment with modifications.

Council supports a rezoning of all the various lots within the amendment area.

2. Adopt the Scheme Amendment area without modifications.

Council does not support the rezoning of the additional lots within the amendment area, which will result in the land remaining undeveloped.

3. Abandon the Scheme Amendment area.

Option 1 is recommended by the Planning Services Unit.

201112/357 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

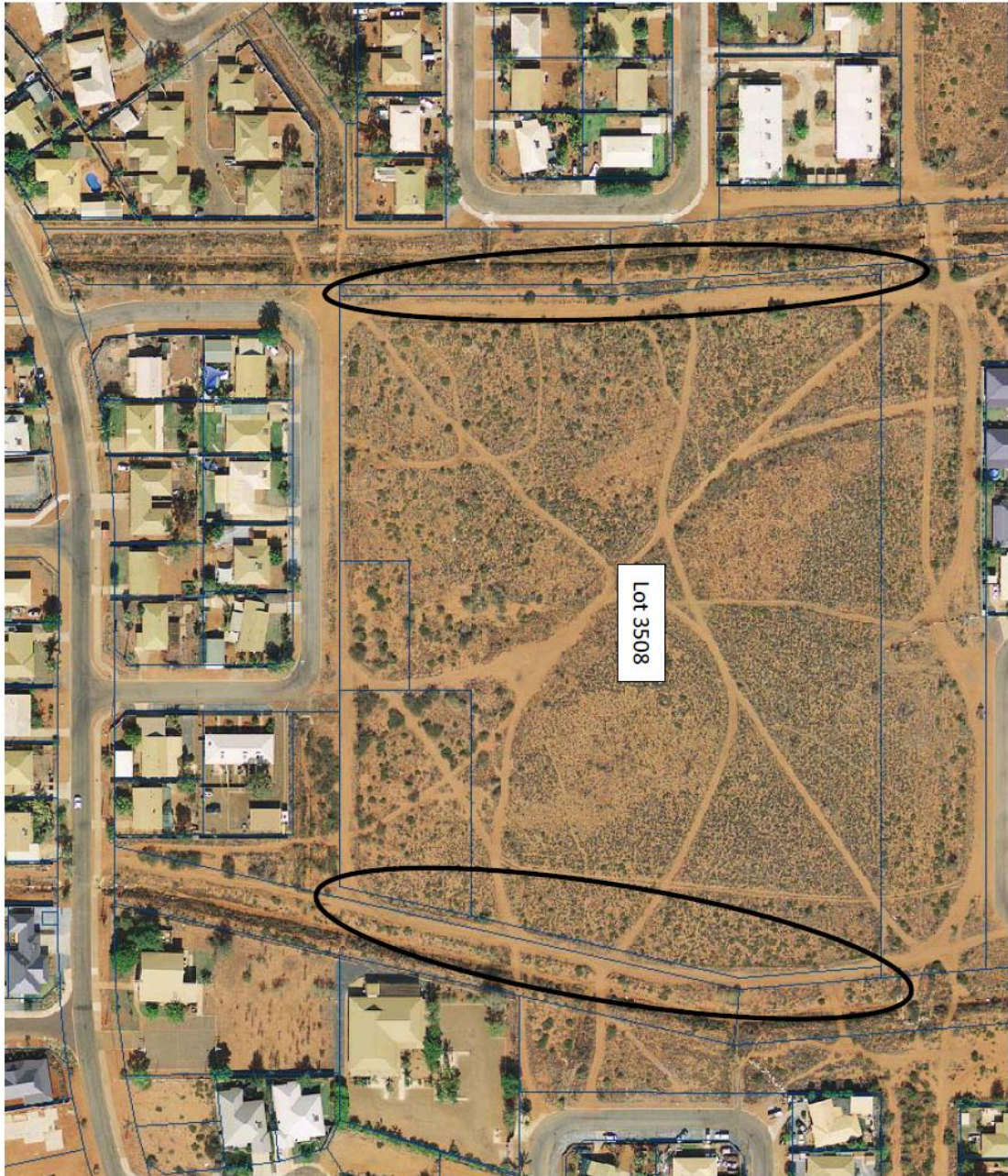
Seconded: Cr G A Jacob

That Council adopts Scheme Amendment 49 with the following modification:


- a. **Inclusion of land directly adjoins Lot 3508 to the east and west. (Attachment 1);**
- b. **Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with *The Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning approves the Amendment;**
- c. **Forwards all required documentation to the Western Australian Planning Commission for Ministerial Consent in accordance with the *Town Planning Regulations 1967* (as amended); and**
- d. **Advises the applicant of Council's decision.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.5



LOCALITY PLAN
Modifications to Scheme
Amendment 49

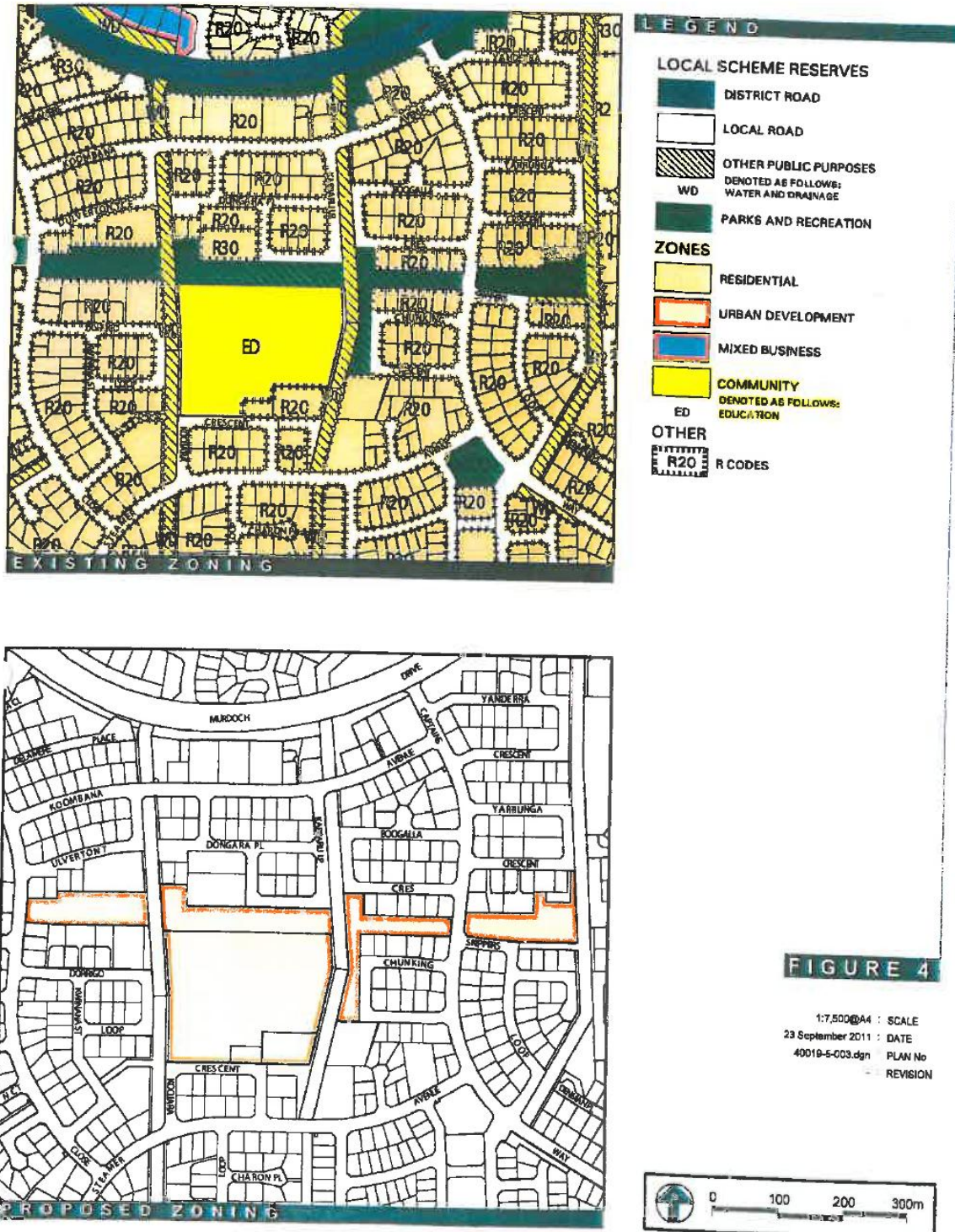


Town of
Port Hedland

ATTACHMENT 2 TO ITEM 11.1.1.5

SCHEME AMENDMENT MAP

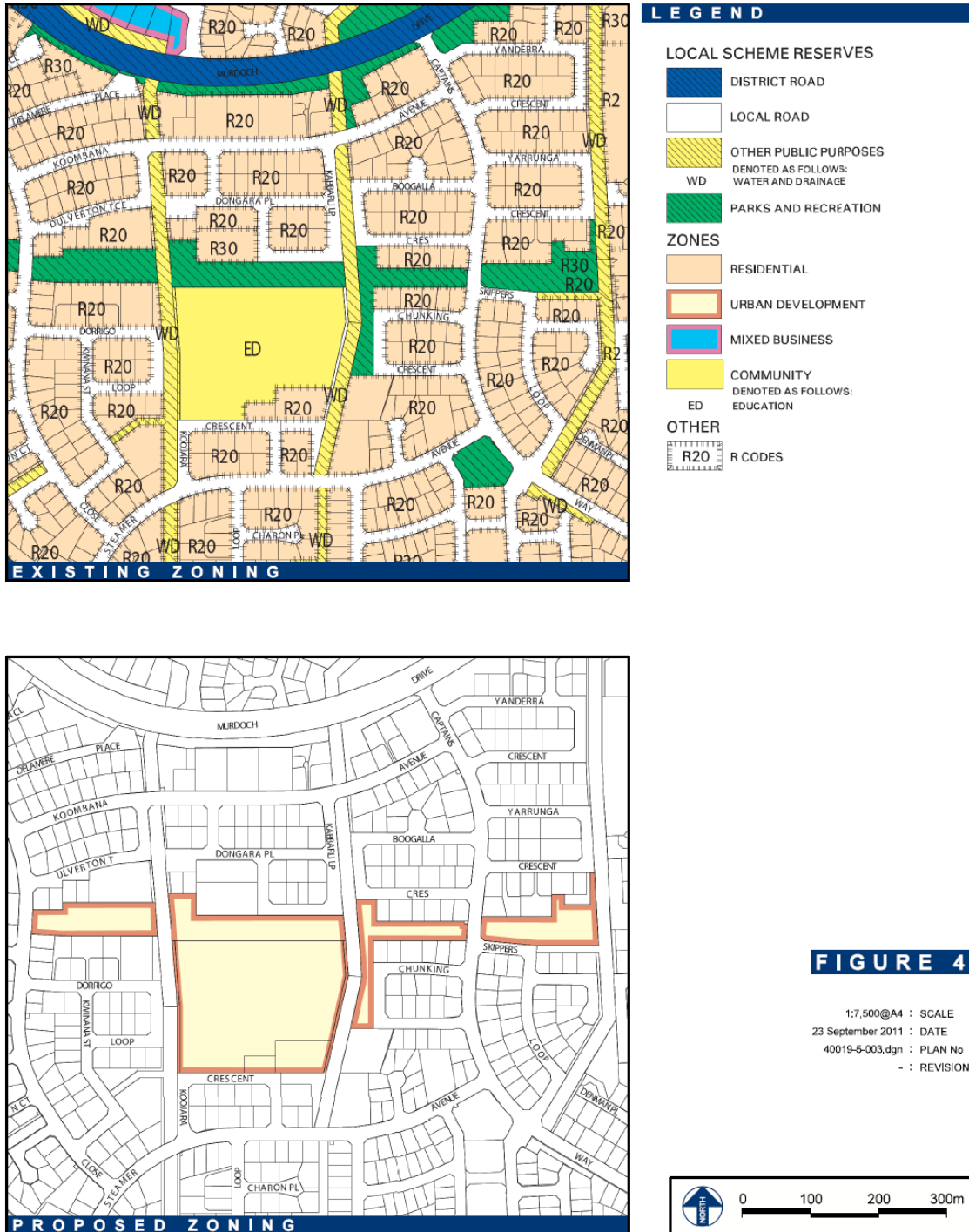
Town of Port Hedland
Town Planning Scheme 5
Amendment No. x



ATTACHMENT 3 TO ITEM 11.1.1.5

SCHEME AMENDMENT MAP

Town of Port Hedland
Town Planning Scheme 5
Amendment No. 49



11.1.1.6 Proposed Partial Closure of Limpet Crescent Road Reserve, South Hedland (File No.: 28/01/0017)

Officer	Caris Vuckovic Lands Officer
Date of Report	17 February 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Taylor Burrell Barnett on behalf of South Hedland New Living to permanently close a portion of the Limpet Crescent Road Reserve.

The closure of the subject portion of Limpet Crescent is required to facilitate the overall subdivision of area.

Council is requested to support the closure of a portion of Limpet Crescent Road Reserve, South Hedland.

Background

Council at its Ordinary Meeting held 8 June 2011 resolved to approve closure of portions of the Limpet Crescent Road Reserve as part of the overall subdivision of the land. The plan has since been amended and requires a further resolution to include another portion of the road reserve.

The proposal is to close a 200m² portion of the Limpet Crescent Road Reserve.

South Hedland New Living has been developing in the South Hedland area for approximately 8 years. The program which is endorsed by both Council and the Department of Housing has been developed to uplift the housing standard in South Hedland.

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.”

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.

This proposal has been referred to relevant Council officers with no objections received.

The proposal has been referred to services providers with no objections being received.

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*.

The Town of Port Hedland Delegation 40(12) states:

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

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$115.00 has been received in accordance with Council's adopted Town Planning Fees and Charges.

Officer's Comment

The proposed closure has a number of positive outcomes. The realignment results in a far safer road network with the removal of the existing "S" bend. A new intersection will also be created, resulting in a safer intersection between Limpet Crescent and Cottier Drive.

The section of Limpet Crescent (approximately 200m²) which is being sought to be closed will facilitate the amalgamation and subdivision of the surrounding land, ensuring the land is developed to its optimum potential.

Options

Council has the following options for responding to the request:

1. Support the request for partial closure of Limpet Crescent, South Hedland.

The closure of the portion will improve the streetscape by allowing unused land to be incorporate into residential land and developed as such.

2. Reject the request for partial closure of Limpet Crescent, South Hedland.

Should Council not support the closure, the portion of road reserve will remain as is.

It is recommended that Council support the closure of parts of the Limpet Crescent Road Reserve.

Attachments

1. Locality Plan
2. Road Closure Plan

201112/358 Officer's Recommendation/Council Decision

Moved: Cr G A Jacob

Seconded: Cr M Dziombak

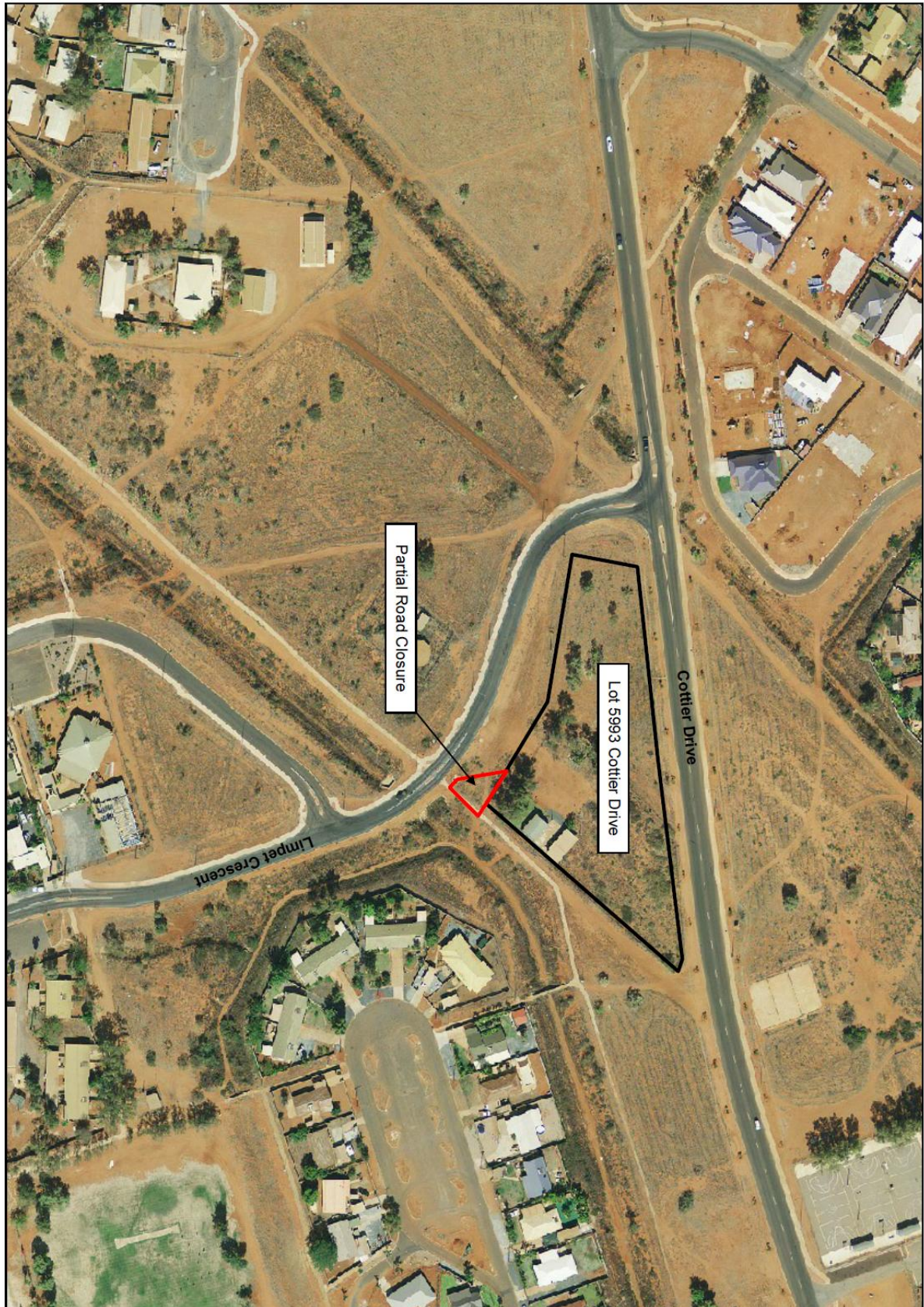
That Council:

1. Support the request from Taylor Burrell Barnett to permanently close a 200m² portion of Limpet Crescent Road Reserve, South Hedland.
2. Delegates the Manager Planning Services under Delegation 40(12), subject to:
 - a. The proposed Road Closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997,
 - b. No objections being received during the advertising period.
 - c. Submit the road closure request to the Department of Regional Development and Lands (State Land Services),

- d. Request the Department of Regional Development and Lands to amalgamate the close portion of road with Lot 5993 Cottier Drive, South Hedland
3. Notifies the applicant that any costs incurred as a result of the road closure will be at the applicant's expense.

