



Town of Port Hedland

MINUTES

OF THE

SPECIAL MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 10 OCTOBER 2012

AT 6:30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

Purpose of Meeting: To consider:
Lot 17 Manilihna "Residential Building";
Lot 1035 Murrens Street "Non-conforming Use";
Temporary Ashpalt Plant "Noxious Industry" Hamilton Road Reserve;
Offer of Voluntary Developer Contributions relating to Lots 2 McGregor Street and 5474 Thompson Street,
Port Hedland (File No.: 156040G);
Town of Port Hedland – Reserve Register Road Names; and
Mineral Resources Limited Agreement to Lease.

DISCLAIMER

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

Natalie Octoman
Acting Chief Executive Officer

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the Special Meeting of the Town of Port Hedland Council open at 6:32 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett
Councillor George J Daccache
Councillor Arnold A Carter
Councillor Julie E Hunt
Councillor David W Hooper

Officers

Natalie Octoman	Acting Chief Executive Officer
Russell Dyer	Director Engineering Services
Eber Burton	Director Planning & Development
Graeme Hall	Acting Director Community Development
Debra Summers	Manager Organisational Development

2.2 Apologies

Councillor Michael (Bill) Dzombiak

2.3 Approved Leave of Absence

Councillor Jan M Gillingham
Councillor Gloria A Jacob

ITEM 3 PUBLIC TIME

NOTE: Pursuant to section 7 (4)(b) of the Local Government (Administration) Regulations 1996, members of the public have the opportunity to ask questions pertaining only to relevant Council Business at Special Meetings.

7. *Question time for public, procedure for (Act s. 5.24(2))*
(4) Nothing in subregulation (3) requires —
(b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting

Mayor opened Public Question Time at 6:33pm.

3.1 Public Question Time

Nil

Mayor closed Public Question Time at 6:34pm.

Mayor opened Public Statement Time at 6:34pm.

3.2 Public Statement Time

6.1.1 *Ms Wendy Palister*

Ms Palister introduced herself as Mr Ken Whiteman’s partner, the applicant of Item 6.1.1 ‘Lot 17 Manilihna Residential Building’. Ms Palister asked that Council approve Item 6.1.1. When Ms Palister and Mr Whiteman bought the property their financial situation only permitted them to build one house on the property, but now their situation has changed and they wish to build a second house. The house they are planning on building will be used by family when visiting Port Hedland.

Mayor closed Public Statement Time at 6:35pm.

ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

ITEM 5 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Mayor Howlett	Councillor Hunt
Councillor Daccache	Councillor Hooper
Councillor Carter	

ITEM 6 REPORTS OF OFFICERS

6.1 Planning and Development

6.1.1 Lot 17 Manilinha “Residential Building”

**Officer Michael Pound
Senior Planning Officer**

Date of Report 24 September 2012

Application No. 2012/290

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Leimac Building Pty Ltd on behalf of Ken Whiteman the registered proprietor of Lot 17 (6-8) Manilinha Drive, Port Hedland (site), for a “Residential Building”.

The proposal has been referred to Council for determination. Council Officers will be recommending refusal.

Background

Previous Applications

Council have approved five (5) applications for a “Residential Building” within the Turner River precinct and South Hedland Rural Estate.

Location and Description (ATTACHMENT 1)

The subject site is located along Manilinha Drive, Turner River Estate and measures approximately 10, 100m².

Current Zoning and Use

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

The Proposal (ATTACHMENT 2 & 3)

The applicant is seeking approval of a “Residential Building” consisting of two transportable buildings being:

1. a two (2) bedroom and two (2) bathroom accommodation unit with kitchen/ laundry; and
2. a one (1) bedroom and one (1) bathroom accommodation unit.

Consultation

Internally:

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

- Manager Technical Services;
- Manager Building Services; and
- Manager Environmental Health Services.

Externally:

The application was advertised in the North West Telegraph on 5 September 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 adjoining property owners allowing for a 14 day period in which to provide comments / objections to the proposal.

Adjoining Landowners:

- Lot 1 Manilinha Drive, Port Hedland;
- Lot 2 Manilinha Drive, Port Hedland;
- Lot 3 Manilinha Drive, Port Hedland;
- Lot 4 Manilinha Drive, Port Hedland;
- Lot 5 Manilinha Drive, Port Hedland;
- Lot 6 Manilinha Drive, Port Hedland;
- Lot 7 Manilinha Drive, Port Hedland;
- Lot 8 Manilinha Drive, Port Hedland;
- Lot 9 Manilinha Drive, Port Hedland;
- Lot 10 Manilinha Drive, Port Hedland;
- Lot 11 Manilinha Drive, Port Hedland;
- Lot 12 Manilinha Drive, Port Hedland;
- Lot 13 Manilinha Drive, Port Hedland;
- Lot 14 Manilinha Drive, Port Hedland;
- Lot 15 Manilinha Drive, Port Hedland;
- Lot 16 Manilinha Drive, Port Hedland;
- Lot 17 Manilinha Drive, Port Hedland; and
- Lot 18 Manilinha Drive, Port Hedland;

No objections were received during the above community consultation process.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$509.61 has been received as per the prescribed fees approved by Council.

Officer's Comment*Classification of use*

From a planning perspective there is concern relating to the definition of the building. The applicant has requested that the building be approved as a "Residential Building" which is defined in TPS5 as being:

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

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

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

The proposed development does not include any buildings or portion of a building separate from each other. The plans submitted are that of two modular units (attached) and does not represent any differential design changes.

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

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

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

Options

Council has the following options when considering this application:

1. Approve the Application

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

2. Refuse the Application

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

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

Attachments

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

Officer’s Recommendation

That Council:

- i) REFUSES the application submitted by Leimac Building Pty Ltd on behalf of Ken Whiteman the registered proprietor of Lot 17 (6-8) Manilha Drive, Port Hedland (site), for a “Residential Building” for the following reasons:
 1. The proposed use does not meet the definition of a “Residential Building” as defined by the Town Planning Scheme No. 5
 2. In terms of TPS5 the proposed use is better defined as “Grouped Dwelling” being a prohibited use within a “Rural Residential” zone.

201213/122 Council Decision

Moved: Cr Carter

Seconded: Cr Daccache

That Council approves the application submitted by Leimac Building Pty Ltd on behalf of Ken Whiteman for a “Residential Building” at Lot 17 (6-8) Manilha Drive, Port Hedland subject to the following conditions:

1. This approval relates only to the proposed “Residential Building” as indicated on the approved plans (DWG2012/290/1 – DWG2012/290/3). It does not relate to any other development on this lot.
2. In terms of the Port Hedland Town Planning Scheme No 5, “Residential Building” is defined as follows:

**“Residential Building,
a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation.”**
3. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect.
4. A minimum of three (3) car bays shall be provided as indicated on the approved site plan.
5. No parking bays shall be obstructed in any way or used for any other purpose than parking.
6. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.
7. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect.
8. Stormwater shall be retained on-site, in accordance with Council’s Technical Services Guidelines.
9. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services.
10. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the developers cost, to the specification and satisfaction of the Manager Technical Services.

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

11. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:
 - a) This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years.
12. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
13. The owner / developer shall ensure erosion and sediment control is in accordance with the approved "Erosion Prevention and Sediment Control Plan"
14. The owner / developer shall ensure construction on the site is in accordance with the approved "Construction Site Management Plan". Any deviation of the approved "Construction Site Management Plan" shall require approval from the Manager Planning Services.

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

15. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 3)
16. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services.
17. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

1. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements.
2. In the absence of a clear definition of “mature trees and shrubs” within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval “mature trees and shrubs” shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height.
3. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a “Multiple Dwelling” development containing common property. An application for Built Strata without common property will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes
4. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
5. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

CARRIED 5/0

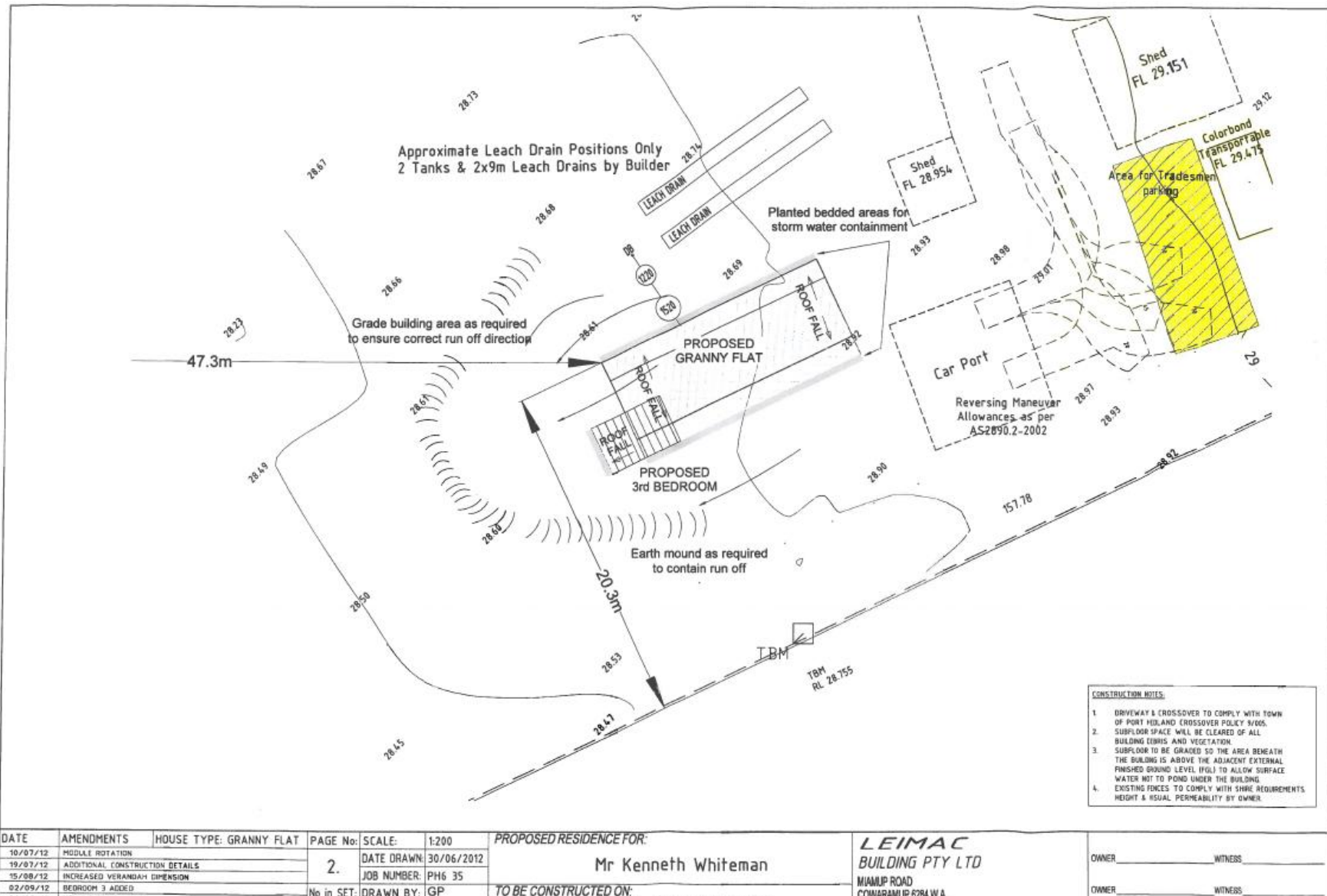
REASON – Council approved the application as this residential building definition is consistent with similar proposals that have previously come to Council and been supported.

