



## **UNCONFIRMED MINUTES**

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**Town of Port Hedland**

**MINUTES**

**OF THE**

**ORDINARY MEETING**

**OF THE TOWN OF PORT HEDLAND COUNCIL**

**HELD ON**

**WEDNESDAY 23 OCTOBER 2013**

**AT 5.30 PM**

**IN COUNCIL CHAMBERS**

**McGREGOR STREET, PORT HEDLAND**

***“A nationally significant, friendly city, where people want to live and are proud to call home”***

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*M.J. (Mal) Osborne  
Chief Executive Officer*



## OUR COMMITMENT

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

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**ITEM 1      OPENING OF MEETING****1.1          Opening**

The Mayor declared the meeting open at 5:35pm 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 Gloria A Jacob  
Councillor George J Daccache  
Councillor Jan M Gillingham  
Councillor David W Hooper  
Councillor Julie E Hunt  
Councillor Penny M Taylor  
Councillor Lorraine Butson  
Councillor Troy Melville  
Councillor David Van Vugt

*Officers*

Mal Osborne  
Natalie Octoman  
Gordon MacMile  
Russell Dyer  
Eber Butron  
Grace Waugh

Chief Executive Officer  
Director Corporate Services  
Director Community Development  
Director Engineering Services  
Director Planning & Development  
Governance Officer/ Minute Taker

**2.2          Apologies**

Nil

**2.3          Approved Leave of Absence**

Nil

**ITEM 3      RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1            Questions from Public at Ordinary Council Meeting held on Wednesday 25 September 2013****3.1.1        *Mr David Van Vugt***

*Is the Town planning to upgrade cycle paths in Wedgefield? There are a number of people who ride to work in Wedgefield and as there are no cycle paths are required to ride on the road. There are also caretaker dwellings in Wedgefield and the tenants would go for a bike ride.*

Director Engineering Services advised that the current footpath program does not include any footpaths in Wedgefield. Footpaths in Wedgefield will be considered once road upgrades and drainage upgrades are completed.

**3.1.2        *Ms Lorraine Butson***

*Why were members of the public restricted from purchasing refreshments at the recent Alliance Dance concert at the Wanangkura Stadium? Members of the public were told that a licence was required for drinks to be sold after 5:00pm.*

Director Community Development advised that the YMCA were specifically requested not to sell drinks during the recent Alliance Dance Concert. A request was made by organisers of the concert to allow them to conduct their own drinks and food sales as part of a fundraising initiative. Ordinarily the facility managers would be well prepared to assist by providing this level of service

**3.2            Questions from Elected Members at Ordinary Council Meeting held on Wednesday 25 September 2013****3.2.1        *Councillor Gillingham***

*There is rubbish underneath the decking at the Silver Star café. Can the Town look into getting the rubbish cleared before cyclone season?*

Director Engineering Services advised that Town Officers have spoken to the lessee and the Silver Star café Manager who have agreed to remove the broken table and chairs.

*I asked earlier this year about getting a webcam for the top of the Port Hedland water tower. Has this been looked into?*

Director Corporate Services advised that placing a webcam on top of the water tower was investigated. WaterCorp advised that access could not be provided due to the current congestion of equipment already on top of the water tower. An alternative site, being the Civic Centre was also investigated and a quote was received for \$21,775 for the purchase and installation of a webcam. Not only is this amount not contained within the 2013/14 budget, but the webcam is dependent upon a power source within the Civic Centre. In the event of a cyclone, power to the Civic Centre building is turned off. A different webcam unit could be investigated that would require a self-contained battery pack, although this would then require external hosting. This type of unit is estimated to be approximately \$1,500 additional along with costs associated with data transmission and external hosting. If Council believes this is a priority, then it would need to ascertain another project to be removed or source additional funds for it to proceed.

*At the start of the year I asked about getting a trophy cabinet for music festival and sporting trophies. Is there any progress with this?*

Director Community Development advised that Recreation Services has for a long time held a view that an integral part of Wanangkura Stadium would be a celebration of sport, recreation and culture in Port Hedland.

The concept of engaging curatorial professionals to expertly present memorabilia from all Port Hedland groups has been identified as a project by the Town. It is strongly believed that the display of memorabilia is not something that can be done in an ad-hoc fashion and that to have a vision and strategy for how articles are to be presented is of prime importance. A range of materials linked to the opening event of Wanangkura Stadium has been prepared for this very purpose. A budget submission was prepared for the current budget process, the Town's existing financial limitations meant that this project was not able to be funded in the 2013/2014 financial year. It is hoped that future budgets will be able to support this important initiative.

**ITEM 4 PUBLIC TIME****IMPORTANT NOTE:**

*'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 20.3 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the presiding member to do so'.*

Mayor opened Public Question Time at 5:38pm

**4.1 Public Question Time**

Nil

Mayor closed Public Question Time at 5:39pm

Mayor opened Public Statement Time at 5:39pm

**4.2 Public Statement Time**

Nil

Mayor closed Public Statement Time at 5:40pm

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

*The 'Shop till you drop' garage sale around Western Australia is on 26 November 2013. As Port Hedland does not have white goods pick up is it possible for the Town to promote community garage sales before cyclone season starts?*

Mayor advised that the Town can look into this and that Councillor Gillingham should provide the Chief Executive Officer with the information.

**5.2 Councillor Taylor**

*Can the Town provide Elected Members with an update on the usage of Gratwick Hall by the Town's administration? Council was under the understanding that it was for urgent use.*

Chief Executive Officer advised that the Executive Team has decided that officers from the Office of the CEO and Directors are moving into Gratwick Hall over the next 3 to 4 weeks. The vacated offices on the ground level will be made available to staff at the airport and used for meeting rooms. A session with the architect, Ian Wilkes, will be scheduled for Thursday 7 November to discuss the work, costings and alternative venues researched.

*What are the improvements in the planning department in assessing planning applications?*

Chief Executive Officer advised that the turnaround time is now 30 days and has been reduced from in excess of 60 days.

Director Planning & Development advised that previously there were a lack of resources in the planning department and the team have now been able to get back on top of the applications.

**5.3 Councillor Van Vugt**

*A member of the public has asked whether it is possible to have a filleting board and bin installed near the boat ramp in Port Hedland?*

Chief Executive Officer advised that this will be taken on board and that there are some works to be considered along the whole foreshore however the fish filleting and waste collection can be looked into.

**5.4 Councillor Gillingham**

*Can the piano in Gratwick Hall be moved into Council Chambers?*

Chief Executive Officer advised in the affirmative.

**ITEM 6 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 Jacob	Councillor Taylor
Councillor Daccache	Councillor Butson
Councillor Gillingham	Councillor Melville
Councillor Hooper	Councillor Van Vugt

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 25 September 2013****201314/125 Officer's Recommendation/ Council Decision****Moved: Cr Jacob****Seconded: Cr Hunt**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 25 September 2013 be confirmed as a true and correct record.**

***CARRIED 10/0*****ITEM 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Activity Report for the September 2013 period to date is as follows:

**September 2013***Monday, 2<sup>nd</sup> September*

- Mayor and CEO Weekly Catch-Up
- Fortnightly Pilbara Shire President/Mayor Phone Link Up
- Meeting Department Child Protection Family Services (Cyclone Season Volunteer Opportunities)
- Marie Marland Reserve Users Meeting -- Wanangkura Stadium

*Tuesday, 3<sup>rd</sup> September*

- Weekly Spirit Radio (1026am) Chat
- Attended Second Local Housing Strategy Working Group Meeting
- Local Government Candidate Information Session

*Wednesday, 4<sup>th</sup> September*

- Attended Hedland Roadwise Meeting
- Attended K Mart re-fit Celebration Announcement
- Attended WALGA State Council Meeting -- Perth

*Thursday, 5<sup>th</sup> September*

- Attended Port Hedland Steering Group Implementation Meeting
- Attended Neighbourhood Watch BBQ

*Friday, 6<sup>th</sup> September*

- Participated In Atlas Volunteer Day

*Monday, 9<sup>th</sup> September*

- Mayor and CEO weekly catch-up -- CEO's Office
- Attended Aboriginal Consultation Forum -- Lotteries House 'Networking & Information Sharing'
- Attended The Slam Program Update
- Attended Pilbara Hospitality Industry Forum -- South Hedland Tafe Training Restaurant

*Tuesday, 10<sup>th</sup> September*

- Weekly Spirit Radio (1026am) Chat
- Attended Pilbara JDAP Meeting Via Teleconference
- Meeting Re: Rates at Lot 185 Forrest, South Hedland (Judith Ann Dhu)
- Attended Agenda Briefing Session
- Chair Special Council Meeting

*Wednesday, 11<sup>th</sup> September*

- Opened 2013 Pilbara Music Festival
- Attended Policy Roundtable Regional Australia Institute -- Council Chambers
- Weekly Elected Member & CEO Catch-Up
- Attended Confidential Planning Briefing
- Attended Community Conversations Event -- Town of Port Hedland Depot, Wedgefield

*Thursday, 12<sup>th</sup> September*

- Attended Port Hedland Dust Management Taskforce Meeting -- Department of State Development, Perth

*Friday, 13<sup>th</sup> September*

- Participated In Atlas Volunteer Day

*Sunday, 15<sup>th</sup> September*

- Attended 2013 Pilbara Music Festival Finale Concert
- Attended Elected Member & Executive Dinner To Meet New Director Corporate Services Clare Phelan

*Monday, 16<sup>th</sup> September*

- Attended Port Hedland Primary School - Interviews with Year 6/7 Students For School Newspaper
- Attended Meeting Department of Fire and Emergency

*Tuesday, 17<sup>th</sup> September*

- Weekly Spirit Radio (1026am) Chat
- Attended Local Housing Strategy Working Group Meeting
- Attended YIC Board Meeting -- Lawson Street

*Wednesday, 18<sup>th</sup> September*

- Executive Coaching - Kerry Neill
- Weekly Elected Member & CEO Catch-Up

*Friday, 20<sup>th</sup> September*

- Attended Alliance Dance Concert -- Wanangkura Stadium

*Saturday, 21<sup>st</sup> September*

- Mayor Coffee Sessions – Port Hedland
- Mayor Coffee Sessions – South Hedland
- Attended NW Tee Ball Championships
- Attended South Hedland Town Square Markets & Melodies Event
- Attended 2013 PHCCI Business Of Year Awards

*Sunday, 22<sup>nd</sup> September*

- Attended NW Tee Ball Championships

*Monday, 23<sup>rd</sup> September*

- Mayor and CEO weekly Catch-Up -- CEO's Office

*Tuesday, 24<sup>th</sup> September*

- Weekly Spirit Radio (1026am) Chat
- Attended ACBC China National Day Dinner -- Convention Exhibition Centre, Perth

*Wednesday, 25<sup>th</sup> September*

- Weekly Elected Member & CEO Catch-Up
- Attended Confidential Planning Briefing Session
- Attended Confidential Concept Forum
- Attended Agenda Briefing Session
- Chair OCM September

*Thursday, 26<sup>th</sup> September*

- Opened Southern Cross Care Senior Olympics – South Hedland
- Attended YIC AGM
- Participated In Meet The Candidate Forum -- PHCCI

*Friday, 27<sup>th</sup> September*

- Attended National Police Remembrance Service -- South Hedland Police Station

*Sunday, 29<sup>th</sup> September*

- Attended YMCA Ultimate Challenge Awards Night (Wanangkura Stadium)

*Monday, 30<sup>th</sup> September*

- Mayor and CEO weekly catch-up -- CEO's Office

**October 2013***Tuesday, 1<sup>st</sup> October*

- Weekly Spirit Radio (1026am) Chat



*Wednesday, 2<sup>nd</sup> October*

- Attended Hedland Roadwise Meeting
- Attended Meeting With Ken Court - Mayor's office
- Confidential Planning Briefing Session -- Council Chambers
- Confidential Concept Forum -- Council Chambers

*Thursday, 3<sup>rd</sup> October*

- Attended KDCCI Pilbara Pulse Event – Karratha
- Attended KDCCI Pilbara Pulse Dinner Event

*Friday, 4<sup>th</sup> October*

- Attended KDCCI Pilbara Pulse Event -- Karratha
- Attended Pilbara Institute Launch of Training Infrastructure -- Karratha Campus
- Speech At The 2013 Outback Forum - AICD Port Hedland

*Saturday, 5<sup>th</sup> October*

- Mayor Coffee Session – Port Hedland
- Mayor Coffee Session – South Hedland

*Sunday, 6<sup>th</sup> October*

- Attended Meeting Of The Filipino-Australia Friendship Committee

Mayor Howlett attended a Tourism WA 'Cruise Ship Ready Workshop' last night. Mayor advised that the contribution to the economy per Cruise Ship berthing is \$2 million; this includes the refuelling, supplies, repairs and the cash spent from tourists. The next Cruise Ship to Port Hedland is arriving on Wednesday 6 November 2013. Tourism WA will be scheduling another workshop in February 2014. Mayor also attended Port Hedland's 117<sup>th</sup> birthday and would like to thank the Port Hedland Historical Society.

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

Councillor Jacob congratulated Mayor Howlett and the Councillors that were elected at Saturday's election. Councillor Jacob also thanked the Council for the opportunity to be Deputy Mayor and recognised the contributions of former Councillors Arnold Carter and Bill Dziombak. Councillor Jacob attended the Australian Airports Association National Conference with Town staff in September and a report will be provided back to Council. The South Hedland Business Association breakfast was held this morning with some of the new Elected Members in attendance.

**9.2            *Councillor Gillingham***

Councillor Gillingham attended Port Hedland's 117<sup>th</sup> birthday at Dalgety House and thanked Mr David Clarke for playing music at the event. Councillor Gillingham thanked the community for her re-election.

**9.3            *Councillor Hooper***

Councillor Hooper congratulated Councillor Jacob on being elected as Deputy Mayor.

**9.4            *Councillor Hunt***

Councillor Hunt attended the BHP Billiton Community Consultative Committee on 10 October 2013 where an update was given on the inner harbour project, accommodation and that BHP has given each school \$200,000 in Port Hedland to go towards amenities. Councillor Hunt attended an art exhibition at JD Hardie Centre where there were great paintings. Councillor Hunt attended the Chamber of Commerce Business of the Year Awards and presented an award on behalf of the Town of Port Hedland.

**9.5            *Councillor Melville***

Councillor Melville thanked everyone that supported him during the election and looks forward to working with the Council.

**9.6            *Councillor Van Vugt***

Councillor Van Vugt met with the Hedland Harbour Café in regards to their flooding issues which are now being resolved. Councillor Van Vugt attended the South Hedland Business Association Breakfast with Mayor Howlett and Councillor Jacob.

**9.7            *Mayor Kelly Howlett***

Mayor advised that a sun downer will be held to recognise the contribution to the community of former Councillors Arnold Carter and Bill Dziombak. Mayor thanked Councillor Daccache for his contribution in his capacity of Deputy Mayor for the past two years.

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

Nil

**Disclaimer**

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by Council has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

**ITEM 11      REPORTS OF OFFICERS****11.1          Planning and Development Services****11.1.1        Planning Services****11.1.1.1     *Delegated Planning, Building & Environmental Health Approvals and Orders for September 2013 (File No.: 18/07/0002 & 07/02/0003)***

<b>Officer</b>	<b>Carly Thompson Executive Assistant Planning &amp; Development</b>
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<b>Date of Report</b>	<b>3 October 2013</b>
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<b>Disclosure of Interest by Officer</b>	<b>Nil</b>
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**Summary**

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of September 2013.

**Background**

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of September 2013 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

**Consultation**

Nil

**Statutory Implications**

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

**Policy Implications**

Nil

**Strategic Planning Implications**

Nil

**Budget Implications**

Nil

**Officer's Comment**

Nil

**Attachments**

Nil

**201314/126 Officer's Recommendation/ Council Decision**

**Moved: Cr Hunt**

**Seconded: Cr Gillingham**

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

***CARRIED 10/0***

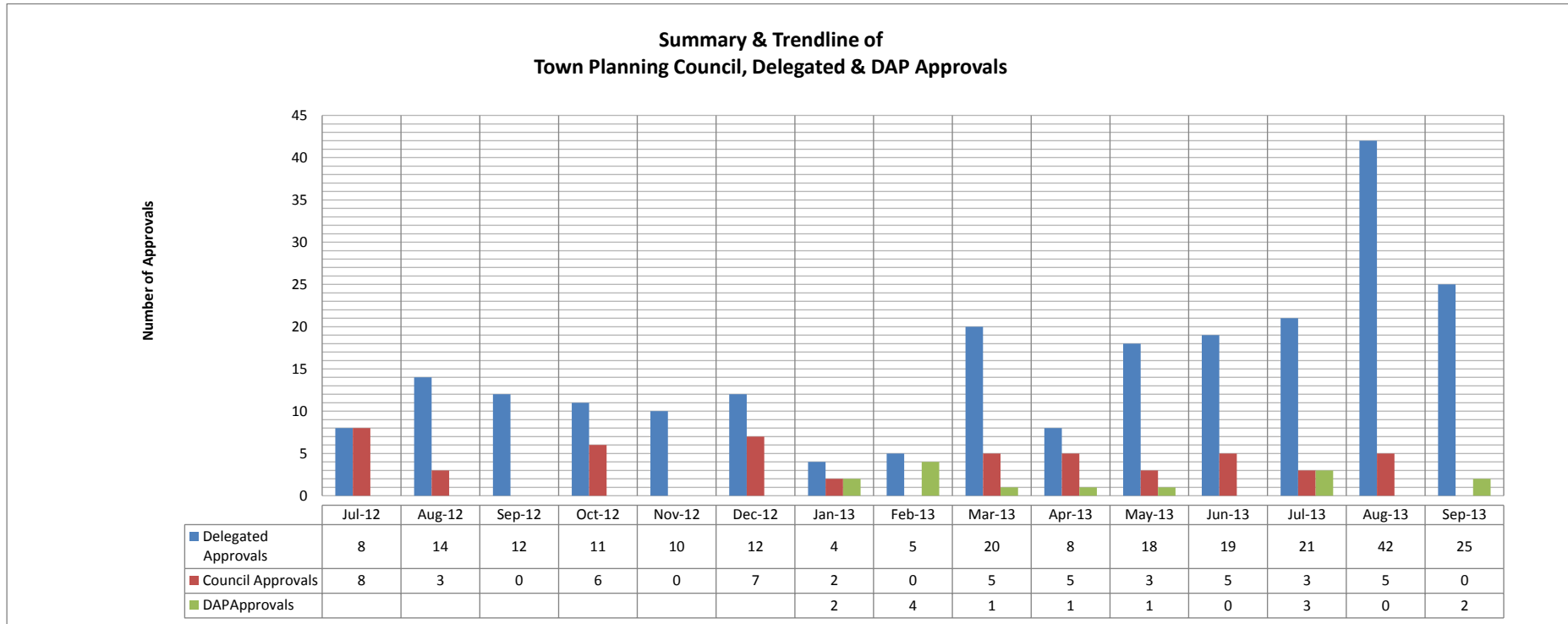
## DELEGATED PLANNING APPROVALS FOR SEPTEMBER 2013