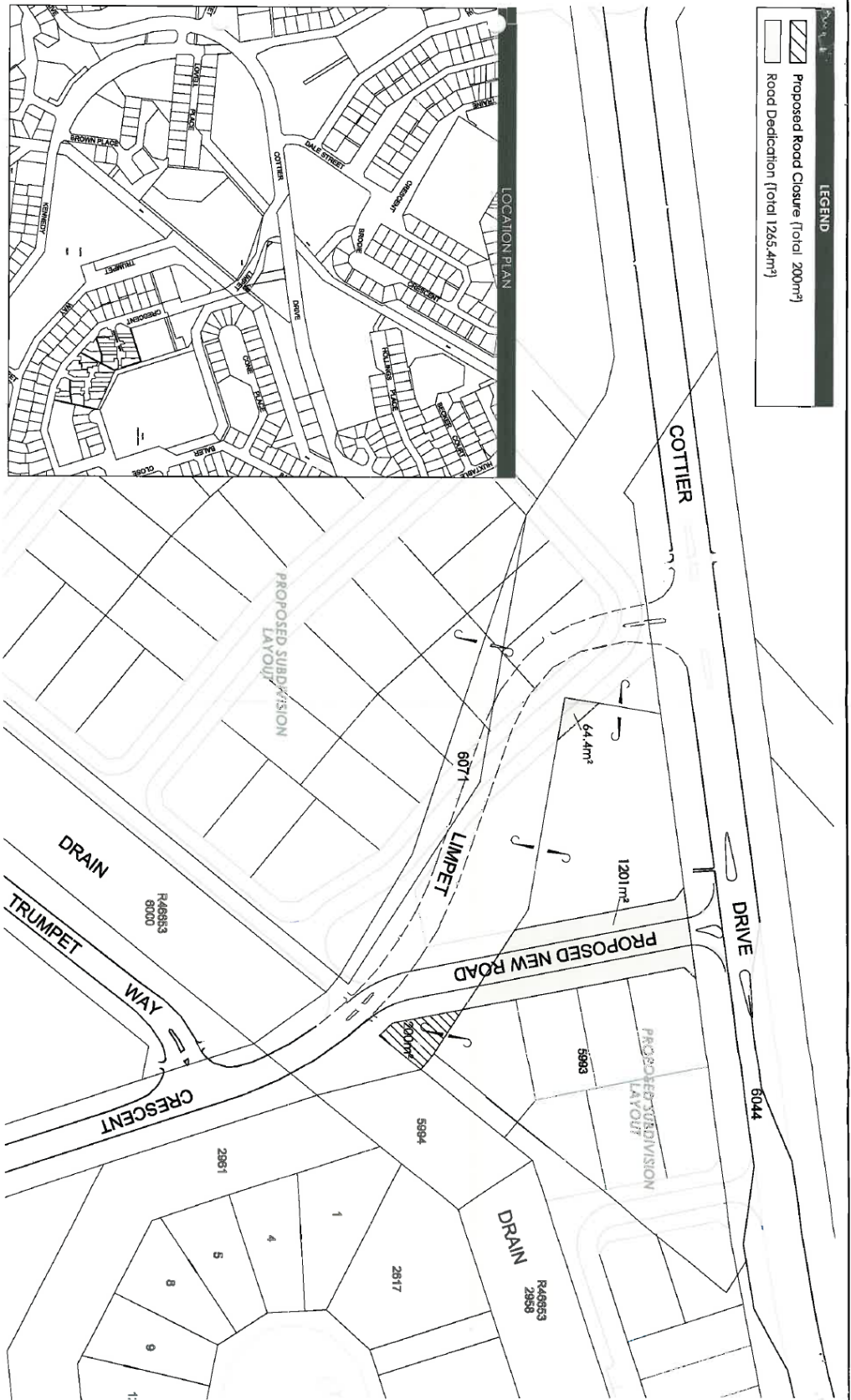
CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.6



ATTACHMENT 2 TO ITEM 11.1.1.6

Proposed Road Closure Plan
LIMPET CRESCENT, SOUTH HEDLAND
A JAXON PROJECT



11.1.1.7 Proposed Street Name for the Renaming of a portion of Huxtable Crescent, South Hedland

Officer	Caris Vuckovic Lands Officer
Date of Report	21 February 2012
Disclosure of Interest by Officer	Nil

Summary

Council officers have identified the need to rename a portion of the Huxtable Crescent road reserve.

Background

Council at its Special Meeting of 29 June 2009, resolved to approve the creation of a road reserve linking Channel Way to Huxtable Crescent.

The Western Australian Planning Commission on 24 November 2009, approved the subdivision of Lot 6128 Paton Road, South Hedland, resulting in the creation of 8 new lots, the closure of a portion of the Huxtable Crescent road reserve and a new section of road reserve providing access to Huxtable Crescent from Paton Road.

As a result of the development, a section of the Huxtable Crescent road reserve has been disconnected and is required to be renamed as per the Australian and New Zealand Standard ASNZS 4819-2011 Rural and Urban Addressing.

The following name is proposed:

1. Crameri Way

In the early 1900's William Crameri ran a barber and bootmaker shop from W. Crameri's Billiard Saloon in Wedge Street. Three generations of Crameri succeeded him in Port Hedland.

Should the proposed name not be suitable, a list of alternative names are available from the Town of Port Hedland's Road Name Register.

1. Carr
2. Dicks
3. Mohomet
4. Bryan
5. Bin Bin
6. McKenna
7. McLeod
8. Chin Sing
9. Murphy
10. Totouer

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.

Australian and New Zealand Standard ASNZS 4819-2011 Rural and Urban Addressing.

Policy Implications

Town of Port Hedland Policy 12-004 Road Names and Street Numbering.

“2.1 Road Names

2.1.1 Except as provided below, a road name shall not be proposed for a new or existing road if that road name is currently in use with the Town. This includes the use of:

- (a) Like-sounding names e.g. names with the addition/deletion of “s”; or*
- (b) Same name with a different suffix e.g. road as opposed to street.*

2.1.2 Where a road is closed or access denied as it crosses a main thoroughfare, one (1) portion of the road shall be renamed.

2.1.3 Roads shall be named or renamed (as the case may be):

- (a) So as to avoid repetition as outlined above specifically within suburbs; and*
- (b) From the approval reserves list of names for roads.*

2.1.4 Road Names are to be sourced from:

- (a) Persons, entities, places or events of historical or heritage significance and directly related to the Port Hedland area and its neighbourhood;*
- (b) Common or Aboriginal names of flora and fauna species and indigenous to the Port Hedland area;*
- (c) Port Hedland locality or geographic feature names in common, historical or Aboriginal usage; and*
- (d) Persons having a distinguished record of achievement within the Towns history.*

2.1.5 All nominations for road names shall be accompanied by a brief explanation of the relationship and significance of the name to the Town.

2.1.7 Support to name or rename roads in established areas can be obtained by:

- (a) Advertising the proposal in the local newspaper, inviting comments; and*
- (b) Advising residents in the area of the proposed name in writing and inviting comments.*

2.1.8 Once a name has been formally assigned to the road and adopted by the Geographic Names Committee, all relevant Government bodies, servicing authorities and Australia Post shall be notified of the final action taken and the commencement date.”

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer’s Comment

The proposed road name is in keeping with the general theme of the area, being mainly named after persons having a distinguished record of contribution to the Towns history and are well associated with the local area.

As the name has not been utilised within the Town, the following name is recommended:

1. Crameri Way

Options

Council has the following options when considering the request:

1. Support the request to rename a portion of the Huxtable Crescent Road Reserve to “Crameri Way” as indicated on Attachment 1.

The approval of the applicants request will result in the altered road being named as per the Land Administration Act 1997 and the Australian and New Zealand Standard ASNZS 4819-2011 Rural and Urban Addressing.

2. Reject the request to rename a portion of the Huxtable Crescent Road Reserve to “Crameri Way” as indicated on Attachment 1.

Should Council refuse the request, an alternative name is required to be applied to the road.

Option 1 is recommended.

Attachments

1. Locality Plan

201112/359 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

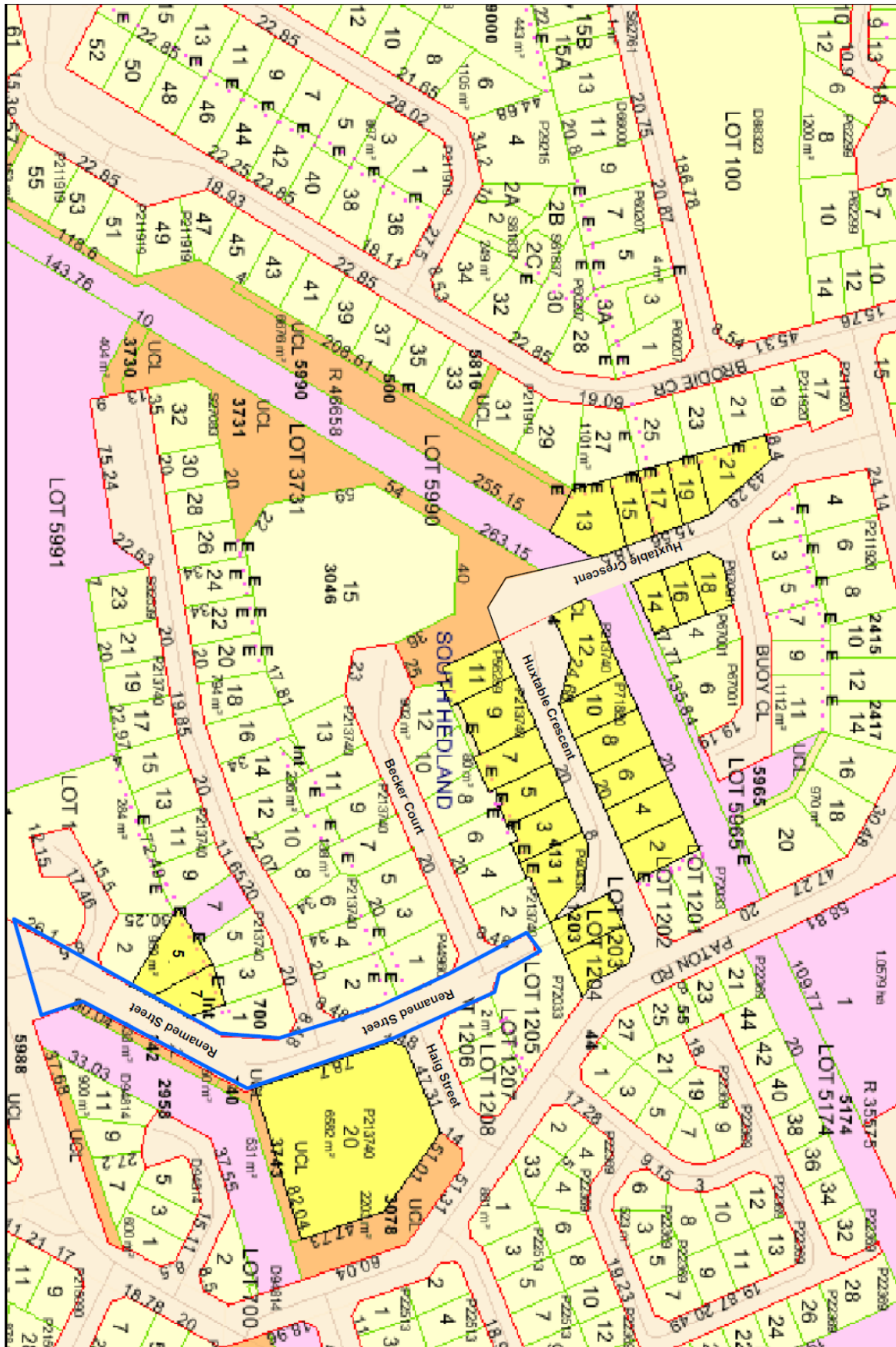
Seconded: Cr G A Jacob

That Council:

1. **Approves the use of Crameri Way as indicated on Attachment 1;**
2. **Delegates the Manager Planning Services to submit the road name request to the Geographic Names Committee for final approval, subject to the following;**
 - a. **The proposed road name being advertised for a period of 30 days pursuant to Town of Port Hedland Policy 12-004 Road Names and Street Numbering;**
 - b. **No objections being received during the advertising period.**
3. **Notifies the effected property owners of the change, in accordance with Policy 12/004 – Road Names and Street Numbering.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.7



11.1.1.8 Proposed Eleven (11) Holiday Accommodation Units and Ten (10) Multiple Dwelling on Lot 333 (20) Richardson Street, Port Hedland (File No.: 126070G)

Officer	Ryan Djanegara Planning Officer
Date of Report	6 February 2012
Application No.	2011/602
Disclosure of Interest by Officer	Nil

Summary

Council received an application from GDD (WA) Pty Ltd on behalf of the registered proprietor Gray Graham, to construct eleven (11) Holiday Accommodation units and ten (10) Multiple Dwellings on Lot 333 (20) Richardson Street, Port Hedland (the site).

During the advertising period, a written submission was received objecting to the proposed development.

Council officers support the proposal and recommend Council approve the application.

Background

Site Description (Attachment 1)

The site is generally rectangular in shape and has two road frontages being Richardson Street and Christy Lane. The subject site covers an area of approximately 674m².

There is an existing backpacker's accommodation that will be removed subject to the development of this proposal. The site is zoned "Town Centre" under the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Proposal (Attachment 2)

The applicant is proposing to construct eleven (11) Holiday Accommodation units, ten (10) Multiple Dwellings on Lot 333 (20) Richardson Street, Port Hedland.

Consultation

Internally:

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

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

Externally:

The application has been advertised in the North West Telegraph on 4 and 11 January 2012, and a notice placed on site allowing for a 14 day period for any interested parties to provide comments / objections to the proposal.

In addition to the above advertising, letters were posted to all the adjoining property owners allowing for a 14 day period in which to provide comments / objections to the proposal.

As a result of the above community consultation process one (1) objections have been received.

Lot 53 (6) Mckay Street, Port Hedland

Summary of Written Submission

Summary of Objection Received	Applicant's Response
<p>Strategic considerations</p> <p>The primary basis of the objection is the provision of permanent accommodation in an area that is formally acknowledged to be associated with dust, noise and light spill emissions due to the operations of the major port. Consequently there is recognition in the Council's Strategic document, the Land Use Master Plan (LUMP) of potential adverse impacts on the health of people living in the area.</p>	<p>In response to the strategic considerations, the applicant proposes to construct one (1) bedroom multiple dwellings and holiday accommodation units. This style of development is not suitably designed to cater for the elderly and young families</p>

<p>Statutory Non-compliance.</p> <p>The development is not consistent with density provisions of R50 for the residential component proposing a total floor area of 441m² exceeding the 0.6 plot ratio requirement.</p> <p>Furthermore whilst there are no setback requirements for the “Town Centre” zone, the balconies of the serviced apartments have a nil setback making overlooking into the adjacent property possible, despite the separation afforded by the adjoining right of way. This will impact on the neighbouring property’s privacy.</p>	<p>In response to the plot ratio, the development is consistent with the acceptable development standards for multiple dwellings proposing 9 units with a total floor area of 400m².</p> <p>With regards to the nil setbacks and the issue with overlooking, the adjacent property has recently been approved with balconies overlooking the Right of Way (Christie Lane).</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Planning Services Response

The proposed balconies will provide passive surveillance onto Christie Lane improving the safety of the street. Furthermore, an application on Lot 49 and 50 Edgar Street was recently approved by the Development Assessment Panel with balconies overlooking the right of way. The adjoining landowner (Lot 49 and 50 Edgar Street) has not raised any objections to the proposal.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following 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

An application fee of \$9,830.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

In terms of TPS5, the site is identified as "Town Centre" zone. Under the zoning table the proposed land uses are specified as follows:

Holiday Accommodation: "AA" (the development is not permitted unless the Council has granted planning approval)

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

Port Town Centre Precinct objectives

The application is required to address the precinct objectives for the Port Town Centre precinct. In accordance with Section 5.3.6 of TPS5, the precinct objectives are to:

- a) Consolidate the town centre status of the precinct and to redefine and optimise its visual quality and its administrative, commercial and community function;
- b) Consolidate existing development;
- c) Ensure that there is continuity in the character of old and new structures, landscaping and other improvements whilst promoting innovative approaches to design which are consistent with the climatic and cultural context of the precinct;
- d) Make safe, efficient and convenient provision for pedestrian movement, road transport and car parking, and
- e) Improve the utility and appearance of public spaces and street furniture.

With respect to objectives (a) and (c) the proposed development will help consolidate the town centre status by highlighting the precinct's commercial and cultural functions. There is an existing backpacker's accommodation that will be removed subject to the approval of this proposal.

The redevelopment of the site will consolidate the existing "Holiday Accommodation" units, improving the visual amenity of the site and taking advantage of the natural environmental features of the locality. The proposed development is generally consistent with the objectives of clause 5.3.6 of the Port Hedland Town Planning Scheme No 5.

R-Code assessment for Multiple Dwellings

In the absence of a development plan, the site has a nominated density code of R50. Council is therefore required to assess the “Multiple Dwelling” units in accordance with the R-Code. Officers have assessed the application against the provisions of the R-codes particularly those relating to the streetscape, building height, setbacks and car parking.

Clause 7.1.2 – Building Height

For an R50 density coding, the R-codes permit development to have a maximum height of 10m. The applicant is proposing to have a maximum height of 13.2m and is therefore seeking a variation to Clause 7.1.2, which states:

Buildings height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- Adequate direct sun to buildings and outdoor living areas;
- Adequate daylight to major openings to habitable rooms;
- Access to views of significance from public places;
- Building facades are designed to reduce the perception of height through design measures; and
- Podium style development is provided where appropriate.

The proposed development is orientated in a northwest direction with balconies facing onto Richardson Street and Christie Lane. It is considered the proposal satisfies the above performance criteria as adequate sunlight and ventilation is provided to the site and adjoining neighbours. The proposed height is in line with future development of the Town Centre.

In addition to the R-Codes, State Planning Policy 2.6 Coastal Planning Policy (SPP) limits building heights to a maximum of five (5) storey's or not exceeding twenty one (21) metres. The proposed development is 13.2 metres at its tallest (3 storey's) and thus complies with this policy.

Furthermore, the application was circulated to the immediately adjoining neighbours and no comments were received during the advertising period with regards to the proposed building height.

Clause 7.1.3 – Street Setbacks

The applicant is proposing to have a nil street setback along Richardson Street and Christie Lane. The R-Codes require a setback of 2m. These setbacks can be varied in accordance with Clause 7.1.3 which states:

Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:

- Contribute to the desired streetscape;
- Provide articulation of the building on the primary and secondary streets;
- Allow for minor incursions that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;
- Are appropriate to its location, respecting the adjoining development and existing streetscape; and
- Facilitate the provision of weather protection where appropriate.

The proposed development is located within the “Town Centre” zone. Council received an objection with regards to the nil setbacks.

Generally it is preferable to have a nil setback within a town centre zone so it provides a better / closer interface between the public and private realm. The proposed setback will be consistent with the surrounding development and contributes to the overall streetscape. Notwithstanding the objection, it is therefore considered reasonable to support the variation.

Clause 7.1.4 – Side Setbacks

The applicant is proposing to construct a wall on the north east boundary. The proposed wall is of similar size, which is proposed to be constructed on Lot 176 (2) McKay Street, Port Hedland. This is considered to be consistent with the acceptable standards of the R-Codes.

Clause 7.1.5 – Open Space

The R-Codes requires a minimum 45% of open space is provided on the site. The applicant is not proposing any open space and is seeking a variation under Clause 7.1.5 of the performance criteria, which states:

Open space respects existing or preferred neighbourhood character and responds to the features of the site.

The surrounding development within the context of the proposal has a town centre character with a wide range of open space options. The proposed development is in line with the type of development a Town Centre is after and is therefore compliant with the performance criteria for open space.

The applicant has provided private balconies to each unit with a minimum dimension of 2.4m and a total area of 10m². The private open space provided is consistent with the acceptable standards with regards to outdoor living areas.

Clause 7.3.3 – On-site Parking provisions

In accordance with the Appendix 7 of the Scheme and Clause 7.3.1 of the R-Codes, the applicant is required to provide a minimum of 27 (prior to the consideration of reciprocal parking potential) car parking bays. The applicant has provided 21 car parking bays on-site.