ATTACHMENT 1 TO ITEM 6.1.1

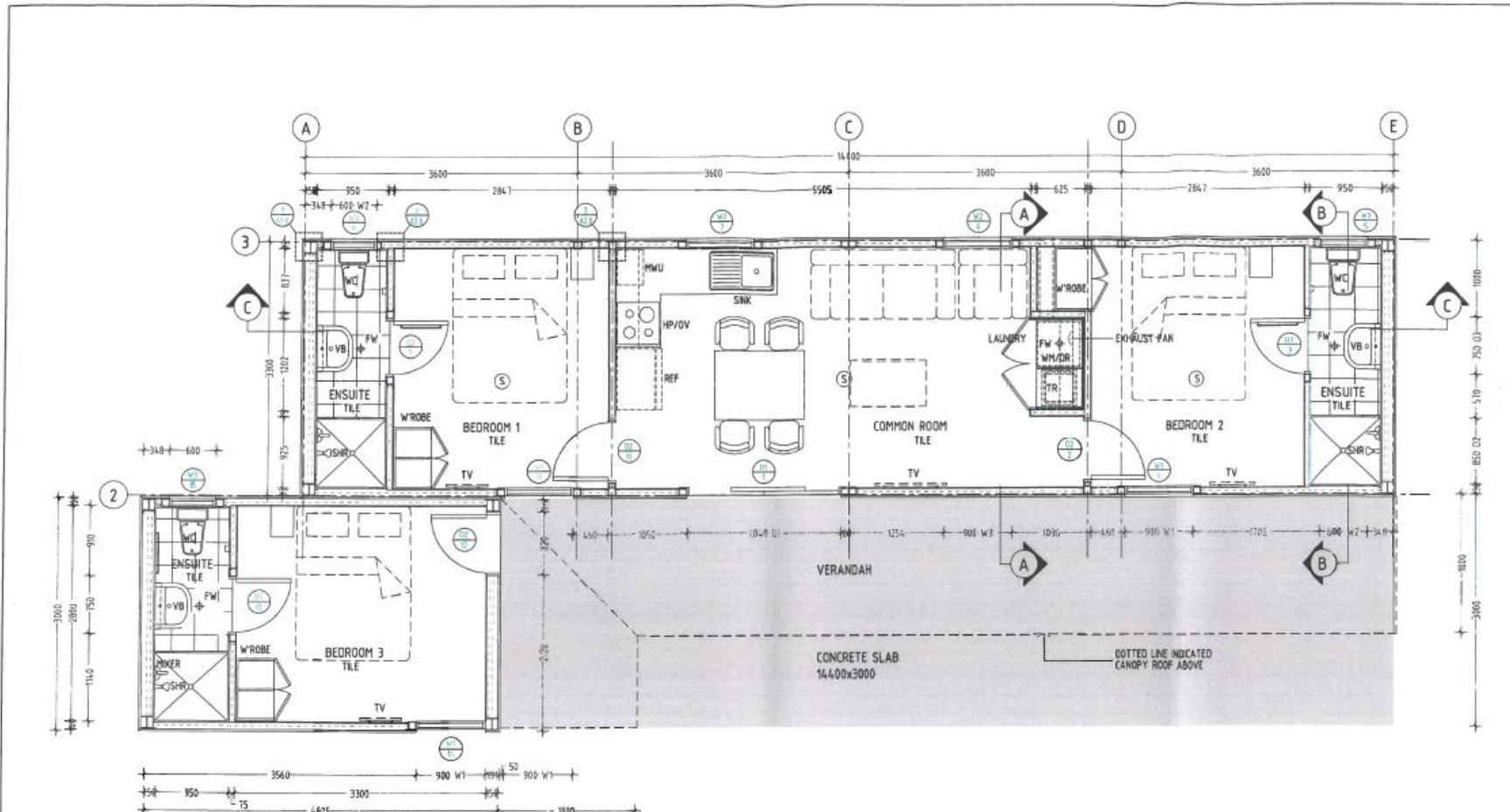
ATTACHMENT 1



ATTACHMENT 2 TO ITEM 6.1.1



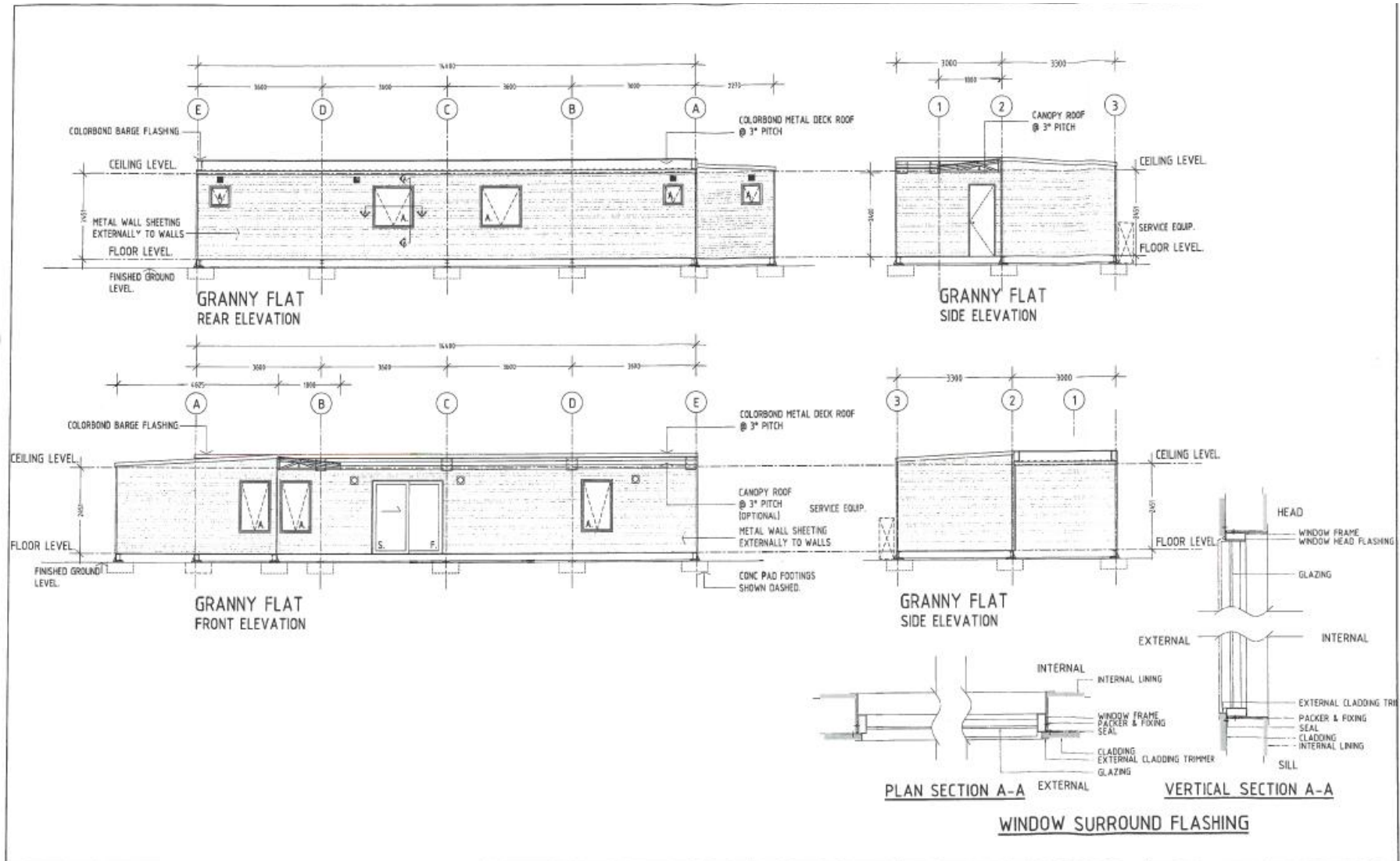
ATTACHMENT 3 TO ITEM 6.1.1



GRANNY FLAT
FLOOR LAYOUT

DATE	AMENDMENTS	HOUSE TYPE: GRANNY FLAT	PAGE No:	SCALE:	1:50	PROPOSED RESIDENCE FOR:	LEIMAC BUILDING PTY LTD MIAMUP ROAD COWARAMUP 6284 W.A. PH: (08) 9755 5900 FAX: (08) 9755 5902	OWNER _____	WITNESS _____
10/07/12	MIDDLE ROTATION		3.	DATE DRAWN:	30/06/2012	Mr Kenneth Whiteman		OWNER _____	WITNESS _____
19/07/12	ADDITIONAL CONSTRUCTION DETAILS			No in SET:	JOB NUMBER:	PH6 35	TO BE CONSTRUCTED ON: Lot 17 Manilinha Drive Boodarie	OWNER _____	WITNESS _____
15/08/12	INCREASED VERANDAH DIMENSION		3 in 15	DRAWN BY:	GP			OWNER _____	WITNESS _____
02/09/12	BEDROOM 3 ADDED				CHECKED BY:			OWNER _____	WITNESS _____
06/09/12	VEHICLE DRIVE PATH								

CAUTION: DO NOT SCALE FROM DRAWING AS DISTORTION CAN OCCUR DURING COPYING



DATE	AMENDMENTS	HOUSE TYPE: GRANNY FLAT	PAGE No:	SCALE:	1:100	PROPOSED RESIDENCE FOR:	LEIMAC BUILDING PTY LTD	OWNER _____	WITNESS _____
10/07/12	MIDDLE ROTATION		6.	DATE DRAWN:	30/06/2012	Mr Kenneth Whiteman	MAMUP ROAD	OWNER _____	WITNESS _____
19/07/12	ADDITIONAL CONSTRUCTION DETAILS			JOB NUMBER:	PH6 35		TO BE CONSTRUCTED ON:	COWARAMUP 6284 W.A.	OWNER _____
15/08/12	INCREASED VERANDAH DIMENSION		No in SET:	DRAWN BY:	GP	Lot 17 Manilnha Drive	PH : (08) 9755 5900	OWNER _____	WITNESS _____
02/09/12	BEDROOM 3 ADDED		6 in 15	CHECKED BY:		Boodarie	FAX: (08) 9755 5902	OWNER _____	WITNESS _____
06/09/12	VEHICLE DRIVE PATH								
CAUTION: DO NOT SCALE FROM DRAWING AS DISTORTION CAN OCCUR DURING COPYING									

6.1.2 Lot 1035 Murrena Street “Non-conforming Use”

Officer	Michael Pound Senior Planner
Date of Report	13 September 2012
Application No.	2012/319
Disclosure of Interest by Officer	Nil

Summary

Council received an application from Greg Rowe & Associates on behalf of Linfox Property Group to construct, modify and remove buildings associated with a “Transport Depot” use on Lot 1035 (8) Murrena Street, Wedgefield (site).

Scheme Amendment No. 24 (Amendment 24) was gazetted on 8 February 2011. As a result the existing approved “Storage Facility/Depot/Laydown Area” use became classified as a “Non-conforming use” on the site. In terms of Clause 8.2 “*Extension of non-confirming use*” of Town Planning Scheme No.5 (TPS5), a non-conforming use may not be extended or altered without first having applied for and obtained Council approval.

The application is referred to Council to consider the extension of the non-conforming use.

Council officers recommend approval of the application.

Background

Site Description (ATTACHMENT 1)

The site is irregular in shape and has frontage to both Murrena Pinga Street. The site covers an area of approximately 2.1306 hectares.

In accordance with TPS5, the site is zoned “Industry” and is located within the “Wedgefield Special Control Area”.

The site is currently used and operated as a “Transport Depot” and contains various buildings associated with this land use.

Previous Approvals and Scheme Amendments

Approval 2009/46 (ATTACHMENT 2)

On the 6 February 2009, approval was granted under delegated authority for a “Storage Facility/Depot/Laydown Area”, “Motor Vehicle / Marine Repair”, “Industry Light” and “Office” on Lot 1, Lot 2 and Lot 1034 (10) Murrena Street, Wedgefield. At the time of this approval, a “Storage Facility/Depot/Laydown Area” was defined by TPS5 as:

“Any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling or prefabricated components of products and includes milk, transport, and fuel depots, and salvage yards.”

Condition 3 of approval 2009/46 required the applicant to amalgamate lots 1, 2 and 1034 Murrena Street. Subsequently, the WAPC endorsed Deposited Plan 65858 on 29 December 2009 and created Lot 1035 Murrena Street, Wedgefield.

Amendment No. 24

On 8 February 2011, TPS5 was amended (Amendment No. 24) to introduce a “Transport Development” Zone and rezone land to the north of Great Northern Highway and east of Pinga Street “Transport Development” Zone.

The “Transport Depot” is defined as follows:

“land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair and garaging, parking or storage of such vehicles.”

Accordingly, the “Storage Facility/Depot/Laydown Area” definition was amended to remove reference to transport and fuel depots and redefined as follows:

“Any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling or prefabricated components of products and includes milk depots, earthworks contracting yards and salvage yards.”

The amendment process was undertaken with regard to statutory obligations. No objections were received during the amendment process in relation to the introduction of the “Transport Development” Zone and the redefining of the “Storage Facility/Depot/Laydown Area” use.

Approval 2012/94 (ATTACHMENT 3)

On 7 March 2012, approval was granted under delegated authority to replace an existing “Caretakers Dwelling” on the site. The approval referred only to the proposed “Caretakers Dwelling” and did not relate to any other development on the site.

Ownership/Use of Site (ATTACHMENT 4 & 5)

Ngarda Civil and Mining (Ngarda) were the land owners who applied and obtained planning approval 2009/46. The applicant has provided written correspondence from Ngarda confirming the lessee’s use of the site was and remained in accordance with this approval,

On 12 April 2011, Linfox Property Group purchased the site with the intention to continue operating in accordance with the existing approved use of a "Storage/Facility/Depot/ Laydown Area"

The applicant has provided written correspondence from Linfox confirming the operations and use of the site to have conformed to the approved use at all times.

Proposal (ATTACHMENT 6)

The proposal includes the following components:

- Above Ground 80,000 Litter Fuel Storage Tank (additional development);
- Replacement of Existing Truck Wash Area (existing development);
- Mobile Loading Ramp;
- Relocated Workshops (existing development);
- Rationalisation of Car Parking;
- Additional (and wider) Access Points;
- Landscaping; and
- Fencing and Gates, Security and Lighting.

Consultation

Internally:

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

Technical Services Manager;
Building Services Manager; and
Environmental Health Services Manager

Externally:

Agencies:

Department of Environment & Conservation (DEC);
Department of Water;
Horizon Power;
Main Roads WA; and
Water Corporation.

DEC Pilbara Industry Regulation and the Water Corporation provided comments which have been included within the footnotes of the Officer's Recommendation.

The application was advertised in the North West Telegraph on 29 August 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 adjoining property owners allowing for a 14 day period in which to provide comments / objections to the proposal. Due to the high number of rental tenancies within Wedgefield letters were hand delivered to the adjoining properties.

Adjoining Landowners:

6 Murrena Street, Wedgefield;
4 Murrena Street, Wedgefield;
3 Murrena Street, Wedgefield;
5 Murrena Street, Wedgefield;
7 Murrena Street, Wedgefield;
9 Murrena Street, Wedgefield;
16 Murrena Street, Wedgefield;
14 Murrena Street, Wedgefield;
6 Pinnacles Street, Wedgefield;
1 Peawah Street, Wedgefield;
3 Peawah Street, Wedgefield;
5 Peawah Street, Wedgefield;
1 Trig Street, Wedgefield;
3 Trig Street, Wedgefield; and
5 Trig Street, Wedgefield;

No objections were received during the above community consultation process.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Strategic Community Plan 2012 – 2022

6.2 Economic; and
6.2.1 Diverse Economy

Budget Implications

An application fee of \$10,860 has been received as per the prescribed fees approved by Council.

Officer's Comment

Town Planning Scheme No. 5

The purpose of the "Industry" Zone, as stated in TPS5:

"... is to accommodate the broad range of developments required to support industry and commerce within the Town of Port Hedland."