Application No.	Description	Lot	Property Address	Date Approved	Applicant	Development Value
2013/493	"RESIDENTIAL BUILDING" - YOUTH ACCOMMODATION	1939	9 CORBET PLACE SOUTH HEDLAND 6722	27/09/2013	TPG TOWN PLANNING & URBAN DESIGN	\$ 3,100,000.00
2013/261	WAREHOUSE AND OFFICE	5900	30 MANGANESE STREET WEDGEFIELD 6721	16/09/2013	MARPHIL HOLDINGS	\$ 278,000.00
2013/405	VEHICLE MAINTENANCE SHELTER	2060	10 YANANA STREET WEDGEFIELD 6724	18/09/2013	DAVID CASEY VAN VUGT	\$ 10,000.00
2013/482	TELECOMMUNICATIONS INFRASTRUCTURE	981	6 SANDHILL STREET WEDGEFIELD 6724	13/09/2013	Planning Solutions	\$ 150,000.00
2013/485	HOLIDAY ACCOMODATION - 40 ADDITIONAL CABIN UNTIS, 2 ADDITIONAL CARAVAN SITES AND 18 ENSUITE BUILDINGS	2115	LOT 2115 NORTH CIRCULAR ROAD SOUTH HEDLAND 6722	19/09/2013	APC PT HEDLAND PTY LTD	\$ 1,200,000.00
2013/492	TOWN CENTRE - "PUBLIC OPEN SPACE" - SKATE PARK	1505	1 LEAKE STREET SOUTH HEDLAND 6722	16/09/2013	TOWN OF PORT HEDLAND	\$ 2,300,000.00
2013/498	HOME BUSINESS - GENERAL PEST CONTROL	2289	4 MAUGER PLACE SOUTH HEDLAND 6722	05/09/2013	Neville Albin	\$ -
2013/499	CHANGE OF USE - INDUSTRY TO MOTOR VEHICLE AND MARINE REPAIR	8	9 LEEHEY STREET WEDGEFIELD 6724	16/09/2013	DRS GROUP	\$ -
2013/501	TWO (2) GROUPED DWELLINGS (ONE EXISTING)	1760	177 ATHOL STREET PORT HEDLAND 6721	16/09/2013	Andrew Olding	\$ 400,000.00
2013/511	GROUPED DWELLING	2	UNIT A 26 BAYMAN STREET PORT HEDLAND 6721	16/09/2013	Phillip McAllister Architect	\$ 500,000.00
2013/526	"ANCILLARY OFFICE AND STORE"	118	L118 PINNACLES STREET WEDGEFIELD 6722	16/09/2013	BMT CORP LTD	\$ 182,000.00
2013/530	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	81	3 BARRAMINE LOOP SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/531	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	56	48 BARRAMINE LOOP SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/532	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	47	14 LIMESTONE ROAD SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/533	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	6	22 ETRICK CIRCUIT SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/534	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	89	19 BARRAMINE LOOP SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/535	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	66	28 BARRAMINE LOOP SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/536	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	124	4 PORTREE LOOP SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/537	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	27	53 ETRICK CIRCUIT SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/538	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	21	41 ETRICK CIRCUIT SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/539	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	14	38 ETRICK CIRCUIT SOUTH HEDLAND 6722	12/09/2013	Questus Asset Mangement Pty Ltd	\$ 391,833.00
2013/547	HOME BUSINESS - OPERATION AND STORAGE OF FOOD VAN	1	Unit A 13 CORBET PLACE SOUTH HEDLAND 6722	16/09/2013	DARREN NUGENT	\$ 15,000.00
2013/558	SINGLE HOUSE AND ANCILLARY ACCOMMODATION	106	40 PORTREE LOOP SOUTH HEDLAND 6722	25/09/2013	Questus Capital Solutions	\$ 364,599.00
2013/568	SINGLE HOUSE - R-CODE VARIATION (SIDE SETBACK)	2	3 EMMA PLACE SOUTH HEDLAND 6722	30/09/2013	Robin Pyle	\$ 338,000.00
2013/478	"RESIDENTIAL R 12.5 / 30" - SIX (6) MULTIPLE DWELLINGS	541	131 ANDERSON STREET PORT HEDLAND 6721	13/09/2013	WILLCOX ARCHITECTS	\$ 1,900,500.00

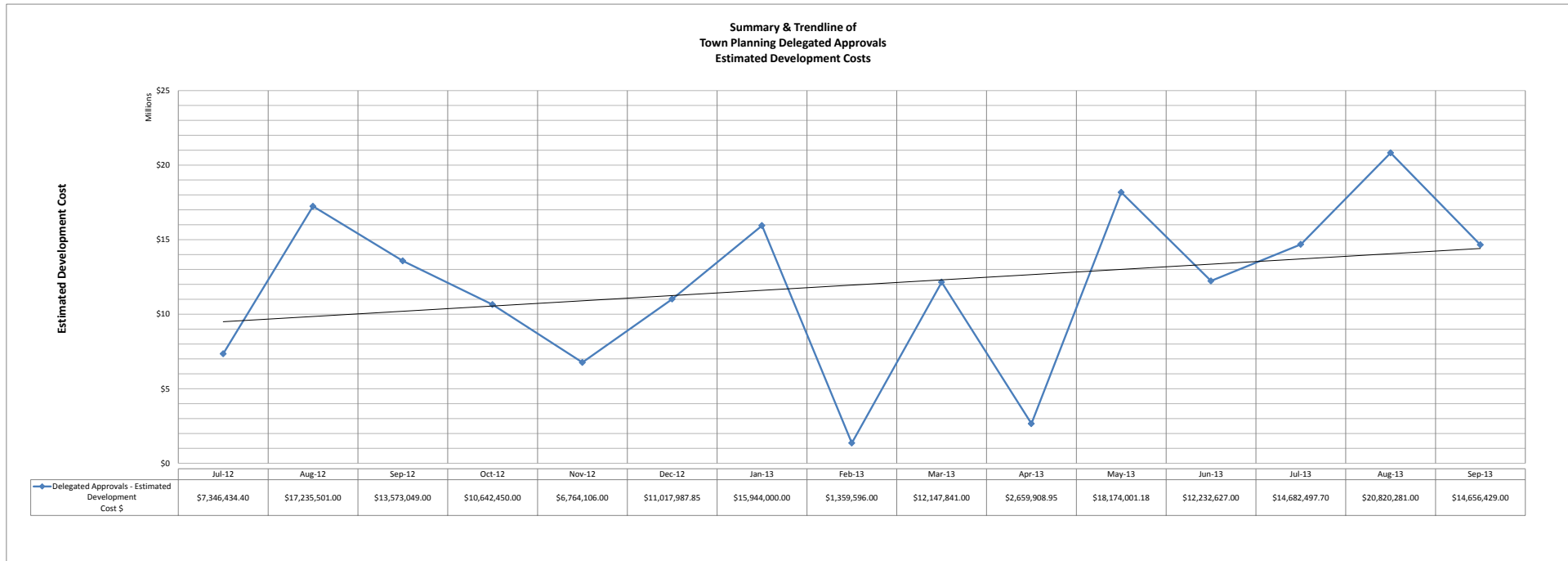
## COUNCIL PLANNING APPROVALS FOR SEPTEMBER 2013

There were no Planning Approvals in September 2013 approved by Council.

COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR SEPTEMBER 2013



DELEGATED PLANNING APPROVALS FOR SEPTEMBER 2013





## DELEGATED BUILDING APPROVALS FOR SEPTEMBER 2013

## BUILDING PERMITS

Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
13-200	04.09.2013	201 ATHOL STREET	PORT HEDLAND 6721	Andrew Olding	PATIO	\$ 52,000.00	61	Class 10a
13-202	04.09.2013	4 NEPTUNE PLACE	PORT HEDLAND 6721	Andrew Olding	PATIO	\$ 65,000.00	56	Class 10a
13-233	05.09.2013	67-71 HAMILTON ROAD	SOUTH HEDLAND 6722	Caltex Australia Petroleum Pty Ltd	STORAGE SHED	\$ 375,000.00	100	Class 10a
13-231	07.09.2013	77-95 HAMILTON ROAD	SOUTH HEDLAND 6722	RESOLVE GROUP PTY LTD	ICE ROOM	\$ 30,000.00	23	Class 10a
13-236	04.09.2013	L901 NIMINGARRA COURT	SOUTH HEDLAND 6722	Outback Trees of Aust	ENTRANCE SIGNAGE	\$ 12,000.00	0	Class 10b
13-241	06.09.2013	47 MCPHERSON STREET	PORT HEDLAND 6721	AGAINST ALL BOUNDARIES	FENCE	\$ 15,000.00	0	Class 10b
13-244	10.09.2013	37 PINNACLES STREET	WEDGEFIELD 6722	Savroc Constructions	NEW SIGN	\$ 5,000.00	0	Class 10b
13-249	16.09.2013	9 THOMPSON STREET	PORT HEDLAND 6721	Brian Terence Smith	BAC - Unauthorised Swmming Pool	\$ 35,000.00	0	Class 10b
13-250	16.09.2013	9 THOMPSON STREET	PORT HEDLAND 6721	Brian Smith	CBC - Swimming Pool	\$ 35,000.00	0	Class 10b
13-255	19.09.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	A & W Signs	Entry Signs	\$ 12,000.00	0	Class 10b
13-259	18.09.2013	3 PORTREE LOOP	SOUTH HEDLAND 6722	J Hutchinson Builders	Dwelling Carport and Fence	\$ 496,122.00	196	Class 1a
13-266	20.09.2013	5 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	DWELLING	\$ 547,931.00	234	Class 1a
13-267	20.09.2013	11 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	DWELLING CARPORT AND FENCE	\$ 496,122.00	196	Class 1a
13-268	20.09.2013	7 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	DWELLING	\$ 508,347.00	219	Class 1a
13-272	26.09.2013	15 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON BUILDERS	Dwelling Carport and Fence	\$ 496,122.00	196	Class 1a
13-270	26.09.2013	13 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON BUILDERS	Dwelling Carport & Fence	\$ 541,884.00	230	Class 1a
13-271	26.09.2013	21 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON BUILDERS	Dwelling Carport & Fence	\$ 541,883.00	230	Class 1a
13-283	27.09.2013	23 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 496,122.00	196	Class 1a
13-285	27.09.2013	42 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 541,883.00	230	Class 1a
13-284	27.09.2013	38 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 547,931.00	234	Class 1a
13-273	27.09.2013	19 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON BUILDERS	DWELLING	\$ 508,346.00	219	Class 1a
13-282	27.09.2013	44 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 508,347.00	219	Class 1a
13-263	23.09.2013	16 PORTREE LOOP	SOUTH HEDLAND 6722	Pilbara Design & Build Pty Ltd	Dwelling Carport & Fence	\$ 460,000.00	174	Class 1a 10a and 10b
13-264	23.09.2013	8 BARRAMINE LOOP	SOUTH HEDLAND 6722	Pilbara Design & Build Pty Ltd	Dwelling Carport & Fence	\$ 460,000.00	174	Class 1a 10a and 10b
13-237	13.09.2013	20 DENMAN PLACE	SOUTH HEDLAND 6722	Leimac Building Pty Ltd	NEW DWELLING	\$ 550,000.00	245	Class 1a and 10a
13-229	10.09.2013	LOT 6164 COTTIER DRIVE	SOUTH HEDLAND 6722	JAXON PTY LTD	COTTIER - SOMERSET APARTMENTS - STAGE 2	\$ 11,000,000.00	2622	Class 2 and 10a
13-253	20.09.2013	16 EDGAR STREET	PORT HEDLAND 6721	Safeway Building and Renovations Pty Ltd	REPLACEMENT OF EXISTING ROOF	\$ 101,640.00	800	Class 5
13-206	04.09.2013	L112 IRON ORE STREET	WEDGEFIELD 6722	WESTERN AUSTRALIAN SHED COMMERCIAL PTY LTD	Change of Use - additional offices work	\$ 489,500.00	100	Class 5 7b 8
13-252	26.09.2013	Lot 550 HEDDITCH STREET	SOUTH HEDLAND 6722	Pilbara Construction Pty Ltd	BAR/RESTAURANT AND OFFICE	\$ 3,805,428.00	684	Class 5,6 and 10b
13-238	10.09.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	I2C Design and Management Pty Ltd	KMART REFURBISHMENT	\$ 1,500,000.00	0	Class 6
13-288	30.09.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	Westpac Banking Corporation	BANK FITOUT - WESTPAC	\$ 1,800,000.00	180	Class 6
13-234	04.09.2013	L3267 HEDDITCH STREET	SOUTH HEDLAND 6722	T&R HOMES PTY LTD	ART STUDIO AND OFFICE	\$ 217,359.00	60	Class 9b
<b>TOTAL 32</b>						<b>\$ 27,250,967.00</b>		

## DEMOLITION LICENCES FOR SEPTEMBER 2013

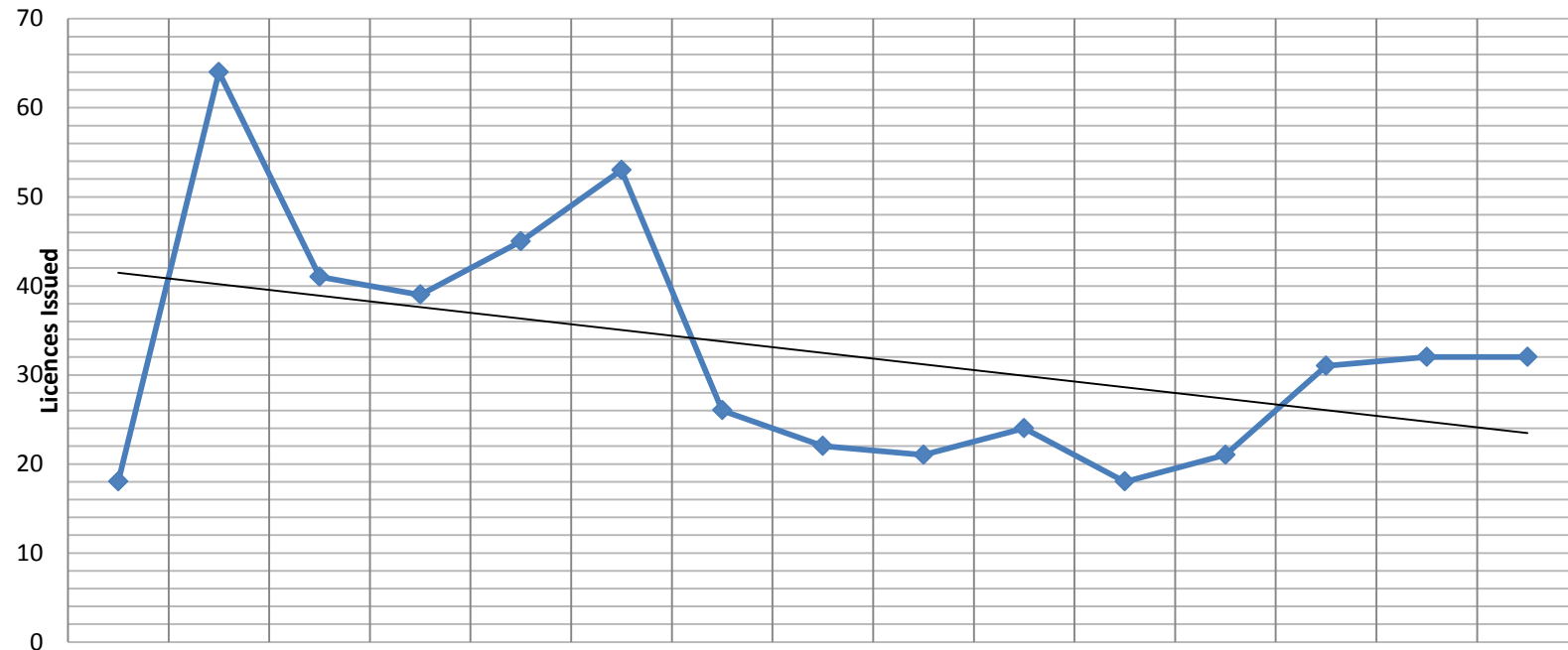
DEMOLITION PERMIT								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor Area	Classification
13-251	11.09.2013	25 ROBINSON STREET	PORT HEDLAND 6721	JOANNE HERRICK	DEMOLITION - SINGLE HOUSE	\$ 28,000.00	128	Class 1a
<b>TOTAL 1</b>			<b>Demolition Licences Issued</b>			<b>28,000.00</b>		

## OVERVIEW SUMMARY FOR SEPTEMBER 2013

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
1	Demolitions	\$28,000	0	\$0.00
15	Dwellings	\$7,701,040	3,192	\$2,412.61
4	Class 10a	\$522,000	240	\$2,175.00
6	Class 10b	\$114,000	0	\$0.00
7	Commercial	\$18,913,927	4,446	\$4,254.14
	Other			
<b>33</b>		<b>\$27,278,967</b>	<b>7,878</b>	

BUILDING APPROVALS FOR SEPTEMBER 2013

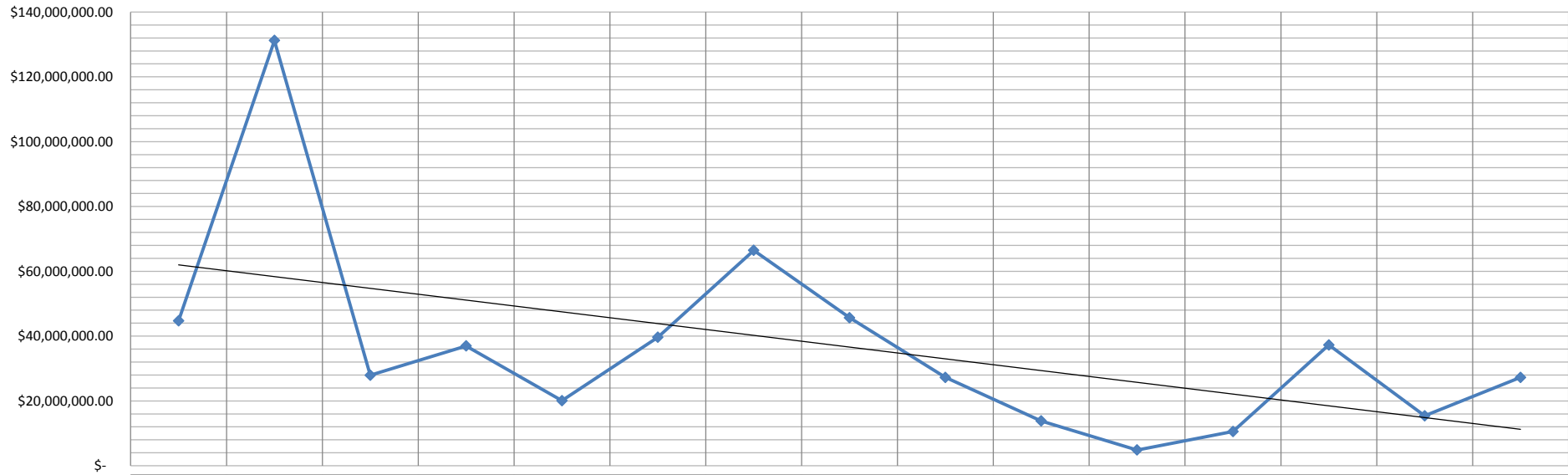
Summary & Trendline for Building Licence Approvals



	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13
◆ No of Licences Issued	18	64	41	39	45	53	26	22	21	24	18	21	31	32	32

BUILDING APPROVALS FOR SEPTEMBER 2013

Summary & Trendline of  
Estimated Construction Value of Building Licences Issued



	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13
Estimated Construction Value \$	\$44,721,437.	\$131,227,967	\$27,935,420.	\$36,954,813.	\$20,083,878.	\$39,637,871.	\$66,451,742.	\$45,667,330.	\$27,253,152.	\$13,831,883.	\$4,873,749.0	\$10,578,530.	\$37,264,312.	\$15,414,481.	\$27,250,967.0

## CURRENT LEGAL MATTERS FOR SEPTEMBER 2013

CURRENT LEGAL MATTERS				
File No.	Address	Issue	Current Status	Officer
118711G	Lot 1675 (1690) Harwell Way, Wedgefield	Non-compliance with planning conditions	Case adjourned until 31/10/2013 to allow for sealing of the properties to occur.	BM
125910G	Lot 2445 # 32 Moorambine Street, Wedgefield - <b>Owner</b>	Unauthorised Concrete Batching Plant	Handed to attorneys - Court Hearing to be held on 24th June 2013 - Not Guilty Plea. Adjourned until 4/10/2013	BM
125910G	Lot 2445 # 32 Moorambine Street, Wedgefield - <b>Tenant</b>	Unauthorised Concrete Batching Plant	Court Hearing to be held on 4/10/2013.	BM
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorney. - 1st Hearing set for Friday 2nd August 2013. - Adjourned until 30th August 2013. - Adjourned until 18th October 2013.	BM

## CURRENT HEALTH ORDERS AS OF SEPTEMBER 2013

Current Health Orders under Delegated Authority by Environmental Health Services				
File No.	Address	Issue	Current Status	
803367G	Lot 2052 McGregor St Port Hedland	Metal frame spectator/grand stand seating erected on a trailer chassis.	~ Health order placed on temporary spectator stand ~ No public building application recieved by Town of Port Hedland, as such no approval has been granted for use as a temporary spectator stand ~ Town has notified Turf Club of issue	

**11.1.1.2 Proposal for Eight (8) Multiple Dwellings on Lot 1987 (24) Corboys Place, South Hedland (File No.: 400640G)**

<b>Officer</b>	<b>Ryan Djanegara Senior Statutory Planner</b>
<b>Date of Report</b>	<b>23 August 2013</b>
<b>Application No.</b>	<b>2013/442</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The Town received an application from the Rowe Group on behalf of the landowner, Hosking Development Pty Ltd to construct eight (8) "Multiple Dwellings" on Lot 1987 (24) Corboys Place, South Hedland (subject site).