Access & Parking – Appendix 7 of TPS5				
Acceptable Standards	Development	Units	Required	Provided
Multiple Dwellings Unit size: <75m ² = 1.0 Visitors: 0.25 bays per unit		10	10 3 (2.5)	10 0
Holiday Accommodation 1 bay per Unit Visitor: 1 bay per 5 units Staff: 1 per staff member		11 -	11 3 (2.2) 1	11 0 0
Total			27 (26.7)	21
Reciprocated Parking Allocation				
LPP12 (Reciprocal Car Parking & Cash-in-lieu of Car Parking) is in draft form only, it has been used to guide the assessment of car parking for this development in accordance with the relevant Clauses of TPS5.				
It is considered that the number of bays can be reduced to 21 by reciprocating the uses below with the Multiple Dwellings and the Holiday Accommodation as they have different times of peak use.				
Staff & Visitors (Holiday Accommodation)			3	
Visitors (Multiple Dwellings)			3	
Total			27 – 6 = 21 Bays	

Attachments

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

201112/360 Officer's Recommendation/Council Decision**Moved: Cr A A Carter****Seconded: Cr J E Hunt****That Council:**

i) Approves the application submitted by GDD (WA) Pty Ltd on behalf of Gray Graham, to construct Eleven (11) Holiday Accommodation units and ten (10) Multiple Dwellings on Lot 333 (20) Richardson Street, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed Mixed Use Development – “MULTIPLE DWELLINGS” Ten (10) Multiple Dwellings and “HOLIDAY ACCOMMODATION” Eleven (11) Units and other incidental development, as indicated on the approved plans DWG2011/602/1 – DWG2011/602/7 It does not relate to any other development on this lot.

2. The development shall only be used for the purposes which are related to “Multiple Dwelling” and “Holiday Accommodation”. In terms of the Town of Port Hedland's Town Planning Scheme No. 5, “Multiple Dwelling” and “Holiday Accommodation’ is defined as:

“Multiple Dwelling a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.”

“Holiday Accommodation any land and/or buildings used predominantly by travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding hotel and motel and bed/Breakfast facilities”

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 21 car bays shall be provided on-site to the satisfaction of the Manager Planning Services.

5. No parking bays shall be obstructed in any way or used for the purposes of storage.

- 6. Stormwater shall be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.**
- 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 relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the satisfaction of the Manager Technical Services, at the developer's expense.**
- 9. Waste receptacles shall be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Environmental Health Services.**
- 10. The development shall comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- 11. Dust and sand shall be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Environmental Health Services.**

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

- 12. Prior to the submission of a building licence application, 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 casual 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.

12. Prior to the submission of a building licence application, an Erosion Prevention and Sediment Control plan shall be submitted for approval by the Manager Planning Services.
13. Prior to the submission of a building licence application a detailed landscaping and reticulation plan including adjoining street verges and / or common area, shall be submitted for approval by the Manager Technical Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
14. Prior to the submission of a building licence application, a Rubbish Collection Strategy/ Management Plan shall be submitted to and approved by the Town of Port Hedland prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of the Manager Planning Services.
15. Prior to the submission of a building licence application, a site management plan shall be submitted for approval by the Manager Planning Services. The site management plan shall indicate how it is proposed to manage the following during construction:
 - a. The delivery and storage of materials and equipment to the site;
 - b. The parking arrangements for the contractors and subcontractors;
 - c. Impact on traffic movement;
 - d. Operation times including delivery of materials; and
 - e. Other matters likely to impact on the surrounding residents / businesses;

to the satisfaction of the Manager Planning Services.

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

- 16. Prior to the occupation of the development, landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services.**
- 17. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of the Manager Technical Services.**
- 18. Prior to the occupation of the development, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of the Manager Technical Services.**
- 19. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning are(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of the Manager Technical Services.**
- 20. Prior to the occupation of the development, the applicant shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians. Plans shall be approved by the Manager Technical Services.**
- 21. Prior to the occupation of the development, the development shall be connected to reticulated mains sewer.**

FOOTNOTES:

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

- 2. The Water Corporation wishes to advise the applicant that in order for the vacuum sewer system to be able to serve the development, upgrades will be required from the landowner. This may include additional wastewater collection chambers and vacuum valve pits and upgrades to the vacuum main. It is recommended that the applicant contact the Water Corporation for further information.**

- 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 could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure measures adopted to avoid that risk shall be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**

- 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

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.8

Attachment 1 – Locality Plan



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.8



3D PERSPECTIVE VIEW 1

NO.	DESCRIPTION	DATE	APP.
3	APPROVED FOR DEVELOPMENT APPROVAL	10.24.12	MS
2	APPROVED FOR DEVELOPMENT APPROVAL	06.25.12	MS
1	BASED ON DEVELOPMENT APPROVAL	20.11.11	MS

Drawn: HP
 Checked: SK04/10
 Job No: 6009
 Drawing No: 3

Scale: 1:1
 Date: 10/03/2012

RTD Residential Development
 20 RICHARDSON ST. PORT HEEDLAND
 3D PERSPECTIVE VIEW 1

RTD Pty Ltd
 117 Main Street, Osborne Park, WA 6015
 Perth, Western Australia 6150
 Tel: 08 9439 9333
 Fax: 08 9439 9333
 Email: info@residential.com.au

I, the undersigned, as the Designer and Author of this drawing warrant that I am a registered architect and that this drawing is my original work and that I have the authority to make this drawing available to the public for the purposes of the Residential Development Act 2011. I warrant that this drawing is a true and accurate representation of the design and construction of the building and that it complies with the relevant building codes and standards. I warrant that I have obtained all necessary approvals and permissions for the use of this drawing. I warrant that I have not used any unauthorised information or data in the preparation of this drawing. I warrant that I have not used any unauthorised information or data in the preparation of this drawing. I warrant that I have not used any unauthorised information or data in the preparation of this drawing.

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3D PERSPECTIVE VIEW 2

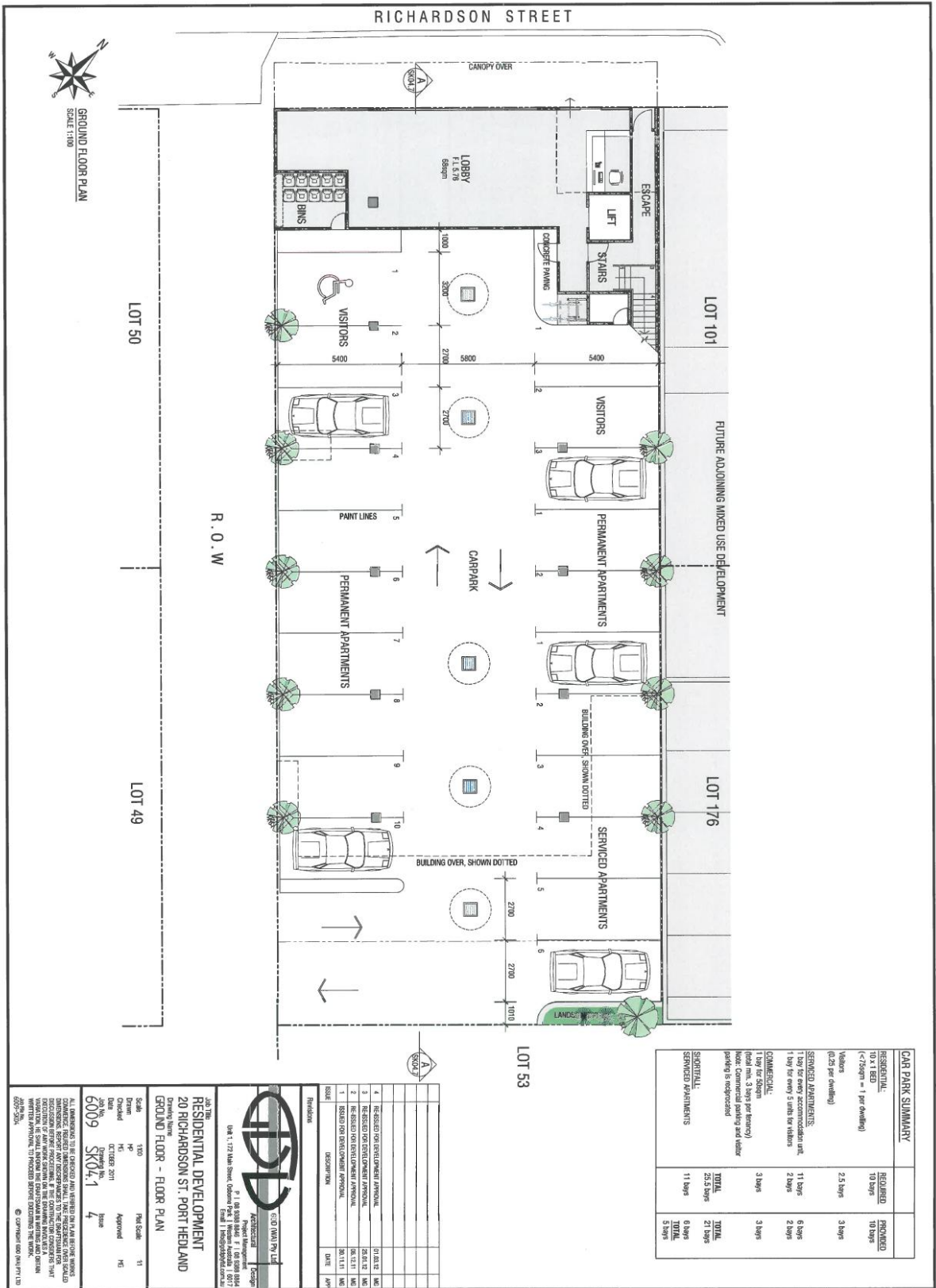
NO	DESCRIPTION	DATE	BY
3	REVISED FOR DEVELOPER APPROVAL	27.03.12	MS
2	REVISED FOR DEVELOPER APPROVAL	26.11.11	MS
1	ISSUED FOR DEVELOPER APPROVAL	26.11.11	MS
0	ISSUED FOR DEVELOPER APPROVAL	26.11.11	MS

ETSD ENGINEERING TECHNICAL SERVICES
 100/110 Main Street, Port Hedland
 WA 6715
 Phone: 08 9427 1111
 Fax: 08 9427 1112
 Email: info@etsd.com.au

RESIDENTIAL DEVELOPMENT
 20 RICHARDSON ST, PORT HEDLAND
 Drawing Name: 3D PERSPECTIVE VIEW 2

Scale: ---
 Drawn: MS
 Checked: MS
 Date: 26/03/2012
 6009 SK04.11 3

FOR INFORMATION: THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT IS ADVISED THAT THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS DRAWING. THE CLIENT IS ADVISED THAT THE DESIGNER IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS DRAWING. THE CLIENT IS ADVISED THAT THE DESIGNER IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS DRAWING.



CAR PARK SUMMARY

RESIDENTIAL: 10.0 x 1 BED (< 75sqm) = 1 per dwelling	REQUIRED 10 bays	PROVIDED 10 bays
Visitors (0.25 per dwelling)	2.5 bays	3 bays
SERVICED APARTMENTS: 1 bay for every accommodation unit 1 bay for every 3 units for visitors	11 bays 2 bays	6 bays 2 bays
COMMERCIAL: 1 bay for abseam (total max. 3 bays per tenancy) Note: Commercial parking and abseam parking to be incorporated	3 bays	3 bays
TOTAL SERVICED APARTMENTS	TOTAL 25.5 bays	TOTAL 27 bays
TOTAL SERVICED APARTMENTS	TOTAL 11 bays	TOTAL 8 bays 3 bays

NO.	DESCRIPTION	DATE	APP.
1	RESERVED FOR DEVELOPMENT APPROVAL	10.03.12	MS
2	RESERVED FOR DEVELOPMENT APPROVAL	28.03.12	MS
3	RESERVED FOR DEVELOPMENT APPROVAL	28.03.12	MS
4	RESERVED FOR DEVELOPMENT APPROVAL	28.03.12	MS
5	RESERVED FOR DEVELOPMENT APPROVAL	30.03.12	MS
6	RESERVED FOR DEVELOPMENT APPROVAL	30.03.12	MS

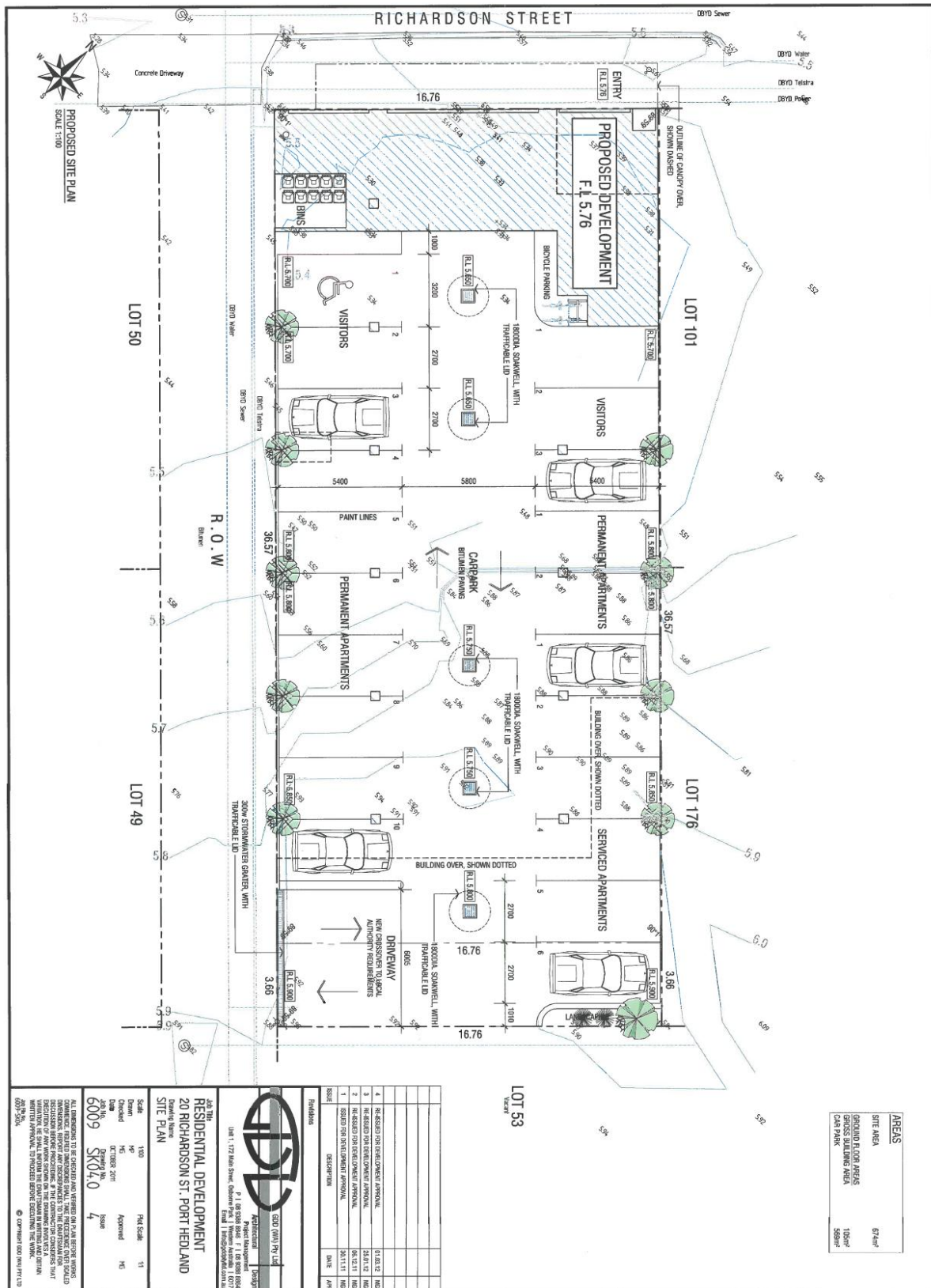
APD ARCHITECTURAL DESIGN PROJECTS
11/11th Street, Port Hedland, Western Australia 6717
Tel: 08 9425 4000 Fax: 08 9425 4001 Email: info@apd.com.au

JOE WHEAT Architect
RESIDENTIAL DEVELOPMENT
20 RICHARDSON ST, PORT HEDLAND
GROUND FLOOR - FLOOR PLAN

Scale: 1:500
Drawn: JH
Checked: JH
Date: 17/03/2011
6009 SK04.1

Approved: JH
Date: 17/03/2011

ALL CONSTRUCTION SHALL BE ACCORDING TO THE DIMENSIONS SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE APPROPRIATE AUTHORITIES. ANY VARIATIONS TO THE PLAN SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE APPROPRIATE AUTHORITIES. ANY VARIATIONS TO THE PLAN SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.



AREAS	
SITE AREA	674m ²
ORGANIC FLOOR AREAS	116m ²
ROSS BUILDING AREA	258m ²
CAR PARK	280m ²

LOT 53
VARIATION

NO.	DESCRIPTION	DATE	APP.
4	RESUBMITTED DEVELOPMENT APPROVAL	01.03.12	MS
3	RESUBMITTED DEVELOPMENT APPROVAL	24.01.12	MS
2	RESUBMITTED DEVELOPMENT APPROVAL	06.11.11	MS
1	ISSUED DEVELOPMENT APPROVAL	20.11.11	MS

ADP ARCHITECTURAL DESIGN PARTNERS
 177 Main Street, Adelaide
 P.O. Box 2048 Adelaide SA 5001
 Tel: 08 8209 1000 Fax: 08 8209 1001
 Email: info@adp.com.au

408 THE
RESIDENTIAL DEVELOPMENT
 20 RICHARDSON ST. PORT HEDLAND
 SITE PLAN

Scale: 1:100
 Date: 04/10/11
 Drawn by: SK04.0
 Checked by: MS
 Approved by: MS

ALL DRAWINGS TO BE CHECKED AND VERIFIED ON AN INDEPENDENT WORKSHEET BY THE ARCHITECT AND ENGINEER. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED AND SHALL BE RESPONSIBLE FOR THE INFORMATION PROVIDED TO THE LOCAL GOVERNMENT. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE INFORMATION PROVIDED TO THE LOCAL GOVERNMENT. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE INFORMATION PROVIDED TO THE LOCAL GOVERNMENT.