The purpose of the "Wedgefield Special Control Area", as stated in TPS 5:

"...is to recognise the special relationship that has emerged in Wedgefield between caretaker's dwellings and industry and to outline the considerations for these developments which do not apply elsewhere in the Scheme Area."

Non-Conforming Use Rights

The site has continually operated as a "Transport Depot" in accordance with the approved use. As such any further development on the site can be considered for approval through Non Conforming Use Rights.

Clause 8.1 of TPS5 "Non-Conforming Use Rights" states the following:

"Except as otherwise provided in this Part, no provision of the Scheme shall prevent the:

continued use of any land or building for the purpose for which it was lawfully used at the time of coming into force of the Scheme, or

carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current."

Clause 8.2 of TPS 5 "Extension of Non-Conforming Use" states the following:

"A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme."

It is recognised by Clause 8.2 of TPS5, extensions to non conforming uses cannot take place unless approved by Council.

Legal Advice

Legal advice was sought to ensure the use can be considered as a non-conforming use.

“If you are able to satisfy yourself that a transport depot use was commenced on Lot 1035 within 12 months of 6 February 2009, and if you are also able to satisfy yourself that a transport depot use has been carried on without a break of more than 6 months from 8 February 2011 to the present time, then in my opinion it is open to the Town to consider and determine the application for planning approval on its merits.”

Car Parking

Appendix 7 of TPS5 does not detail specific requirements for car parking associated with a “Transport Depot” use. As such, in the absence of a land use being contained in Appendix 7, Clause 6.13.2 of TPS5 applies and is stated as follows:

“Where a development is not specified in Appendix 7 the Council shall determine car parking requirements having regard to the nature of the development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety standards.”

On this basis, Clause 6.13.2 of TPS 5 is applicable (i.e. the car parking requirements shall be determined having regard to the nature of the development and the number of vehicles likely to be attracted to the development).

In the absence of a definitive car parking requirement for a “Transport Depot”, the “Office” car parking requirements of the development is calculated as follows:

Land Use	Area	TPS5 Requirement	Bays Required	Provided
Office	616m ²	1 bay per 30m ² NLA (min 3 bays)	20.5	21

A total of 60 car parking bays is proposed on the site. The applicant has provided the following justification to support the requirements of staff, visitor and operational needs for the “Transport Depot” use:

“Linfox will have a maximum of 35 employees on site at any one time. These will consist of office staff, yard employees and drivers. Very occasionally there may be a visitor. The 60 car parking bays proposed are in excess of our needs to ensure adequate car parking provisions are provided on site at all times”

It is therefore considered the proposed 60 car parking bays on site will sufficiently service staff associated with the “Office” component (i.e. 21 bays, which accords with the provisions of TPS 5) and the “Transport Depot” component of the development.

Crossovers and Access Points

Additional (and wider) access points into the site are proposed to allow for flexibility for the access and egress of large vehicles (trucks) to enter/exit the site via Pinga Street. There will be no traffic conflicts as large Linfox vehicles (i.e. Road Trains/trucks) will only utilise Pinga Street and not Murrena Street (or any other secondary street that may be accessed from the Murrena Street frontage).

The additional crossover will segregate the domestic (staff) vehicle traffic and associated access/egress point from the large vehicular traffic and associated access/egress points at the subject site.

The Town's Manager Technical Services did not object to the additional (and wider) crossover as proposed.

Options

Council has the following options when considering this matter:

1. Approve the proposal.

Approving the application would allow the applicant to reconfigure development of the existing "Transport Depot" site. This will improve safety, make effective use of the site and improve the amenity of both the site and its surrounds.

2. Refuse the proposal.

Should Council refuse the application, the land owner would be forced to cease operations on site.

Option 1 is recommended.

Attachments

Locality Map

Planning Approval 2009/46

3. Planning Approval 2012/94
4. Declaration of Ownership/Use of Site (Ngarda)
5. Declaration of Ownership/Use of Site (Linfox)
6. Development Plans

201213/123 Officer's Recommendation/Council Decision**Moved: Cr Carter****Seconded: Cr Hunt**

That Council approves the planning application submitted by Greg Rowe & Associates on behalf of Linfox Property Group to extend a "Non Conforming Use" for a "Transport Depot" on Lot 1035 Murrena Street, Wedgefield, subject to the following conditions:

- 1. This approval relates only to the proposed "Transport Depot", as indicated on the approved plans (DWG2012/319/1 – DWG2012/319/3). It does not relate to any other development on this lot.**
- 2. In terms of the Port Hedland Town Planning Scheme No 5, "Transport Depot" is defined as follows:**

"land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair and garaging, parking or storage of such vehicles."
- 3. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect.**
- 4. The office shall be incidental to the predominant use, being "Transport Depot", and shall not be used for office activities unrelated thereto.**
- 5. No human habitation shall be permitted on the lot.**
- 6. A minimum of 60 car bays shall be provided as indicated on the approved site plan.**
- 7. No parking bays shall be obstructed in any way or used for any other purpose than parking.**
- 8. Access to the property for road trains are restricted to Pinga Street only and shall not enter and/or exit to Murrena Street.**
- 9. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.**
- 10. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect.**

11. Stormwater shall be retained on-site, in accordance with Council's Technical Services Guidelines.
12. 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.
13. 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.
14. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the developers cost, to the specification and satisfaction of the Manager Technical Services.
15. The construction and operation of a washdown bay is to be in accordance with Department of Environment and Conservation requirements (Refer to advice note 3)

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

16. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:
 - a. This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years.
17. Prior to the commencement of any works an application is to be made and approved by the Manager Planning Services for the construction and installation of an effluent treatment system for the washdown bay.
18. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
19. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.
20. Prior to the commencement of any works, the applicant is to demonstrate compliance to the Draft Country Sewerage Policy.

21. Prior to the commencement of any works, a “Construction Site Management Plan” shall be submitted and approved by the Manager Planning Services. The “Construction Site Management Plan” shall indicate how it is proposed to manage the following during construction:
- a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials; and
 - f. Other matters likely to impact on the surrounding residents / businesses;

Conditions to be cleared by Planning Services within 90 days of this approval

22. Within 90 days of this approval the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 2).
23. Within 90 days of this approval the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services.
24. Within 90 days of this approval the development the driveways and crossover shall be designed and constructed in accordance with Council’s Crossover Policy 9/005, and approved by the Manager Planning Services.
25. Within 90 days of this approval the development a suitably screened bulk bin area shall be provided to the satisfaction of the Manager Planning Services.
26. Within 90 days of this approval the development, an approved effluent disposal system shall be installed to the satisfaction of the Manager Planning Services.
27. Within 90 days of this approval the development an overall signage strategy shall be submitted and approved by the Manager Planning Services.

ADVICE NOTES:

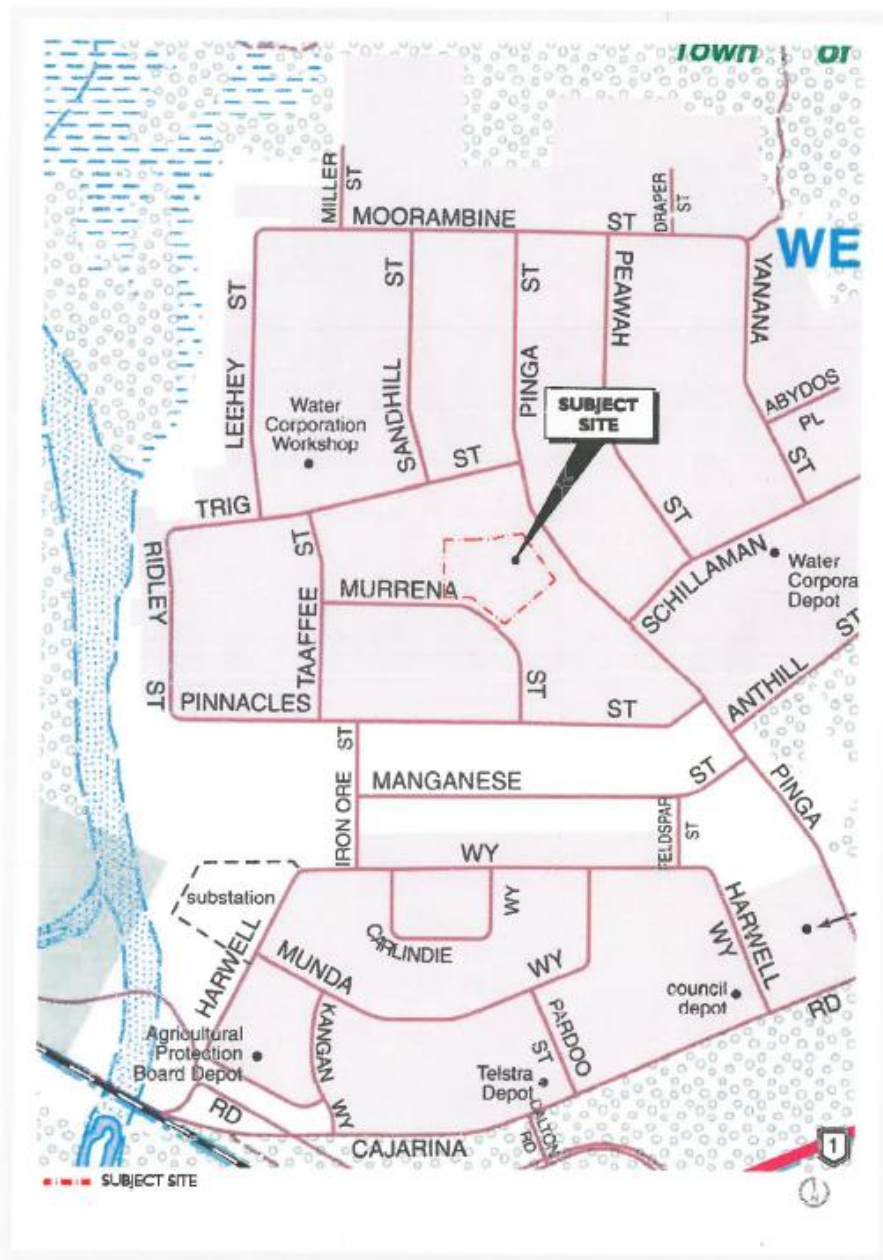
1. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements.
2. In the absence of a clear definition of “mature trees and shrubs” within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval “mature trees and shrubs” shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height.
3. Manager Environmental Health Services have provided the following advice and/or comments:
 - a. Application is to be made for the Construction and installation of effluent treatment system for the washdown bay,
 - b. The construction and operation of a washdown bay is to be in accordance with Department of Environment and Conservation requirements.
 - c. The developer is advised that a plate separator or triple interceptor waste trap is required to be installed to the specification of Town’s Environmental Health Services.
 - d. The proposed development must not interfere with existing effluent disposal system(s).
 - e. Waste disposal and storage is to be carried out in accordance with Council’s Health Local Laws 1999.
 - f. The development shall comply with the Environmental Protection (Noise) Regulations 1997 at all times.
4. Department of Environment & Conservation have provided the following advice and/or comments:
 - a. The proponent should ensure that the construction and operation of the hydrocarbon storage area is compliant with Australian Standard 1940:2004. The storage and handling of flammable and combustible liquids. Potentially contaminated stormwater from this area should also be contained and treated for hydrocarbons prior to discharge; and
 - b. The proponent should ensure that stormwater from the truck wash down bay is contained and treated for hydrocarbons prior to discharge.”
5. The Water Corporation have provided the following advice and/or comments:
 - a. Development shall comply with Pilbara Cities Vision;
 - b. Substantial increases in servicing capabilities from DeGray/Yule schemes expected by 2012;

- c. Water is available to the Lot (application does not specifically indicate that additional water services are required)
 - d. Water Management plan includes appliance labeling standards, incentives for water conservation, garden/irrigation design, leak detection and opportunities for recycling.
6. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
7. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

CARRIED 5/0

Attachment 1

GREG ROWE & ASSOCIATES
FOCUSSED ON ACHIEVEMENT



DEVELOPMENT APPLICATION WEDGEFIELD 8 AUG 2012 GRA REF 7319 7519_210000K1AM

FIGURE 2 LOCAL LOCATION

Attachment 2

TOWN OF
PORT HEDLAND

FILE COPY

09-00648



RPS Koltasz Smith
PO Box 127
Burswood
6100

Our Ref:

W 1199509
2009/48

Your Ref:

Leonard Long

Enquiries:

Direct Line:

Dear Sir

APPLICATION NUMBER: 2009/48
LOCATION: LOT 1, LOT 2 AND LOT 1034 (10 MURRENA STREET WEDGEFIELD
6724
DESCRIPTION: STORAGE FACILITY / DEPOT / LAYDOWN AREA, MOTOR
VEHICLE / MARINE REPAIR, INDUSTRY LIGHT AND OFFICES

Thank you for your application lodged on behalf of the landowner, Ngarda Properties
Pty Ltd, regarding the above proposal.

I wish to advise that your application for the construction of STORAGE FACILITY /
DEPOT / LAYDOWN AREA, MOTOR VEHICLE / MARINE REPAIR, INDUSTRY
LIGHT AND OFFICES, at the above property, has been approved under Delegated
Authority from Council. This approval is subject to the conditions contained on the
attached Permit.

Pursuant to Clause 9.6 of the Town of Port Hedland Town Planning Scheme No. 5, if
the applicant and/or owner are aggrieved by this decision, as a result of a condition
of approval or by a determination of refusal, you may have a right of review through
the State Administrative Tribunal in accordance with section 252(1) of the *Planning
and Development Act 2006 (as amended)*. The application for review must be lodged
with the State Administrative Tribunal, Perth, within 28 days of receiving this
decision. Further information and review application forms can be obtained by
contacting the State Administrative Tribunal on 08 9219 3111 or via Internet at
www.sat.justice.wa.gov.au or by contacting Council's Planning Services.