As a result of objections being received from the adjoining landowners the application is presented to Council for consideration.

The application is supported by the Towns' Officers, and it is recommended to approve the application with conditions.

**Background***Site Description (Attachment 1)*

The subject site is generally rectangular in shape, achieves vehicular access via Corboys Place and has an area of 1,037m<sup>2</sup>.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "Residential R30", and categorises the proposed use as an "SA" use.

*Proposal (Attachment 2)*

The applicant is proposing to construct eight (8) "Multiple Dwellings" comprising of six (6) two-bedroom units and two (2) one-bedroom units.

*Development Trend*

On the 8<sup>th</sup> August 2013, the Town via delegated authority approved the development of nine (9) "Multiple Dwellings".

**Consultation**

The application was circulated as follows:

*Internally:*

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Economic Development
- Manager Engineering Services

*Externally:*

- Department of Water
- Telstra
- Optus
- Horizon Power
- Water Corporation

The application was advertised to adjoining landowners and a sign placed on-site providing 14 days to comment. A copy of the application was made available for viewing on the Town's Website.

As a result of the consultation process two (2) objections have been received. The objections are summarised as follows:

Objections	Applicant's Response
<p>Overshadowing</p> <p><i>"ANY street, to all of a sudden have the lifestyle they had intended for their families, to have a street compressed by overshadowing buildings..."</i></p>	<p>It is confirmed there will be no overshadowing impacts on neighbouring properties. As the subject site is north facing, there is no overshadowing of lots to the east and west at midday.</p> <p>Further to this, the shaded area as calculated at midday on 21 June has been calculated to be entirely contained within the subject site. The proposed development will have no overshadowing impacts.</p>
<p>Planning Units Response:</p> <p>In accordance with the Residential Design Codes, the maximum wall height allowed for a single or grouped dwelling is 6m (equivalent to two stories). The proposed development does not exceed the height limit. In addition, the applicant has calculated the shaded area, in accordance with the R-Codes, with no overshadowing occurring. (refer to attachment 4)</p>	
<p>Overlooking</p> <p><i>"The privacy, what privacy we won't have any more. People can look out of the top windows and see everything we will be doing in our yard."</i></p>	<p>It is confirmed there will be no overlooking impacts on neighbouring properties as major openings and balconies on the upper level of the proposed development are adequately screened to prevent overlooking.</p>

	<p>The exceptions to this are the bedroom windows to Dwellings 7 and 8 at the rear of the development which are setback 11.6 metres from the rear setback, well beyond the 4.5 metre requirement of the R-Codes.</p> <p>The balconies of Dwellings 5 and 6 face the street and are appropriately screened on the eastern and western sides in order to allow increased surveillance of the street.</p>
<p>Planning Units Response:</p> <p>The applicant has indicated appropriate screening will be used in accordance with the R-Codes design principle requirements.</p>	
<p>Traffic Safety</p> <p><i>“... an increase in traffic flow in an already restrictive area resulting in dangerous situations for children who play in the street and parks...”</i></p> <p><i>“..with 8 extra cars coming and going I think is too much.”</i></p>	<p>Given the residential nature of the proposed development together with the small floor space of each dwelling, vehicle movements are expected to be minimal at an average of two movements per day, equating to an average of 16 movements per day at the subject site.</p> <p>In this regard, traffic generated by the proposal is not expected to have a material impact on the nature of Corboys Place or any other element of the local road network.</p>
<p>Planning Units Response:</p> <p>It is the opinion of the Town’s Officer that the development as proposed will not have a detrimental impact on the traffic safety/flow in the area.</p> <p>The only time traffic safety/flow may be impacted upon is if all the properties in Corboys Place were developed. Being that many of the properties have either improved their existing dwelling or already constructed new dwellings this is highly unlikely to happen.</p>	
<p>Increased pressure on services</p> <p><i>“... increased pressure on already inefficient existing services especially during the summer months...”</i></p>	<p>This is determined by the Town’s Engineering and Health Departments. The proposed development is consistent with provisions of the R30 density code.</p> <p>It is important to note that improvements to essential services are often not viable until there is sufficient demand. In this regard,</p>



	<p>the redevelopment of the subject site at an increased density and therefore increased population will help facilitate future investments in essential services.</p>
<p>Planning Units Response:</p> <p>The applicant correctly indicated that the design of infrastructure is generally done taking the development potential of the area into account. In addition the town is currently undergoing a significant infrastructure upgrade by both Horizon Power and the Water Corporation.</p>	
<p>Antisocial Behaviour</p> <p><i>“... of course a possible likelihood is an increase in anti-social behaviour with the consequence only being determined by the number and calibre of tenants of the dwellings and also whether the use of alcohol/ drugs plays a part.”</i></p>	<p>The nature of any neighbour or resident in any development is out of the control of Council and is not considered a town planning issue. It appears this submission makes an assumption about the type of residents who may be seeking to live here failing to consider the wider community including the aging population who are looking to downsize and relocate close to existing services within an existing community.</p> <p>It is important to note however that the increased surveillance of the street strengthens the development’s relationship with the street interface, increasing the perception of eyes on the street and ultimately deterring antisocial behaviour.</p>
<p>Planning Units Response:</p> <p>To ensure proper and orderly planning uses that are compatible with each other are supported. Nothing in the proposed development would indicate the creation of anti-social behaviour.</p>	
<p>Decreased House/ Land Prices</p> <p><i>“The prices of our homes will go down so much it won’t be funny. As our homes have drop already and aren’t worth the money we paid for them.”</i></p> <p><i>“...evident in the drop in prices and availability of rental properties.”</i></p>	<p>House prices are not a planning consideration. That said the ability for landowners to redevelop their lots at an increased density up to R30, would increase the value of one’s lot and development potential in the future.</p>
<p>Planning Units Response:</p> <p>There is nothing that would support the objectors concerns about the drop in house/land prices as a result of the proposed development.</p>	

<p>Already enough land for housing elsewhere</p> <p><i>“The town has recently released land as buildings are being erected and the town is buzzing with civil/ building works, that would hopefully alleviate the accommodation crisis that has plagued the town in the past along with the subdivision of properties to build another house on it and also the down scaling of people requiring accommodation due to numerous departures with more to follow.”</i></p>	<p>The proposed development is consistent with the State and Local Planning Statutory and Strategic Framework. The need for increased housing stock and variety within South Hedland is highlighted in a number of strategic documents including the Pilbara’s Port City Growth Plan and Port Hedland Land Use Master Plan (‘LUMP’).</p> <p>The subject site is within Precinct 12 ‘South Hedland East’ of the Growth Plan which proposes <i>“significant on-going infill/ redevelopment of residential land”</i> with an estimation of 17,400 new dwellings in South Hedland. The proposal is consistent with the relevant housing policies of the LUMP which include:</p> <p><i>“Increase the density of residential development in areas with appropriate access, services and amenity, and support the improvement or provision of infrastructure where necessary to promote increased residential densities.”</i></p> <p><i>“Encourage a wider range of housing types by identifying suitable areas for specific types of units, including single bedroom units, including single bedroom units, and home office or other combinations of live/ work arrangements.”</i></p> <p>In addition to meeting demand for more diverse housing stock within South Hedland, it is important to note that land owners have a right to develop their land as they wish provided it is consistent with local and state policies.</p>
<p>Planning Units Response:</p> <p>The amount of land available is not applicable to this application. The development complies with the existing density. Council is required to determine if the development complies with the requirements of orderly and proper planning and the preservation of the amenity of the area.</p>	

<p>Compromised Lifestyle</p> <p><i>"I have children and grand children who have yet to make their life in this town. I would hate that such a long term investment in this town and their lifestyle be compromised or even have to leave town because of the uncomfortable nature one would have to be forced to live in"</i></p>	<p>As previously mentioned, the proposed development is consistent with the State and Local Planning Statutory and Strategic Framework surrounding the subject site.</p> <p>The proposed development will contribute to the redevelopment and revitalisation of Corboys Place and the greater South Hedland surrounds, ensuring it is an enjoyable and comfortable place to live in the future. Infill redevelopments such as this will help alleviate the existing reputation <i>"dominated by negative perceptions of increasing crime, poverty and social dysfunction"</i> that currently inhibits South Hedland.</p> <p>It appears this submission fails to consider the potential for such developments to cater for an imminent aging population seeking to downsize in close proximity to existing services offered within the town centre.</p>
<p>Planning Units Response:</p> <p>The objection raised is not substantiated as the Town supports housing diversity to cater for a range of different households and lifestyles. As identified by the applicant, the proposal is providing a type of housing development that is suited to attract young couples, single or elderly persons seeking to downsize and live within close proximity to existing services offered within the town centre.</p>	

### 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 (TPS5).

### Policy Implications

#### 9/005 – Crossover Policy

##### Objectives

- To provide guidance for the location and standards of the development of crossovers within the Town of Port Hedland.

#### 9/008 – Verge Treatment Policy

##### Objectives

- To provide guidance for the procedure, nature of material and treatments that are permitted for the landscaping of roadside verges by property owners/occupiers and developers.
- Councils overriding objective is to encourage and support development of aesthetically pleasing streetscapes throughout the Town including well maintained street verges and healthy street trees.

### **Strategic Planning Implications**

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

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6.3.1 Housing

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Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

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

5.6.12 Precinct 12 – South Hedland East

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Precinct Plan summary

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Significant on-going infill/redevelopment of residential land.

### **Budget Implications**

Immediate:

An application fee of \$7,053.80 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

The whole of life cost includes maintenance of landscaped verge. In this regard a condition is recommended requiring the landowner to prepare a binding agreement at his cost (to be prepared by the Town's Solicitors) ensuring the landscaping will be maintained to an acceptable standard.

## Officer's Comment

### *Need and Desirability*

It is widely recognised that there is a shortage of affordable housing throughout the Town. Due to the lack of readily available, developable land and the poor suburban design of South Hedland, Council has focused on encouraging urban infill and redevelopment. This was achieved by increasing the densification of various areas within the Town.

The subject site is part of an area that was originally zoned R20 but was rezoned R30 via Scheme Amendment No. 47. The proposed development is the result of Council's planning for this precinct to be a medium density residential area.

The Multiple Dwelling proposal, consisting of six 2 bedroom dwellings and two 1 bedroom dwellings will help alleviate the housing shortage by providing additional housing and offer an alternative form of housing within this precinct.

The proposed location for the development is considered to be necessary and desirable given that it is Council's strategic direction to promote urban refill within this precinct.

## Attachments

1. Locality Plan
2. Development Plans
3. Two Submissions from adjoining neighbours
4. Applicant's response

## 201314/127 Officer's Recommendation/ Council Decision

Moved: Cr Jacob

Seconded: Cr Hunt

**That Council approves the application submitted by the Rowe Group on behalf of the landowner Hosking Development Pty Ltd to construct eight (8) multiple dwellings on Lot 1987 (24) Corboys Place, South Hedland subject to the following conditions:**

- 1. This approval relates only to the proposed Eight (8) "Multiple Dwellings", as indicated on the approved plans (DRG2013/442/1 - DRG2013/442/10). It does not relate to any other development on this lot;**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**

3. A minimum of 10 car bays (8 bays for residents and 2 bays for visitors) and 4 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/442/3);
4. No parking bays shall be obstructed in any way or used for any other purpose than parking;
5. 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;
6. 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;
7. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;
8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Planning Services;
9. The proposed development shall be connected to reticulated mains sewer;
10. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;
11. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/442/3);
12. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;

The following conditions are to be cleared by Planning Services prior to the issuing of a building permit.

13. Prior to the issuing of a building permit 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 in a 1:100 flood event (or greater), from rising sea level, tidal storm surges and / or catchment flooding.

The landowner will be required to provide proof of the section 70a being submitted to landgate prior to the issue of a building permit.

14. Prior to the issuing of a building permit, a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include:
  - a. 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; and
  - b. shade trees provided at a ratio of 1 tree per six (6) consecutive external parking spaces.
15. Prior to the issuing of a building permit, a "Stormwater management plan" shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan;
16. Prior to the issuing of a building permit, the landowner shall submit an "Erosion and Sediment Control Plan" for approval by the Manager Planning Services;
17. Prior to the issuing of a building permit, the landowner shall submit a "Construction Site Management Plan" for approval 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 prior to the occupation of the development.

18. 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)
19. Prior to the occupation of the development the landowners shall enter into a binding agreement to maintain the landscaping on the verge to an acceptable standard. Such agreement shall be prepared at the cost of the landowner; (see advice note 4)
20. 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 landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
21. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;
22. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
23. 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. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:  
  
"Multiple Dwelling,  
  
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;



3. 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;
4. Please be advised the Town currently makes use of the services of Jackson MacDonald to prepare or scrutinizes any agreement documents. Whilst you may engage any Solicitor of your choice, please keep in mind there will be additional cost for Jackson MacDonald to scrutinize the agreement should the agreement not be prepared by them;
5. Waste disposal and storage is to be carried out in accordance with Council’s Health Local Laws 1999;
6. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
7. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;
8. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;
9. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
10. Conditions 13 to 17 (including) shall be complied with prior to the issue of a building approval. In this regard please note there is a clearance fee of \$324.90 per request. Please note it may take up to 28 days to clear conditions.

*CARRIED 10/0*

ATTACHMENT 1 TO ITEM 11.1.1.2

Extract Map



Context Map

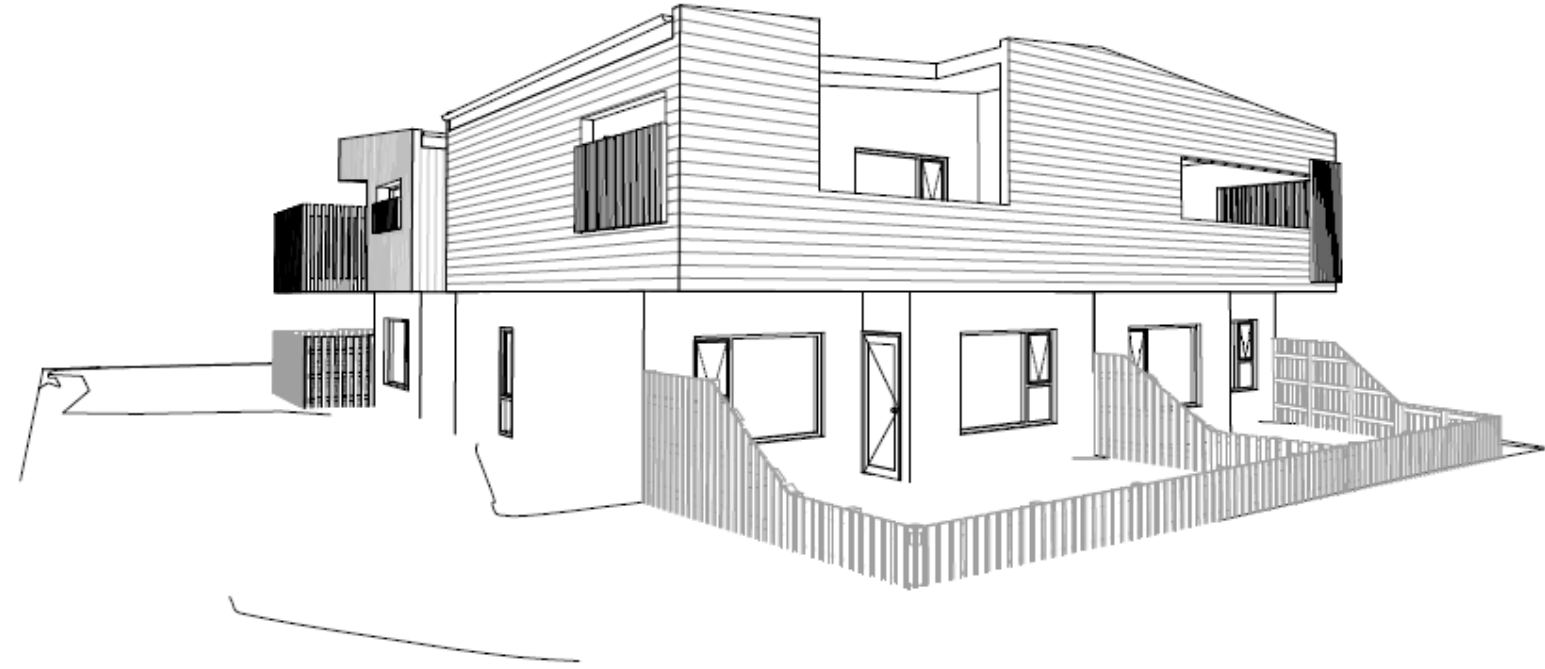


# HOSKING RESIDENCE

24 CORBOYS PLACE, SOUTH HEDLAND, WA, 6722,

**DRAWING REGISTER**

LAYOUT No.	LAYOUT NAME:
A.000	COVER PAGE
A.001	SITE PLAN - EXISTING
A.002	SITE PLAN - PROPOSED
A.003	LANDSCAPE PLAN
A.100	PROPOSED FLOOR PLAN - GROUND
A.101	PROPOSED FLOOR PLAN - LEVEL 01
A.102	PROPOSED FLOOR PLAN - ROOF
A.200	ELEVATIONS
A.201	ELEVATIONS
A.501	MATERIALS PALETTE



**DEVELOPMENT SCHEDULE**

SITE AREA: 1037m <sup>2</sup>
UNIT 1: 64.25m <sup>2</sup> POS: 29.6m <sup>2</sup>
UNIT 2: 64.25m <sup>2</sup> POS: 35.5m <sup>2</sup>
UNIT 3: 64.3m <sup>2</sup> POS: 33.5m <sup>2</sup>
UNIT 4: 64.3m <sup>2</sup> POS: 29.0m <sup>2</sup>
UNIT 5: 44.8m <sup>2</sup> POS: 23.9m <sup>2</sup>
UNIT 6: 44.8m <sup>2</sup> POS: 23.9m <sup>2</sup>
UNIT 7: 64.3m <sup>2</sup> POS: 10.0m <sup>2</sup>
UNIT 8: 64.3m <sup>2</sup> POS: 10.0m <sup>2</sup>
BUILDING COVERAGE - 280.7m <sup>2</sup> / 27%
PERVIOUS SURFACE - 336.3m <sup>2</sup> / 33%
IMPERVIOUS SURFACE - 700.7m <sup>2</sup> / 67%
CARPARKING:
RESIDENTIAL - 8
VISITOR - 2
BICYCLE PARKING - 4

NOTES:  
  
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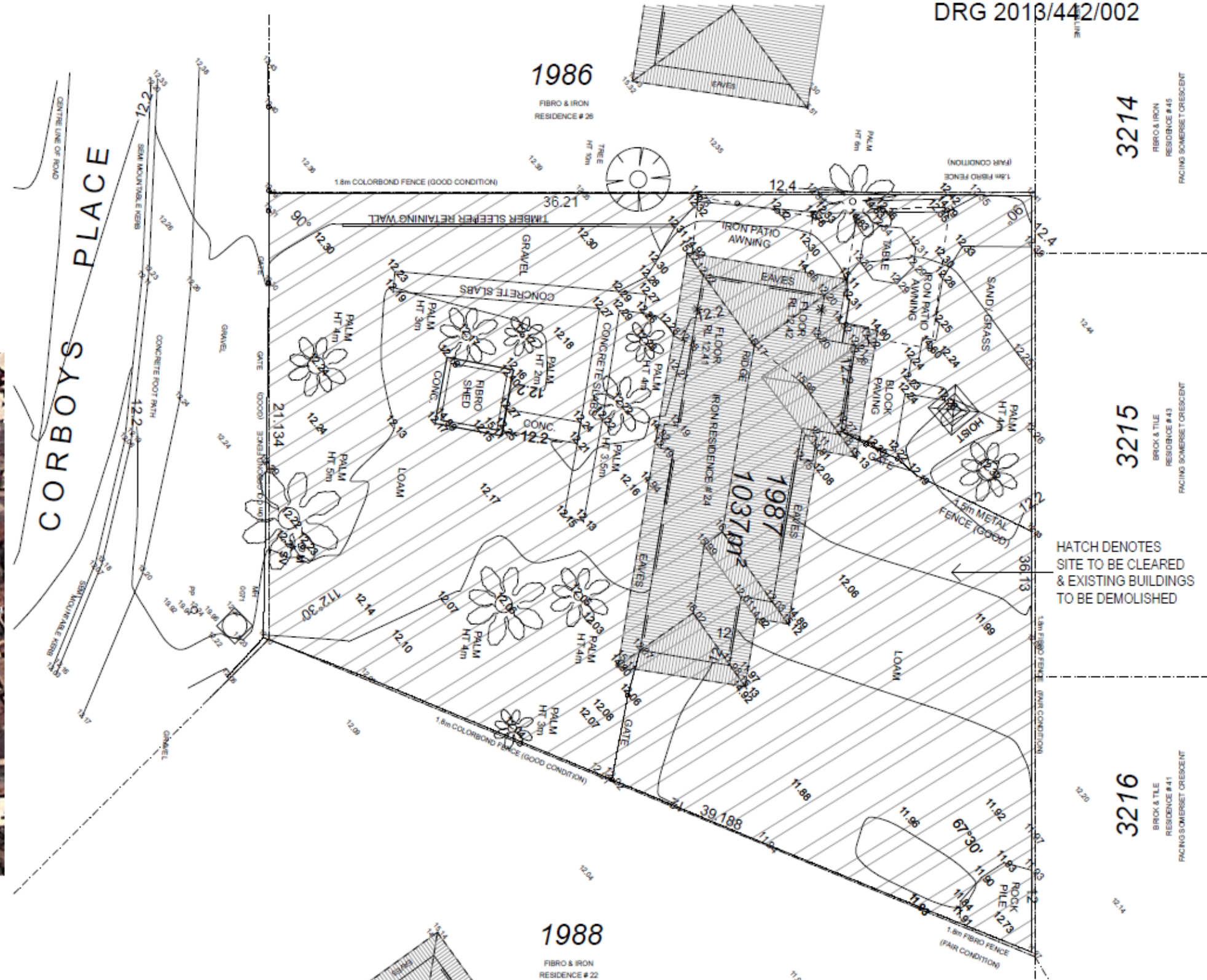
FOR  
ROY & ROBYN HOSKING

TOWN PLANNING		JOB No. <b>1314</b>	DRAWING No. <b>A.000</b>
TITLE COVER PAGE			
SCALE	AS SHOWN@A3		
DRAWN	JK		
ORIGINAL ISSUE	12/09/2013		
REVISION No.			