TYPE A - FLOOR PLAN
SCALE 1:50

AREA	35.86sqm
APARTMENT	48sqm
BATHROOM	10sqm
BALCONY AREA	4sqm
STORE	4sqm
TOTAL	54.36sqm
PERMANENT APARTMENTS	(1-3)

TYPE B - FLOOR PLAN
SCALE 1:50

AREA	38sqm
APARTMENT	51sqm
BATHROOM	10sqm
BALCONY AREA	4sqm
STORE	4sqm
TOTAL	53sqm
PERMANENT APARTMENTS	(10)
SERVICED APARTMENTS	(4, 8)

TYPE C - FLOOR PLAN
SCALE 1:50

AREA	33sqm
APARTMENT	39sqm
BATHROOM	10sqm
BALCONY AREA	4sqm
STORE	4sqm
TOTAL	41sqm
PERMANENT APARTMENTS	(1-3, 5, 7, 8-11)
SERVICED APARTMENTS	

APARTMENT LAYOUTS

Scale: 1:50 Final Scale: 1:1

Drawn: HE Approved: HE

Date: 12/03/2011 Issue: 4

Job Title: **RESIDENTIAL DEVELOPMENT**
20 RICHARDSON ST. PORT HEADLAND

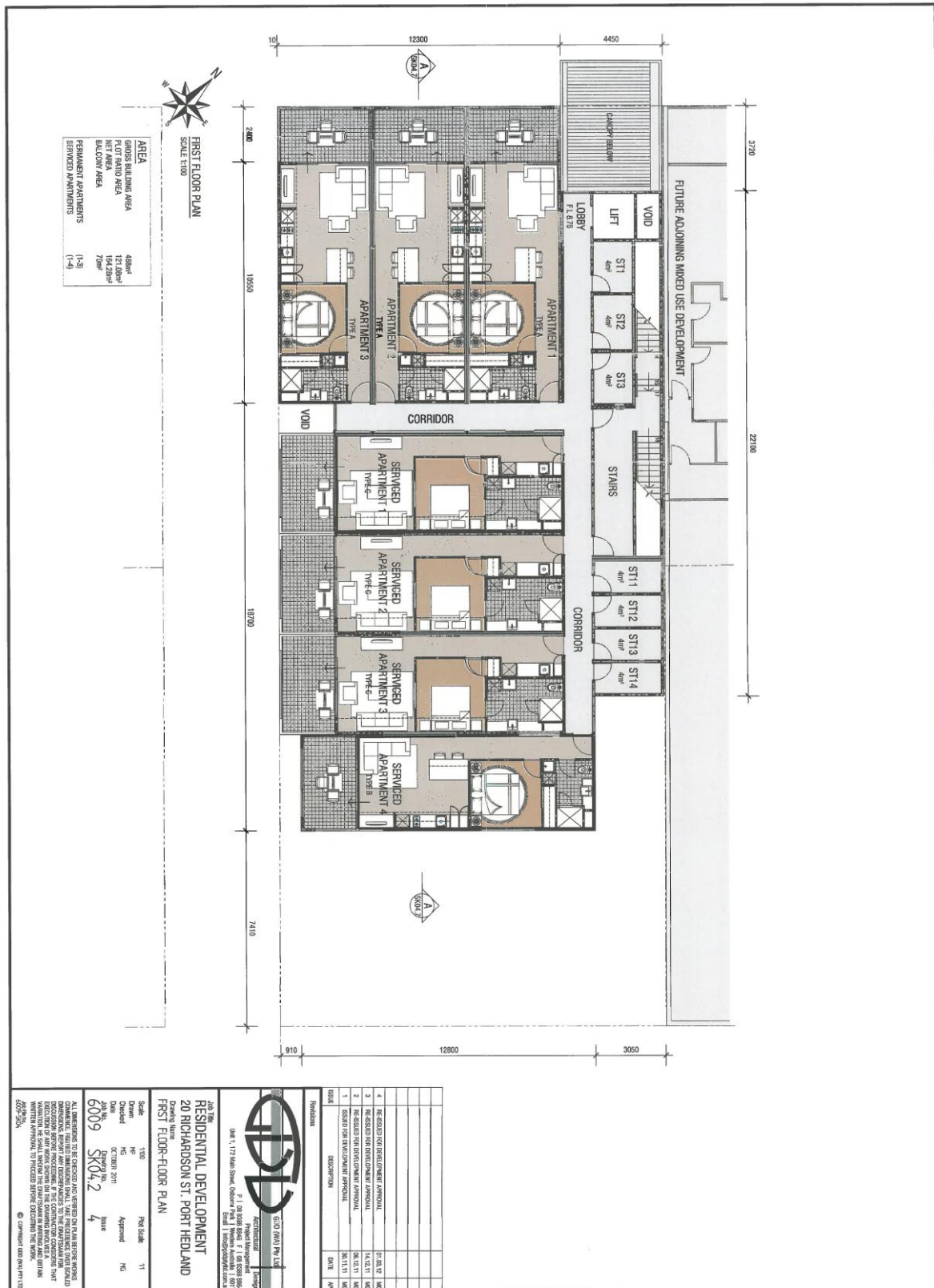
Project Name: **APARTMENT LAYOUTS**

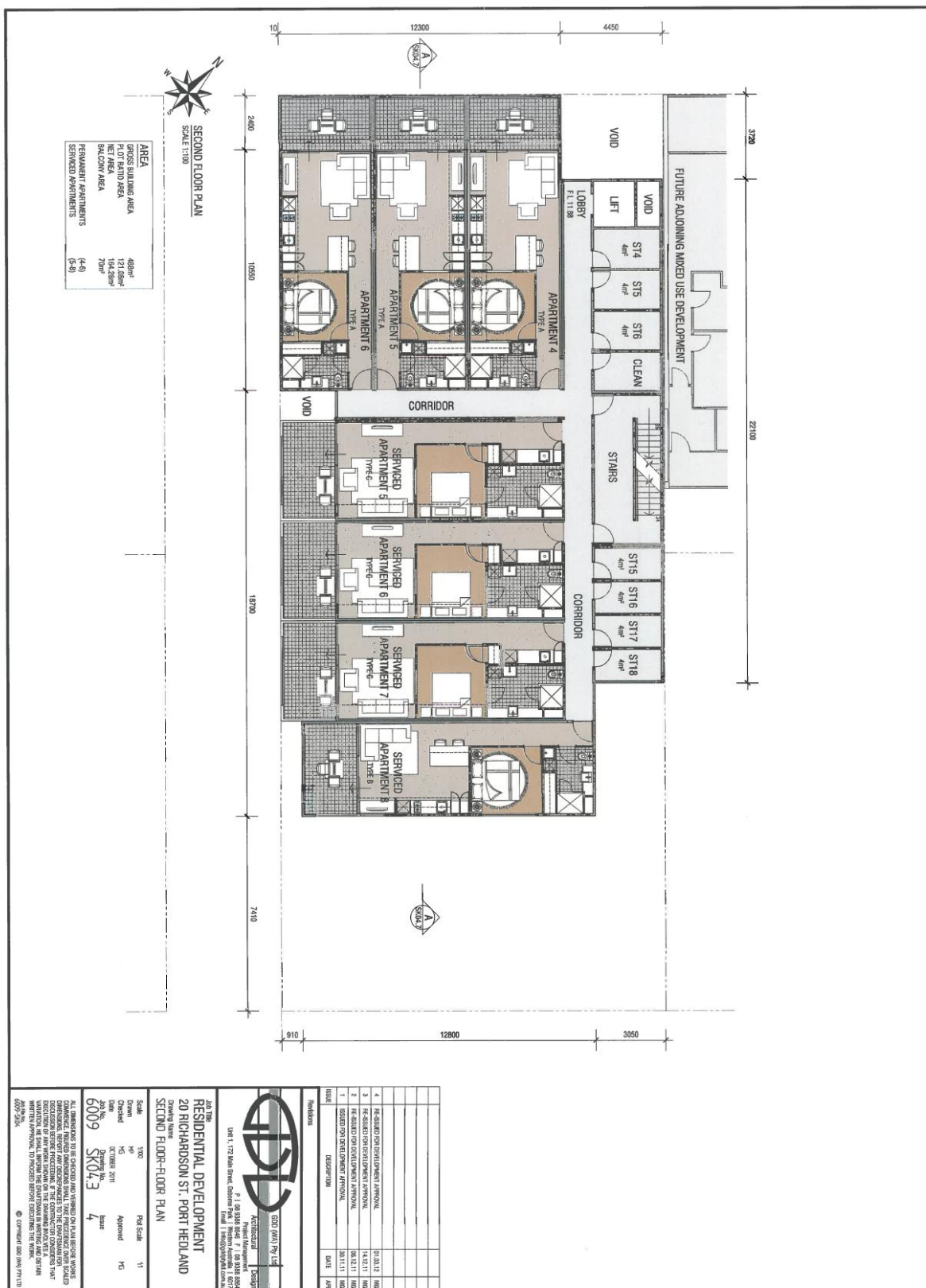
Unit 1, 172 Lake Street, Osborne Park, Western Australia 6107
P: 08 9388 8888 F: 08 9388 8887
E: info@apsd.com.au W: www.apsd.com.au

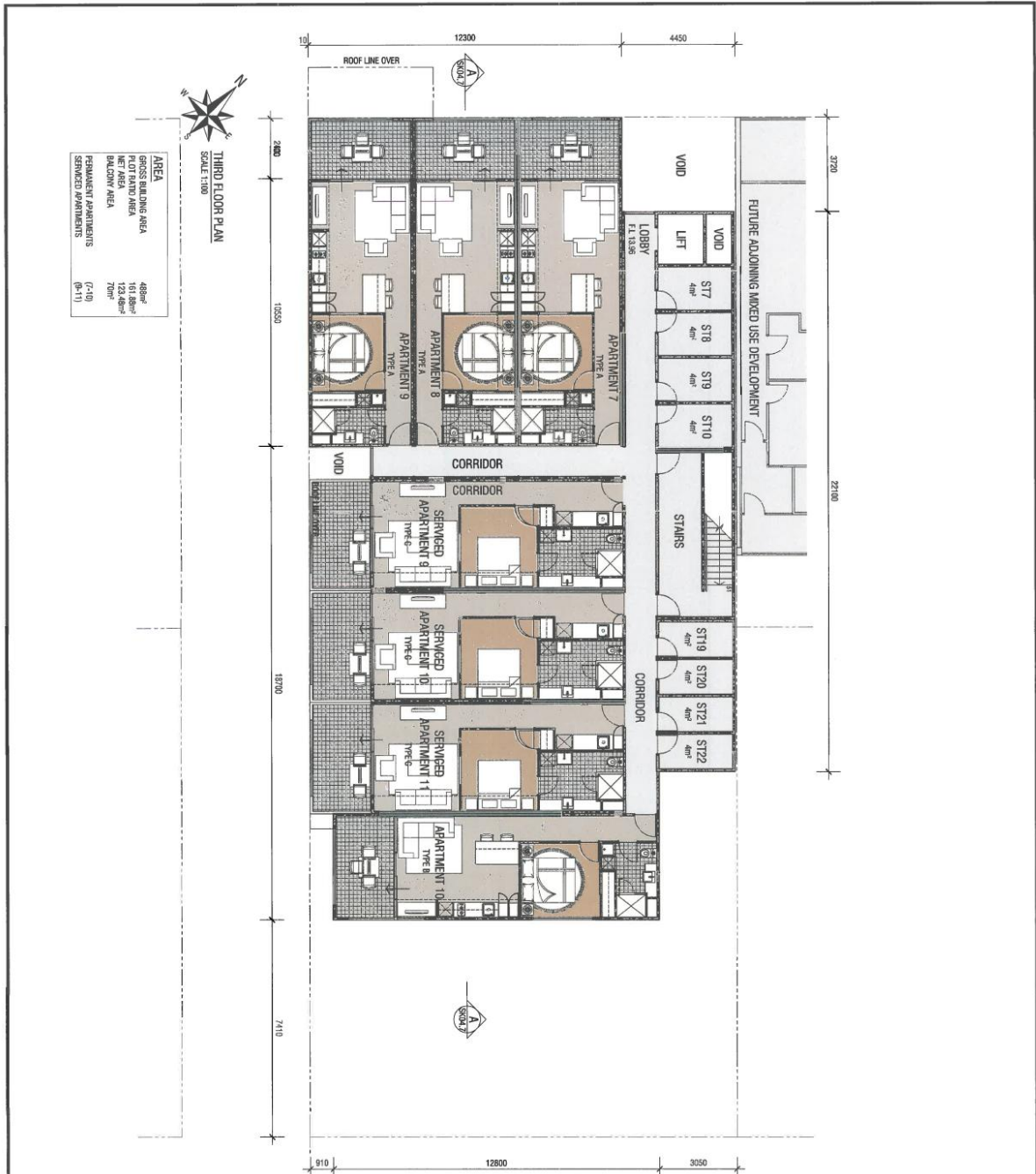
NO.	DESCRIPTION	DATE	APP.
1	ISSUED FOR DEVELOPMENT APPROVAL	01.03.12	HE
2	REVISED FOR DEVELOPMENT APPROVAL	14.03.11	HE
3	REVISED FOR DEVELOPMENT APPROVAL	06.03.11	HE
4	ISSUED FOR DEVELOPMENT APPROVAL	30.11.11	HE

Handwritten: 12/03/2011

ALL DIMENSIONS TO BE CHECKED AND REVISIONS TO BE MADE BEFORE WORKING COMMENCES. APPROVED DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND WORK SHOWN ON THE DRAWINGS IS TO BE CONSTRUCTED AS SHOWN UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.







AREA
 APARTMENT TYPE A
 APARTMENT TYPE B
 SERVICED APARTMENT
 VOID

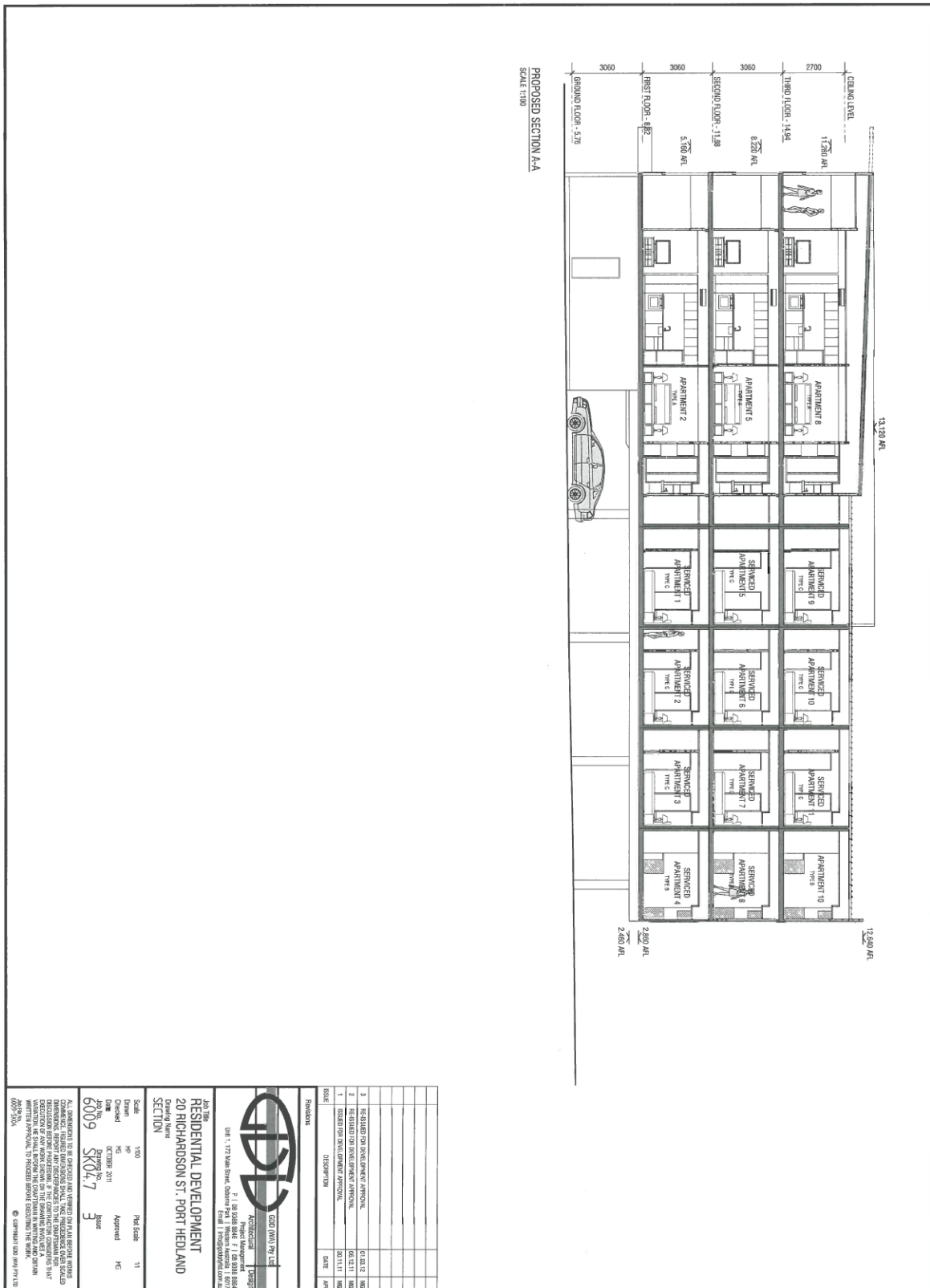
STATISTICS AND DATA
 GROSS AREA 480sqm
 NET AREA 161.8sqm
 BALCONY AREA 123.4sqm
 STAIRS 70sqm
 VOID 72.10
 SERVICED APARTMENTS 4
 APARTMENT TYPE A 11

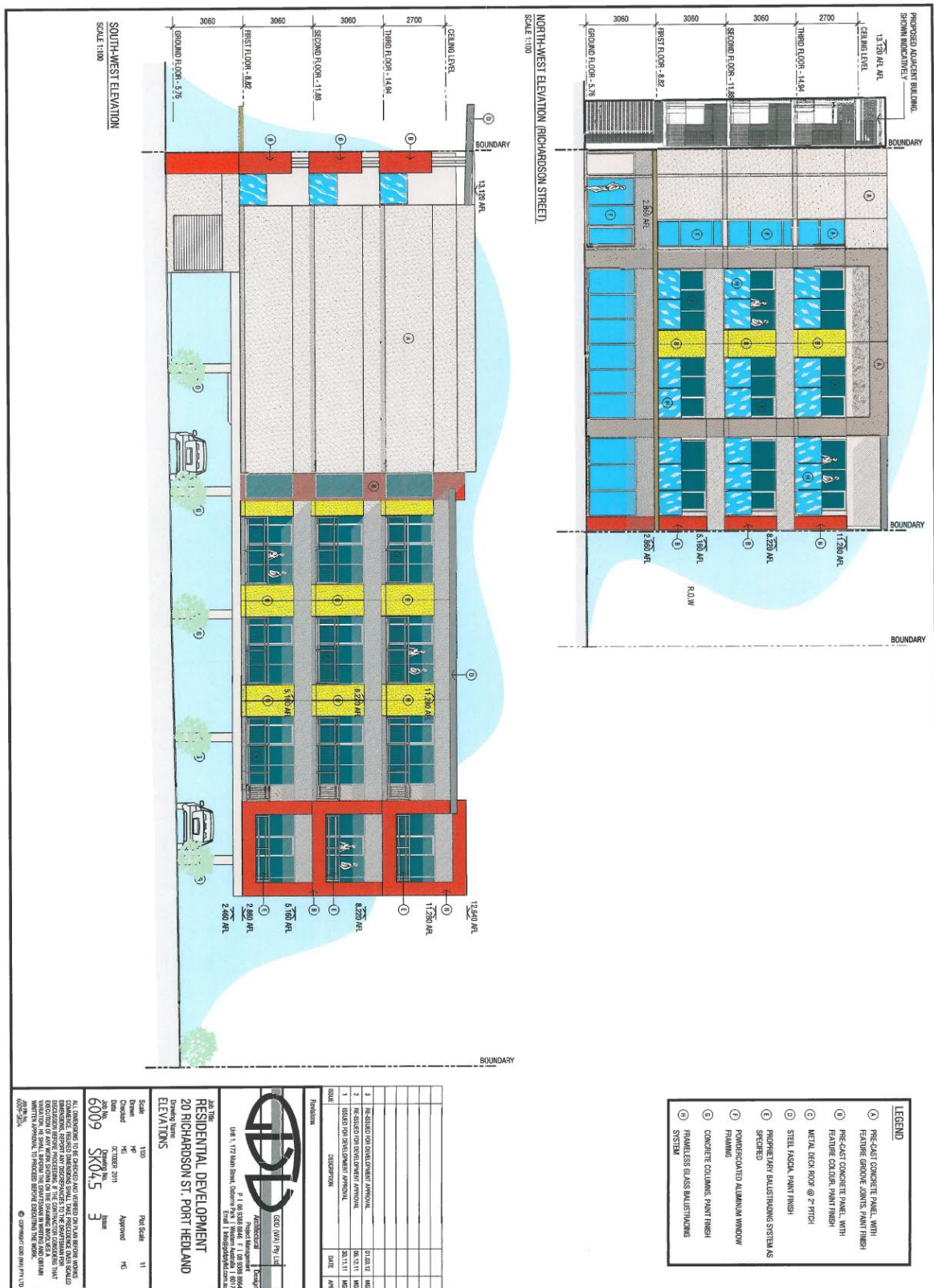
300 750
RESIDENTIAL DEVELOPMENT
 20 RICHARDSON ST. PORT HEDLAND
 THIRD FLOOR PLAN

Scale: 1:100
 Date: 15/03/2011
 Drawing No: SK04.4
 Design: 4

Architect: GDD (WA) Pty Ltd
 1/41-1/75 Main Street, Ocean Reef
 P.O. Box 9048, Fremantle
 Tel: (08) 9282 1844
 Fax: (08) 9282 1845
 Email: info@gddw.com.au