For Building and Environmental Health enquiries, please contact 08 9158 9325 and
ask for the relevant section. Engineering queries can be forwarded to 08 9158 9700.

Regards,

Perry Sargent
Director Community & Regulatory Services

6 February 2009

CIVIC CENTRE, MCGREGOR STREET, PORT HEDLAND
TELEPHONE: (08) 9158 9300 FACSIMILE: (08) 9173 1766

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

TOWN PLANNING SCHEME 5
TOWN OF PORT HEDLAND

Office Use Only
Lot No: 1
Street:
Assessment No: A803416G
Application: 2009/46

DECISION ON APPLICATION FOR COUNCIL'S PLANNING CONSENT

Name of Owner of Land on Which Development is proposed:

Owner: Ngarda Properties Pty Ltd
185 GREAT EASTERN HWY
BELMONT WA 6104

Applicant: RPS Koltasz Smith
PO Box 127
Burswood
6100

Planning consent is granted for a STORAGE FACILITY / DEPOT / LAYDOWN AREA, MOTOR VEHICLE / MARINE REPAIR, INDUSTRY LIGHT AND OFFICES at Lot 1, Lot 2 and Lot 1034 (10 MURRENA STREET WEDGEFIELD 6724, as outlined in the application received 30 January 2009 and indicated on the attached plans, subject to the following conditions:

1. This approval is for "Industry Light" a "Storage Facility/Depot/Laydown" area, "Motor Vehicle / Marine Repairs" limited to the proposed building(s) as well as offices which are incidental to the main use and does not include any other development on the lot.
2. The Town of Port Hedland Town Planning Scheme No. 5 defines "Industry Light" as:

"an industry:

- a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and*
- b) *the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services"*

"Storage Facility/Depot/Laydown Area" as:

'any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots and salvage yards.'

**TOWN PLANNING SCHEME 5
TOWN OF PORT HEDLAND**

Office Use Only
Lot No: 1
Street:
Assessment No: A803415G
Application: 2009/48

"Motor vehicle and / or marine repair" is defined as follows:

"land or buildings used for the mechanical or body repair and overhaul of motor vehicles, caravans and marine vessels, including tyre repair, retreading, panel beating, spray painting, chassis reshaping or hull scouring."

3. Lot 1, Lot 2 and Lot 1034 are to be amalgamated prior to the development being occupied.
4. No accommodation or habitation is permitted in the buildings approved as part of this application.
5. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
6. The mechanical repair and overhaul of motor vehicles and machinery including pressure washing, steam cleaning all of which is to be incidental to the main use shall be limited to the building(s) constructed or to be constructed on the property and may not be conducted outside of the building(s) or yard area.
7. The mechanical workshop shall be limited to the mechanical repair and overhaul of motor vehicles and machinery and shall not include spray painting; chassis reshaping, retreading or similar activity.
8. A minimum of 100 on-site carparking bays shall be provided.
9. One (2) disabled carparking bay(s) located convenient to the building entrance and with a minimum width of 3.8 metres, to be provided to the satisfaction of the Manager Planning.
10. The carparking bays and accessway shall be designed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning prior to the development first being occupied.
11. No parking bays shall be obstructed in any way or used for any other purposes other than parking.
12. All carparking bays, manoeuvring areas and driveways are to be clearly marked and sealed with concrete or bitumen or any other material to the specifications of the Manager Infrastructure Development and to the satisfaction of the Manager Planning.

**TOWN PLANNING SCHEME 5
TOWN OF PORT HEDLAND**

Office Use Only
Lot No: 1
Street:
Assessment No: A803415G
Application: 2009/46

13. A suitable dust suppression material (i.e cracker dust) is to be used on the yard surface area to ensure suitable dust suppression on the lot to the specifications of the Manager Development Infrastructure and Manager Environmental Services and to the satisfaction of the Manager Planning
14. Prior to the occupation of the buildings the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005 to the satisfaction of the Manager Planning.
15. All stormwater shall be disposed of to the specifications of the Engineering Department and to the satisfaction of the Manager Planning.
16. A suitably screened bulk bin area is to be provided prior to the development first being occupied, to the specifications of the Manager Environmental Health and in the location acceptable to and to the satisfaction of the Manager Planning.
17. Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.
18. The submission of a drainage construction plan being submitted to and approved at the Building Licence application stage, all to the satisfaction of the Manager Planning.
19. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal 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. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials;
 - f. Other matters likely to impact on the surrounding residents; andto the satisfaction Manager Planning.

**TOWN PLANNING SCHEME 5
TOWN OF PORT HEDLAND****Office Use Only**
Lot No: 1
Street
Assessment No: A803415G
Application: 2009/46**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. In regard to Condition 3 and 17, the Town is prepared to negotiate an extended time period subject to the applicant providing suitable justification and time frame, all to the satisfaction of the Manager Planning
3. In regard to condition 6 and 7, the applicant is advised that the condition has been imposed in recognition that the Land Use Master Plan identifies the Wedgefield area for light Industrial uses, "Light Industry" is defined as:
'an industry:
 - b) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and*
 - c) *the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.'*

The land located to the east of Wedgefield has been identified for transportation uses which include uses similar to what is being applied for in this application. Therefore, conditions 6 and 7 have been included in order for Council to encourage future development in the Wedgefield area as endorsed by the Land Use Master Plan. For more information about this land please call the Planning Department on (08) 9158 9300.
4. In regard to Condition 8, the Town is prepared to negotiate on the carparking provisions subject to the applicant providing justification and written undertakings that the additional carparking will be provided if deemed necessary by the Town, all to the satisfaction of the Manager Planning.
5. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the specification of the Manager of Environmental Health and to the satisfaction of the Manager of Planning
6. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the

**TOWN PLANNING SCHEME 5
TOWN OF PORT HEDLAND****Office Use Only**

Lot No: 1

Street:

Assessment No: A803415G

Application: 2009/48

satisfaction of the Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.

7. The applicant, developer and/or operator are advised that the operations must be conducted in accordance with the Environmental Protection (Unauthorised Discharges) Regulations 2004.
8. The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town of Port Hedland before commencing any works whatsoever.
9. During construction and subsequent use, the operation is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
10. The applicant to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year annual recurrence interval cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
11. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

Signed 
Director Community & Regulatory Services
6 February 2009

ATTACHMENT 3 TO ITEM 6.1.2



OPA 24953
Attachment 3



Greg Rowe & Associates
LEVEL 3 , 369 NEWCASTLE STREET
NORTHBRIDGE WA 6003

Our Ref: 2012/94 / 804488G
Your Ref:
Enquiries: MICHAEL POUND
Direct Line:
Email: snrpo@porthedland.wa.gov.au

Dear Julie,

**APPLICATION No: 2012/94 FOR REPLACEMENT OF CARETAKERS
DWELLING ON LOT No: 1035 AT 8 MURRENA STREET WEDGEFIELD
6724**

The Town of Port Hedland has received your request to delete conditions 6, 8, 9 & 10 of the Permit issued 7th March 2012 for the above address. In accordance with Clause 4.7.2 of the Town of Port Hedland Town Planning Scheme No. 5, your request to delete conditions 6, 8, 9 & 10 has been approved.

Please attach this letter to the planning permit and do not hesitate to contact the undersigned should you have any queries about the above matter.

Yours sincerely

**LEONARD LONG
MANAGER PLANNING SERVICES**

3 April 2012

Cc. LPG Perth Airport Pty Ltd
LEVEL 2 493 ST KILDA ROAD
MELBOURNE WA 3004

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www.porthedland.wa.gov.au



Town of
Port Hedland



Greg Rowe & Associates
LEVEL 3 , 369 NEWCASTLE STREET
NORTHBRIDGE WA 6003

OPA 24066
FILE COPY
POSTED
08-03-12



Our Ref: 2012/94 / 804488G
Your Ref:
Enquiries: MICHAEL POUND
Direct Line:
Email: snrpo@porthedland.wa.gov.au

Dear Sir / Ms


**APPLICATION No: 2012/94 FOR REPLACEMENT OF CARETAKERS
DWELLING ON LOT 1035 (8) MURRENA STREET WEDGEFIELD 6724**

In regard to your above application submitted on behalf of the landowner, LPG Port Hedland Pty Ltd, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Unit on 08 9158 9331 / 9321.

Yours sincerely


LEONARD LONG
MANAGER PLANNING

7 March 2012

Cc. LPG Perth Airport Pty Ltd
LEVEL 2
493 ST KILDA ROAD
MELBOURNE WA 3004

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Town of
Port Hedland



Greg Rowe & Associates
LEVEL 3, 369 NEWCASTLE STREET
NORTHBRIDGE WA 6003

Our Ref: 2012/94 / 804488G

Your Ref:

Enquiries: MICHAEL POUND

Direct Line:

Email: snrpo@porthedland.wa.gov.au

DRG 24065
FILE COPY



Dear Sir / Ms

**DECISION ON PLANNING APPLICATION No: 2012/94 FOR
REPLACEMENT OF CARETAKERS DWELLING ON LOT 1035 (8)
MURRENA STREET WEDGEFIELD 6724**

Planning consent is granted for the above application received on 29 February 2012 and indicated on the attached plans, subject to the following conditions:

1. This approval relates only to the proposed Caretakers Dwelling, as indicated on the approved plans (DRG2012/94/1, DRG2012/94/2). It does not relate to any other development on this lot and does not supersede planning application 2009/46.
2. The dwelling shall only be used for purposes, which are related to the operation of a "caretaker's dwelling". Under the Town of Port Hedland's Town Planning Scheme No. 5, a "caretaker's dwelling" is defined as:
"a building used as a dwelling by a person, and an associated household, having the care of buildings, plant, equipment or land used for any development category in the zoning table carried out on or existing on the same site, with a maximum floor space of 50m²."

Note: Caretakers Dwellings located in Wedgefield are not subject to a maximum floor space of 50m².
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. Stormwater disposal shall be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.
5. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and/or screened to the satisfaction of

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the Manager Planning Services.

Prior to the submission of a Building Licence application the following condition shall be complied with:

6. A detailed landscaping and reticulation plan for the first 3m of the Murrena Street verge shall be submitted for approval by the Manager Technical Services. The plan is to include location, species and planting details with reference to Council's list of recommended low-maintenance tree and shrub species included in Council Policy 10/001.
7. The existing caretakers dwelling is to be demolished.

Prior to the occupation of the Caretakers Dwelling the following conditions shall be complied with:

8. The driveways and crossover shall be designed and constructed to satisfaction of the Manager Technical Services.
9. Access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface by the developer to an approved design in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Technical Services.
10. 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

FOOTNOTES:

1. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
2. Please note that condition 8 of planning application 2009/46 which states:
"A minimum of 100 on-site car parking bays shall be provided"
has not been cleared by the Town of Port Hedland. Subsequently, the Town's compliance officer will be investigating the matter further.
3. 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

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council@porthedland.wa.gov.au



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

4. Applicant to comply with the provisions of Worksafe Western Australia in the carrying out of all works associated with this approval.

Yours sincerely



LEONARD LONG
MANAGER PLANNING

7 March 2012

Cc. LPG Perth Airport Pty Ltd
LEVEL 2
493 ST KILDA ROAD
MELBOURNE WA 3004
AUSTRALIA

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ATTACHMENT 4 TO ITEM 6.1.2

Attachment 4



14 September 2012

CEO
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

To Whom It May Concern,

Re Lot 1035 Murrena Street, Wedgefield

Ngarda Civil & Mining (Ngarda) was the previous owner of the above block in Wedgefield. Ngarda leased this block to the MacMahon Leighton Joint Venture (MLJV). We confirm that the MLJV's use of this block was in accordance with the planning approval as issued by the Town of Port Hedland for "Storage Facility / Transport Depot / Laydown Area, Motor Vehicle/Marine Repair, Industry Light and Offices" dated 6 February 2009.

The block was sold in April 2011 to the Linfox Group and the MLJV lease was terminated shortly thereafter.

Please do not hesitate to contact me should you wish to discuss.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Harry Thompson".

Harry Thompson
Business Manager
Ngarda Civil & Mining



ATTACHMENT 5 TO ITEM 6.1.2

Attachment 5

Pound Michael

From: Paul Cunningham [paul.cunningham@greg-rowe.com]
Sent: Friday, 14 September 2012 10:25 AM
To: Pound Michael
Cc: Stan Sackson; Julie Macmille
Subject: FW: Linfox, Murrena St Port Hedland (7319)

Hi Michael,

Please find below correspondence from Linfox confirming use of Lot 1035 Murrena Street, Wedgefield as a "Transport Depot" from 11 April 2011 (in accordance with the approval issued by the Town of Port Hedland for the site in February 2009).

Trust this is to your satisfaction.

Please contact me should you have any further queries.

Regards,

Paul Cunningham
 Manager Pilbara - Port Hedland Office
 Mb: 0423 590 088

GREG ROWE & associates
 FOCUSED ON ACHIEVEMENT

perth office tel +618 9221 1991 fax +618 9221 1919 email gra@greg-rowe.com
 port hedland office tel +618 9173 4333 fax +618 9173 5333 email porthedland@greg-rowe.com

PERTH	PEEL / SOUTH WEST	MID WEST	PILBARA	www.greg-rowe.com
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From: Stan Sackson [mailto:Stan_Sackson@Linfox.com]
Sent: Friday, 14 September 2012 9:49 AM
To: Paul Cunningham
Subject: Linfox, Murrena St Port Hedland.

Hello Paul,

Following our discussion I can confirm that our operators moved onto site as soon as they were able (our operators are Linfox Australia, who lease the premises from Linfox Property Group).

Linfox commenced using the premises as a transport depot from 11th April 2011 in line with the Council approval for the use of this property of February 2009.

Sent from BB mobile device
 of Stan Sackson. (0419511563).

From: Peter Drake
Sent: Thursday, September 13, 2012 06:16 PM
To: Stan Sackson

Subject: Port Hedland settlement

Dear Stan,

I refer to our conversation just now.