DRG 2013/442/002

SUBJECT SITE:  
24 CORBOYS PLACE,  
SOUTH HEDLAND, WA,  
6722,



HATCH DENOTES  
SITE TO BE CLEARED  
& EXISTING BUILDINGS  
TO BE DEMOLISHED

02

SITE PLAN - EXISTING  
1:200

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FOR  
ROY & ROBYN HOSKING

TOWN PLANNING	
TITLE SITE PLAN - EXISTING	AS SHOWN@A3
SCALE	JK
DRAWN	12/09/2013
ORIGINAL ISSUE	
REVISION No.	

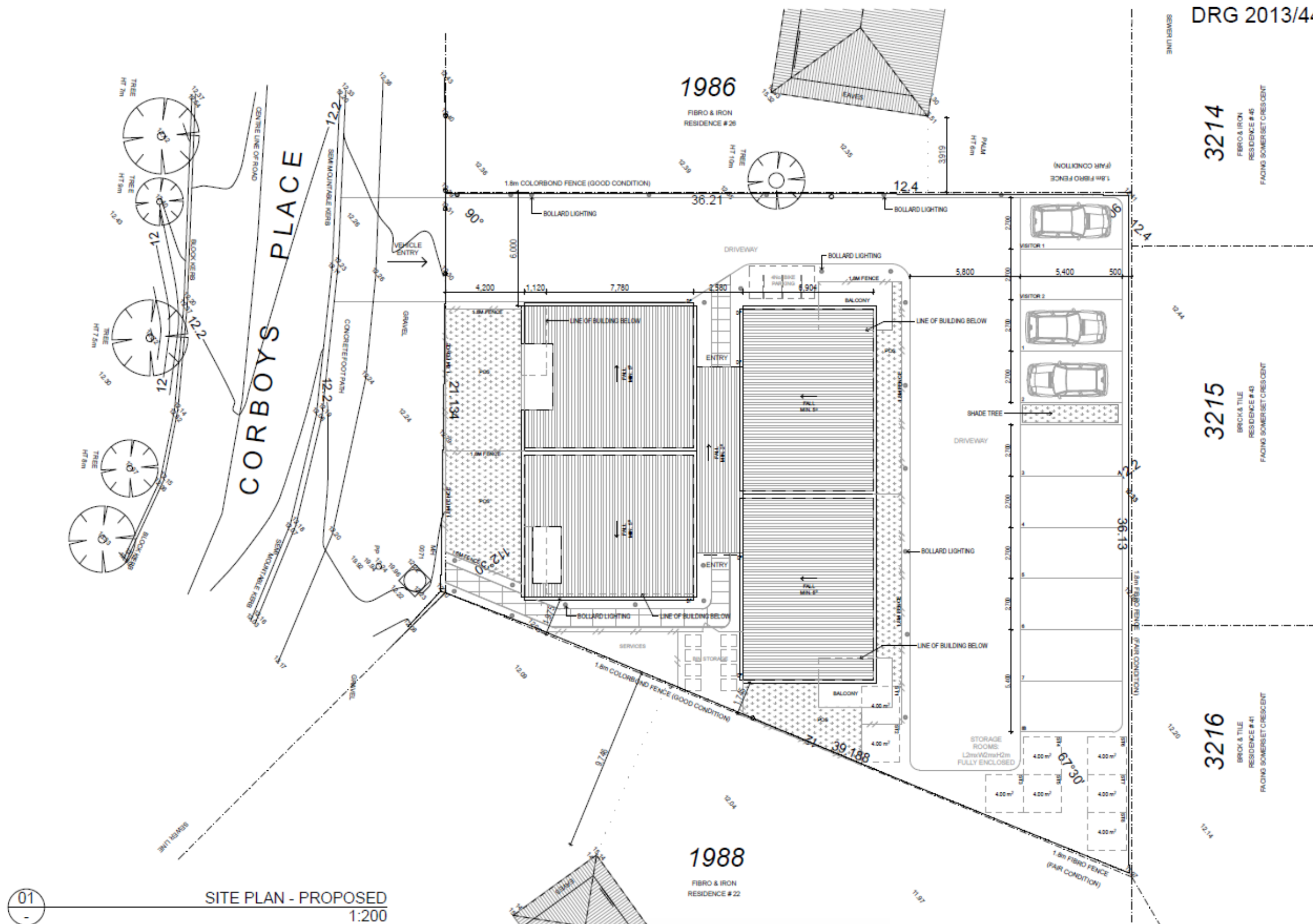
NORTH

JOB No.  
**1314**

DRAWING No.  
**A.001**



DRG 2013/442/003



01 - SITE PLAN - PROPOSED 1:200

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ROY & ROBYN HOSKING

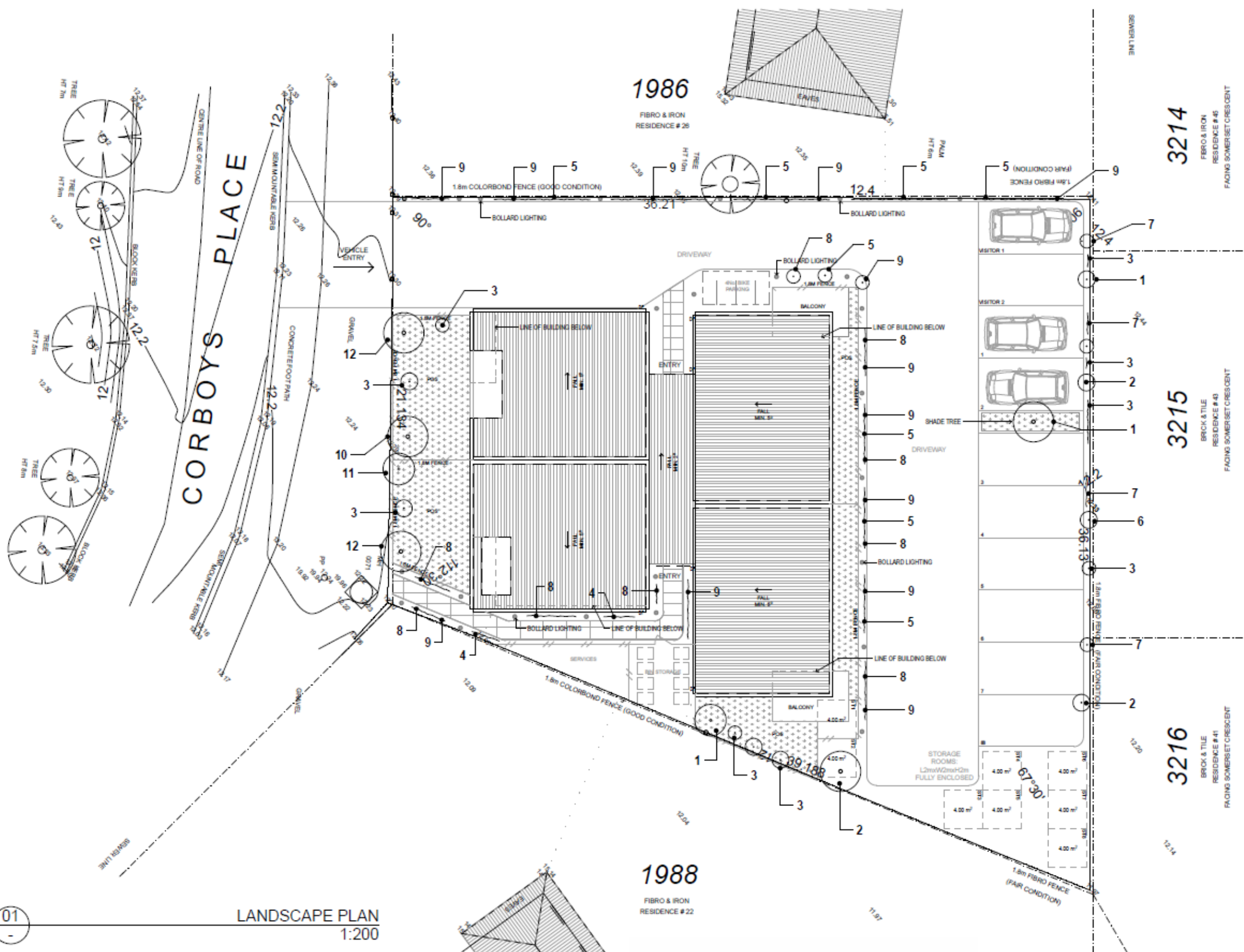
TOWN PLANNING	
TITLE	SITE PLAN - PROPOSED
SCALE	AS SHOWN@A3
DRAWN	JK
ORIGINAL ISSUE	12/09/2013
REVISION No.	

NORTH

JOB No.  
**1314**

DRAWING No.  
**A.002**

DRG 2013/442/004



- NATIVE SHRUBS**  
 Size Species  
 1 - Medium Acacia ancistrocarpa - Fitzroy Wattle  
 2 - Large Acacia cictrovinidis  
 3 - Large Acacia sclerosperma - Limestone Wattle  
 4 - Small Acacia translucens - Poverty Bush  
 5 - Medium Aiyogyne hakeifolia  
 6 - Medium Callistemon "Captain Cook"  
 7 - Small Eremophila macdonnellii
- NATIVE GROUND COVERS**  
 Species  
 8 - Acacia gregori - Gregoris Wattle  
 9 - Acacia hilliana
- EXOTIC SHRUBS**  
 Size Species  
 10 - Medium Plumeria obtusa - Temple Tree  
 11 - Medium Tecoma smithii - Yellow Tecoma  
 12 - Large Tecoma stans - Yellow Tecoma
- RETICULATION DESIGN AND MAINTENANCE:**  
 AS PER TOWN OF PORT HEDLAND - LANDSCAPING GUIDELINES
- PREPARATION OF SHRUBBERY AREAS:**  
 AS PER TOWN OF PORT HEDLAND - LANDSCAPING GUIDELINES
- WORKS ON VERGE:**  
 ONLY WORKS ON VERGE TO BE CONCRETE DRIVEWAY VEHICLE CROSSOVER. EXISTING VERGE LANDSCAPE TO REMAIN.
- STORM WATER TO BE RETAINED ON SITE AS PER TOWN PLANNING REGULATIONS**
- MULCH TO GARDEN BEDS AND GRASS TO UNIT PRIVATE OPEN SPACE.**

01 LANDSCAPE PLAN 1:200

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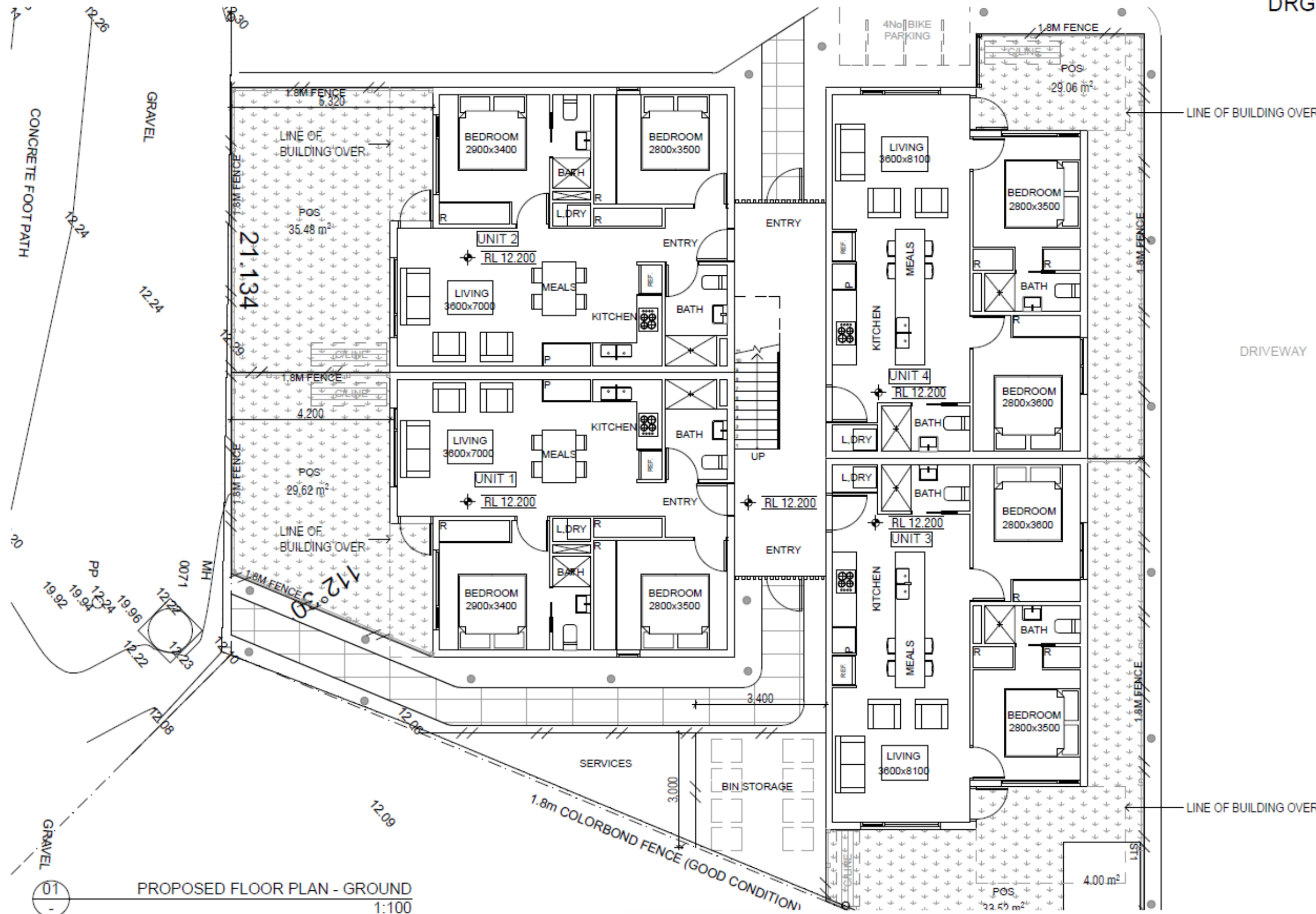
ADDRESS  
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FOR  
 ROY & ROBYN HOSKING

TOWN PLANNING	
TITLE	LANDSCAPE PLAN
SCALE	AS SHOWN@A3
DRAWN	JK
ORIGINAL ISSUE	12/09/2013
REVISION No.	
JOB No.	1314
DRAWING No.	A.003



DRG 2013/442/005



VISITOR 2	
1	
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PROPOSED FLOOR PLAN - GROUND  
1:100

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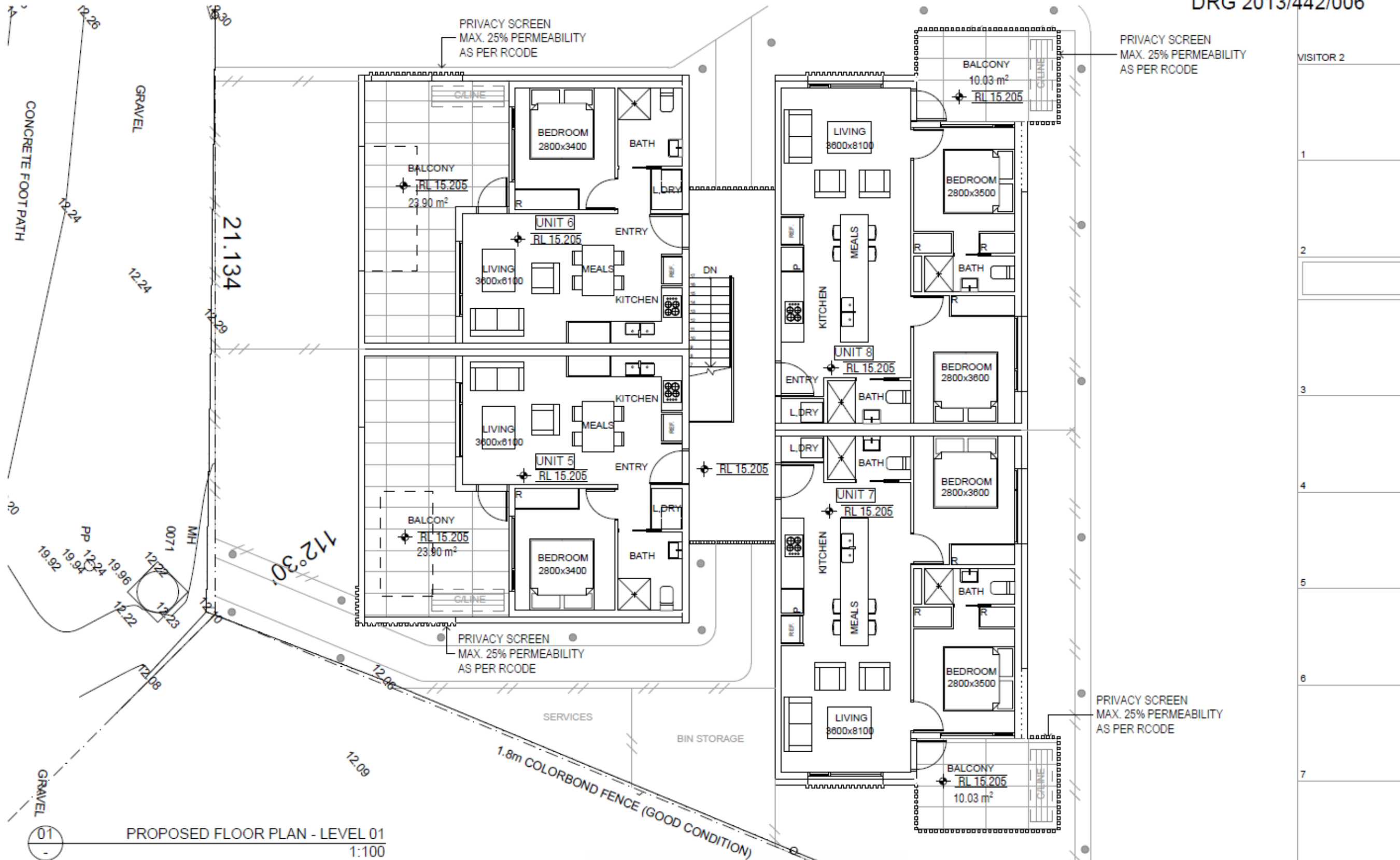
PROJECT  
**HOSKING RESIDENCE**

ADDRESS  
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WA, 6722,

FOR  
ROY & ROBYN HOSKING

TOWN PLANNING		
TITLE PROPOSED FLOOR PLAN - GROUND		
SCALE AS SHOWN@A3	JOB No. 1314	DRAWING No. <b>A.100</b>
DRAWN JK	12/09/2013	
ORIGINAL ISSUE	REVISION No.	