NO	REVISION	DATE
1	RE-DESIGN FOR DEVELOPMENT APPROVAL	14.03.12
2	RE-DESIGN FOR DEVELOPMENT APPROVAL	14.12.11
3	RE-DESIGN FOR DEVELOPMENT APPROVAL	06.12.11
4	RE-DESIGN FOR DEVELOPMENT APPROVAL	06.11.11



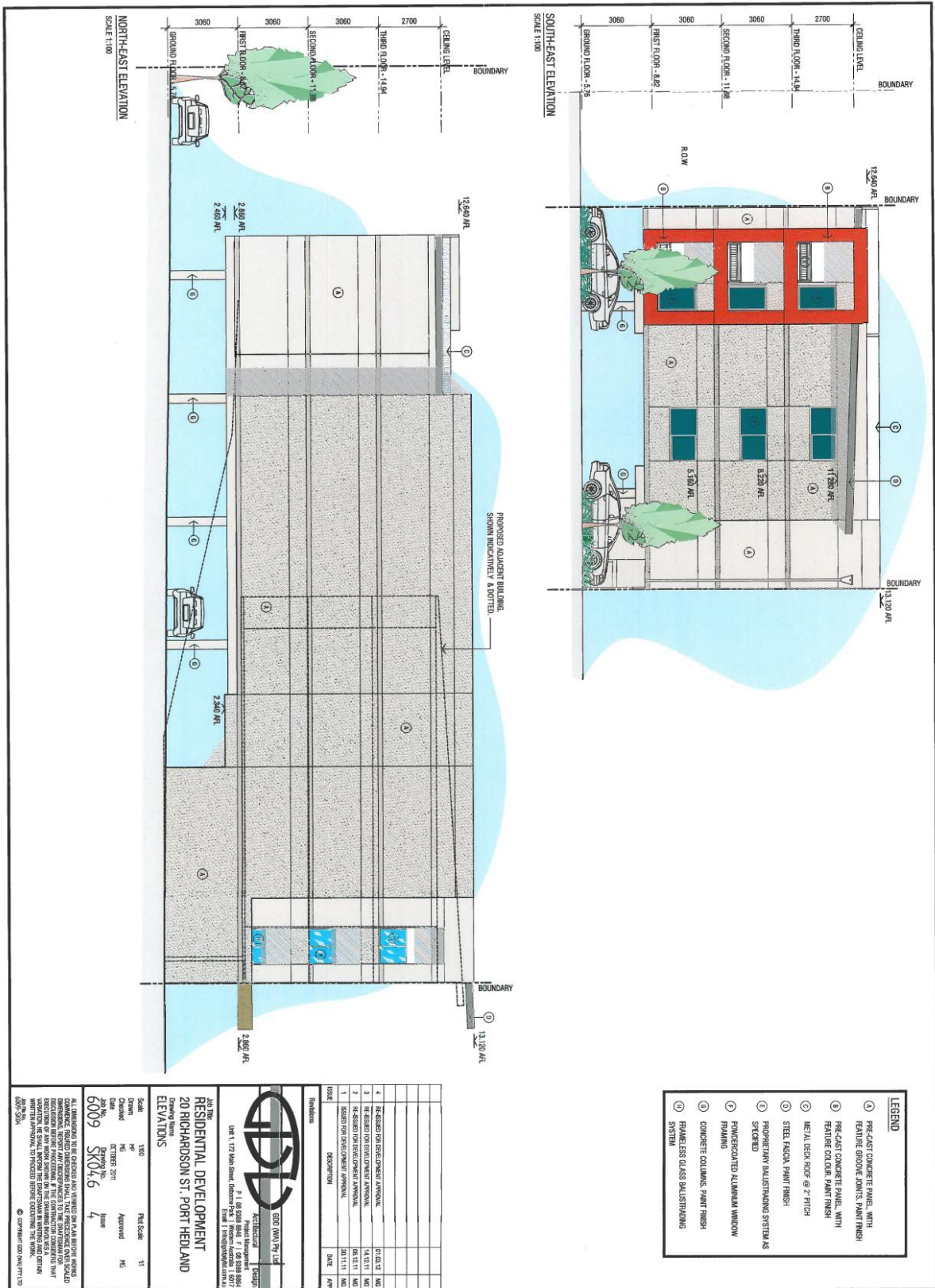


ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE DAY BEFORE WORK COMMENCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND THE LOCAL COUNCIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND THE LOCAL COUNCIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND THE LOCAL COUNCIL.

ADD THIS
RESIDENTIAL DEVELOPMENT
20 RICHARDSON ST. PORT HEDLAND
 Drawing Title
 ELEVATIONS
 Scale: 1:100
 Date: 3 OCTOBER 2011
 Checked: HE
 Approved: HE

NO.	DESCRIPTION	DATE	APP.
1	ISSUED FOR DEVELOPMENT APPROVAL	06/12/11	HE
2	RE-ISSUED FOR DEVELOPMENT APPROVAL	06/12/11	HE
3	RE-ISSUED FOR DEVELOPMENT APPROVAL	01/03/12	HE

GDD WA Pty Ltd
 Project Management & Design
 1/41-171 Main Street, Osborne Park WA 6103
 P: (08) 9388 8846 F: (08) 9388 8844
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ATTACHMENT 3 TO AGENDA ITEM 11.1.1.8



Our Ref: 12928
3 January 2012

Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Attention: Luke Cervi

Dear Luke,

**RE: LOT 333 (20) RICHARDSON STREET, PORT HEDLAND
PROPOSED MIXED USE DEVELOPMENT
SERVICED APARTMENTS AND PERMANENT ACCOMMODATION - OBJECTION**

Reference is made to your correspondence dated 12 December 2011 regarding the abovementioned proposed development. Whelans Town Planning act on behalf of BHP Billiton Iron Ore (BHPBIO). It is on behalf of BHPBIO that we make the following comments and formerly object to the proposed use of Lot 333 Richardson Street, Port Hedland.

Strategic Considerations

The primary basis for the objection is the provision of permanent accommodation in proximity to the port operations and it's formally acknowledged associated dust, noise and light spill emissions. The factors that contribute to noise, dust and light spill are well documented and not attributable to one operator. As is acknowledged, this is a major operating port (on a worldwide basis) and the factors contributing to affect land use planning are caused by many operators using the port.

In recognition of the potential health impacts long-term exposure to excessive dust can potentially have, and the disruptive nature of excessive noise and light spill, the Town's Local Planning Strategy, the Land Use Master Plan (LUMP) requires that only short-term accommodation and accommodation not suited to the elderly and young families, be permitted in close proximity to the port.

Similarly the Port Hedland Air Quality and Noise Management Plan states that the Town of Port Hedland and the Department of Planning will implement planning guidelines and building standards that favour development of the West End for short-term accommodation and nonresidential purposes.

Statutory Non-Compliance

Notwithstanding the non-compliance with the strategic direction for the West End, the proposed development is also not compliant with the planning requirements for the zone with regard to plot ratio. Clause 6.6.5 of TPS5 requires that residential development in the Town Centre zone not exceed a density of R50. In accordance with the density a plot ratio of 0.6 is allowed, which for Lot 333

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WHELANS (WA) PTY LTD ACN 074 363 741

ASSOCIATED OFFICES: ADELAIDE | MELBOURNE | SYDNEY | BRISBANE

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equates to 403.8m². The plot ratio for residential component of the proposed development has been calculated as 441m², which clearly exceeds the allowed plot ratio.

Also, whilst there are no setback requirements for the 'Town Centre' zone, the balconies of the serviced apartments have a nil setback making overlooking into the adjacent property possible, despite the separation afforded by the adjoining Right Of Way. This will impact on the neighbouring property's privacy.

Objection

On this basis we hereby object to the proposal.

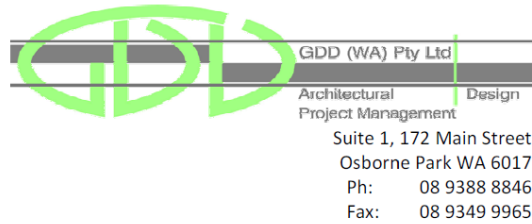
Thank you for the opportunity to comment on this matter. If you wish to discuss any of the above further, please do not hesitate to contact the undersigned on 9208 0112.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Melinda Marshall".

Melinda Marshall
Town Planner
Whelans

ATTACHMENT 4 TO AGENDA ITEM 11.1.1.8



3 February 2012

Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Attn: Luke Cervi

Dear Luke,

Re: Lot 333 (20) Richard Street, Port Hedland
Proposed Mixed Use Development
Reply to Formal Objection on behalf of BHP Billiton Iron Ore

Reference is made to the formal objection received by our office from Whelans Town Planning on behalf of BHP Billiton Iron Ore.

Strategic Considerations

As noted by Whelans, the Town's Local Planning Strategy, the Land Use Master Plan (LUMP) requires that only short-term accommodation and accommodation not suited to the elderly and young families be permitted in close proximity to the port. Our permanent accommodation proposal contains only one bedroom residential apartments and as such is not suitable for young families which negates this objection.

Statutory Non-Compliance

With regards to plot ratio, the proposal is within the acceptable criteria for plot ratio. Council deem only the permanent residential to be considered within the plot ratio, therefore drawings submitted to council indicate a total permanent residential area of 400sqm and therefore a residential plot ratio of 0.59. This is under the allowance of 0.6 and is therefore compliant with planning requirements.

With regards to the nil setback of balconies of the serviced apartments and the issue with overlooking into the adjacent property, the adjacent property has been approved for development with balconies looking over the right of way, it is therefore considered by council acceptable.

If you would like to discuss any of these issues further please do not hesitate to contact the undersigned on 08 9388 8846.

Kind Regards,

Michael Georgiadis
Director

11.1.1.9 *Removal of requirement for a Development Plan to be prepared for area affected by Scheme Amendment No.42 (File No.: 18/09/0056)*

Officer	Luke Cervi Senior Planning Officer
Date of Report	7 February 2012
Disclosure of Interest by Officer	Nil

Summary

The report requests Council rescind a previous resolution requiring the preparation of a Development Plan for South Hedland New Living's Trumpet Way subdivision. As the land is in single ownership and to be subdivided in one go (not staged), a Development Plan is not necessary.

As Council had previously required the Development Plan a decision to rescind is required. Removing the requirement for a Development Plan to be prepared and adopted will enable WAPC to approve the subdivision and assist in fast tracking the release and development of the land for much needed housing.

Background

On 19th October 2011 Council resolved to adopt Scheme Amendment 42 to amend the coding / zoning of various lots generally bound by Kennedy Street, Cottier Drive, Trumpet Way and Pepper Street. Item 4 of the resolution states:

Notify the applicant that with regard to clause 6.4.2 of the Port Hedland Town Planning Scheme No.5, Council requires a Development Plan to be submitted and approved prior to any development taking place.

Discussions with both the Western Australian Planning Committee and developer of the land has identified the Development Plan process will delay the release of the land due to the statutory requirements.

Consultation

Consultation has occurred with the developer and the Western Australian Planning Commission (WAPC). WAPC is the planning authority for the subdivision of the land and have confirmed should Council no longer require a Development Plan to be prepared an amended resolution is required.

Statutory Implications

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.

The Local Government Act 1995

“5.25 . Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (a) the matters to be dealt with at ordinary or at special meetings of councils;*
 - (b) the functions of committees or types of committee;*
 - the holding of council or committee meetings by telephone, video conference or other electronic means;*
 - (c) the procedure to be followed at, and in respect of, council or committee meetings;*
 - (d) methods of voting at council or committee meetings;*
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);*”

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 sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or

(b) In any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover

2. If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –

(a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;

(b) In any other case, by an absolute majority.

3. *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*"

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

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. In this instance the developer (South Hedland New Living) has proposed a single subdivision for the entire area proposed to be subject to a Development Plan.

The subdivision plan has been submitted to WAPC for approval and referred to Council for comment. The plan integrates well with the adjoining established residential precincts and it is intended to provide comment under delegation once all internal units have commented.

The WAPC have informed Council, they are not able to consider the subdivision until the Development Plan is done or Council rescinds its previous decision requiring a Development Plan. In this regard it is considered a Development Plan would provide no benefit and only results in the duplication of work.

Removing the requirement for a Development Plan to be prepared and adopted will enable WAPC to approve the subdivision and assist in fast tracking the release and development of the land for much needed housing.

Options

Council has the following options when considering the matter:

1. Not require a Development Plan

This option would enable the subdivision to be assessed on merit by WAPC immediately.

2. Not to reconsider the application

This option requires the developer to have a Development Plan prepared and adopted prior to the subdivision being assessed on merit by WAPC.

Option 1 is recommended.

Attachments

1. Proposed Subdivision Plan

NOTE: Mayor to call for a show of hands, requires one third of members to consider revoking item 4 of Council Decision 201112/168 of 19 October 2011, recorded on page 89 of those Minutes.

The following Councillors indicated their intent to do so:

Councillor A A Carter
Councillor G A Jacob
Councillor J E Hunt

NOTE: Mayor asked whether all Councillors were in agreement with considering the 2 Officer's Recommendations together. All Councillors responded in the affirmative/

201112/361 Council Decision

Moved: Cr A A Carter

Seconded: Cr G A Jacob

That Council agrees to consider Officer's Recommendations 1 to 2 of Agenda Item 11.1.1.9 'Removal of requirement for a Development Plan to be prepared for area affected by Scheme Amendment No.42 (File No.: 18/09/0056)' together.

Officer's Recommendation 1

That Council revokes item 4 of Council Decision 201112/168 of 19 October 2011, recorded on page 89 of those Minutes on the grounds the effect of not requiring a Development Plan would render the decision substantially different.

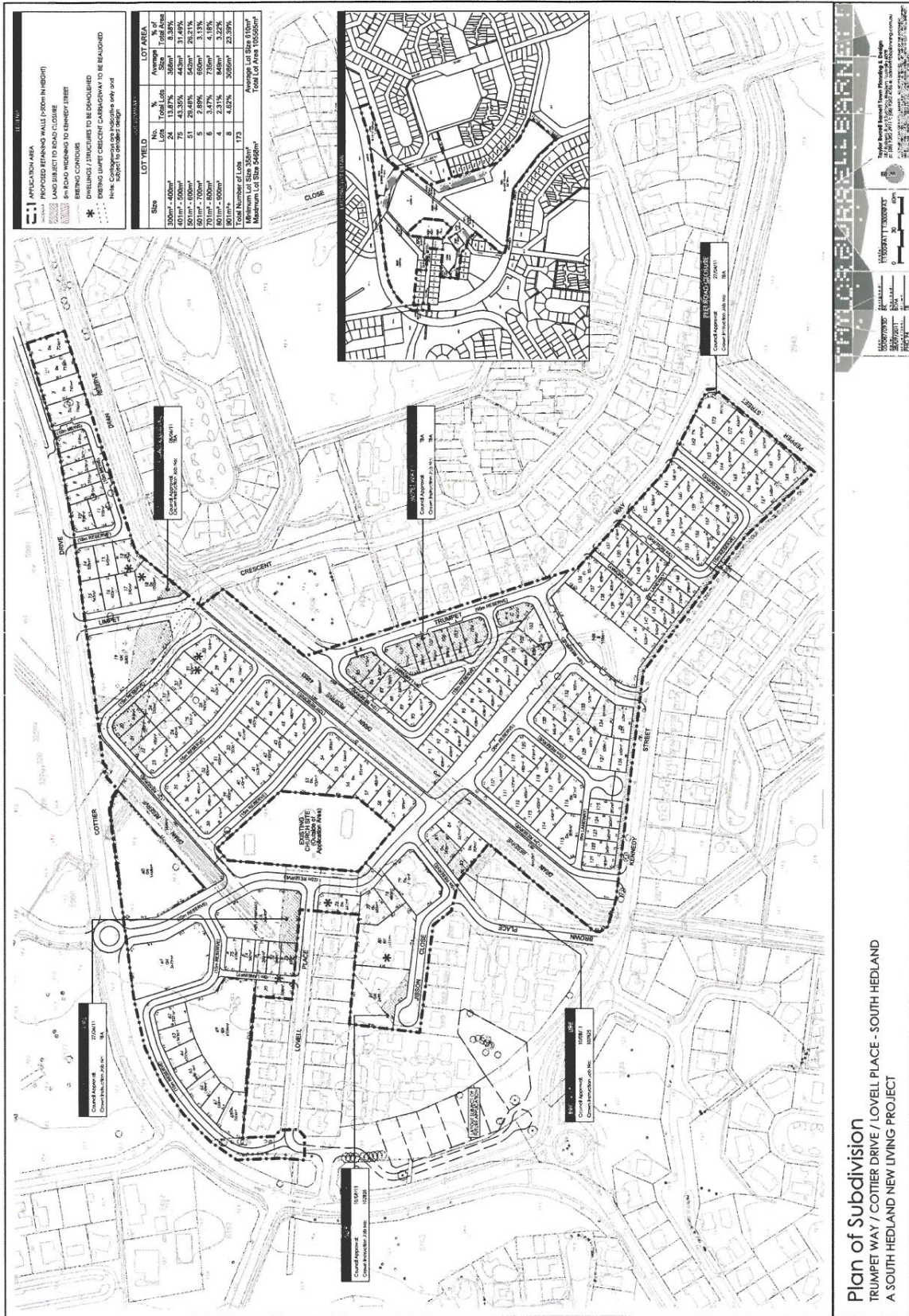
RECOMMENDATIONS 1-2 CARRIED TOGETHER BY ABSOLUTE MAJORITY 7/0

Officer's Recommendation 2

That Council advises the applicant and WAPC that in the interest of fast tracking land release Council no longer requires a Development Plan to be submitted and approved prior to the land affected by Scheme Amendment 42 being developed.

***RECOMMENDATIONS 1-2 CARRIED TOGETHER BY SIMPLE
MAJORITY 7/0***

ATTACHMENT 1 TO ITEM 11.1.1.9



11.1.1.10 Proposed Partial Closure of Roberts Street Road Reserve, South Hedland and Initiation of Scheme Amendment 55 to the Port Hedland Town Planning Scheme No. 5. (File No.: 18/09/0069)

Officer	Leonard Long Manager Planning
Date of Report	27 February 2012
Disclosure of Interest by Officer	Nil

Summary

This report seeks Council's support for the partial closure of a portion of the Roberts Street Road Reserve. The portion of reserve is a large median centrally located in the reserve previously identified for development in the Town's adopted Land Availability Plan.

The report also seeks Council's support to simultaneously initiate an amendment to the Town of Port Hedland Town Planning Scheme No.5 (TPS5) to rezone the land from 'Public Purpose - Road Reserve' to 'Urban Development Zone'.

Background

Council's revised Land Availability Plan published in February 2011 identified the subject land as suitable for development.

Site Details

The subject portion of land is located directly south of the South Hedland Senior High School (SHSHS). It is a median separating high school pick-up/drop off area and the main Roberts Street carriageway and has an estimated area of 2 hectares.

The Hedland coastal vulnerability study identifies the site as being marginally affected by flooding in a 1:100 year event. This is not considered to be a fatal flaw as this can be mitigated through the design of any potential development.

Horizon Power has infrastructure located on the site which will need to be secured through an easement.

The site is located within close proximity to services and amenities and would be suitable for medium residential density development. It is anticipated development of the site could provide a yield of 40 – 80 dwellings depending on the design.

Consultation

Road Closure:

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.”

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.

Scheme Amendment:

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

Specifically it is intended to consult with the South Hedland High School regarding both the road closure and Scheme Amendment.

Statutory Implications

Road Closure:

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

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

The Town of Port Hedland Delegation 40(12) states:

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

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

Scheme Amendment

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.

Budget Implications

It is estimated \$5000.00 will cover the immediate costs associated with the proposals. Council can fund these costs through the existing budget allocations.

Officer's Comment

The subject land is surplus to the needs of the South Hedland traffic network and represents a legacy of the original Radburn design principles which guided the development of South Hedland. It is considered to be in a location offering a high level of amenity given its proximity to schools, recreation spaces and relative proximity to the South Hedland Town Centre.