Although LA had some contractual rights to earlier access which they may have exercised, the lease to Linfox Australia Pty Ltd commenced on 11 April 2011. Settlement of LPG's acquisition occurred on 12 April 2011.

Regards
Peter

Peter Drake
General Counsel

Linfox Property Group
Level 2, 493 St Kilda Road
Melbourne 3004
Victoria, Australia

Phone +61 3 9869 8581
Fax +61 3 9869 8598
Mobile +61 3 0419 154 281
Web www.linfox.com

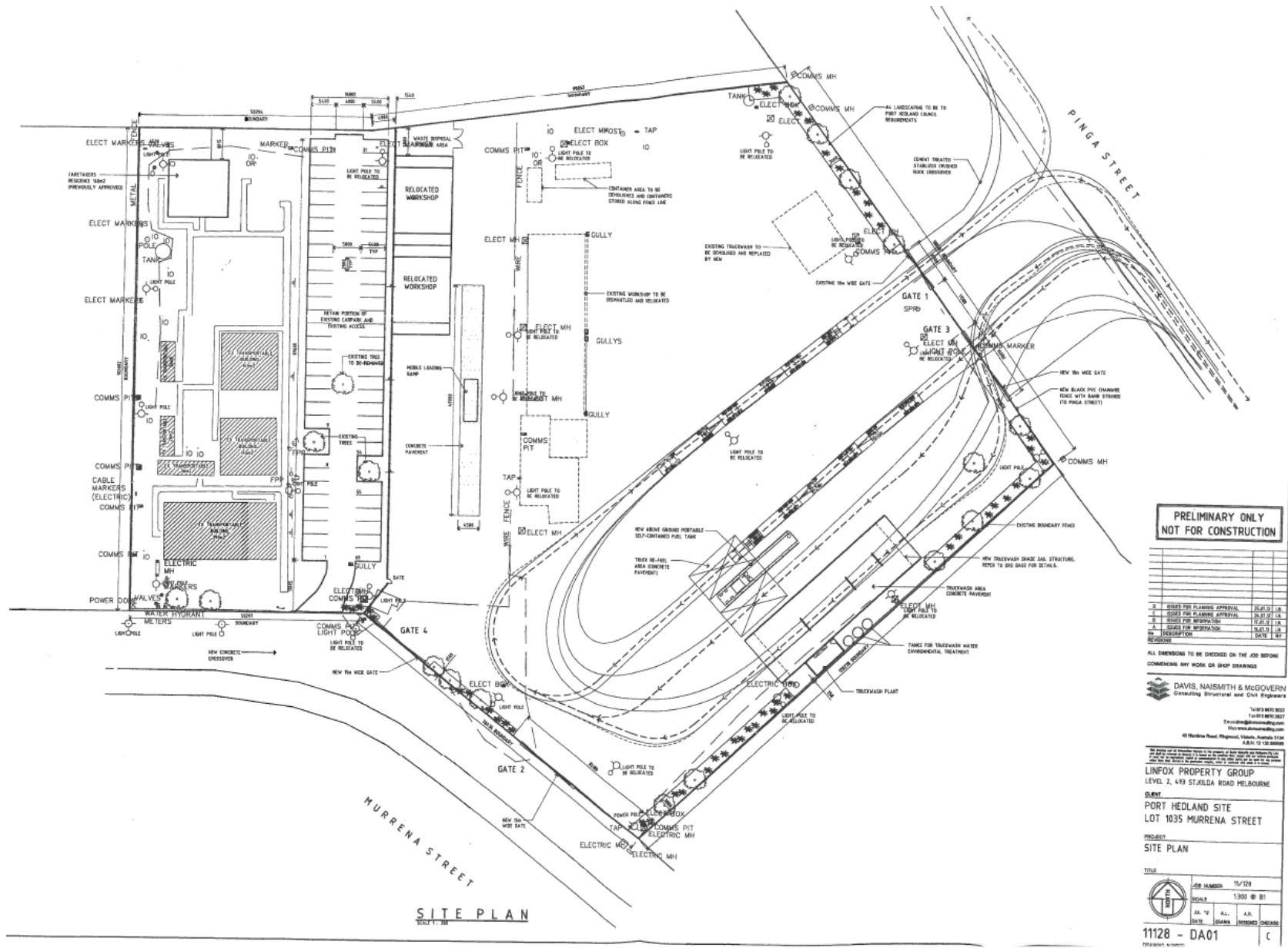
Our safety target

vision ZERO Fatalities
ZERO ZERO Injuries
ZERO Motor Vehicle Accidents
ZERO Net Environmental Emissions
ZERO Tolerance of Unsafe Behaviour & Practices

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ATTACHMENT 6 TO ITEM 6.1.2



**PRELIMINARY ONLY
NOT FOR CONSTRUCTION**

3. REVIEW FOR CLASSIFICATION APPROVAL	25/11/12	JA
4. CHECK FOR PLANNING APPROVAL	25/11/12	JA
5. CHECK FOR INSPECTION	25/11/12	JA
6. CHECK FOR INSPECTION	25/11/12	JA

ALL DIMENSIONS TO BE CHECKED ON THE JOB BEFORE COMMENCING ANY WORK OR SHAP DRAWINGS

DAVIS, NAISMITH & MCGOVERN
Consulting Engineers and Civil Engineers

Tel: 08 9452 2022
Fax: 08 9452 2027
Email: info@davisnaismith.com.au
Web: www.davisnaismith.com.au

40 Malabar Road, St Albans, Victoria, Australia 3174
A.S.N.Z. 1210 (2008)

LINFOX PROPERTY GROUP
LEVEL 2, 433 ST ALBANS ROAD MELBOURNE

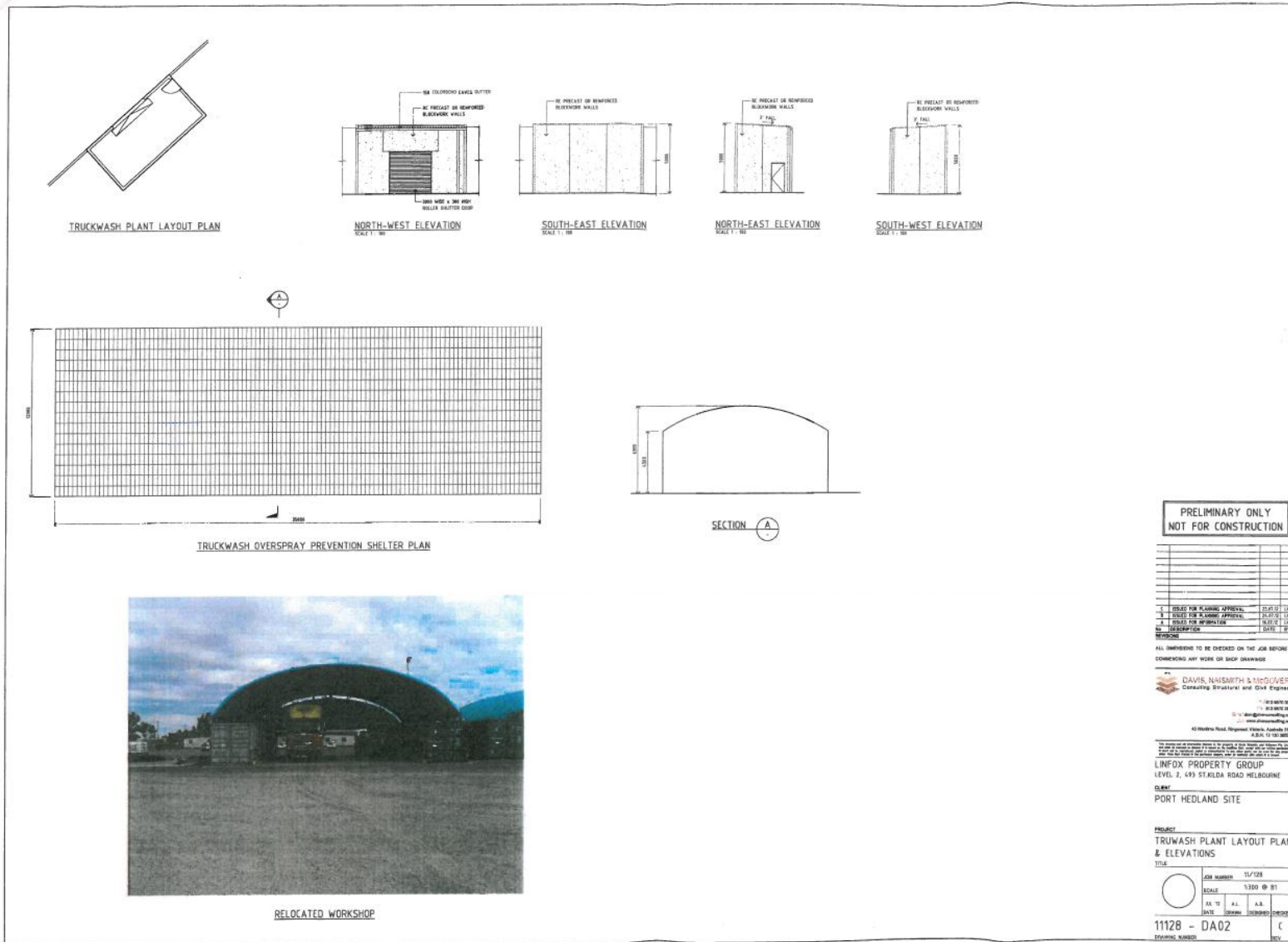
SUBJECT
PORT HEDLAND SITE
LOT 1035 MURRENA STREET

PROJECT
SITE PLAN

TITLE

JOB NUMBER	15/1218
SCALE	1:300 @ B1
DATE	25/11/12
DESIGNER	DAVIS
CHECKED	NAISMITH
APPROVED	MCGOVERN

11128 - DA01



**PRELIMINARY ONLY
NOT FOR CONSTRUCTION**

DATE FOR PLANNING APPROVAL:	21/07/12	1:5
DATE FOR COUNCIL APPROVAL:	21/07/12	1:5
DATE FOR SUBMITAL:	21/07/12	1:5
DESCRIPTION:		
DATE:		

ALL DIMENSIONS TO BE CHECKED ON THE JOB BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS

DAVIS, NAISMITH & McCOY
Consulting Structural and Civil Engineers

11/12/12 10:23
40 Maitland Road, Weymouth, Victoria, Australia 3150
A.S.A. 11/12/12

LIFFOX PROPERTY GROUP
LEVEL 2, 493 ST KILDA ROAD MELBOURNE
CLIENT:
PORT HEDLAND SITE

PROJECT:
TRUCKWASH PLANT LAYOUT PLAN & ELEVATIONS

TITLE:

JOB NUMBER:	11/1228
SCALE:	1:500 @ B1
DATE:	DATE DRAWN: DATE CHECKED: DATE DESIGNED: DATE

11128 - DA02
DRAWING NUMBER

6.1.3 Temporary Asphalt Plant “Noxious Industry” Hamilton Road Reserve

Officer	Michael Pound Senior Planning Officer
Date of Report	7 August 2012
Application No.	2012/156
Disclosure of Interest by Officer	Nil

Summary

Council received an application from AAA Triple A Asphalt, to utilise a portion of land part Reserved “District Road” and part “Conservation Recreation and Landscapes” (site) for the temporary use of two (2) mobile Asphalt Plants.

The applicant has previously used the site intermittently over the past twelve months to manufacture asphalt for a range of projects within the Town. The applicant was notified by Council Officers an application for planning approval would be required prior to any future works being undertaken on site.

Council Officers recommend approval of the application.

Background*Site Description (Attachment 1)*

The subject site is located on the corner of Shoata and Hamilton Road, South Hedland with an area of approximately 7400m².

The site is set back approximately forty (40) metres from Hamilton Road and vehicular access is achieved via two crossovers approximately seventy five (75) metres apart along Hamilton Road.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5), the site is part Reserved “District Road” and part “Conservation Recreation and Landscapes”.

The site is unfenced and is currently utilised by contractors for storing aggregates for sealing and stockpiling of granular base coarse material. There are many existing/leftover stockpiles of materials located on site which are used as contractors come and go.

Proposal

The applicant proposes to transport and locate two (2) asphalt mixing plants on site temporarily for up to four times a year for no longer than two weeks at a time. The plants are capable of manufacturing approximately 950 tonnes of asphalt per week.

Incoming materials arrive by truck carting approximately 25 tonnes. The asphalt is transported from the site by truck carry loads of approximately 20 tonnes, resulting in approximately 16 truck movements per day.

Consultation*Internally:*

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

- Manager Technical Services;
- Manager Building Services; and
- Manager Environmental Health Services.
- Manager Investment & Business Development Services.

Externally:

Agencies:

- Department of Environment and Conservation (DEC); and
- Main Roads

As a result of changes within the DEC, the DEC now requires the premises where the mobile asphalt plant is kept to be licensed, as opposed to licensing the equipment alone.

Subsequently, a works approval was required under section 52 of the Environmental Protection Act 1986, as asphalt work being carried out on the premises causes the premises to become a "Prescribed Premises".

Furthermore, the DEC provided the following advice:

"Under part V of the Environmental Protection Act 1986 (the Act) the proponent will be required to submit a works approval application for the prescribed premises as outlined in the Environmental Protection Regulations 1987 to construct the facility and upon completion will be required to obtain a licence to operate the facility. DEC can confirm that the proponent is aware of this requirement and has been in contact with DEC Pilbara Industry Regulation to obtain advice regarding the part V requirements."

The applicant has provided two (2) Licences for Prescribed Premises being L8270/2008/1 and L8376/2009/1 (*ATTACHMENT 3*). Given the advice received above it is recommended a condition be imposed requiring the applicant to confirm with the DEC these Licences are sufficient to locate and operate on the site. If any further approvals and / or licences are required the applicant must obtain these and provide any relevant documentation to the Town prior to any works being undertaken on the site.