DRG 2013/442/006



VISITOR 2
1
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WA, 6722,

FOR  
ROY & ROBYN HOSKING

TOWN PLANNING	
TITLE PROPOSED FLOOR PLAN - LEVEL 01	AS SHOWN@A3 JK
SCALE DRAWN	12/09/2013
ORIGINAL ISSUE	
REVISION No.	

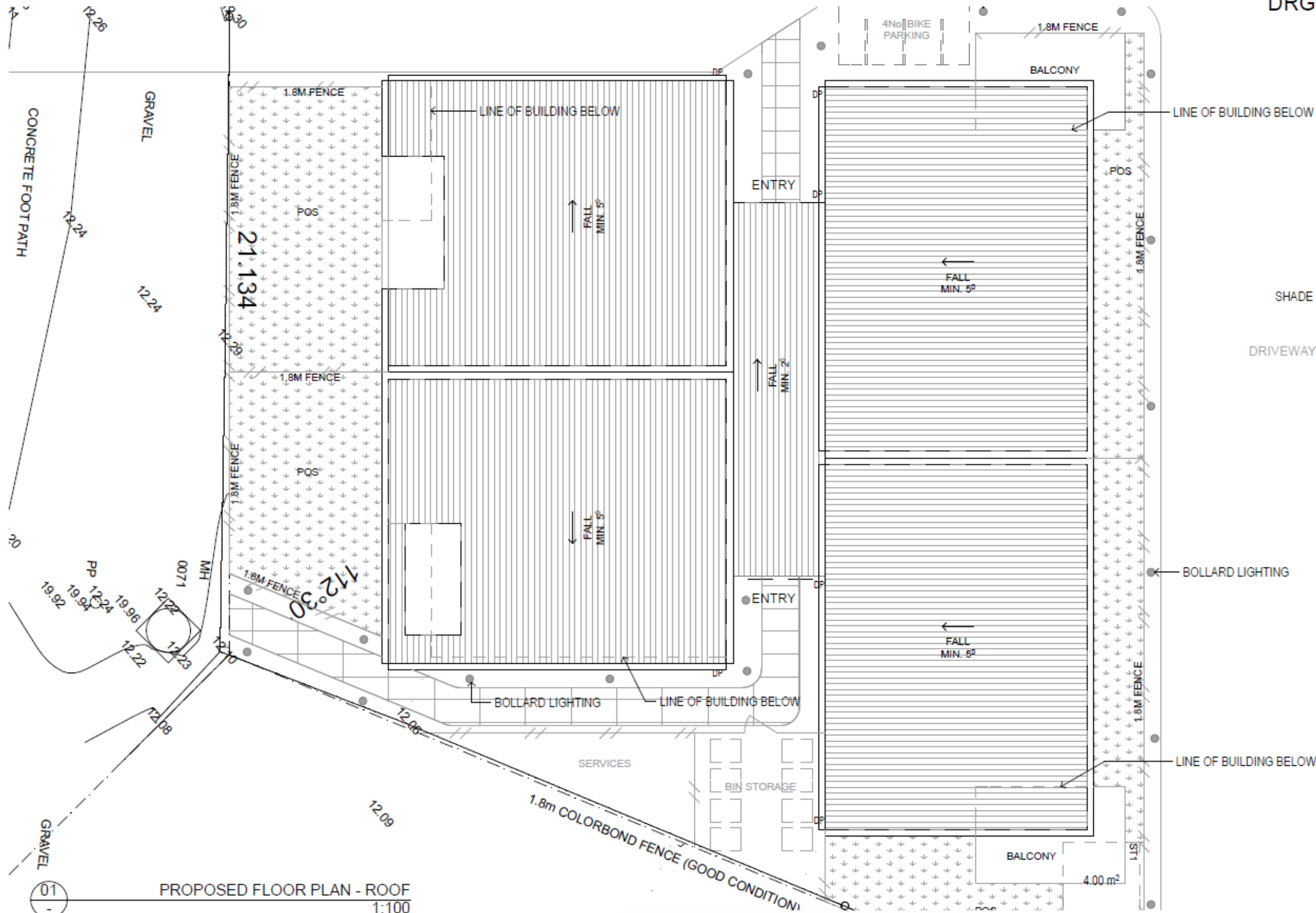
NORTH

JOB No.  
**1314**

DRAWING No.  
**A.101**



DRG 2013/442/007



PROPOSED FLOOR PLAN - ROOF  
1:100

1	VISITOR 2
2	
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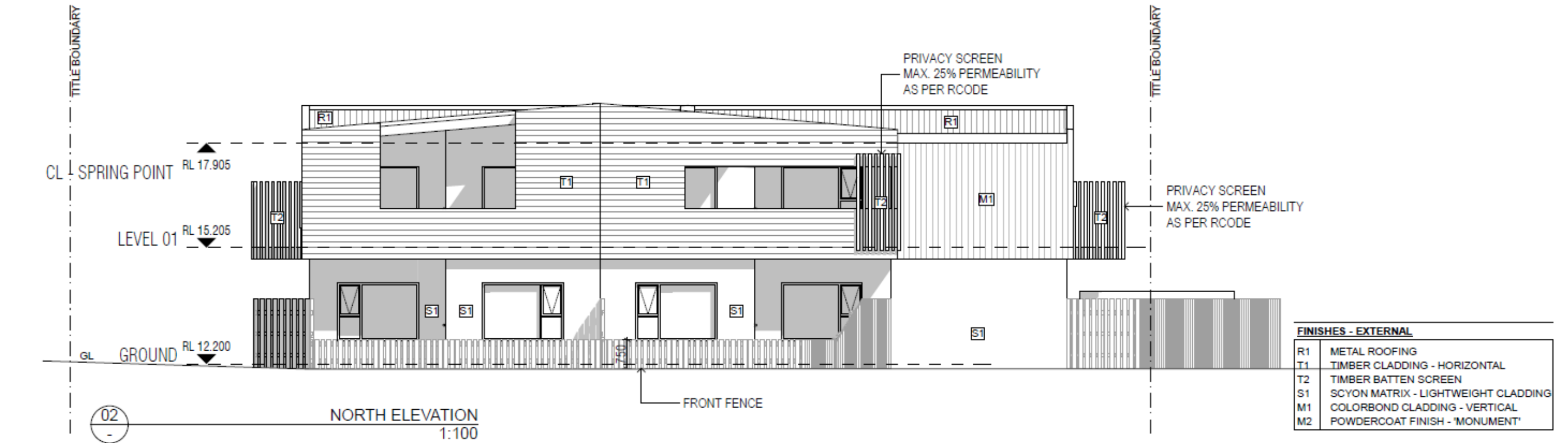
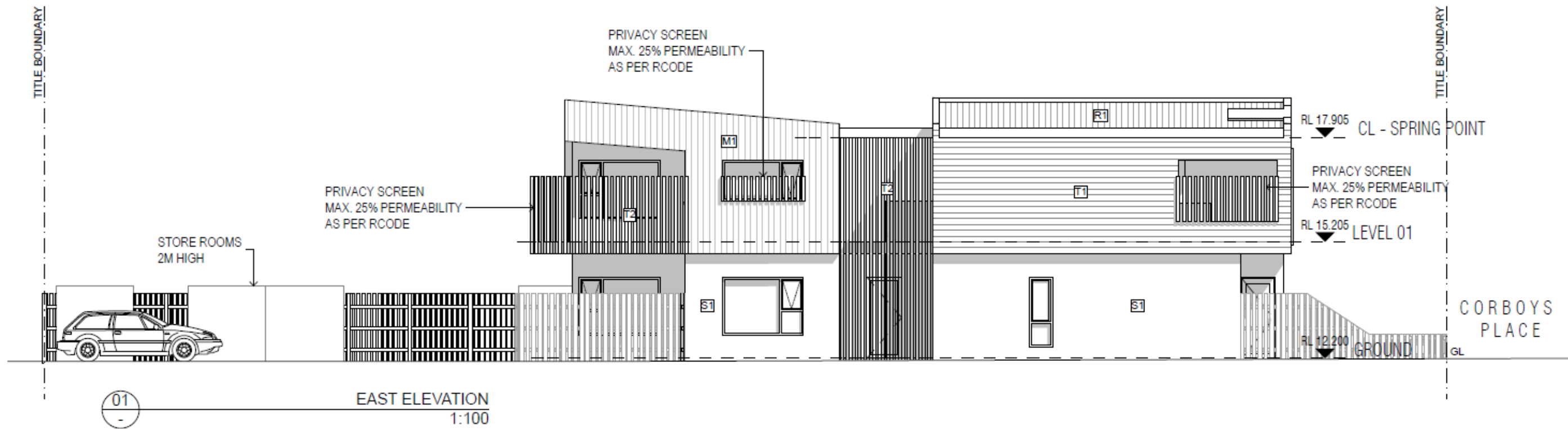
PROJECT  
**HOSKING RESIDENCE**

ADDRESS  
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WA, 6722,

FOR  
ROY & ROBYN HOSKING

TOWN PLANNING		NORTH
TITLE	PROPOSED FLOOR PLAN - ROOF	
SCALE	AS SHOWN@A3	
DRAWN	JK	
ORIGINAL ISSUE	12/09/2013	
REVISION No.		

DRG 2013/442/008



FINISHES - EXTERNAL	
R1	METAL ROOFING
T1	TIMBER CLADDING - HORIZONTAL
T2	TIMBER BATTEN SCREEN
S1	SCYON MATRIX - LIGHTWEIGHT CLADDING
M1	COLORBOND CLADDING - VERTICAL
M2	POWDERCOAT FINISH - 'MONUMENT'

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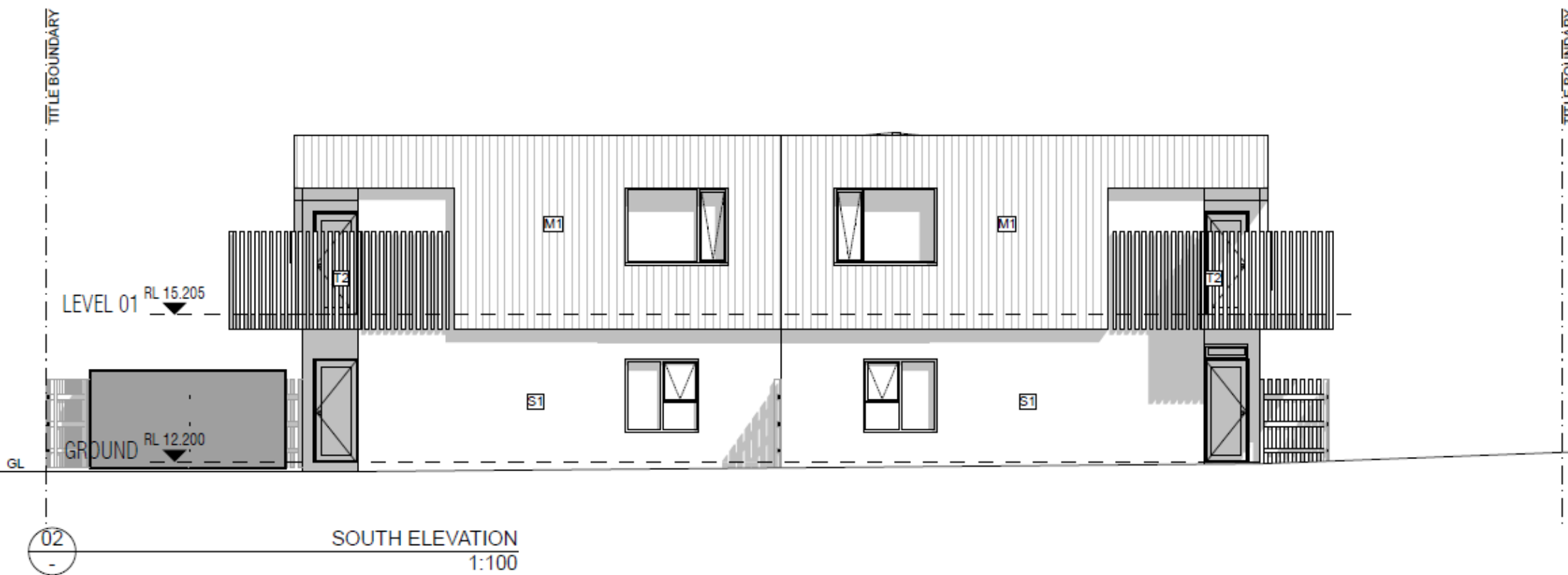
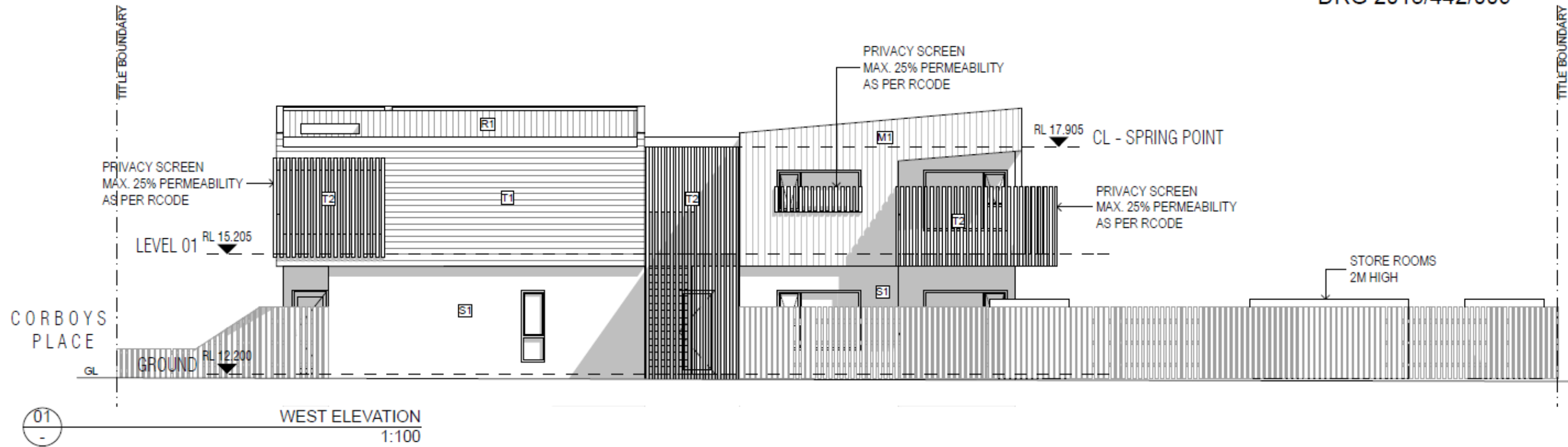
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**HOSKING RESIDENCE**

ADDRESS  
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FOR  
ROY & ROBYN HOSKING

TOWN PLANNING		JOB No. <b>1314</b>
TITLE ELEVATIONS		
SCALE	AS SHOWN@A3	
DRAWN	JK	
ORIGINAL ISSUE	12/09/2013	
REVISION No.		

DRG 2013/442/009



FINISHES - EXTERNAL	
R1	METAL ROOFING
T1	TIMBER CLADDING - HORIZONTAL
T2	TIMBER BATTEN SCREEN
S1	SCYON MATRIX - LIGHTWEIGHT CLADDING
M1	COLORBOND CLADDING - VERTICAL
M2	POWDERCOAT FINISH - 'MONUMENT'

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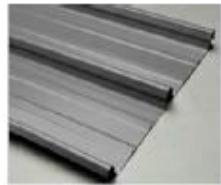
ADDRESS  
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WA, 6722,

FOR  
ROY & ROBYN HOSKING

TOWN PLANNING		TITLE
ELEVATIONS		
SCALE	AS SHOWN@A3	JOB No.
DRAWN	JK	<b>1314</b>
ORIGINAL ISSUE	12/09/2013	DRAWING No.
REVISION No.		<b>A.201</b>

DRG 2013/442/010

FINISHES - EXTERNAL	
R1	METAL ROOFING
T1	TIMBER CLADDING - HORIZONTAL
T2	TIMBER BATTEN SCREEN
S1	SCYON MATRIX - LIGHTWEIGHT CLADDING
M1	COLORBOND CLADDING - VERTICAL
M2	POWDERCOAT FINISH - 'MONUMENT'



**R1-**  
PRECOATED METAL DECK  
ROOFING & CLADDING



**M1-**  
COLORBOND CLADDING  
'MONUMENT'



**M2-**  
POWDERCOATED  
ALUMINIUM WINDOWS  
'MONUMENT'



**T1-**  
SHIPLAP TIMBER CLADDING  
- STAINED FINISH



**T2-**  
TIMBER BATTEN SCREEN  
- STAINED FINISH



**S1-**  
SCYON - MATRIX LIGHT  
WEIGHT CLADDING

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FOR  
ROY & ROBYN HOSKING

TOWN PLANNING	
TITLE	<b>MATERIALS PALETTE</b>
SCALE	AS SHOWN@A3
DRAWN	JK
ORIGINAL ISSUE	12/09/2013
REVISION No.	

JOB No.  
**1314**

DRAWING No.  
**A.501**

## ATTACHMENT 3 TO ITEM 11.1.1.2

**Djanegara Ryan**

---

**From:** Anaru Simon <anarusimon@gmail.com>  
**Sent:** Wednesday, 14 August 2013 6:54 PM  
**To:** Djanegara Ryan  
**Subject:** Attn Ryan Djanegara: Re 2013/442/400640G  
**Attachments:** Letter of Comment.docx

Dear Ryan/ Town of Port Hedland,

Please find attached a Letter of Comment for the above proposed application Ref: APPLICATION 2013/442 FOR EIGHT (8) DWELLINGS ON LOT 1987 (24) CORBOYS PLACE SOUTH HEDLAND.

Kind regards,

Andrew Simon

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Andrew Simon  
22 Corboys Place  
South Hedland  
WA 6722

14<sup>th</sup> Aug 2013

Attn:

Ryan Djanegara

PO Box 41

Port Hedland

WA 6721

Email: [po@porthedland.wa.gov.au](mailto:po@porthedland.wa.gov.au)

**RE: APPLICATION 2013/442 FOR EIGHT (8) MULTIPLE DWELLINGS ON LOT 1987 (24) CORBOYS PLACE SOUTH HEDLAND**

Dear Ryan,

This letter is to comment on the proposed above mentioned application for Lot 1987 (24) Corboys Place. Whilst the need for accommodation for the town of Port and South Hedland, in recent years, has been a major concern for people that have recently moved or have intentions of moving to this area, it would be both unfair and disadvantageous to those existing home buyers and residents of ANY street, to all of a sudden have the lifestyle they had intended for their families, to have a street compressed by overshadowing buildings, increased pressure on already inefficient existing services especially during the summer months, an increase in traffic flow in an already restrictive area resulting in dangerous situations for children who play in the street and parks and of course a possible likelihood in an increase in anti-social behaviour with the consequence only being determined by the number and calibre of tenants of the dwellings and also whether the use of alcohol/ drugs plays a part. Therefore, whilst trying to resolve one problem, how many more a being created?