Closure of the portion of the Roberts Road Reserve will assist in freeing up 'lazy land' for development for residential purposes consistent with the current Pilbara Cities initiative.

Rezoning to the subject site to "Urban Development" zone may require the adoption of a Development Plan prior to any subdivision or development occurring.

Options

Council has the following options when considering the request:

1. Support the request for partial closure of Roberts Road and the initiation of an amendment to TPS5.

The closure of the portion will improve the streetscape by allowing unused land to be incorporate into residential land and developed as such.

2. Reject the request for partial closure of Roberts Road and the amendment to TPS5.

Should Council not support the closure, the portion of road reserve will remain as is.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Road Closure & Proposed Scheme Area Plan

201112/362 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr G A Jacob

That Council:

1. **Initiates the partial closure of the Roberts Road Reserve and Delegates the Manager Planning Services under Delegation 40(12), to submit the partial road closure request to the Department of Regional Development and Lands (State Lands Services) subject to:**
 - a. **The proposed Road Closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997, and**
 - b. **No objections being received during the advertising period.**
2. **Subject to 1(a) and (b) above initiates an amendment to the Town of Port Hedland Town Planning Scheme No.5, to rezone the portion of Roberts Street from 'Public Purpose – Road Reserve' to 'Urban Development'.**

- a. Approves the appointment of a consultant subject to the requirements of the Procurement Policy to prepare the amendment documentation to enable referral to the Environmental Protection Authority.
 - b. Following approval from the EPA to advertise the amendment, Council advertises the proposed amendment in accordance with section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA.
3. Should there be no objections received during the statutory advertising period, Council formally adopts Scheme Amendment 55 in accordance with the provisions of the Planning and Development Act.
 - a. The date of adoption shall be the date of the Ordinary Council Meeting following the closing date of the advertising period.
4. Delegates the Director Planning and Development to forward Town Planning Scheme Amendments to the Planning Commission for final approval.
5. Subject to 3 above approves the use of the Common Seal on the amendment documents.
6. Request the Department of Regional Development and Lands to provide a valuation for the Town to purchase of the excised land by the Town of Port Hedland at 5% unimproved value in accordance with the Land Administration Act 1997.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.10

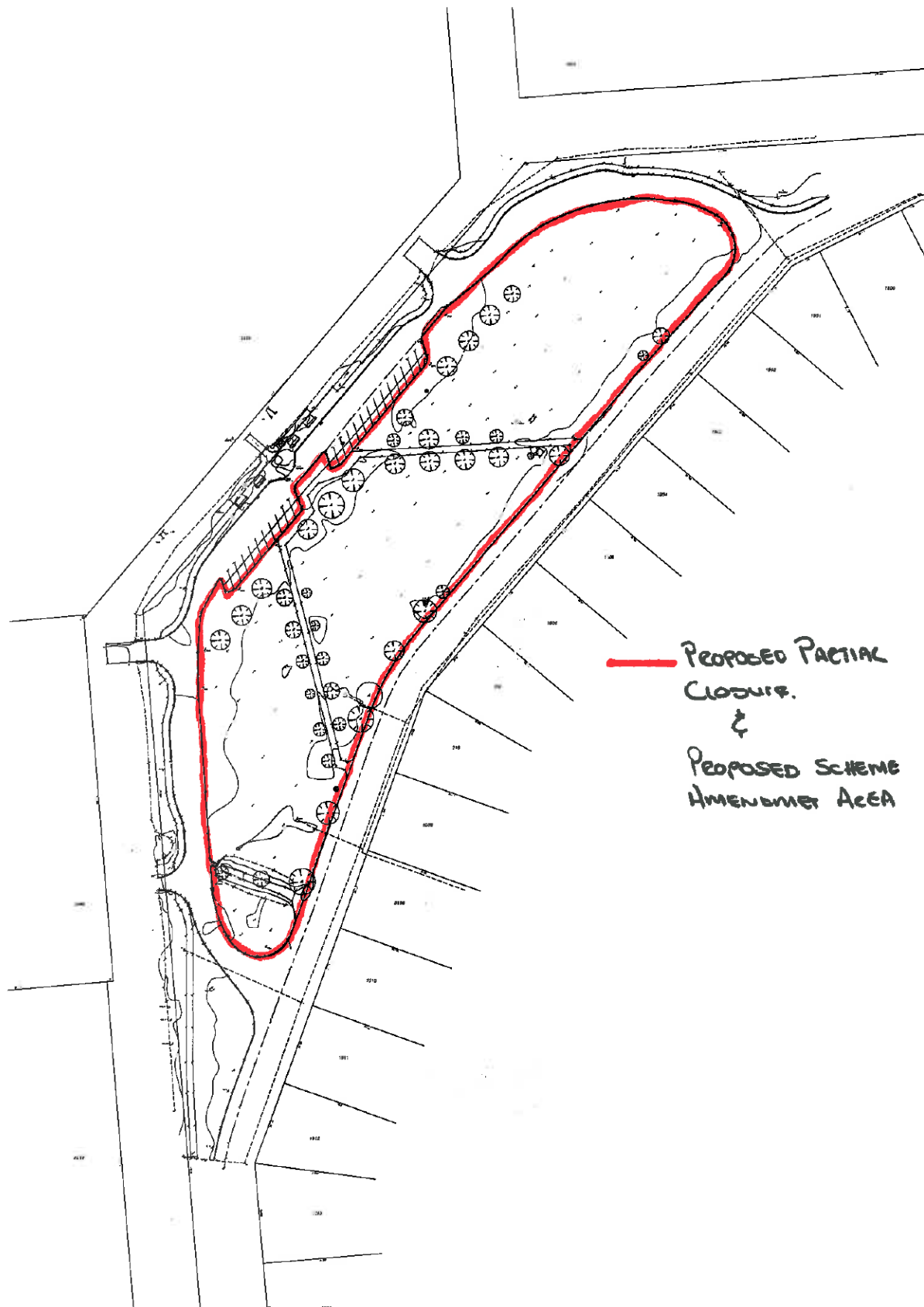


LOCALITY PLAN

Proposed Partial Road Closure of
Roberts Street road Reserve.



ATTACHMENT 2 TO ITEM 11.1.1.10



11.1.1.11 Proposed “Multiple Dwelling” – Twelve (12) Multiple Dwellings on Lot 473 Edkins Place, South Hedland (File No.: 124930G)

Officer	Ryan Djanegara Planning Officer
Date of Report	27 February 2012
Planning Application No.	2012/35
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Zuideveld Marchant Hur P/L (Fred Zuideveld) on behalf of Desiree Veronica Macpherson & Graeme Sutherland Macpherson to construct twelve (12) Multiple Dwellings on Lot 473 Edkins Place, South Hedland (site).

During the advertising period, an objection was received.

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

Background

Site Description (Attachment 1)

The site is generally rectangular in shape and has two road frontages being Hawkins Street and Edkins Place. The subject site covers an area of approximately 1053m².

There is an existing dwelling onsite that will be removed subject to approval of this proposal. The site is zoned “Residential R30” under the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Proposal (Attachment 2)

The applicant is proposing to construct twelve (12) Multiple Dwellings on Lot 473 Edkins Place, South Hedland.

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 Services

Externally:

Agencies:

- Horizon Power,
- Water Corporation,

Adjoining owners:

- Lot 2120 (5) Edkins Place, South Hedland;
- Lot 2122 (5) Hawkins Street, South Hedland;
- Lot 2291 (6) Hawkins Street, South Hedland;
- Lot 2331(8) Hawkins Street, South Hedland;
- Lot 2330 (10) Hawkins Street, South Hedland;
- Lot 12 (1) Peter Way, South Hedland; and
- Lot 1 (2) Peter Way, South Hedland;

The application was advertised in the North West Telegraph on 8 and 15 February 2012, and a notice placed on site allowing for a 14 day period for any interested parties to provide comments / objections to the proposal.

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

Lot 2150 (23) Edkins Place, South Hedland (the landowner)

Summary of Comments / Objections Received

<i>Objection Received (Attachment 4)</i>	<i>Applicant's Response (Attachment 5)</i>
<p><i>Overcrowding –</i></p> <p>The proposed development is trying to fit too many dwellings on a standard size block</p>	<p><i>Consistency with the R-Codes –</i></p> <p>In accordance with the R30 density code, the number of dwellings permitted is based on a plot ratio figure with the minimum dwelling size being no less than 40m². The applicant is proposing units with a minimum dwelling size of 40.6m² which is consistent the R-codes.</p>

<p><i>Parking –</i></p> <p>I believe that parking hasn't been addressed as currently there is a problem with parking overflow from the other streets nearby with condensed dwellings in Peter, Judith, Janice & John Way.</p>	<p>The applicant has provided the required 15 car parking bays, which is consistent with the R-code requirements.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following 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

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

Officer's Comment

Clause 7.1.1 – Plot Ratio

In accordance with the "Residential R30" density code, the proposed development is permitted to have a plot ratio of 0.5 (526.5m²). The applicant is proposing to construct 12 dwellings with a total plot ratio of 0.501 (528m²). The applicant is therefore seeking a variation to Clause 7.1.1 of the Codes. The performance criteria states:

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

The variation is considered to be minor, amounting to a difference of 1.5m². The overall bulk and scale of the development is generally consistent with the provisions of the Codes, in terms of height and open space. It is therefore recommended the proposed variation is supported.

Clause 7.1.3 – Street Setbacks

The proposed development is required to have a minimum setback of 4m from Edkins Place and 1.5m from Hawkins Place. The applicant is proposing to have a minimum setback of 1.9m from Edkins Place and 0.5m from Hawkins Place. The applicant is seeking a variation to the primary and secondary street setbacks in accordance with Clause 7.1.3 of the R-Codes which states:

P3 Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:

- *Contribute to the desired streetscape;*
- *Provide articulation of the building on the primary and secondary streets;*
- *Allow for minor incursions that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;*
- *Are appropriate to its location, respecting the adjoining development and existing streetscape; and*
- *Facilitate the provision of weather protection where appropriate.*

The applicant has designed the balconies to articulate the building façade which contributes to a desirable streetscape along Hawkins Street and Edkins Place. It is considered the proposed reduced street setback is generally consistent with the character of the existing and future streetscape.

Furthermore the reduced street setbacks allows the car parking bays at the rear more room to access and egress in forward gear (as shown in Attachment 6). In light of the above, it is recommended that the proposed variation is supported.

Clause 7.1.4 – Side Setbacks

The applicant is seeking a variation to the side setbacks for Units 1 & 6, which requires a minimum side setback of 1.5m. The applicant has only provided a setback of 0.2m, which was measured from Unit 6's patio. In order to support the variation, the applicant must be able to address this in accordance with Clause 7.2.3 which states:

“Building setback from the boundaries or adjacent buildings so as to:

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

Although the variation is quite significant the variation only applies to the patio for Unit 6. The variation is not required for the total wall height (5.4m) which includes Unit 7 and 12. When measured (from the unit wall) the setback for Units 7 and 12 (being on top of Units 1 and 6) were found to be consistent with the acceptable standards of the R-Codes. In terms of the building bulk, it will not visually impact on the neighbouring property because the patio will articulate the total wall height.

In addition the site is located southeast of the adjoining neighbour affected by the reduced setback. The orientation of development will not affect on the privacy, access to direct sun and ventilation on the neighbouring property. As such, it is recommended that the side setback variations are supported.

Boundary Walls

The applicant is proposing to construct two walls on the boundary. One wall consists of the roof structure of carports 1 to 6 and storerooms 8 to 10 along the northeast boundary. The other wall consists of storerooms 3 to 5 and the roof structure of carports 7 to 9 along the northwest boundaries. The proposed walls are 2.4m high.

In order to support the variation, the applicant must be able to address this in accordance with Clause 6.3.2 which states:

“Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development;*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.”*

The proposed development effectively utilises the development area without diminishing the privacy on site. The location of the store rooms at the rear of the site is desirable and will increase the amenity of the development. The proposed development was advertised to the adjoining neighbours and no objections were received in regards to boundary walls or setbacks.

Clause 7.1.5 – Open Space

The R-Codes requires a minimum 45% of open space is provided on the site. The applicant has proposed to provide 45.2% of open space which is consistent with the R30 density code.

Clause 7.3.3 – On-site Parking provisions

In accordance with the Appendix 7 of the Scheme and Clause 7.3.1 of the R-Codes, the applicant is required to provide a minimum of 15 (prior to the consideration of reciprocal parking potential) car parking bays. The applicant has provided 15 car parking bays on-site.

Access & Parking – Appendix 7 of TPS5			
NLA – Nett Lettable Area			
Acceptable Development Standards	Units	Required	Provided
Multiple Dwellings Unit size: <75m ² = 1.0 Visitors: 0.25 bays per unit	12	12 3	12 3
Total		15	15

Clause 7.4.1 – Visual Privacy

In terms of visual privacy to the adjoining neighbours, the proposed development is consistent with Clause 7.4.1 of the R-codes. The applicant has also provided privacy screens along the balconies of Units 7, 9, 11 and 12 to assist in addressing any privacy concerns.

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

Approval will ensure the property is developed to its full potential.

2. Refuse the application.

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

Option one (1) is recommended.

Attachments

1. Locality Map
2. Site Plan, Floor Plan and Elevations
3. Objection Letter
4. Applicant's response
5. Turning Circles

201112/363 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

- i. Approves the application submitted Zuideveld Marchant Hur P/L (Fred Zuideveld) on behalf of Desiree Veronica Macpherson & Graeme Sutherland Macpherson to construct twelve (12) Multiple Dwellings on Lot 473 Edkins Place, South Hedland, subject to the following conditions:
 1. This approval relates only to the proposed "MULTIPLE DWELLING" – Twelve (12) Multiple Dwellings and other incidental development, as indicated on the approved plans (DRG2012/35/1 – DRG2012/35/5). It does not relate to any other development on this lot.
 2. The development shall only be used for the purposes which are related to "Multiple Dwelling". In terms of the Town of Port Hedland's Town Planning Scheme No. 5, a "Multiple Dwelling" is defined as:
"Multiple Dwelling"
"a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
 3. This approval shall remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval shall remain valid for twelve (12) months only.
 4. A minimum of 15 car bays shall be provided on-site to the satisfaction of the Manager Planning Services.
 5. No parking bays shall be obstructed in any way or used for the purposes of storage.
 6. Stormwater shall be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.
 7. A construction dust management plan shall be prepared to the satisfaction of the Manager Environmental Health Services.
 8. The proposed development shall be connected to reticulated mains sewer.

- 9. Waste receptacles shall be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Environmental Health Services.**
- 10. Waste disposal and storage shall be carried out in accordance with Council's Health Local Laws 1999.**
- 11. 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.**
- 12. Alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the satisfaction of the Manager Technical Services, at the developer's expense.**

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

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

16. Prior to the submission of a building licence application, a construction site management plan shall be submitted and approved by the Manager Planning Services. The construction site management plan shall indicate how it is proposed to manage the following during construction:
- a. The delivery and storage of materials and equipment to the site;
 - b. The parking arrangements for the contractors and subcontractors;
 - c. Impact on traffic movement;
 - d. Operation times including delivery of materials; and
 - e. Other matters likely to impact on the surrounding residents / businesses;
- to the satisfaction of the Manager Planning Services.

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

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

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

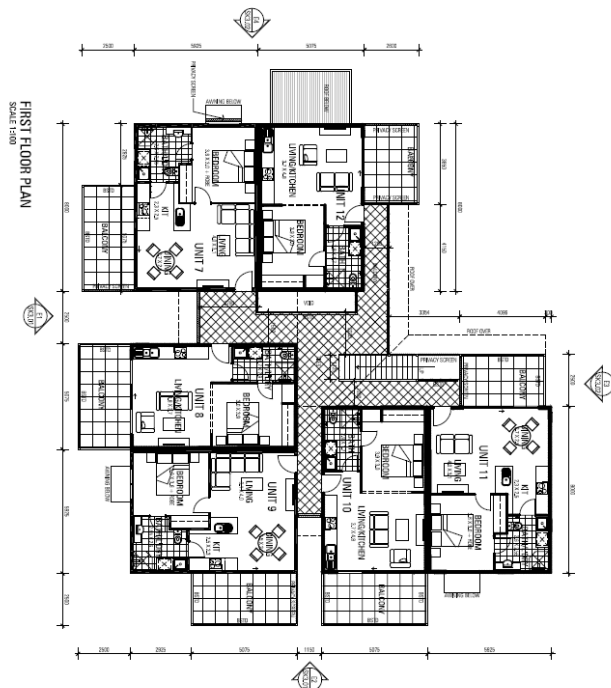
CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.11



ATTACHMENT 2 TO ITEM 11.1.1.11

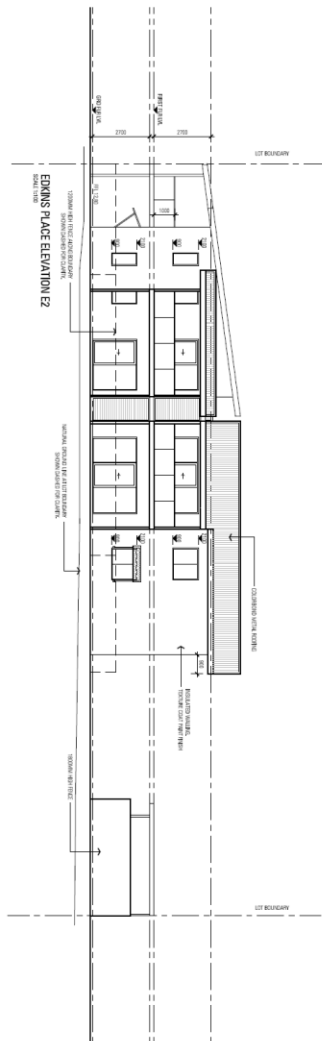
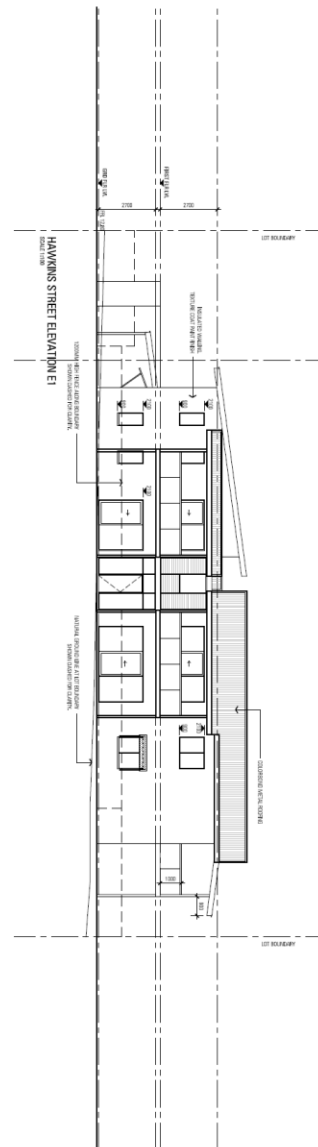




PLANNING APPROVAL

NICHEQ - PORT HEDLAND		ZUIDVELD MERCHANT HUR	
7 HAWES STREET SOUTH HEDLAND, WA		ARCHITECTURE PLANNING INTERIOR DESIGN	
B 2722/12 RE-PLANNING EXISTING CHANGERS SHOWERS STREET		M4 Regional Centre, Northshore, Western Australia 6005 TEL: 8322 2022 FAX: 8322 2023	
A 1/1/2011	EXISTING CON PLANNING	PREPARED BY	1833 SK2/02
REV DATE	DESCRIPTION	SCALE	REVISION
		1:200 on A3	B