Adjoining owners:

- 77 – 95 Hamilton Road, South Hedland;
- Lot 2456 Roberts Road, South Hedland; and
- Lot 331 Hamilton Road, South Hedland.

The application was advertised in the North West Telegraph on the 13th June 2012, allowing for a 14 day period for any interested parties to provide comments / objections to the proposal.

No comments / objections were received during this period.

Statutory Implications

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

Land Administration Act 1997

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$139.00 has been received as per the prescribed fees approved by Council. The applicant has paid an additional \$139.00 for the retrospective fees.

Officer's Comment

In accordance with TPS5, the proposed development is classified as "Industry - Noxious" and defined as:

"an industry which is subject to licensing as "Prescribed Premises under the environmental Protection Regulations 1987 (as amended)"

Need & Desirability

As the population is expected to surge in both Port and South Hedland, the demand for building related materials such as cement has increased. The temporary asphalt plants will continue to manufacture asphalt to support road construction and industry in and around the Port Hedland Area. The continued operation of the temporary asphalt plants is necessary in order for a diverse range of products required for various projects surrounding the future growth of Port Hedland.

There are limited locations capable of facilitating noxious land uses. Given that the land use is of a temporary nature, the location of the site is considered acceptable and does not detriment the streetscape as it is setback approximately 40m from Hamilton Road.

Car Parking Requirement

The applicant has identified the plants will require only three (3) operators on site. The applicant shall provide a revised site plan identifying three (3) car parking bays along with a Traffic Management Plan which details entry and exit on to the site prior to commencing any works on site.

Visual amenity

The location of the site is such that it fronts Hamilton Road, however the setback of 40m from Hamilton Road results in a low degree of visibility. Council Officers are of the opinion the proposal will have a negative impact on the visual amenity of the area during use, however, given the temporary nature of the development, the low level of visual impact for short periods of time is considered acceptable.

Site Operations

The applicant has identified the use of the site will occur approximately four (4) times a year for a period of no longer than two (2) weeks. Given it is a requirement for the applicant to notify the DEC of any upcoming works to undertaken on the site, it is recommended a condition be imposed requiring the applicant to formally notify the Town in writing prior to commencing any works.

Lease/Licence

Section 55(1)(a) of the Land Administration Act 1997 (LAA) vests the absolute property in any road with the Crown.

(1) "A person who constructs anything on, over, or under a public thoroughfare or other public place that is local government property without first obtaining written permission from the local government commits an offence

(2) A local government may:

- a. Grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property; and*
- b. Impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction.*
- (3) It is a condition of the permission that the ordinary and reasonable use of the public or public place for the purpose to which it is dedicated is not permanently or unreasonably obstructed.*
- (4) A person who fails to comply with a condition of the permission commits an offence.*
- (5) A person who constructs anything in accordance with permission under this section is required to:*
- a. Maintain it; and*
- b. Obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*
- (6) A person who fails to comply with subregulation (5) commits an offence.*
- (7) The penalty for an offence under sub regulation (1), (4), or (6) is \$1000."*

Given the above, it is recommended that a condition be imposed requiring the applicant to obtain a licence for the use of the site for an intermediate period which may be revoked by the local government at any point in time.

Options

Council has the following options when considering this matter:

1. Approve the proposal.

The approval of the application will allow for the ongoing use of the site for the manufacturing of asphalt.

2. Refuse the proposal.

The refusal of the application would restrict future projects within the Town which require asphalt.

Option (1) is recommended.

Attachments

1. Locality Plan
2. Site Plan
3. DEC Licences

201213/124 Officer's Recommendation/Council Decision**Moved: Cr Carter****Seconded: Cr Hunt****That Council:**

- i) Approves the application submitted by AAA Triple A Asphalt on behalf of the registered landowner, the Department of Regional Development and Lands, to utilise a portion of land part Reserved "District Road" and part "Conservation Recreation and Landscapes" for an "Industry – Noxious" - Two (2) Temporary Asphalt Plants subject to the following conditions:
 1. This approval relates only to the proposed "INDUSTRY – NOXIOUS" Two (2) Temporary Asphalt Plants, as indicated on the approved plans (DWG2012/156/1 – DWG2012/156/1). It does not relate to any other development on this lot.
 2. In terms of the Port Hedland Town Planning Scheme No 5, "Industry Noxious" is defined as follows and shall only be used for this purpose:
"An industry which is subject to licensing as "Prescribed Premises" under the environmental Protection Regulations 1987 (as amended,
 3. This approval is to remain valid until 6 September 2014.
 4. No human habitation shall be permitted on the lot.
 5. Prior to the commencement of any works at any given time the applicant shall first obtain the written approval from the Manager Planning Services. Such approval shall be limited to a maximum of four times a year a period not exceeding two (2) weeks at a time.
 6. Access to the property shall be restricted to vehicles with a maximum length of 6m, unless the applicant/owner suitably demonstrates compliance with applicable Main Roads Western Australia turning templates of larger vehicles, to the satisfaction of the Manager Planning Services.
 7. A minimum of three (3) car bays shall be provided on site.

- 8. No parking bays shall be obstructed in any way or used for any other purpose than parking.**
- 9. Stormwater shall be retained on-site, in accordance with Council's Technical Services Guidelines.**
- 10. 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.**
- 11. The owner / developer shall ensure construction on the site is in accordance with the approved "Construction Site Management Plan". Any deviation of the approved "Construction Site Management Plan" shall require approval from the Manager Planning Services**

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

- 12. Prior to the commencement of any works, the applicant is to provide the Town written approval and/or confirmation of works approval/licences from the Department of Environment and Conservation.**
- 13. Prior to the commencement of any works, the applicant (AAA Triple A) shall provide the following:**
 - a. indemnify the Town against any loss or damage caused to the road reserve or other property of the Town or to any person or property of any person arising out of the construction of the Temporary Asphalt Plants forming part of the development on the road reserve and/or the use of the road reserve for Temporary Asphalt Plants in connection with the development;**
 - b. take out and maintain a policy of public liability insurance with a reputable insurer in an amount satisfactory to the Town to insure the Town and the owner against all claims for loss or damage or injury occurring to the road reserve or property of the Town or any person or property of any person as a result of the construction and use of the Temporary Asphalt Plants g on the road reserve and/or in respect of the use of the road reserve for Temporary Asphalt Plants in connection with the development;**
 - c. maintain the site constructed on the road reserve at the owner's cost to the satisfaction of the Town;**

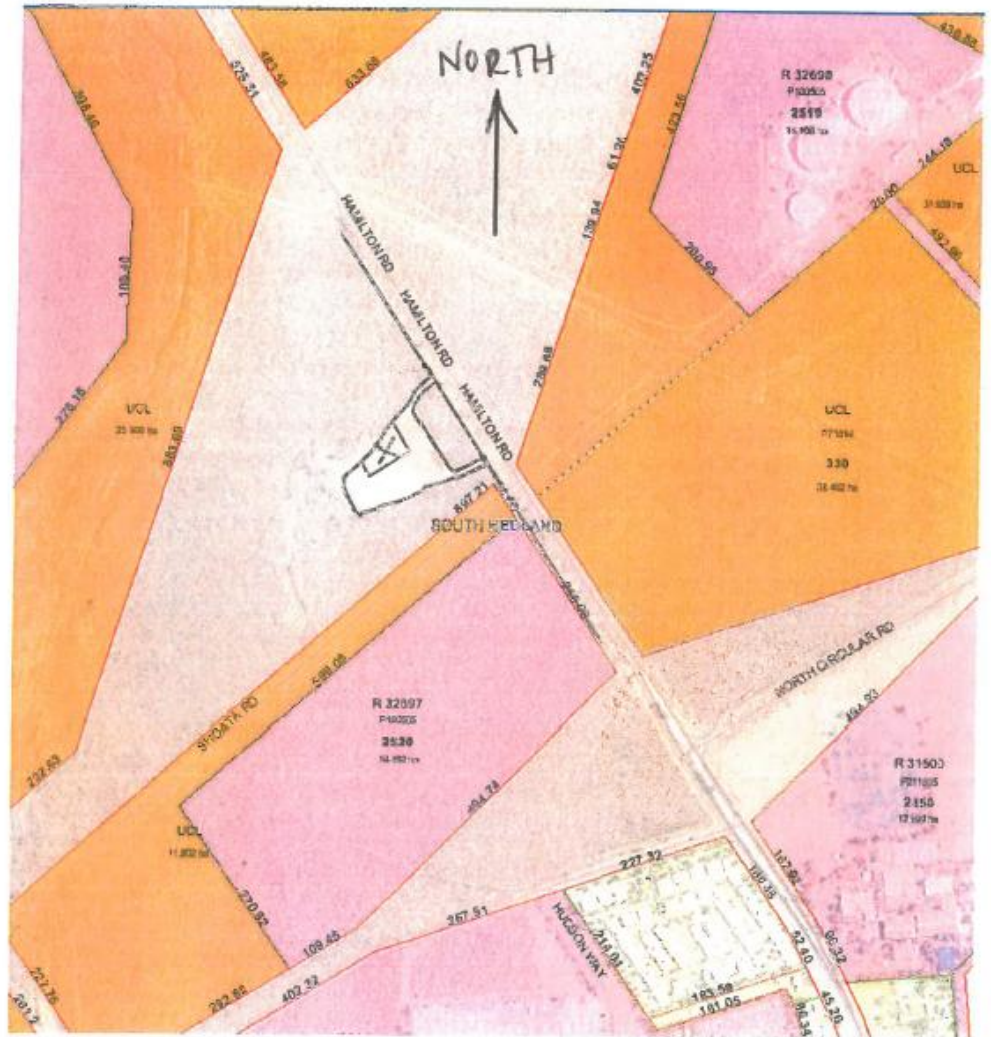
- ii) The agreement shall be prepared by the Town's solicitors and the owner shall be responsible to pay all costs associated with the Town's solicitor's costs associated with the preparation of (including all drafts) and stamping of the agreement and the lodgement of the absolute caveat at Landgate.
- 14. Prior to the commencement of any works amended plans shall be provided and approved by Manager Planning Services detailing the following:
 - a. Three (3) car parking bays; and
 - b. Location and details of on-site amenities.
- 15. Prior to the commencement of any works, a Traffic Management Plan shall be prepared and approved by the Manager Technical Services. The plan shall be in accordance with Main Roads (MRWA) Code of Practice shall be submitted and approved by the Town of Port Hedland prior to works on roads commencing. - Any activity within a road reserve associated with building or construction works (eg – loading, off-loading, movement of construction vehicles etc) which may impact on pedestrian or vehicular traffic is deemed to require traffic management).
- 16. Prior to the commencement of any works, a Noise and Vibration Management Plan shall be submitted and approved by the Manager Planning Services.

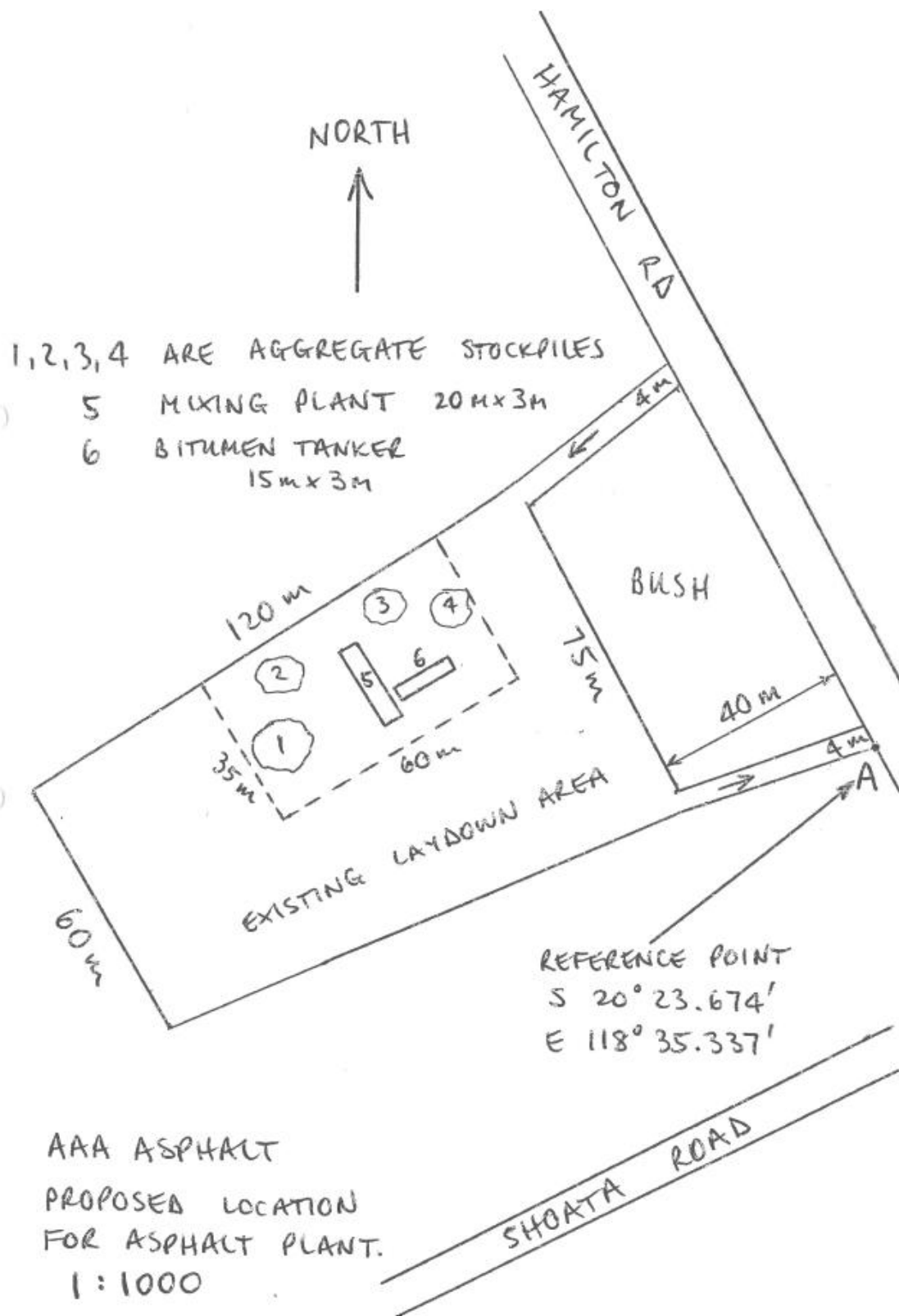
ADVICE NOTES:

- 1. This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years.
- 2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements.
- 3. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
- 4. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

CARRIED 5/0

ATTACHMENT 1 TO ITEM 6.1.3





ATTACHMENT 3 TO ITEM 6.1.3



Department of Environment and Conservation

LICENCE FOR PRESCRIBED PREMISES

Environmental Protection Act 1986

LICENCE NUMBER L8270/2008/1

FILE NUMBER DEC8492

LICENSEE AND OCCUPIER OF PREMISES

Urban Pavements Pty Ltd
 PO Box 2044
 HIGH WYCOMBE WA 6057
 ACN: 126 418 184

MOBILE 1

NAME AND LOCATION OF PREMISES

AAA Triple A Asphalt
 Mobile Plant trailer registrations: 1TGT590 and 1TGT608
 Licensed for use in Western Australia

PRESCRIBED PREMISES CATEGORY

Schedule 1 of the *Environmental Protection Regulations 1987*

CATEGORY	DESCRIPTION	CAPACITY
35	Asphalt manufacturing: premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at places or premises other than those premises	More than 2 000 but not more than 10 000 tonnes per year

CONDITIONS OF LICENCE

Subject to the conditions of licence set out in attached page.