While people from far away cities have used the town for investment purposes, this has been easily understood and am sure, has served them well, but to have someone/ companies/ entities buy a property that has existing housing on it for it to be torn down and to erect multiple dwellings, 2 storeys high, amongst an already existing single dwelling housing area only highlights the inconsideration of such a proposal to be put forward, a proposal that appears to be motivated by personal gain and initiated by non-towns folk.

The town has recently released land as buildings are being erected and the town is buzzing with civil/ building works, that would hopefully alleviate the accommodation crisis that has plagued the town in the past along with the sub division of properties to build another house on it and also with the down scaling of people requiring accommodation due to numerous departures with more to follow. This would be made evident in the drop in prices and availability of rental properties.

As a resident of South Hedland for 17 ½ years, I still have children and grandchildren who have yet to make their life in this town. I would hate that such a long term investment in this town and their lifestyle be compromised or even have to leave town because of the uncomfortable nature one would have to be forced to live in. Whilst expansion is apparent, so too should planning:

- 1) Fixing existing infrastructure and services;
- 2) Address the needs of the long term community members;
- 3) Address the impacts that any such approvals would have;
- 4) Look at the long term investors rather than those who would desert the community in a heartbeat if it wasn't financially viable.

Therefore, I hope mine and others disapproval of such a proposal is taken carefully into consideration.

Yours sincerely,

Andrew Simon

P.S. I have also been made aware that such a proposal may have been made for 17 Corboys Place. Can you confirm if so as I do not recall receiving a letter for such a proposal and have been working out on one of the local mining company's projects and have possibly missed any notices? Of course the above for such an application would also be echoed, if so.

To Whom it may concern

Marie Lane

26 Corboys Place

South Hedland

14/08/2013

RECEIVED  
19 AUG 2013  
BY: PMc/PL 7701

14/08/2013

### 8 Multiple Dwellings at 24 Corboys Place South Hedland

I am writing this letter as I am not happy and against having 8 dwelling right next door to me.

1<sup>ST</sup> The prices of me home will go down so much it want be funny.

As our home have drop already and aren't worth the money we paid for them.

2<sup>ND</sup> The privacy what privacy we won't have any more. People can look out of the top windows and see everything we will be doing in our yard.

3<sup>RD</sup> The street is very quiet and safe for the kids that play in it , We have 7 kids that live at this end of the street as well as my grandkids that are here every week end that makes 10 kids . The street now is very safe for the kids .The people now that the kids are around and look out for them. And with 8 extra cars coming and going I think is too much.

Thank you

Marie and Ronald Lane



## ATTACHMENT 4 TO ITEM 11.1.1.2



ROWEGROUP

Job Ref: 7701  
22 August 2013

Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

**Attention: Ryan Djanegara**

Dear Mr Djanegara

**Response to Submissions to Proposal for Eight Multiple Dwellings  
Lot 1987 (No. 24) Corboys Place, South Hedland**

Rowe Group acts on behalf of the landowner of Lot 1987 (No. 24) Corboys Place, South Hedland ('subject site'). On 26 July 2013, the Town of Port Hedland formerly accepted an Application for the development of eight 'Multiple Dwellings' at the subject site. As 'Multiple Dwellings' is an 'SA' use within the 'Residential Zone', public advertising of the Application was mandatory.

During the public advertising period from 1 August to 21 August 2013, four submissions in total were received. One submission was from the Department of Housing expressing support for the proposal, one was from the Water Corporation advising comment would be provided at the Building Permit stage whilst the two other submissions were from residents of Corboys Place objecting to the proposal. The following Table outlines the objections raised within the submissions and provides a formal response to each of these issues.

Issue	Objection	Rowe Group Response
Overshadowing	- <i>"ANY street, to all of a sudden have the lifestyle they had intended for their families, to have a street compressed by overshadowing buildings..."</i>	It is confirmed there will be no overshadowing impacts on neighbouring properties. As the subject site is north facing, there is no overshadowing of lots to the east and west at midday. Further to this, the shaded area as calculated at midday on 21 June is entirely contained within the subject site. Therefore the proposed development will have no overshadowing impacts.

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**Rowe Group**  
Perth  
Peel / South West  
Mid West



Issue	Objection	Rowe Group Response
Overlooking	- <i>"The privacy what privacy we won't have any more. People can look out of the top windows and see everything we will be doing in our yard."</i>	It is confirmed there will be no overlooking impacts on neighbouring properties as major openings and balconies on the upper level of the proposed development are adequately screened to prevent overlooking. The exceptions to this are the bedroom windows to Dwellings 7 and 8 at the rear of the development which are setback 11.6 metres from the rear setback, well beyond the 6 metre requirement of the R-Codes. The balconies of Dwellings 5 and 6 face the street and are appropriately screened on the eastern and western sides in order to allow increased surveillance of the street.
Traffic Safety	- <i>"... an increase in traffic flow in an already restrictive area resulting in dangerous situations for children who play in the street and parks..."</i> - <i>"...with 8 extra cars coming and going I think is too much."</i>	Given the residential nature of the proposed development together with the small floor space of each dwelling, vehicle movements are expected to be minimal at an average of two movements per day, equating to an average of 16 movements per day at the subject site. In this regard, traffic generated by the proposal is not expected to have a material impact on the nature of Corboys Place or any other element of the local road network.
Increased pressure on services	- <i>"... increased pressure on already inefficient existing services especially during the summer months..."</i>	This is determined by the Town's Engineering and Health Departments. The proposed development is consistent with provisions of the R30 density code.  It is important to note that improvements to essential services are often not viable until there is sufficient demand. In this regard, the redevelopment of the subject site at an increased density and therefore increased population will help facilitate future investments in essential services.
Antisocial Behaviour	- <i>"... of course a possible likelihood is an increase in anti-social behaviour with the consequence only being determined by the number and calibre of tenants of the dwellings and also whether the use of alcohol/ drugs plays a part."</i>	The nature of any neighbour or resident in any development is out of the control of Council and is not considered a town planning issue. It appears this submission makes an assumption about the type of residents who may be seeking to live here failing to consider the wider community including the aging population who are looking to downsize and relocate close to existing services within an existing community.  It is important to note however that the increased surveillance of the street strengthens the development's relationship with the street interface, increasing the perception of eyes on the street and ultimately deterring antisocial behaviour.
Decreased House/ Land Prices	- <i>"The prices of me home will go down so much it won't be funny. As our home have</i>	Firstly house prices are not a planning consideration. That said the ability for landowners to redevelop their lots at an increased density up to R30, would increase the value of



	<p><i>drop already and aren't worth the money we paid for them."</i></p> <ul style="list-style-type: none"> <li>- <i>"...evident in the drop in prices and availability of rental properties."</i></li> </ul>	<p>one's lot and development potential in the future.</p>
<p>Already enough land for housing elsewhere</p>	<ul style="list-style-type: none"> <li>- <i>"The town has recently released land as buildings are being erected and the town is buzzing with civil/building works, that would hopefully alleviate the accommodation crisis that has plagued the town in the past along with the subdivision of properties to build another house on it and also the down scaling of people requiring accommodation due to numerous departures with more to follow."</i></li> </ul>	<p>The proposed development is consistent with the State and Local Planning Statutory and Strategic Framework. The need for increased housing stock and variety within South Hedland is highlighted in a number of strategic documents including the Pilbara's Port City Growth Plan and Port Hedland Land Use Master Plan ('LUMP'). The subject site is within Precinct 12 'South Hedland East' of the Growth Plan which proposes "significant on-going infill/ redevelopment of residential land" with an estimation of 17,400 new dwellings in South Hedland. The proposal is consistent with the relevant housing policies of the LUMP which include:</p> <ul style="list-style-type: none"> <li>- <i>"Increase the density of residential development in areas with appropriate access, services and amenity, and support the improvement or provision of infrastructure where necessary to promote increased residential densities."</i></li> <li>- <i>"Encourage a wider range of housing types by identifying suitable areas for specific types of units, including single bedroom units, including single bedroom units, and home office or other combinations of live/work arrangements."</i></li> </ul> <p>In addition to meeting demand for more diverse housing stock within South Hedland, it is important to note that land owners have a right to develop their land as they wish provided it is consistent with local and state policies.</p>
<p>Compromised Lifestyle</p>	<ul style="list-style-type: none"> <li>- <i>I have children and grand children who have yet to make their life in this town. I would hate that such a long term investment in this town and their lifestyle be compromised or even have to leave town because of the uncomfortable nature one would have to be forced to live in.</i></li> </ul>	<p>As previously mentioned, the proposed development is consistent with the State and Local Planning Statutory and Strategic Framework surrounding the subject site.</p> <p>The proposed development will contribute to the redevelopment and revitalisation of Corboys Place and the greater South Hedland surrounds, ensuring it is an enjoyable and comfortable place to live in the future. Infill redevelopments such as this will help alleviate the existing reputation "dominated by negative perceptions of increasing crime, poverty and social dysfunction" that currently inhibits South Hedland.</p> <p>It appears this submission fails to consider the potential for such developments to cater for an imminent aging population seeking to downsize in close proximity to existing services offered within the town centre.</p>



It is also understood that at Council's Briefing Session on 14 August 2013, the following was queried by Council staff:

- Whether the proposed development is modular; and
- Does it reflect the character of South Hedland?

It is confirmed the proposed development will not be modular. With regard to the character of South Hedland, it is understood that the town is undergoing significant redevelopment and construction works in order to upgrade and revitalise the town. The proposed development is reflective of the anticipated future character of South Hedland. The proposed development consists of a mix of materials including colorbond, scyon and timber cladding as well as timber battren screening. Although the proposed development is comparatively modern to the existing housing stock of Corboys Place, it is respectful of existing colour schemes and consistent with the design of newer developments throughout South Hedland and the wider Town of Port Hedland. It is anticipated the proposed development will be a catalyst for more redevelopments along Corboys Place and throughout South Hedland, not only for the purpose of more diverse and affordable housing stock, but to contribute positively to the revitalisation of the locality as a whole.

In this regard, it is requested that Council accept our responses to the issues raised during the public advertising period by approving the proposed eight multiple dwellings at the subject site.

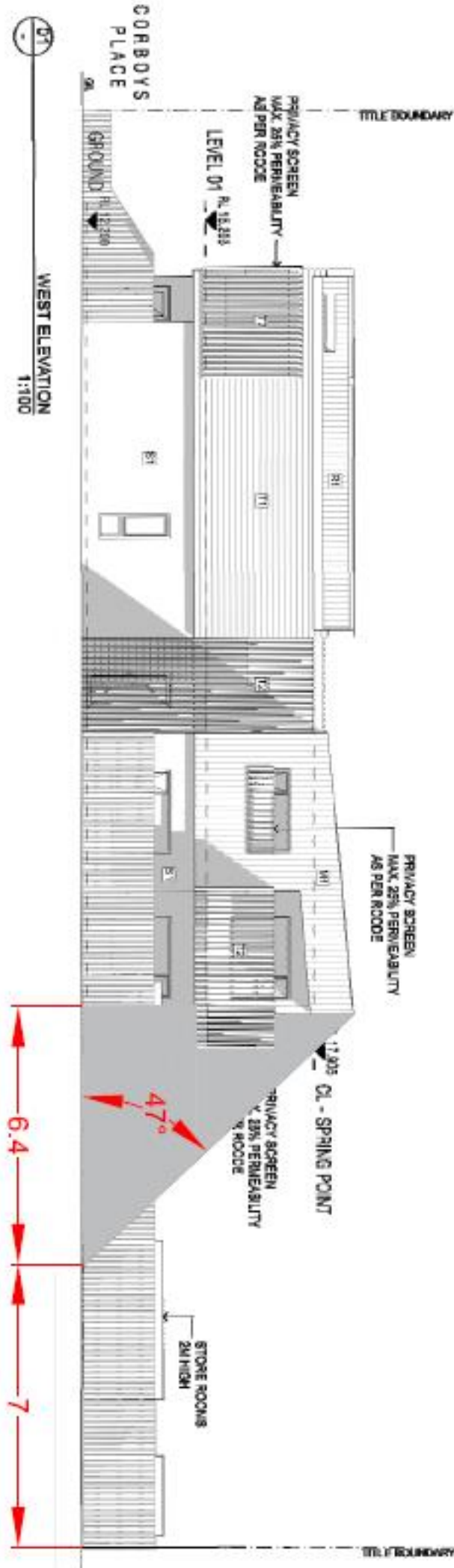
Should you require any further information or clarification in relation to this matter, please contact Annabel McLarty on 9221 1991.

Yours faithfully,

**Annabel McLarty**

Rowe Group, Perth Office

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# Overshadowing Plan

24 Corboys Place  
South Hedland



Planning Design Delivery

REVISIONS

Rev	Date	Drawn
A	2013/05/19	S. Spenceford

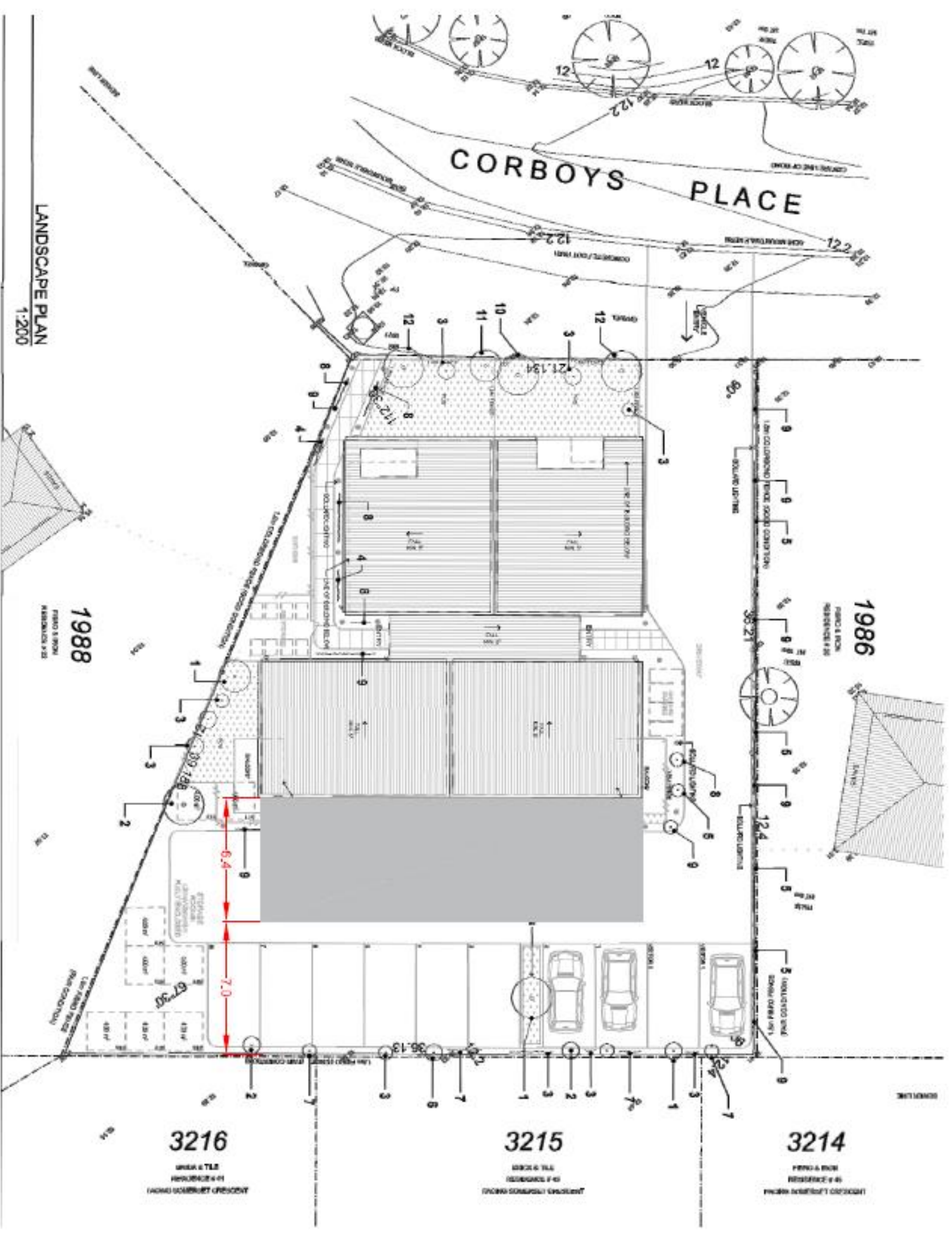


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Date Drawn: 2013-05-19  
 Job Ref: 7701  
 Scale: 1:125 @ A3  
 Client: Haskin Pty Ltd  
 Designer: A. McLarty  
 Drawn: DRAWN  
 Project Plan ID: 7701-FIG-05-A



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# Overshadowing Plan

24 Corboys Place  
South Hedland



Planning Design Delivery

REVISIONS

No	Date	Drawn
1	2013.09.19	S. BURCHARD



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08 9221 1991

Date Drawn: 2013-09-19  
 Job Ref: 7701  
 Scale: 1:600 B.A3  
 Client: HOSKIN PTY LTD  
 Designer: A. McCLARY  
 Drawn: DRAWN  
 Project ID: 7701-FIG-05-A

**11.1.1.3 Proposal for Twelve (12) Multiple Dwellings on Lot 500 (37) Moore Street, Port Hedland (File No.: 119780G)**

<b>Officer</b>	<b>Ryan Djanegara Senior Statutory Planner</b>
<b>Date of Report</b>	<b>29 August 2013</b>
<b>Application No.</b>	<b>2013/323</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The Town received an application from Hodge Collard Preston Architects on behalf of the landowner, 37 Moore Pty Ltd to construct twelve (12) "Multiple Dwellings" on Lot 500 (37) Moore Street, Port Hedland (subject site).

The proposed development is located within the West End Residential Zone, as such the application is presented to Council for consideration.

The application is supported by the Towns' Officers, and it is recommended to approve the application with conditions.

**Background***Site Description (Attachment 1)*

The subject site is generally rectangular in shape, achieves vehicular access via Moore Street and has an area of 876m<sup>2</sup>.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential".

*Proposal (Attachment 2)*

The applicant is proposing to construct twelve (12) "Multiple Dwellings" comprising of eight (8) two-bedroom units and four (4) one-bedroom units.

*Related Developments*

The proposed development does not differ significantly from those already approved / developed within the "West End", however, a licence fee has been included for the two (2) visitor bays proposed to be constructed by the applicant within the road verge.

**Consultation**

The application was circulated as follows:

*Internally:*

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

*Externally:*

- Department of Environment and Conservation (DEC)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health
- Department of Water
- Pilbara Cities
- Department of Planning
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following comments were received:

## Department of State Development:

1. Development within the “West End Residential” zone must comply with the design requirements outlined in Town of Port Hedland Town Planning Scheme Amendment 22.
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22.

## Department of Health (DoH):

1. The DoH have reviewed the Dust Mitigation Report and have found that there are elements of the building design and proposed mechanical solutions which are inconsistent and non-compliant with the provisions and intent of Scheme Amendment No. 22 of the Port Hedland Town Planning Scheme No. 5.
2. In particular the DoH notes specific short-comings in this proposal, including:
  - a. The lack of filtration of air-conditioning units and the construction of eaves and roof design elements having regard to Section P2.4.5 of the National Construction Code Series 2013 (NCC2013) volume 2;
  - b. Scheduled maintenance for replacement of all filtering systems on all air-conditioning systems;
  - c. Instalment of airtight window seals on fixed or operable windows; and
  - d. Instalment of dust seals on entry and balcony doors.