PLANNING APPROVAL

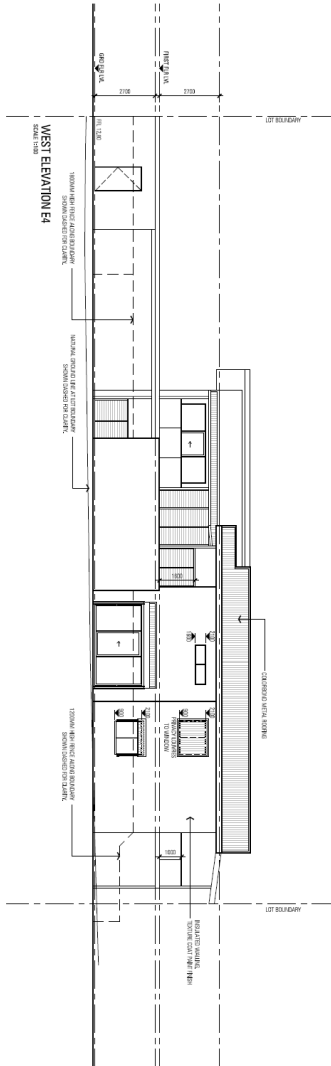
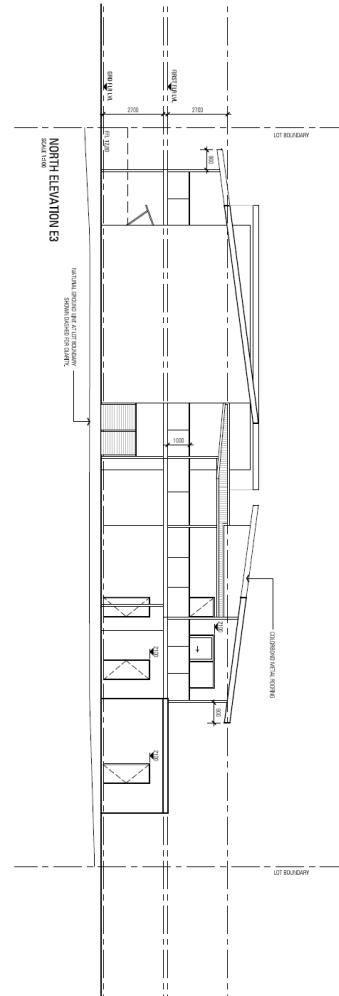
NICHEQ - PORT HEDLAND
 7 HAWKINS STREET SOUTH HEDLAND WA

REF	DATE	DESCRIPTION	PK	IZ
3	27.02.12	BUILDING CONCEPT DRAWINGS HAWKINS STREET	PK	IZ
4	16.02.11	DESIGN DEVELOPMENT HAWKINS STREET	PK	IZ

Nicheq
 18 Woodside Street, South Hedland
 WA 6721
 Tel: 08 9442 0200
 Fax: 08 9442 0200

ZUIDEVELD MERCHANT HUR
 ARCHITECTURE PLANNING INTERIOR DESIGN
 64 Fitzroy Street, Westdene, Westdene, South Hedland WA 6722
 Tel: 08 9442 0200
 Fax: 08 9442 0200

DRAWN	PK	DATE	SCALE
CHICKIE	PK	27.02.12	1:200 on A3
CHECKED			
DATE			
18.03.2011			
PK			
1893 SK3.01			
PK			
B			



PLANNING APPROVAL

NICHEQ - PORT HEDLAND
7 HAWKINS STREET SOUTH HEDLAND WA

REV	DATE	DESCRIPTION	PK	IZ
A	18/12/11	ISSUED FOR PERMITTING	PK	IZ
B	27/02/12	BUILDING MOND TOWARDS HAWKINS STREET	PK	IZ

NicheQ
190 Meadows Road, Perth WA 6000
T: 08 9461 0000
F: 08 9461 0003

ZUIDEVELD MERCHANT HUR
ARCHITECTURE PLANNING INTERIOR DESIGN
64 Highgate Street, Perth WA 6000
T: 08 9432 2800
F: 08 9432 2800

DRAWN: PK
CHECKED: MARCHANT
DATE: 27/02/12
SCALE: 1:200 on A3

DATE: 27/02/12
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ATTACHMENT 3 TO ITEM 11.1.1.11

Wednesday 22nd February 2012

Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721
po@porthedland.wa.gov.au

Dear Sir,

RE: PLANNING PROPOSAL FOR 12 DWELLINGS – LOT 473 EDKINS PLACE, SOUTH HEDLAND

I wish to comment in relation to the above application to construct 12 dwellings on a property in Edkins Place, South Hedland.

As I currently reside in Edkins Place and own two properties in the street I would like to strongly object to this development going ahead because of the following reasons:

- ***OVERCROWDING – Proposed development is trying to fit too many dwellings on a standard size block***
- ***PARKING – I believe that parking hasn't been addressed as currently there is a problem with parking overflow from the other streets nearby with condensed dwellings in Peter, Judith, Janice & John Way.***

I would like to see more consideration for the existing area and families that reside and use the surrounding streets and footpaths outside this block without having to worry about an overflow of people and noise and parking that come along with condensed housing. As I not opposed to development a proposal that is no more than 6 dwellings would be considered more favourable and better suited to the area.

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

Yours Sincerely,



Tricia Hebbard
23 Edkins Place

ATTACHMENT 4 TO ITEM 11.1.1.11

28th February 2012

Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Ref 2012/35/124930 DG

Att: Michael Pound – Senior Planning Officer
Ryan Djanegara – Planning Officer

**12 MULTIPLE DWELLINGS
Lot 473 EDKINS PLACE, SOUTH HEDLAND**

Dear Michael/ Ryan

1. Further to receiving your advice regarding parking dated 23rd February we enclose revised site and ground floor plans. As per a telephone discussion with Ryan we have relocated the building approximately 800 mm closer to Hawkins Street and has allowed bays 10, 11 and 12 to also move a similar distance. This allows greater width for bays 7, 8, 9 so that access to bays 7 & 9 is not impeded in any way.
We have also shown swept path turning circles for bays 7 and 9 to indicate how they can reverse and move out to Edkins Place in forward gear.
With respect to bays 6 and 10 the backing space of 8.3 metres between bays, plus a 1 metre space for a blind aisle as per AS2890.1 provide sufficient space for these vehicles to reverse and drive out in forward gear.
2. An additional visitor car space has been located to the Edkins Place building set back area to accommodate the 3rd visitor space. This provides a total of 15 car spaces on site in compliance with the requirements of the R Codes.

With respect to the objection received from Tricia Hebbard of 23 Edkins Place we wish to respond to the issues that have been raised.

- Overcrowding – the proposal meets with the R Code multiple dwelling codes for R30 zoning in that the number of dwellings are determined by plot ratio, which has not been exceeded and the size of the dwellings with no dwelling being less than 40m² in area. All criteria have been met by the proposed development.

Zuideveld Marchant Hur Pty Ltd

64 Fitzgerald Street
PO Box 110
Northbridge
Western Australia 6865

G:\Current\1883 NicheQ Port Hedland\3.Authorities\Local Authority Planning\Ref 2012/35/124930 DG 28.02.2012

T 61 8 9227 0900
F 61 8 9227 0600

- Parking – the issue of parking has been addressed by the inclusion of an extra visitor parking bay on the site, thus having a total of 15 bays on site, in compliance with R Code requirements.

Since you have advised that the proposal will now have to proceed to a council meeting, could you please advise of the date that the proposal will be put before the Town Council.

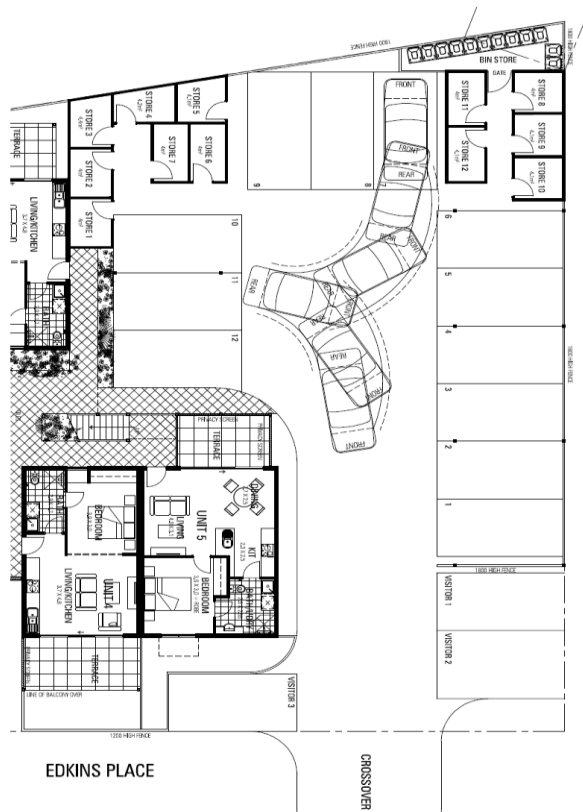
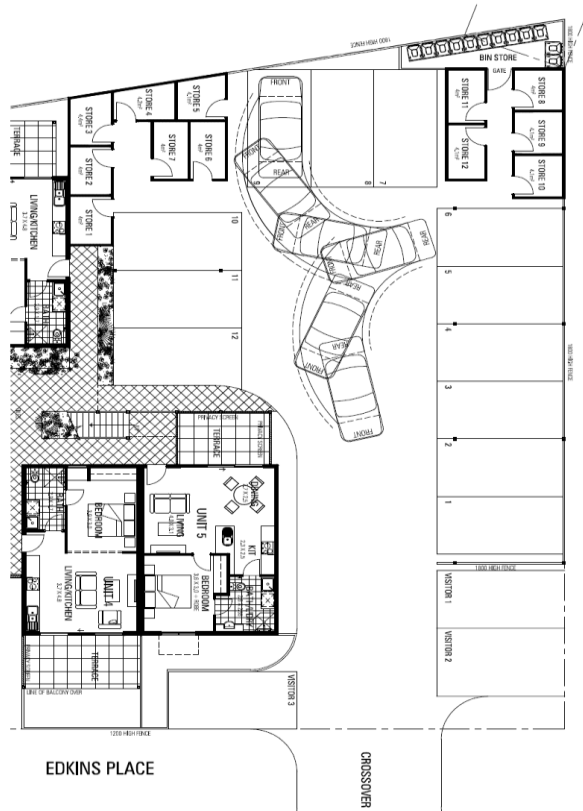
Yours sincerely,

Zuideveld Marchant Hur Pty Ltd



Fred Zuideveld F. A.I.A.
Director

ATTACHMENT 5 TO ITEM 11.1.1.11



PLANNING APPROVAL

NICHEQ - PORT HEDLAND		1883 SK2.01	
7 HAMONS STREET SOUTH HEDLAND WA		DATE 21.02.12	
GROUND FLOOR PLAN - TURNING VEHICLE DIAGRAM		SCALE 1:200 OR A3	
REV	DATE	DESCRIPTION	BY
A	27.02.12	ISSUED FOR PLANNING	PK / CZ
			DMW / JPM



ZUIDEVELD MERCHANT HUR
 ARCHITECTURE PLANNING INTERIOR DESIGN
 1883 SK2.01
 1883 SK2.01

11.1.1.12 Reconsideration of Transient Workforce Accommodation at Lot 503 (Area A) Forrest Circle, South Hedland (File No.: 804485G)

Officer Leonard Long
Manager Planning Services

Date of Report 6 March 2012

Disclosure of Interest by Officer Nil

Summary

The applicant Compass Group (Australia) Pty Ltd, filed a request with the State Administrative Tribunal to review the decision made by Council at its Ordinary Council Meeting of 19 October 2011, specifically condition 9 of item 11.1.3.

“This approval is only valid for a period of 10 years calculated from the date of this approval.”

The applicant contends, the “Expression of Interest” prepared by the State Government noted the applicant would be granted a 10 year + 10 year lease over the property. As such the financial modelling was based on a 20 year period.

At the Ordinary Council Meeting of 25 January 2012, Council reconsider condition 9. Council Officers have met with the Compass Group Managing Director and General Council, who have indicated they would accept the reconsidered conditions but have requested for clarity purposes the wording of condition 9 and 10 be amended.

The rewording of the above conditions would not prejudice Council and is supported by Council Officers.

Background

At the Ordinary Council Meeting of 25 January 2012, Council resolved to approve an application submitted by Compass Group (Australia) Pty Ltd, on behalf of the Department of Regional Development and Lands the custodians of Lot 503 Forrest Circle South Hedland, as follows:

“201112/298 Officer’s Recommendation 2 / Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

- A. Approves the planning application submitted by Compass Group (Australia) Pty Ltd on behalf of the Crown, for Transient Workforce Accommodation – 1301 person facility at Lot 503, Forrest Circle, South Hedland subject to the following conditions:*

1. *This approval relates only to the proposed Transient Workforce Accommodation Facility (1301 bed facility) and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.*
2. *The development area shall only be used for purposes, which are related to the operation of a "Transient Workforce Accommodation" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 "Transient Workforce Accommodation" is defined as:*

"Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas"
3. *A voluntary community contribution of \$1.45 million is to be provided for the following purposes:*
 - a) *Faye Gladstone Netball Courts - \$325,000 for sub surface stabilisation, court remediation, resurfacing and upgraded court lighting*
 - b) *Multi Purpose Recreation Centre - \$420,000 for car parking*
 - c) *Marie Marland Oval - \$700,000 for reserve lighting*
4. *A contribution equivalent to 50% of the construction cost (inclusive of verge works including pedestrian paths) to extend Forrest Circle to the western boundary of lot 503 shall be provided to the satisfaction of the Manager Technical Services.*
5. *A contribution proportional to the benefit obtained by lot 503, shall be provided for the extension of North Circular Drive to the satisfaction of the Manager Technical Services.*
6. *Upon completion of construction works approved by this permit, 20 rooms shall be made available for public use to the satisfaction of the Manager Planning Services.*
7. *Commencing 1 January 2015, the dining facility is to be made available to the general public to the satisfaction of the Manager Planning Services.*

8. *Prior to commencement of works, a written agreement shall be entered into with the Town of Port Hedland regarding the access to the site by heavy vehicles including maintenance and times of use.*
9. *This approval shall only valid for a period of 10 years calculated from the date of this approval.*
10. *In regard to the approval period noted in condition 9, the applicant may through a written request, request Council to consider a further extension to the approval period subject to:*
 - 10.1 *confirmation by the State of the period of the extended lease,*
 - 10.2 *the clear indication of the continued demand for the such a facility.*
 - 10.3 *the extension period of Development Application No. 2011/261 shall not be less or exceed the agreed lease period granted by the State*
11. *On expiry of the time stipulated in condition 9 or such further period as may be approved by condition 10, the applicant shall enter negotiations with Council on the extent of returning the land back to its original state.*
12. *Prior to the Occupation of any rooms on the site the applicant/operator of the camp shall submit an emergency evacuation plan for consideration by the Manager Environmental Health Services.*
13. *All vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the development area (i.e. no parking is permitted on the adjacent recreation reserve, road verge or any other land) and within designated vehicle parking locations/areas all to the satisfaction of the Manager Planning Services.*
14. *The development is to be connected to reticulated sewer. Alternatively, an effluent disposal system to the specification of the Department of Health and Council's Environmental Health Services is to be installed to the satisfaction of the Manager Environmental Services.*
15. *A minimum of 291 car bays are to be provided on site to the satisfaction of Council's Manager Planning.*

16. *No oversize vehicles shall be permitted to park on the site.*
17. *Loading/unloading areas for oversize vehicles shall be constructed, line marked, time limited and signposted to the satisfaction of the Manager Technical Services.*
18. *Any 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.*
19. *All dust and sand to be contained on site with the use of suitable dust suppression techniques where any works/operations on the site is likely to generate a dust nuisance to nearby land uses to the satisfaction of the Manager Environmental Health Services.*
20. *A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of the Manager Technical Services.*
21. *Further to condition 20, Waste receptacles shall be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999, to the satisfaction of the Manager Environmental Health Services.*
22. *The development is to comply with the Health (Public Buildings) Regulations 1992, to the satisfaction of the Manager Environmental Health Services.*
23. *Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.*
24. *Prior to the submission of a building licence application, a detailed landscaping plan shall be submitted for approval by the Manager Technical Services. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.*

25. *Prior to occupation of any part of the development, landscaping and reticulation shall be established in accordance with the approved plans with the use of mature trees and shrubs, and thereafter maintained to the satisfaction of the Manager Planning Services.*
26. *The premises shall be kept in a neat and tidy condition at all times by the occupier to the satisfaction of the Manager Planning Services.*
27. *Prior to the submission of a building licence application a site management plan shall 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 with particular regard given to the use of Marie Marland Reserve;*
 - d) *Operation times including delivery of materials; and*
 - e) *Other matters likely to impact on the surrounding residents and land;*

to the satisfaction of the Manager Planning Services.

- B. *Approves the temporary provision of 194 Advanced Accommodation Rooms on Lot 503 (Area A) Forrest Circle, South Hedland as incidental development of Planning Permit 20011/261 (approved by A above), subject to the following additional conditions:*
 1. *The total of rooms including those approved by permit 2011/261, shall not exceed 1333 at any time.*
 2. *The Advanced Accommodation Rooms are approved for a maximum of 36 months from the date of approval.*

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 License to be issued prior to the commencement of any on site works.*
3. *The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.*

4. *Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325.*
 - a. *It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations;*
 - b. *The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards;*
 - c. *Prior to the issue of a building license, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and*
 - d. *Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.*
5. *Be advised that all lodging houses are required be registered under the Health Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Laws 1999.*
6. *Be advised that at the building license stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the Town of Port Hedland Health Local Laws 1999.*
7. *If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Council's Health Local Laws 1999.*
8. *In relation to condition 21, all stormwater drainage (and associated infrastructure maintenance) is to be managed on site except where otherwise agreed by Council's Manager Infrastructure Development.*
9. *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 License 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.

CARRIED 7/0”

State Administrative Tribunal

On 8 December 2011, the State Administrative Tribunal handed down the following orders:

“On the application heard before Deputy President, Judge David Parry on 8 December 2011, it is ordered that:

1. By 15 December 2011 the applicant is to file with the Tribunal and provide to the respondent a statement as to why condition 9 should be amendment so that the approval is valid for 20 years rather than 10 years, and any documents or other evidence on which it relies.
2. Pursuant to s31 (1) of the State Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision in January 2012.
3. By 31 January 2012 the respondent is to advise the Tribunal and the applicant of its substituted decision.
4. By 6 February 2012 the applicant is to advise the Tribunal and the respondent as to whether it is content with the substituted decision, and if so, is to apply to withdraw the application.
5. By 13 February 2012 the respondent is to file and provide to the applicant a submission and any evidence on which it relies.
6. By 20 February 2012 the applicant may file, and if so, must provide to the respondent a statement in reply.
7. Subject to any further order the matter is to be determined entirely on the documents pursuant to s60(2) of the State Tribunal Act 2004 (WA).”

Site Details

The subject site is located adjacent to the TAFE along an unconstructed portion of Forrest Circle. The site is owned by the Crown, comprises an area of approximately 11.9ha and intended to be leased to the applicant on a 10yr + 10yr option. The application relates to 9.7ha of the site (the land not proposed to be developed at this stage is at the South of the site adjacent to Forrest Circle).

Consultation

Prior to the initial consideration of the application by Council, the application was advertised in the North West Telegraph and a notice placed on site providing the community the opportunity to comment on the proposal. No objections to the proposal were received.

Statutory Implications

Section 31 (1) of the *State Administration Tribunal Act 2004*, enables the State Administrative Tribunal to invite the original decision maker to reconsider the decision that is the subject of review proceeding before the State Administrative Tribunal.

The Local Government Act 1995

“5.25 . Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

(a) the matters to be dealt with at ordinary or at special meetings of councils;

(b) the functions of committees or types of committee;

the holding of council or committee meetings by telephone, video conference or other electronic means;

(c) the procedure to be followed at, and in respect of, council or committee meetings;

(d) methods of voting at council or committee meetings;

(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);.....”

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 sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or

(b) In any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover

2. If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –

(a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;

(b) In any other case, by an absolute majority.

3. This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”

Policy Implications

Council does not have a policy on “Transient Workforce Accommodation” facilities. In 2008, Council issued a “Guidance note for potential developers of Transient Workforce Accommodation”.