Officer delegated under Section 20
 of the *Environmental Protection Act 1986*

ISSUE DATE Thursday 28 August 2008
 COMMENCEMENT DATE Thursday 28 August 2008
 EXPIRY DATE Tuesday 27 August 2013



Government of Western Australia
Department of Environment and Conservation

LICENCE FOR PRESCRIBED PREMISES

Environmental Protection Act 1986

LICENCE NUMBER L8376/2009/1

FILE NUMBER DEC 8492

LICENSEE AND OCCUPIER

Urban Pavements Pty Ltd
T/A AAA Triple A Asphalt
c/o AC Morris & Co.
32 Charles Street
South Perth WA 6151
ACN: 126 418 184

MOBILE 2

PREMISES

AAA Triple A Asphalt – Mobile 2
Mobile Plant trailer VIN/chassis numbers 9A9SRMPM39PDM7116; 9A9SRDPS19PDM7149
and 9A9SRS0S29PDM7038.
Licensed for use in Western Australia

PRESCRIBED PREMISES CATEGORY

Schedule 1 of the *Environmental Protection Regulations 1987*

CATEGORY	DESCRIPTION	CAPACITY
35	Asphalt Manufacturing: Premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at places or premises other than those premises	10,000 tonnes per annum (50 tonnes per hour)

CONDITIONS OF LICENCE

Subject to the conditions of licence set out in the attached 4 pages.

Officer delegated under Section 20
of the *Environmental Protection Act 1986*

ISSUE DATE Thursday, 3 September 2009
COMMENCEMENT DATE Monday, 7 September 2009
EXPIRY DATE Saturday, 6 September 2014

Page 1 of 8

6.1.4 Offer of Voluntary Developer Contributions relating to Lots 2 McGregor Street and 5474 Thompson Street, Port Hedland (File No.: 156040G)

Officer Luke Cervi
Senior Planning Officer

Date of Report 13 September 2012

Disclosure of Interest by Officer Nil

Summary

Blaxland on behalf of the owners of Lots 2 McGregor Street and 5474 Thompson Street has requested to enter into an agreement with the Town of Port Hedland to voluntarily provide developer contributions subject to being exempt from future developer contributions that may come into effect.

Background

Blaxland prepared a Development Plan for Lots 2 McGregor Street and 5474 Thompson Street which have now been approved by Council and the Western Australian Planning Commission. The development plans provide for the subdivision and development of the land for a total of 313 dwellings.

Since the approval of the Development Plan, Blaxland have continued to progress their proposal for the land and are close to submitting a subdivision application for Lots 2 McGregor Street and Lot 5474 Thompson Street (commonly referred to as the Telstra Site). Further applications for the development of the 313 dwellings on the Telstra Site will be submitted after the subdivision.

Current Developer Contribution requirements

Presently Council does not have a Developer Contributions Plan. The only mandatory contributions applying to development is for the provision of Public Open Space through the Subdivision process.

Proposed Developer Contributions Plan

Council approved funding for the preparation of a Developer Contributions Plan. The preparation has commenced, with preliminary drafts requiring a Developer Contribution of approximately \$15,000 per dwelling.

Proposed Wastewater Treatment Plant relocation contribution

Blaxland are close to settling on a \$3,800,000 voluntary contribution towards the relocation of the Wasterwater Treatment Plant which would be paid to Pilbara Cities.

Proposed Public Open Space contribution

Blaxland have offered a contribution of \$4,500 per dwelling in lieu of providing public open space on the site. Based on 313 dwellings a contribution of \$1,408,500 would be given instead of the standard 10%. Council currently does not have access to a valuation for the land.

Consultation*Internally:*

The application was circulated and / or discussed with the following internal units, with comments received, included in the report:

- Director Corporate Services;
- Manager Recreation Services.

Externally:

Nil

Statutory Implications

The *Planning and Development Act 2005* provides the legislative framework for the development and adoption of State Planning Policies.

Developer Contributions are provided for by *State Planning Policy 3.6 Developer Contributions for Infrastructure (SPP3.6)*. The following section of SPP3.6 is relevant:

5.3 Imposition of development contributions

Development contributions may relate to the requirements of public utility providers (such as water, sewerage, and electricity), state government requirements and the requirements of local government.

Where local governments are seeking development contributions beyond the standard provisions outlined in appendix 1, they must be supported by a development contribution plan which identifies the need for such infrastructure for the relevant development contribution area or by a voluntary agreement between a developer and the relevant local government. This need may not arise where there is one development and the need for the development contribution is created by that development. Any condition for contributions in this case must be consistent with the principles outlined in section 5.2.

Policy Implications

Nil

Strategic Planning Implications

The following section of the Strategic Community Plan 2012 – 2022 are considered relevant to the proposal:

6.3.2 Community Facilities

What we do

Provide safe and accessible community facilities, libraries, services and public open spaces that connect people and neighbours.

How we know we've got there

Improved measurement of community open spaces as well lit, well used and perceived as safe through the Community Survey.

Budget Implications

The proposal would result in the following:

- a) Council receiving a contribution of \$4,500 per dwelling (\$1,408,500) from Blaxland in lieu of providing Public Open Space for the land.
- b) \$5,208,500 of contributions (\$3,800,000 to Pilbara Cities and \$1,408,500 to Council) being offset from any future developer contributions relating to Lot 2 McGregor Street and/or Lot 5474 Thompson Street.

Officer's Comment

Council has approved funding for the preparation of a Developer Contribution Plan which has now commenced. Preliminary drafts require a contribution of approximately \$15,000 per dwelling. Whilst a final figure is still some time away, regardless of the figure, the Telstra site development would be subjected to a significant contribution.

Blaxland have been involved with the development of the Telstra site since prior to the announcement of the Wastewater Treatment Plant relocation. At that point in time no mandatory development contributions existed except where subdivision was proposed and cash in lieu of providing Public Open Space proposed.

Blaxland in good faith commenced negotiating a "voluntary contribution" with Pilbara Cities to help offset the cost of the Wastewater Treatment Plant relocation. Blaxland is close to finalising a contribution with Pilbara Cities, but in light of Council approving funding for the preparation of a Developer Contribution Plan, is cautious of a possible 'double dipping' impact against their development.

Blaxland are happy to pay a fair and reasonable amount that covers 'whole of government' contribution requirements. Blaxland contend that the \$3,800,000 'voluntary contribution' that has been agreed to with Pilbara Cities covers:

“the benefit of the land being rezoned for residential development.”

Furthermore Blaxland are still offering a contribution to Council on the basis that:

“The only other matter that we see having a needs nexus to justify a contribution is open space/public amenity. Accordingly we have offered to pay \$4,500 per dwelling for provision of public open space/public amenity (in lieu of providing open space on our property).”

The planning unit agrees that the fair and reasonable approach is a ‘whole of government’ contribution. However, it is considered that a voluntary contribution of \$4,500 per dwelling, would complicate matters. It is recommended that the mandatory 10% cash in lieu of open space contribution be applied instead. Whilst Council doesn’t currently have access to a valuation for the land, this approach would ensure that the open space component of the contribution would be consistent with open space contributions that have been received for other developments.

In addition, the offsetting of the contribution to Pilbara Cities from any future contribution required by an approved Developer Contribution Plan, would ensure that the developer pays their fair share without the fear of ‘double dipping’ occurring.

Options

Council has the following options when considering the matter:

1. Require the mandatory open space contribution (10% cash in lieu at the time of subdivision) and agree to offset any ‘voluntary contribution’ made to Pilbara Cities from any developer contributions required for Lot 2 McGregor Street and / or Lot 5474 Thompson Street under an approved Developer Contribution Plan.

This option would ensure that the developer provides an open space contribution that is consistent with other developments, and supports a ‘whole of government’ contribution.

2. Accept the \$4,500 per dwelling offer in lieu of providing open space and agree to offset any ‘voluntary contribution’ made to Pilbara Cities from any developer contributions required under an approved Developer Contribution Plan.

This option would result in Council receiving an open space contribution that is inconsistent with other developments, and supports a ‘whole of government’ contribution.

3. Decline the offer of \$4,500 per dwelling in lieu of providing open space and refuse to offset any 'voluntary contribution' made to Pilbara Cities from any developer contributions required under an approved Developer Contribution Plan.

This option should be chosen if Council does not support a 'whole of government' contribution. This would result in Blaxland providing any relevant contribution to Council at the time of development occurring.

Option 1 is recommended as it is considered a 'whole of government' contribution would be fair and reasonable for all parties.

Attachments

1. Locality Plan
2. Letter of Offer

Officer's Recommendation

That Council:

1. Advise Blaxland that:
 - a) a 'whole of government' contribution is supported;
 - b) a 10% cash in lieu of providing public open space is supported for the subdivision of the Telstra site as opposed to a \$4,500 per dwelling contribution.
 - c) Council agrees to offset any contribution made to Pilbara Cities from contributions that may apply to Lots 2 McGregor Street and / or 5474 Thompson Street from the adoption of a Developer Contribution Plan.
2. Requests Blaxland to provide Council a valuation of Lots 2 McGregor Street and 5474 Thompson Street for the purpose of calculating the 10% cash in lieu of providing public open space requirement.

201213/125 Council Decision

Moved: Cr Carter

Seconded: Cr Daccache

That Council lay this item on the table.

CARRIED 5/0

REASON: Council laid the item on the table for want of further clarification on the value of the property.

ATTACHMENT 1 TO ITEM 6.1.4
Attachment 1 – Locality Plan





14 August, 2012

**Lot 2 McGregor St and Lot 5474 Thompson St, Port Hedland (Blaxland property)
Contributions agreement**

1. Architectural plan included in development plan approval provides for 313 dwellings
2. Sewer ponds contribution is \$4.2m or \$13,400 per dwelling
3. Upper end of potential density for the property is 400 dwellings. The ponds contribution in this case would equate to \$10,500 per dwelling.
4. Blaxland is willing to commit to \$4,500 per dwelling as a contribution towards provision and improvement of public open space (as cash in lieu of provision of P.O.S.)
5. ToPH are preparing a contributions plan. The estimate for all contributions is \$15,000 per dwelling including provision and improvement of P.O.S. ToPH will offset any contributions paid by a developer in addition to Council's contribution plan. i.e. in the case of Blaxland, ToPH will offset the ponds contribution and \$4,500 per lot POS contribution.
6. Based on the 400 dwelling upper end of potential density, the contributions for the Blaxland property will be \$15,000 per dwelling (i.e. ponds at \$10,500 and amenity at \$4,500).
7. Based on the development plan architectural scheme of 313 dwellings, Blaxland's contributions will represent \$17,918 per dwelling.
8. If a lower density scheme were pursued, i.e. 250 dwellings, contributions would be \$21,300 per dwelling.
9. Achievable density will mean that contributions for the property will always exceed \$15,000 per lot (based on a \$4,500/dwelling POS contribution)

On this basis we would like to enter into an agreement with ToPH that simply says that if Blaxland (or successors in title) pay the sewer ponds contribution of \$4.2m, then the only other contribution payable to ToPH will be \$4,500 per dwelling for public amenity/POS.

L5, 17 Bridge Street
Sydney NSW 2000

Phone (02) 9253 0963
Fax (02) 9253 0901

info@blaxlandproperty.com.au
www.blaxlandproperty.com.au

Policy Implications

The naming or renaming of roads is guided by Policy 12-004 Road Names and Street Numbering.

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The Geographic Names Department at Landgate has an approved list of Reserved Road Names for the Town of Port Hedland. The names listed within the Reserved Road Names register have all previously been approved by Council and therefore do not require further Council approval.

Planning Officers have delegated authority to submit request for names, taken from the Reserved Road Names register, directly to the Geographic Names Department.

As many of the names listed within the Reserved Road Names register were approved prior to the year 2000, it is considered appropriate for Council to revisit and reaffirm approval of the selected names.