### Applicant's Response

In light of the Department of Health's comments, the applicant's Mechanical Engineer (C.A & M.J. Lommers) has prepared a response which has been summarised as follows:

- a. The building has been designed to promote natural ventilation via operable windows and doors in lieu of outside mechanical ventilation systems (such as air-conditioning). The air-conditioning grilles shown on the southern elevation are for air circulation around future air-conditioning condensing units (outdoor units) and do not relate to air flows into the building or the mitigation of dust ingress into the building.
- b. Given the above, point a. of the Department of Health's comments is not applicable.
- c. With regards to the points c. and d. of the Department of Health's comments it should be noted that NCC/BCA Volume 1 J3 controls building sealing in buildings of this Type. Window installations in general are controlled under Australian Standard AS2047 or are required to have seals to restrict air infiltration as per NCC/BCA Volume 1 Clause J3.4(a). Clause 6.3.9 of the amendment does not refer to specific construction standards and it is suggested that the existing control of building sealing is sufficient for use.

### Revised Comments from the Department of Health

Subsequent to the revised dust mitigation report provided by the applicant, the Department of Health has reconsidered its position and is now satisfied with the response and measures to be undertaken. As such the Department's concerns have now been addressed and do not object to the proposed development.

### Department of Environment & Conservation:

1. DEC notes that the dust mitigation measures for the proposed development have been assessed by a suitably qualified mechanical engineer and determined to be in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5.
2. DEC also advises the Department of Health have involved a consultant to prepare a Health Risk Assessment which is expected to be completed in 2015.

The application was advertised for a period of 14 days to the adjoining landowners. No submissions were received.

### 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 (TPS5).

### Policy Implications

12/002 Off Site Car Parking Policy

Objectives

- To provide guidance for the possible development of car parking in adjoining road reserves

### Strategic Planning Implications

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

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6.3.1 Housing

---

Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

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

5.6.1 Precinct 1 – West End

5.6.1 Precinct 1 – West End

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Precinct Summary

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Noise and dust emissions particularly in proximity to existing developed urban areas.

### Budget Implications

Immediate:

An application fee of \$6,960.00 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

The whole of life costs include maintenance cost associated with the two (2) parking bays located within the Moore Street Road Verges. The applicant will be required to maintain the bays for a period of two (2) years, thereafter this will become the Town's responsibility. It is estimated that the average maintenance cost per bay is \$588.00, per annum (for the maintenance of 5 bays and less within the road reserve) considering the lifespan of the development being twenty (20) years. The licence fee (being a once off payment) for the two (2) parking bays is to be \$40,000.00.

It will be a condition of development approval that the proponent enter into a licence agreement to cover these costs. With regards to any landscaping requirements it will be the responsibility of the proponent/landowner to maintain in perpetuity.

### **Officer's Comment**

#### *Dust Mitigation requirements in the West End Residential Zone*

The site is located in the "West End Residential" zone. Developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels. Section 6.3.9 of TPS5 states:

*"Residential development within the 'West End Residential Zone' and within the area bound by Withnell, McKay and Anderson Streets, and The Esplanade road, Port Hedland shall be in accordance with a local planning policy, development plan or design guidelines adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to -*

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orientation of buildings to avoid wind tunnelling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening."*

In the absence of a local planning policy, development plan or design guideline, state government stakeholders have expressed concern regarding suitable design requirements for residential development in the "West End Residential" zone.

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the relevant clause contained within TPS5.

Consequently, legal advice was obtained from the Towns' Solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to include a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent Clause 6.3.9 of TPS5.

The applicant has submitted a report by C.A & M.J. Lommers confirming the proposed design will mitigate dust and addresses the requirements under TPS5. This report was forwarded to the relevant stakeholders for comment.

As stated, the Department of Health raised concerns with regards to the proposed development and further notes specific issues with the Dust Mitigation Report.

The applicant has addressed and satisfied the Department's concerns.

From a planning perspective the application complies with all planning related development controls and principles and together with the dust mitigation report prepared by C.A & M.J Lommers confirming the development is consistent with the intent of Clause 6.3.9 of TPS5 can be supported.

#### *Residential Design Codes of Western Australia (R Codes)*

A number of variations to the Acceptable Development Standards of the R Codes have been sought.

The justifications provided by the applicant for the required variations have been scrutinized, and from a planning perspective are considered to comply with the "Design Principles" of the Residential Design Codes and are supported.

#### *Off-site Parking Bays*

For the proposed development to comply with the required parking as stipulated in TPS5 and the Residential Design Guidelines, a minimum of two (2) visitor bays are to be provided.

In order for the applicant to maximise the development potential, it has been proposed to provide at the applicants cost two (2) parking bays within the Moore Street road verge. Being located within the verge these bays will remain public car parking bays, but available to the visitors of the development.

Should Council resolve not to permit the construction of the two (2) visitor bays within the road verge, the application cannot be supported in its current form. The applicant will be required to reduce the development in order to accommodate all parking on-site.

#### **Attachments**

1. Locality Plan
2. Development Plans
3. Dust mitigation report
4. Artist Impression
5. Department of Health's referral
6. Applicant's response to Department of Health's referral

7. Revised response from the Department of Health

#### **Officer's Recommendation**

That Council approves the application submitted by Hodge Collard Preston Architects on behalf of the landowner being 37 Moore Pty Ltd to construct twelve (12) multiple dwellings on Lot 500 (37) Moore Street, Port Hedland subject to the following conditions:

1. This approval relates only to the proposed Twelve (12) "Multiple Dwellings", as indicated on the approved plans (DRG2013/323/1 - DRG2013/323/4). It does not relate to any other development on this lot;
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;
3. A minimum of 15 car bays (12 bays for residents and 3 bays for visitors including 2 within the road reserve) and 6 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/323/1);
4. No parking bays shall be obstructed in any way or used for any other purpose than parking;
5. 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;
6. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/323/4);
7. Fences and structures shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;
8. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;
9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Planning Services;
10. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;

11. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/323/1);

The following conditions are to be cleared by Planning Services prior to the issuing of a building permit.

12. Prior to the issuing of a building permit, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the two (2) off site car parking bays within the adjacent road reserves, to be constructed to the satisfaction of the Manager Planning Services at the expense of the landowner;
13. Prior to the issuing of a building permit, the landowner shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 20 (twenty) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;
14. Prior to the issuing of a building permit the landowner shall enter into a binding licence agreement with the Town for two (2) parking bays provided within the road verge. Such agreement shall include the following:
  - a. agreement by the landowner to maintain the parking bays for a period of two (2) years.
  - b. agreement by the landowner to pay a once off licence fee to be calculated at the line of preparing the agreement (such licence fee shall not exceed \$40,000.00). The agreement shall be prepared at the landowners cost. (see advice note 6 and 8)
15. Prior to the issuing of a building permit, 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. Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.

- b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions.

Further information can be obtained from the Department of Health.

16. Prior to the issuing of a building permit, a detailed landscaping and reticulation plan including any street verge (verge landscaping is to be sufficient to deter parking thereon), shall be submitted and approved by the Manager Planning Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;
17. Prior to the issuing of a building permit, the landowner shall submit an "Erosion and Sediment Control Plan" for approval by the Manager Planning Services;
18. Prior to the issuing of a building permit, the landowner shall submit a "Construction Site Management Plan" for approval 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 prior to the occupation of the development.

19. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A. & M.J. Lommers Pty Ltd;

20. Prior to the occupation of the development the landowner shall enter into a binding agreement to maintain the proposed landscaping within the Moore Street verge to the satisfaction of the Manager Planning Services; (See advice note 6 and 7)
21. 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 5 and 7)
22. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer;
23. 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 landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
24. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;
25. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
26. 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. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:  
  
"Multiple Dwelling,  
  
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."



2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. With regards to Condition 22, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. The Town's Building Services advises the landowner should consider the following issues prior to submitting a building application:
  - a. lighting and ventilation will need to be in accordance with the provisions of the Building Codes of Australia.
5. 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;
6. Please be advised the Town currently makes use of the services of Jackson McDonald to prepare or scrutinise any agreement documents. Whilst you may engage any solicitor of your choice, please keep in mind there will be additional costs for Jackson McDonald to scrutinise the agreement should the agreement not be prepared by them;
7. Please be advised, all the landscaping on the road verge shall be maintained by the landowner in perpetuity and not Council;
8. With regards to Condition 14, the landowner is advised should the road verge ever be required for any public use (i.e. road widening, easements etc) any such works and costs to reinstate the car parks will be wholly the responsibility of the landowner and not Council;
9. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;
10. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
11. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;

12. Be advised that the air handling system is to comply with the Health (Air-handling and Water Systems) Regulations 1994;
13. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;
14. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
15. Conditions 12 to 18 (including) shall be complied with prior to the issuing of a building permit. In this regard there is a clearance fee of \$324.90 per request. Please note it may take up to 28 days to clear conditions.

**201314/128 Council Decision****Moved: Cr Jacob****Seconded: Cr Hunt**

**That Council approves the application submitted by Hodge Collard Preston Architects on behalf of the landowner being 37 Moore Pty Ltd to construct twelve (12) multiple dwellings on Lot 500 (37) Moore Street, Port Hedland subject to the following conditions:**

- 1. This approval relates only to the proposed Twelve (12) "Multiple Dwellings", as indicated on the approved plans (DRG2013/323/1 - DRG2013/323/4). It does not relate to any other development on this lot;**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**
- 3. A minimum of 15 car bays (12 bays for residents and 3 bays for visitors including 2 within the road reserve) and 6 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/323/1);**
- 4. No parking bays shall be obstructed in any way or used for any other purpose than parking;**
- 5. 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;**
- 6. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/323/4);**

- 7. Fences and structures shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;**
- 8. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;**
- 9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Planning Services;**
- 10. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;**
- 11. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/323/1);**

**The following conditions are to be cleared by Planning Services prior to the issuing of a building permit.**

- 12. Prior to the issuing of a building permit, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the two (2) off site car parking bays within the adjacent road reserves, to be constructed to the satisfaction of the Manager Planning Services at the expense of the landowner;**
- 13. Prior to the issuing of a building permit, the landowner shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 20 (twenty) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;**
- 14. Prior to the issuing of a building permit the landowner shall enter into a binding licence agreement with the Town for two (2) parking bays provided within the road verge. Such agreement shall include the following;**
  - a. agreement by the landowner to maintain the parking bays for a period of two (2) years.**



- 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 prior to the occupation of the development.

19. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A. & M.J. Lommers Pty Ltd;
20. Prior to the occupation of the development the landowner shall enter into a binding agreement to maintain the proposed landscaping within the Moore Street verge to the satisfaction of the Manager Planning Services; (See advice note 6 and 7)
21. 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 5 and 7)
22. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer;
23. 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 landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
24. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;
25. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and

26. 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. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:  
  
"Multiple Dwelling,  
  
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
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5. 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;
6. Please be advised the Town currently makes use of the services of Jackson McDonald to prepare or scrutinise any agreement documents. Whilst you may engage any solicitor of your choice, please keep in mind there will be additional costs for Jackson McDonald to scrutinise the agreement should the agreement not be prepared by them;
7. Please be advised, all the landscaping on the road verge shall be maintained by the landowner in perpetuity and not Council;

8. With regards to Condition 14, the landowner is advised should the road verge ever be required for any public use (i.e. road widening, easements etc) any such works and costs to reinstate the car parks will be wholly the responsibility of the landowner and not Council;
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10. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
11. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;
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13. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;
14. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval;
15. Conditions 12 to 18 (including) shall be complied with prior to the issuing of a building permit. In this regard there is a clearance fee of \$324.90 per request. Please note it may take up to 28 days to clear conditions; and
16. The licence agreement shall clearly indicate the two visitor car parking bays located within the Moore Street verge are not for the exclusive use of the development and shall only be used for the purposes of visitor car parking and shall not be used for the parking of boats, trailers, caravans and the like.

*CARRIED 10/0*



ATTACHMENT 1 TO ITEM 11.1.1.3

Extract Map

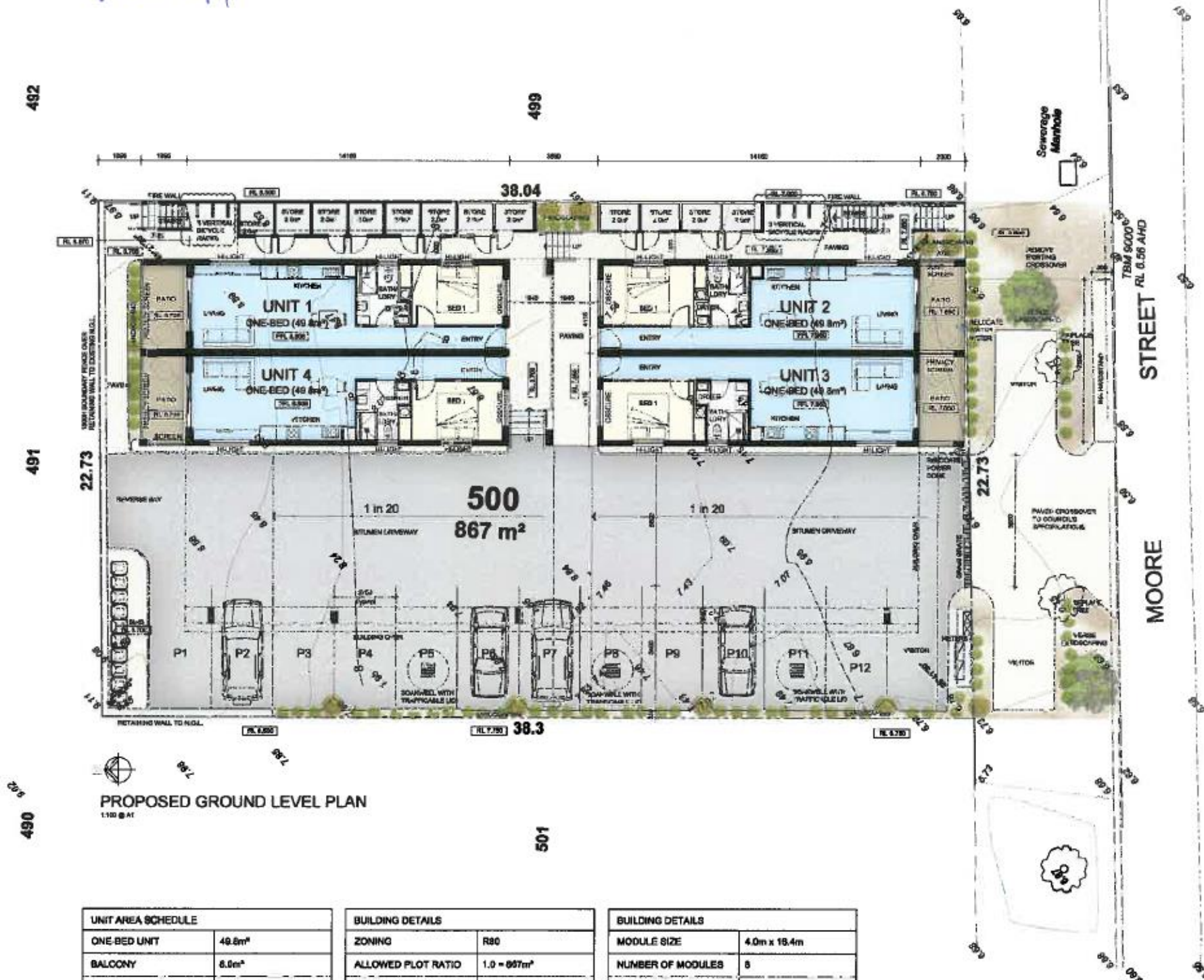


Context Map





DRG 2013/323/11



PROPOSED GROUND LEVEL PLAN  
1:100 @ A1



LOCATION PLAN  
N.T.S.

UNIT AREA SCHEDULE	
ONE BED UNIT	49.8m <sup>2</sup>
BALCONY	6.6m <sup>2</sup>
<b>TOTAL</b>	<b>57.8m<sup>2</sup></b>
TWO-BED UNIT	51.7m <sup>2</sup>
BALCONY	6.4m <sup>2</sup>
<b>TOTAL</b>	<b>58.1m<sup>2</sup></b>

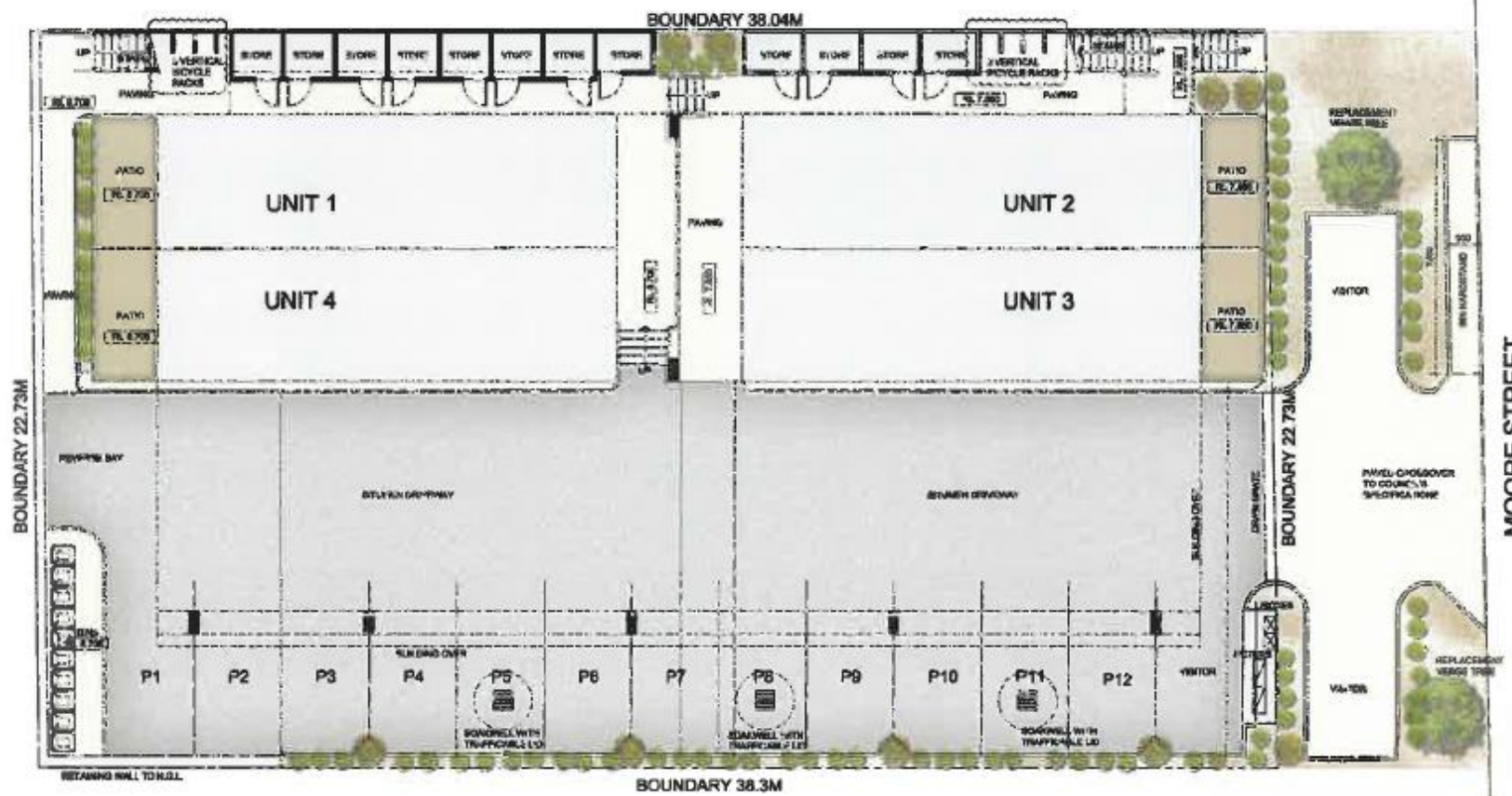
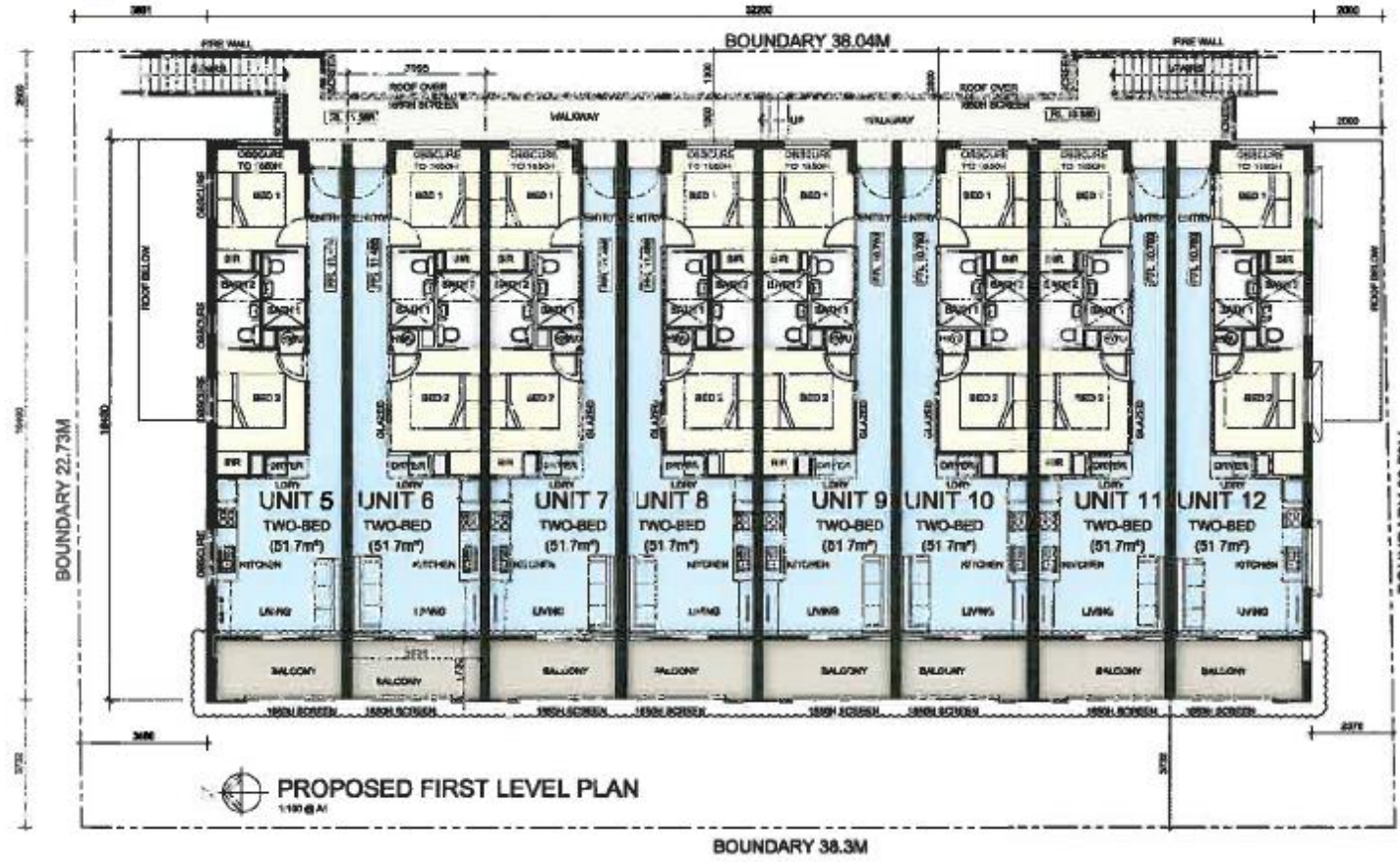
BUILDING DETAILS	
ZONING	R80
ALLOWED PLOT RATIO	1.0 = 907m <sup>2</sup>
PROPOSED PLOT RATIO	813m <sup>2</sup> = 0.70
UNITS	4 x 1 BEDROOM UNITS 8 x 2 BEDROOM UNITS
CAR PARKING	18 ONSITE, 2 OFFSITE
BICYCLE PARKING	8 ONSITE