Strategic Planning Implications

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

Key Result Area 1: Infrastructure
Goal Number 1: Roads, Footpaths and Drainage
Immediate Priority 1:
Undertake road works in South Hedland to improve road permeability (particularly in the CBD)

Key Result Area 4: Economic Development
Goal Number 2: Mining/Roads
Immediate Priority 1:
Actively seek funding partnerships with mining companies and contractors on the development of services and facilities within the community.

Key Result Area 4: Economic Development
Goal Number 2: Mining/Roads
Immediate Priority 2:
Actively pursue integration of FIFO workers into the local community.

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 1:

Fast track the release and development of commercial, industrial and residential land.

Budget Implications

Should Council resolve not to reconsider condition 9 of the approval in favour of the applicant, additional funds of approximately \$40,000 will have to be sourced to engage Solicitors to represent Council at the State Administrative Tribunal.

Officer's Comment

The amendments being sought by the applicant are merely to avoid any possibility of future misunderstanding over the interpretation of the conditions and are not prejudicial to Council.

Attachments

1. Location Plan

NOTE: Mayor to call for a show of hands, requires one third of members to consider revoking Council Decision 201112/298 of 25 January 2012, recorded on page 152 - 158 of those Minutes.

The following Councillors indicated their intent to do so:

*Councillor A A Carter
Councillor D W Hooper
Councillor J E Hunt*

NOTE: Mayor asked whether all Councillors were in agreement with considering the 2 Officer's Recommendations together. All Councillors responded in the affirmative.

201112/364 Council Decision**Moved: Cr A A Carter****Seconded: Cr D W Hooper**

That Council agrees to consider Officer's Recommendations 1 to 2 of Agenda Item 11.1.1.12 'Reconsideration of Transient Workforce Accommodation at Lot 503 (Area A) Forrest Circle, South Hedland (File No.: 804485G)' together.

Officer's Recommendation 1

That Council revokes Decision 201112/298 of 25 January 2012, recorded on page 152 - 158 of those Minutes on the grounds the effect of the reconsideration of condition 9 and 10 would render the decision substantially different.

RECOMMENDATIONS 1-2 CARRIED TOGETHER BY ABSOLUTE MAJORITY 7/0

Officer's Recommendation 2**That Council:**

- A. Approves the planning application submitted by Compass Group (Australia) Pty Ltd on behalf of the Crown, for Transient Workforce Accommodation – 1301 person facility at Lot 503, Forrest Circle, South Hedland subject to the following conditions:**
- 1. This approval relates only to the proposed Transient Workforce Accommodation Facility (1301 bed facility) and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
 - 2. The development area shall only be used for purposes, which are related to the operation of a "Transient Workforce Accommodation" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 "Transient Workforce Accommodation" is defined as:**

"Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas"
 - 3. A voluntary community contribution of \$1.45 million is to be provided for the following purposes:**

- a) Faye Gladstone Netball Courts - \$325,000 for sub surface stabilisation, court remediation, resurfacing and upgraded court lighting.
 - b) Multi Purpose Recreation Centre - \$420,000 for car parking
 - c) Marie Marland Oval - \$700,000 for reserve lighting
4. A contribution equivalent to 50% of the construction cost (inclusive of verge works including pedestrian paths) to extend Forrest Circle to the western boundary of lot 503 shall be provided to the satisfaction of the Manager Technical Services.
 5. A contribution proportional to the benefit obtained by lot 503, shall be provided for the extension of North Circular Drive to the satisfaction of the Manager Technical Services.
 6. Upon completion of construction works approved by this permit, 20 rooms shall be made available for public use to the satisfaction of the Manager Planning Services.
 7. Commencing 1 January 2015, the dining facility is to be made available to the general public to the satisfaction of the Manager Planning Services.
 8. Prior to commencement of works, a written agreement shall be entered into with the Town of Port Hedland regarding the access to the site by heavy vehicles including maintenance and times of use.
 9. Subject to the extension of the period of this approval under condition 10, this approval shall only be valid for a period of 10 years calculated from the date of this approval.
 10. The applicant may through a written request(s) by letter, request Council to extend the period of this approval and the Council shall grant that extension subject to:
 - 10.1 confirmation by the State that the applicant has been or will be granted tenure for the period of the extension; and
 - 10.2 the indication of continued demand for the facility.
 11. On expiry of the time stipulated in condition 9 or such further period as may be approved by condition 10, the applicant shall enter negotiations with Council on the extent of returning the land back to its original state.

12. Prior to the Occupation of any rooms on the site the applicant/operator of the camp shall submit an emergency evacuation plan for consideration by the Manager Environmental Health Services.
13. All vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the development area (i.e. no parking is permitted on the adjacent recreation reserve, road verge or any other land) and within designated vehicle parking locations/areas all to the satisfaction of the Manager Planning Services.
14. The development is to be connected to reticulated sewer. Alternatively, an effluent disposal system to the specification of the Department of Health and Council's Environmental Health Services is to be installed to the satisfaction of the Manager Environmental Services.
15. A minimum of 291 car bays are to be provided on site to the satisfaction of Council's Manager Planning.
16. No oversize vehicles shall be permitted to park on the site.
17. Loading/unloading areas for oversize vehicles shall be constructed, line marked, time limited and signposted to the satisfaction of the Manager Technical Services.
18. Any 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.
19. Dust and sand to be contained on site with the use of suitable dust suppression techniques where any works/operations on the site is likely to generate a dust nuisance to nearby land uses to the satisfaction of the Manager Environmental Health Services.
20. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of the Manager Technical Services.

- 21. Further to condition 20, Waste receptacles shall be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999, to the satisfaction of the Manager Environmental Health Services.**
- 22. The development is to comply with the Health (Public Buildings) Regulations 1992, to the satisfaction of the Manager Environmental Health Services.**
- 23. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.**
- 24. Prior to the submission of a building licence application, a detailed landscaping plan shall be submitted for approval by the Manager Technical Services. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- 25. Prior to occupation of any part of the development, landscaping and reticulation shall be established in accordance with the approved plans with the use of mature trees and shrubs, and thereafter maintained to the satisfaction of the Manager Planning Services.**
- 26. The premises shall be kept in a neat and tidy condition at all times by the occupier to the satisfaction of the Manager Planning Services.**
- 27. Prior to the submission of a building licence application a site management plan shall 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 with particular regard given to the use of Marie Marland Reserve;**
 - d) Operation times including delivery of materials; and**
 - e) Other matters likely to impact on the surrounding residents and land;**

to the satisfaction of the Manager Planning Services.

- B. Approves the temporary provision of 194 Advanced Accommodation Rooms on Lot 503 (Area A) Forrest Circle, South Hedland as incidental development of Planning Permit 20011/261 (approved by A above), subject to the following additional conditions:**
- 1. The total of rooms including those approved by permit 2011/261, shall not exceed 1333 at any time.**
 - 2. The Advanced Accommodation Rooms are approved for a maximum of 36 months from the date of approval.**

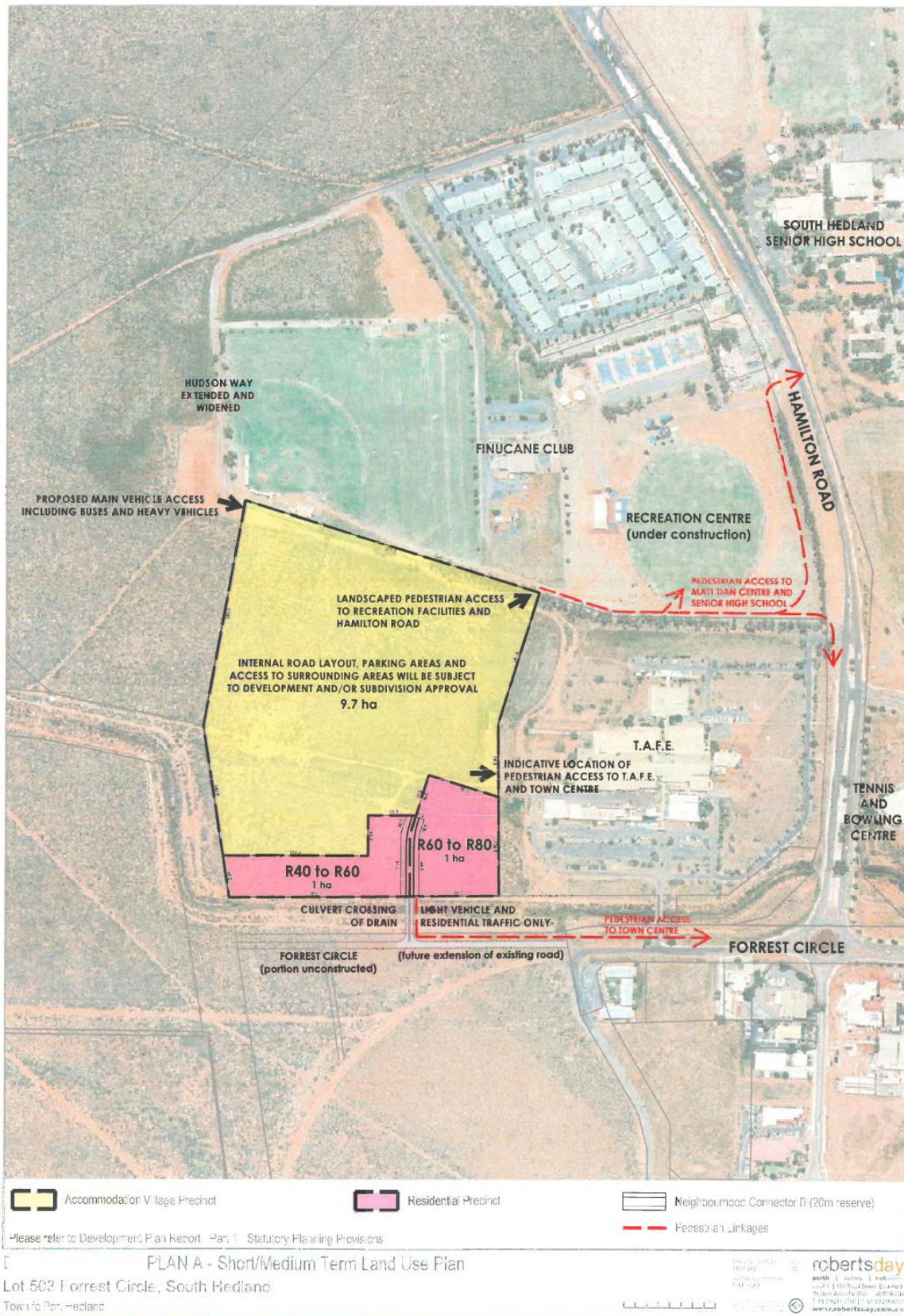
FOOTNOTES:

- 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 License to be issued prior to the commencement of any on site works.**
- 3. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- 4. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325.**
 - a. It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations;**
 - b. The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards;**
 - c. Prior to the issue of a building license, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and**
 - d. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.**
- 5. Be advised that all lodging houses are required be registered under the Health Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Laws 1999.**

6. Be advised that at the building license stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the Town of Port Hedland Health Local Laws 1999.
7. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Council's Health Local Laws 1999.
8. In relation to condition 21, all stormwater drainage (and associated infrastructure maintenance) is to be managed on site except where otherwise agreed by Council's Manager Infrastructure Development.
9. 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 License 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.

***RECOMMENDATIONS 1-2 CARRIED TOGETHER BY SIMPLE
MAJORITY 7/0***

ATTACHMENT 1 TO ITEM 11.1.1.12



11.1.2 Environmental Health Services**11.1.2.1 *Trading in Public Places Applications (5)-Proposed Food Vans (File No.: 19/04/0001)***

Officer **Darryal Eastwell
Manager Environmental
Health**

Date of Report **2 March 2012**

Disclosure of Interest by Officer **Nil**

Summary

Council has received five (5) applications to trade in a public place to sell various types of takeaway food from food vans at various locations in Hedland.

Normally, each application is treated separately however it is considered that the details should be presented to Council in one report.

Background

The Town has received five applications to Trade in a Public place to sell takeaway food. These applications are outlined below.

- i) Robkins Coffee (Claire Rankin) to sell freshly squeezed juices - This stall holder is currently approved to operate a coffee/iced coffee van and would like to operate another van to sell freshly squeezed juices. They are approved to operate at the Don Rhodes museum 7 days a week between the hours of 5.00am – 10.00am & 4.00pm – 7.00pm.
- ii) Brazilian Catering (Steve Beak) - They are proposing to sell hamburgers, steak burgers, curries (with rice) cold drinks, coffee and breakfast wraps (omelettes). They would like to operate from the Don Rhodes Museum site on Wilson Street Port Hedland from 7am-to 3.00pm Monday to Friday.
- iii) Michael Sialtsis – Would like to sell Chicken, Pork & Beef Kebabs in Pitabread, salad including tomato, onion & lettuce, extra's including cheese, egg and various sauces hot chips and cool drinks. He would like to operate in Wedge field (wheelbarrow site) from 9am- 2pm Monday-Friday, Kevin Scott Oval verge in South Hedland next to the fish van 10am-8pm Saturday and Sunday and at the Don Rhodes Museum site on Thursday from 4pm – 9pm.
- iv) Las Patronas (Ms Annelies Oldham) would like to sell Mexican

Food including tacos, burritos, Mexican salads, savory pastries such as empanadas, cold drinks and Mexican hot drinking chocolate. She would like to operate on the Kevin Scott Oval verge in South Hedland next to the fish van Wednesday and Friday lunch between 10.00am – 2.30 pm, in Wedgefield (wheelbarrow site) Monday 10.00am - 2.30pm & Wednesday 6.00am – 9.30am and the Don Rhodes museum site in Port Hedland Monday, Wednesday, Thursday & Friday 6.00am-9.30am, Tuesday & Thursday lunch 10.00am-2.30pm.

- v) Mr Michael Lau (Proprietor Sue's Place in Wedgefield) would like to sell Coffee, cold drinks, ice cream, Italian dishes, pizza, pasta, ribs, Asian dishes, curries, satay, sushi, rice, noodles, dim-sims, which will be served in plastic containers and the majority of the food will be prepared in his Trig St premises. Some food preparation will be undertaken on site and he would like to operate at the following locations and times.

Option 1) In Wedgefield (wheelbarrow site) 7 days a week 24 hours a day, the Don Rhodes museum site in Port Hedland 7 days a week 5pm-2pm and on the Kevin Scott Oval verge in South Hedland next to the fish van 7 days a week 12 midnight – to 9.30 pm.

Option 2) In Wedgefield (wheelbarrow site) 7 days a week 24 hours a day, the Don Rhodes museum site in Port Hedland 7 days a week 5pm-2pm.

Option 3) In Wedgefield (wheelbarrow site) 7 days a week, and on Kevin Scott Oval verge in South Hedland next to the fish van 7 days a week from 12 midnight – to 9.30pm.

Mr Lau has been requested by trucking companies to provide an after hour's food service which is lacking in Town at the moment.

As can be seen by the applications there is diverse range of foods to be prepared at differing times and locations.

In order for Council to consider the impact on established food businesses a list of approved food vendors trading in public places is compiled below.

Caffeine Cart - Sells coffee in South Hedland, Wedgefield & Port.

Fish Van - Sells frozen fish in South Hedland & Port.

Hedland Fresh – Sells fresh fruit & vegetables in South Hedland and Port.

Show Frenzy- Sell Ice cream, coffee, hot dogs, as an itinerant ice cream vendor and also operates in Wedgefield.

Outback Butcher – Sells various meat products in South Hedland and Port.

Pilbara Flavors – Sells takeaway foods in Wedgefield (wheelbarrow site) and Port.

Robbins Coffee – sells coffee and pre-packed biscuits in Port.

The Daily Grind – Sell coffee and some takeaway food in South Hedland, Wedgefield, Port Hedland.

Consultation

The officer conducted a survey of businesses to obtain some feedback from established food business operating in the areas with the following results.

Objections - 5
No objection - 1
No comment - 1

One of the objections could not be considered by the officer however the underlying nature of the objections was the unfair trading advantage food vans had over established business, by virtue that they do not have the same high overheads and running costs.

It is recommended that officers undertake consultation with relevant local organisations in the development of a policy for this purpose.

Statutory Implications

Section 8 of Town of Port Hedland Trading in Public Places Local Law states:-

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

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

Policy Implications

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

Strategic Planning Implications

The Town is actively encouraging and promoting itself to become a city where people want to live and work. This includes the promotion and establishment of permanent businesses. However there is also a desire by Council to attract new businesses to establish themselves in town.

Budget Implications

A trading in public place permit attracts a \$50.00 application fee and the following additional fees.

1 Day	\$50.00
1 Week	\$116.00
1 Month	\$231.00
1 Year	\$566.00

Officer's Comment

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

The question of permitting takeaway food vendors to operate in Public Places in direct competition to established businesses needs to be carefully considered by Council. As can be seen above a significant number of food vendors have approval to operate in a range of different locations selling a range of different foods. There is little doubt that if all the current applications were approved they would have a commercial affect on established food premises.

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

It is felt that categorizing the food vendors would be helpful in this circumstance to assist Council with their determination. Outlined below are the recommended categories that could be considered by Council.

Category 1

Traders that have little impact on existing business and offer a service to the region on a regular timetable. These include the following:-

- The Fish Van.

- Outback Butcher

Category 2

Traders that offer a specialised service that would have minimal impact on existing businesses.

- Itinerant Ice Cream vendors
- Coffee Vans

Category 3

These Traders prepare takeaway food in direct competition to local established businesses.

- Takeaway- Food Vans

Officers have no concern with approving traders in category 1 & 2 however category 3 is more difficult to determine and objections have risen from established businesses.

It is felt that the Town should be encouraging the establishment of permanent takeaway food business and not a multitude of temporary businesses. There is also a concern at the lack of space for vendors to operate safely in the various locations especially the wheelbarrow site in Wedgefield and the Don Rhodes Museum site which is subject to further development.

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

Officers propose the following recommendations for Council to consider

Option 1

That Council refuses all the applications.

Option 2

That all the applications be approved for 12 months only, after which time the Town would expect that the vendor to have established a permanent food premises business in a commercial shop front to be used as a base for any temporary food vendor activities. If the business is not established then no extensions to the licence will be considered by Council after the initial 12 month period.

Option 3

That Council defers consideration of all applications and requests the preparation of a policy to determine applications to trade in a public place by takeaway food vans.

Attachments

Nil

Officer's Recommendation

That Council:

1. Refuse the applications to "Trade in a Public Place" from Robkins Coffee (Claire Rankin), Brazilian Catering (Steve Beak), Kebab Van (Michael Sialtsis), Las Patronas (Ms Annelies Oldham) & Mr Michael Lau (Proprietor Sue's Place in Wedgefield) as "the needs of the district or a portion thereof for which the licence is sought is adequately catered for by established shops or by persons to whom licenses have been issued" and "there is inadequate means of access to or from, or inadequate parking space for a person(s) trading in a public place" and objections have been raised.
2. Authorise the preparation of a policy to determine applications to trade in public places by takeaway food vendors for Council's consideration.
3. Requests the CEO to seek feedback from the Port Hedland Chamber of Commerce, South Hedland Business Association and Wedgefield Association in the development of the draft policy.

201112/365 Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- 1. Approve the applications to “Trade in a Public Place” from Robkins Coffee (Claire Rankin), Brazilian Catering (Steve Beak), Kebab Van (Michael Sialtsis), Las Patronas (Ms Annelies Oldham) & Mr Michael Lau (Proprietor Sue’s Place in Wedgefield) for a period of 12 months;**
- 2. Authorise the preparation of a policy to determine applications to trade in public places by takeaway food vendors for Council’s consideration; and**
- 3. Requests the Chief Executive Officer to seek feedback from the Port Hedland Chamber of Commerce, South Hedland Business Association and Wedgefield Association in the development of the draft policy .**

CARRIED 7/0

REASON: Council approved the applications for ‘Trade in a Public Place’ to give an opportunity to these businesses to get started in the next 12 months, as currently there is a lack of affordable facilities in town.