Attachments

Nil

Options

Council has the following options for responding to the request:

1. Reaffirm approval for the attached names to be included within the Reserve Road Names register.

The approval will result in the attached names being used for future roads without the need for a further Council resolution. The approval is expected to reduce approval development assessment time.

2. Revoke the inclusion of the attached names within the Reserve Road Names register.

Revoking the names will require all applications for road names to be submitted to Council for a resolution.

Option 1 is supported by Council officers.

Attachments

1. Geonoma Adhoc Report

201213/126 Officer's Recommendation/Council Decision**Moved: Cr Carter****Seconded: Cr Hunt****That Council:**

1. Approves and reserves the following road names for future development:

Derrick	Totouer	ChinSing
Glass	Hull	Warrawagine
Poodina	Windward	Port
Galley	Murphy	Aitchison
Propeller	McKenna	Corruna
Barramine	Cabin	Winch
BinBin	Karrakatta	Carr
Crameri	Bryan	Portree
McLeod	Funnel	Deck
AhTow	Dicks	Mohommet
Ettrick	Braeside	Eginbah
Starboard	Capstan	Bollard

2. Delegates the Manager of Planning Services to forward the approved list of names to Geographic Names to update the Geonoma Adhoc Report for the Town of Port Hedland.

CARRIED 5/0

ATTACHMENT 1 TO ITEM 6.1.5



GEONOMA Adhoc Report

Full Name Origin Text	Name Type	Lga Name	Action Approved
Derrick The name follows a nautical theme. A derrick is a lifting device composed of one mast or pole which is hinged freely at the bottom. It is controlled by lines (usually four of them) powered by some means such as man-hauling or motors, so that the pole can move in all four directions. A line runs up it and over its top with a hook on the end, like with a crane. It is commonly used in docks and onboard ships. Some large derricks are mounted on dedicated vessels, and are often known as "floating derricks".	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Totouer Nurse Totouer was the town's mid-wife in the early 1900's, and her sterling efforts covered an area reaching hundreds of kilometres from the town	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
ChinSing The Chin Sing chinese tailor shop on the Esplanade made beautiful suits and clothes, from the early 1900's.	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Glass In honour of Jack Glass, a picture garden proprietor who died in 1990.	Reserved Road Name	Port Hedland, Town Of	15-Jan-1997
Hull Fred Hull was Flying Doctor Service Base Manager from 1935 and later Managing Director	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Warrawagine Warrawagine was a railway siding of the Spinifex Express.	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Poodina Poodina was a railway siding of the Spinifex Express	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Windward The name follows a nautical theme. Windward is the side of the boat from which the wind blows.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Port The name follows a nautical theme. Port is the left-hand side of a ship.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Galley The name follows a nautical theme. The Galley is a kitchen or an area with kitchen facilities in a ship / boat.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Murphy Murphy was the name of one of the early Aboriginal families who played an important role in the community and development of the town (1920's)	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Aitchison George (Phil) Phillip Aitchison ISM (31 May 1912 to 25 July 2007). Early on he was employed as a stockman, drover, rouse-a-bout, and drovers' cook at various times on Roy Hill, Marillana, Mulga Downs and numerous other stations. During the depression years he was timber getting along the Fitzroy River. Phil later worked on the Comet Mine in Marble Bar. During World War II, Phil initially served with garrison forces in Broome, guarding internees. He was strafed during the major air raid and he and his family were evacuated to Anna Plains Station. Later he was camped at Port Hedland aerodrome when it was bombed. Following this incident, he was transferred to the 6th Division and sent to Darwin. Manpowered out in 1944, Phil joined the Public Works Department (Harbours and Rivers) becoming the supervisor for all wharves & jetties in the north west of Western Australia, where he served until his retirement in 1976. For his services he was awarded the Imperial Service Medal upon his retirement. His work at Port Hedland included refuelling the navigation lights on the buoys in the harbour, delivering potable water door to door to homes in the town (prior to the introduction of a reticulated water supply) and help develop the bore fields at both the Turner and the De Grey. He wrote <i>I Love Had a Good Life : Phil's Story: the Autobiography of a Pilbara Pioneer</i> , published in 2006.	Reserved Road Name	Port Hedland, Town Of	17-Jun-2011
Propeller The name follows a nautical theme. A machine for propelling a boat, consisting of a power-driven shaft with radiating blades that are placed so as to thrust air or water in a desired direction when spinning.	Reserved Road Name	Port Hedland, Town Of	19-May-2009



GEONOMA Adhoc Report

Full Name Origin Text	Name Type	Lga Name	Action Approved
McKenna Clancy McKenna was Aboriginal stockman who worked closely with Don McLeod on the 1946 Aboriginal station strike and was an important aboriginal leader	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Corruna Corruna Downs is a historic Pilbara station that does not exist anymore, either deserted or taken over by a larger station	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Barramine Barramine is a historic Pilbara station - does not exist anymore, either deserted or taken over by a larger station.	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Cabin The name follows a nautical theme. A Cabin is a room in a ship used as living quarters by an officer or passenger.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Winch The name follows a nautical theme. A winch is stationary motor-driven or hand-powered machine used for hoisting or hauling, having a drum around which is wound a rope or chain attached to the load being moved.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
BinBin Dooley Bin Bin was also instrumental in organising the 1946 aboriginal station strike and was influential throughout his life	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Karrakatta Karrakatta was a steamer of the Blue Funnel Line that traded between the North West & Singapore. The steamers were often called the black boats and gave a valuable service to PortHedland	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Carr Postmaster Harry Carr was awarded an MBE for his assistance in the 1939 cyclone	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Cramerer In the early 1900's William Cramerer ran a barber and bootmaker shop from W. Cramerer's Billiard Saloon in Wedge Street. Three generations of Cramerer succeeded him in Port Hedland.	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Bryan Father bryan was the vivacious Catholic priest who lobbied for the establishment of the Catholic Convent in 1942	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Portree Portree is a historic Pilbara Station that does not exist anymore, either deserted or taken over by a larger station.	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
McLeod Don McLeod was a legendary figure, organising the 1946 Aboriginal station strike, establishing the Nomads group and administering many aboriginal stations in the Pilbara	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Funnel The name follows a nautical theme. A funnel is a shaft, flue, or stack for ventilation or the passage of smoke, on a ship.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Deck The name follows a nautical theme. A Deck is a platform extending horizontally from one side of a ship to the other.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
AhTow Ah Tow owned a drapery out of town from the early 1900s and was renowned for his kindness.	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Dicks Dr Harold Dicks was District Medical Officer from 1942	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Mohommet Dost Mohommet was a well known cameleer operating from Port Hedland to the 1920's	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998



GEONOMA Adhoc Report

Full Name Origin Text	Name Type	Lga Name	Action Approved
Ettrick Ettrick is a historic Pilbara station - does not exist anymore, either deserted or taken over by a larger station	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Braeside Braeside is a historic Pilbara station - does not exist anymore, either deserted or taken over by a larger station	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Eginbah Eginbah was a railway siding of the Spinifex Express.	Reserved Road Name	Port Hedland, Town Of	27-Oct-1998
Starboard Name follows a nautical theme	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Capstan The name follows a nautical theme. A Capstan is an apparatus used for hoisting weights, consisting of a vertical spool-shaped cylinder that is rotated manually or by machine and around which a cable is wound.	Reserved Road Name	Port Hedland, Town Of	19-May-2009
Bollard The name follows a nautical theme. A Bollard is a strong wooden or metal post mounted on a wharf, quay, etc., used for securing mooring lines.	Reserved Road Name	Port Hedland, Town Of	19-May-2009

6.2 Engineering

6.38pm Councillor Daccache declared an impartiality interest in Item 6.2.1 "Mineral Resources Limited – Agreement to Lease (File No: 05/05/0068)" as he has an association with the applicant.

Councillor Daccache did not leave the room.

6.2.1 *Mineral Resources Limited – Agreement to Lease (File No: 05/05/0068)*

Officer Sara Bryan
Manager Investment & Business
Development

Date of Report 1 October 2012

Disclosure of Interest by Officer Nil

Summary

This item requests a decision from Council in relation to the disposal of land by way of agreement to lease to Mineral Resources Limited (MRL) for the construction of a Transient Workers Accommodation Camp (TWA) on Part of Lot 2444, Great Northern Highway, Port Hedland, for a maximum period of 12 months, prior to the commencement of the lease, reflective of the business plan for a Major Land Transaction approved by Council 14 March 2012.

Background

At the Ordinary Council Meeting held 14 March 2012, Council resolved the following (part resolution):

"That Council:

Proceed with the Business Plan for a Major Land Transaction with Mineral Resources Limited in accordance with section 3.59 (5) of the Local Government Act.

Authorise the CEO or his delegate to draft a lease agreement between the parties, reflective of the terms contained within the business plan..."

Following this resolution, the details of the disposal were advertised in the North West Telegraph for the required period of 2 weeks with no submissions received, deeming the disposal process complete in accordance with Section 3.58 of the *Local Government Act 1995*.

Over the last six months, Officers have been working through negotiations with MRL and McLeods Barristers and Solicitors in relation to negotiating the lease document to cover the ten year term of the contact agreed by way of the business plan as noted above.

MRL have requested to enter into a 12 month agreement, separate to the lease resolved by way of business plan to cover the land development and construction stage of the camp. This will ensure that both MRL and Council receive the best returns from the lease of the land as the facility will be fully operational for the entire 10 year term.

Consultation

External

- Project Manager – Mineral Resources Limited
- General Manager, Development & Infrastructure – Mineral Resources Limited
- McLeods Barristers and Solicitors
- Western Australian Local Government Association

Internal

- A/Director Engineering Services
- Senior Planner

Statutory Implications

Local Government Act 1995

“Section 3.58. Disposing of property

- (1) *In this section —*
- “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - “property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) it gives local public notice of the proposed disposition*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*
- [Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]”*

Policy Implications

Nil.

Strategic Planning Implications

6.4.1 Strategic

What we do

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

How we know we've got there

Investment and business opportunities are optimised from Council owned assets.

Budget Implications

Should Council proceed with the officer's recommendation, Mineral Resources Limited will be liable to pay an amount of \$750,000 exclusive of GST in respect of the 12 month agreement to lease for the use of the 5 hectare site at the Port Hedland International Airport for a period not exceeding 12 months. This figure is reflective of the current ground rental valuation of \$15m² obtained in March this year.

On completion of this 12 month term, the following monetary commitments will commence in accordance with the business plan approved by Council:

The base rental of \$15m² for 50,000m² equates to \$750,000.00 exclusive of GST in the first year of the lease proper. This will increase annually by CPI and will be subject to market reviews every three years.

In addition to this amount, MRL will also make an annual community contribution of \$911,460.00 exclusive of GST, (equivalent to \$1822.92 per bed), increasing annually by CPI.

Conservative calculations for the revenue returned to Council over the lifetime of the proposed lease, assuming a CPI rate of 3% and not taking into account market reviews, are expected to be in the region of \$8,597,909.50. Incorporating the annual community contribution figure, the proposed 10 year agreement is anticipated to secure a minimum return of \$17,712,509.50.

The lessee would be responsible for payment of all outgoing in respect of the site, inclusive of rates and would be liable for any legal costs associated with the drafting, negotiating and finalising of the respective agreements.

Officer's Comment

During recent discussions with officers, MRL have put forward a request for the Town to consider the establishment of a formal agreement between the parties to cover the construction and development stage of the transient workers accommodation camp. MRL has requested this to ensure that the TWA is fully operational at the commencement of the 10 year lease, enabling sufficient cashflow to comply with the community contributions stated in the business case.

Advice from both the Western Australian Local Government Association and the Towns solicitors has confirmed that this request can be actioned in compliance with the *Local Government Act 1995* on the condition that this is a separate lease agreement and not a modification of the approved business plan their request effectively extends the agreement for 12 months.

Should the officers recommendation of this item be formally endorsed by Council, an 'agreement to lease' document would be prepared by the Towns solicitors to cover the construction period of the camp from the date of site access to the issue of a certificate of building classification to a maximum period of twelve months.

The lease proper as endorsed by Council decision 14 March 2012 would commence the day immediately following the date of expiry of this agreement to lease.

Summary

In consideration of this request, Council has two options. The first, to go ahead with the agreement to lease as requested by MRL and summarised above.

The second option would be to reject the officer's recommendation and advise MRL that the construction of the transient workers accommodation camp would need to be completed within the agreed ten year term of the lease as endorsed by way of Council decision 14 March 2012.

The approval of a separate 12 month agreement to lease prior to the commencement of the approved 10 year lease is the most logical solution to the request received from MRL. To include an additional 12 month period to the 10 year term as approved by business plan to enable the development stage to be completed would effectively result in an 11 year total term which would be contrary to the said Council approved business plan.

The benefit to the Town in consideration of the request to enter into a separate agreement to lease would offer an additional 12 months worth of ground rental fees in respect of the subject site.

Attachments

Nil.

201213/127 Officer's Recommendation/Council Decision

Moved: Cr Carter

Seconded: Cr Daccache

That Council:

- 1. Dispose of Part of Lot 2444 by way of agreement to lease to Mineral Resources Limited on the following terms and conditions:**
 - a. Commencement date of 1 November 2012;**
 - b. Site access fee of \$750,000 per annum, exclusive of GST;**

- c. Expiry of agreement to be the date of the issue of a Certificate of Construction Compliance and/or Occupancy Permit, or to a maximum period of twelve (12) months;
- d. The Lease agreement reflective of terms endorsed by way of Council Decision 201112/379 to commence the day immediately following the expiry date of the agreement to lease.

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

CARRIED 5/0

ITEM 7 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 8 CLOSURE

8.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 October 2012, commencing at 5.30pm.

8.2 Closure

There being no further business, the Mayor declared the meeting closed at 6:40 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by Council at its Ordinary Meeting held on _____.

CONFIRMATION:

MAYOR

DATE