BUILDING DETAILS	
MODULE SIZE	4.0m x 16.4m
NUMBER OF MODULES	8
MODULE SIZE	4.1m x 16.2m
NUMBER OF MODULES	4

C	ADDED 8 BICYCLE PARKING SPACES	KC	MP	12.05.2013
B	EXTENDED ON HARDSTAND	KC	MP	22.05.13/13
A	ISSUED FOR DEVELOPMENT APPROVAL	KC	MP	20.05.2013
revision/issue	description	drawn	checked	date
project	PROPOSED RESIDENTIAL DEVELOPMENT	drawn	description	
location	37 MOORE STREET, PORT HEDLAND	checked	PROPOSED GROUND FLOOR PLAN	
scale	1:100	date	20.05.2013	
project no	12.13	drawn by	DD01	
drawn by	DD01	checked by		



DRG 2013 / 323 / 2



**LANDSCAPE LEGEND:**

- BTUASH
- PAVED AREAS
- PAVED AREAS TO PLANTING AREAS

**PLANTING LEGEND:**

- SPERMOPHYTES GLASSWATER TO COUNCIL POLICY 15001
- ROCK MORNING GLORY, POMERA COSTATA TO COUNCIL POLICY 15001
- VARIABLE-SHAPED BLOSSOMING EUCALYPTUS SPERMOPHYTES TO COUNCIL POLICY 15001
- GROUNDCOVER: ROCK MULLCH & GRAPE FOOT (SHEEN MORNING GLORY TO COUNCIL POLICY 15001)

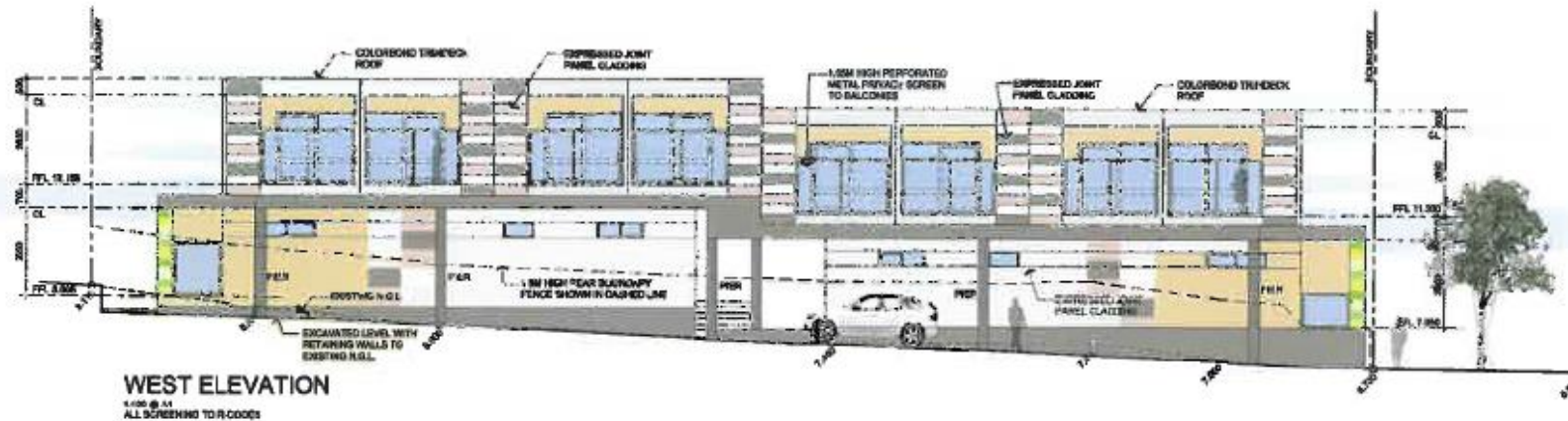
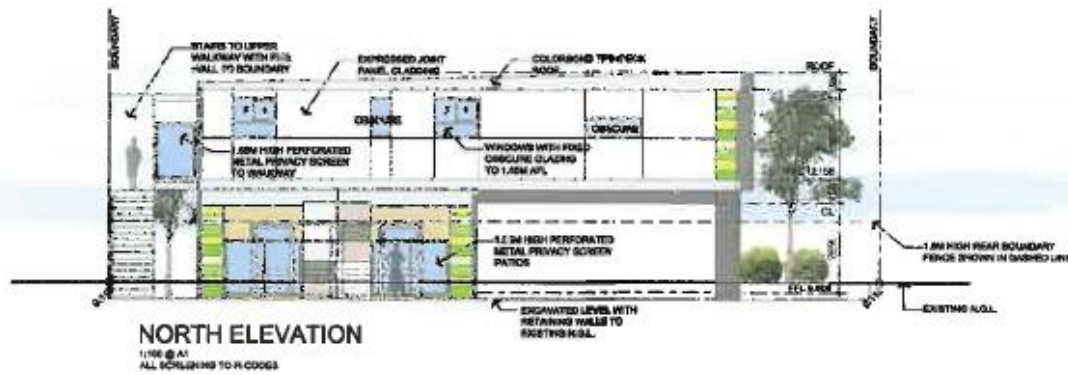
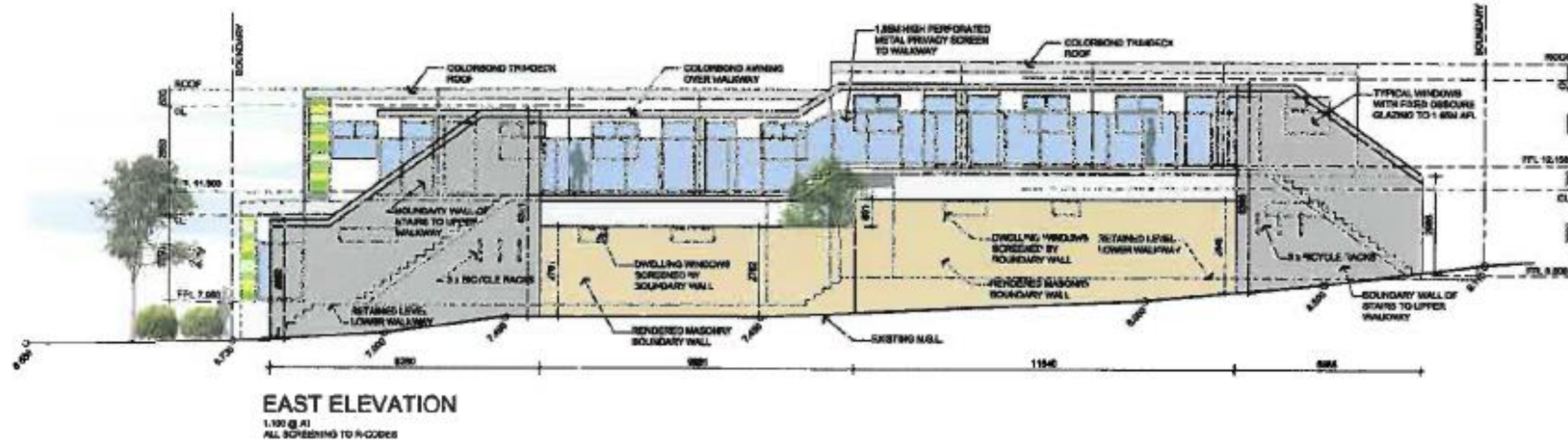
C	ADDED 8 BICYCLE BAYS; EXTENDED BALCONIES UNITS 5-12.	KC	NP	02.09.2013
D	EXTENDED BIN STAND	KC	NP	22.05.2013
A	ISSUED FOR DEVELOPMENT APPROVAL	KC	NP	20.05.2013
checked/issue	description	drawn	checked	date
	<b>PROPOSED RESIDENTIAL DEVELOPMENT</b>	drawn		description
	<b>37 MOORE STREET, PORT HEDLAND</b>	checked		<b>FIRST FLOOR &amp; LANDSCAPING PLANS</b>
		drawn		date
		checked		20.05.2013
		scale		project no
		1:100		12.13
		A1		DD02
				rev
				C

Hodge Collard Preston ARCHITECTS

Unit 101, 34 Aberdeen Street, Port Hedland, WA 6915  
PO Box 754, Port Hedland, WA 6915  
Ph: (08) 9322 3144  
Fax: (08) 9322 3240  
Email: admin@hodgecollard.com



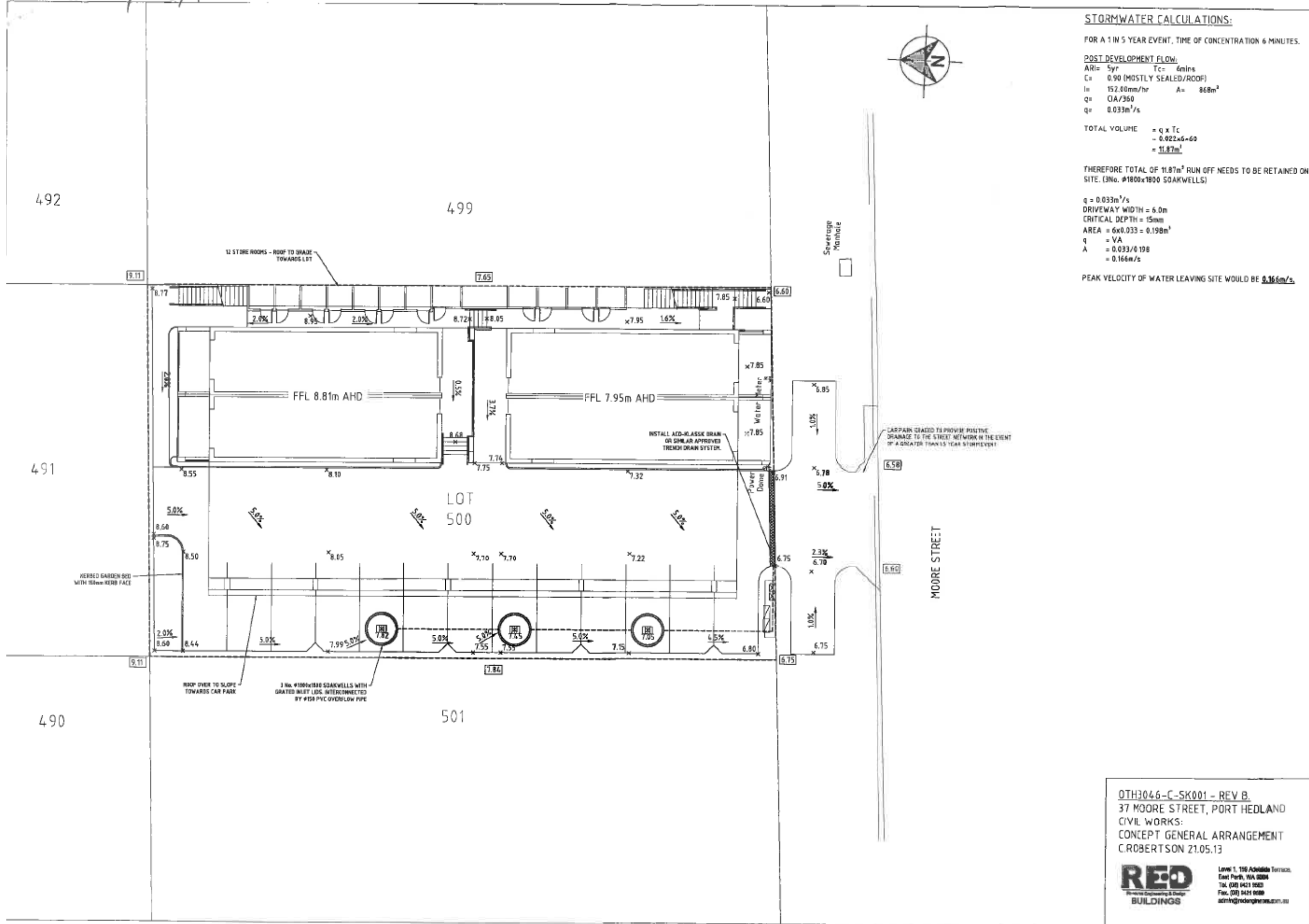
DR2013/323/3



0	INCREASED BALCONY SIZES OF UNITS 9-12	KC	NP	02.09.2013
1	ISSUED WITH HARDWARE	KC	NP	20.09.2013
A	ISSUED FOR DEVELOPMENT APPROVAL	KC	NP	11.05.2013
rev/rev	description	drawn	checked	date
0	PROPOSED RESIDENTIAL DEVELOPMENT	KC	NP	PROPOSED ELEVATIONS
1	37 MOORE STREET, PORT HEDLAND	checked	NP	
scale	date	scale	date	rev no
1:100	20.03.2013	1:100	12.13	0003
A1				C

Hodge Collard Preston  
ARCHITECTS  
21st Floor, 98 Corporation Street  
West Perth, WA 6008  
PO Box 742, West Perth, WA 6002  
Ph: (08) 9332 5144  
Fax: (08) 9332 3549  
E-Mail: info@hodgecollard.com

DR2013/323/4



**STORMWATER CALCULATIONS:**

FOR A 1 IN 5 YEAR EVENT, TIME OF CONCENTRATION 6 MINUTES.

POST DEVELOPMENT FLOW:  
 ARI= 5yr Tc= 6mins  
 C= 0.90 (MOSTLY SEALED/ROOF)  
 I= 152.00mm/hr A= 868m<sup>2</sup>  
 q= CIA/360  
 q= 0.033m<sup>3</sup>/s

TOTAL VOLUME = q x Tc  
 = 0.022 x 6 x 60  
 = 11.87m<sup>3</sup>

THEREFORE TOTAL OF 11.87m<sup>3</sup> RUN OFF NEEDS TO BE RETAINED ON SITE. (3No. Ø1800x1800 SOAKWELLS)

q = 0.033m<sup>3</sup>/s  
 DRIVEWAY WIDTH = 6.0m  
 CRITICAL DEPTH = 15mm  
 AREA = 6x0.033 = 0.198m<sup>2</sup>  
 q = VA  
 A = 0.033/0.198  
 = 0.166m/s

PEAK VELOCITY OF WATER LEAVING SITE WOULD BE 0.166m/s.

OTH3046-C-SK001 - REV B.  
 37 MOORE STREET, PORT HEDLAND  
 CIVIL WORKS:  
 CONCEPT GENERAL ARRANGEMENT  
 C.ROBERTSON 21.05.13

**RED BUILDINGS**  
 Level 1, 150 Adelaide Terrace,  
 East Perth, WA 6004  
 Tel. (08) 9421 9600  
 Fax. (08) 9421 9699  
 acting@redbuildings.com.au

DRG2013 /323/4



Resource Engineering &amp; Design

## BUILDINGS

Level 1 | 159 Adelaide Terrace | East Perth | WA | 6004  
Telephone: +61 8 9421 9588 Facsimile: +61 8 9421 9599

21<sup>st</sup> May 2013

Project No: OTH-13-046

Nicholas Preston  
Hodge Collard Preston Architects  
Level 3, 38 Richardson St  
West Perth WA 6005

Dear Nicholas,

**RE: Proposed Development 37 Moore Street, Port Hedland – Storm Water Design Certification**

Resource Engineering and Design has been engaged by Hodge Collard Preston (HCP) on behalf of Day Capital to undertake the civil and drainage concept design for the proposed development at 37 Moore Street, Port Hedland.

The site comprises of a single Lot No. 500, Moore Street, Port Hedland. An existing single storey dwelling will be demolished and a new development of 12 units is proposed as shown on the HCP Development Approval drawings.

The storm water volume generated by the development from the collection and conveyance of roof area and soft and hardstanding areas (car park, paved and landscaped). These areas combine to a total area of 868m<sup>2</sup>. The storm water runoff coefficient has been calculated at C=0.9 for the entire site, as it is predominately roof area.

All roof drainage will be captured and conveyed to the car parking area and be contained and disposed of via 3 No. 1.8 x 1.8m Soakwells as per Town of Port Hedland design guidelines. This principle is applied to water runoff generated from the soft and hard standing areas. The levels of the proposed development have been designed to create positive drainage away from the buildings to the car parking areas where the soakwells are located. A trench drain has been located at the southern extent of the car park area to capture any by-pass flow from the gully grates. The trench drain shall be sized during the detailed design phase to capture as a minimum the by-pass flows from a 1:5 year event, and prevent these flows discharging to the public system in the street.

The Town of Port Hedland storm water design guidelines makes recommendations to contain and dispose of a storm event 1:5 year ARI, with provisions made from overland flow paths for a 1:100 year ARI event. The topography of the site allows overland flow paths to be adopted. As such we have provided containment of a 1:5 year ARI on site within the 3 No. soakwells. Larger storm events will discharge through the proposed crossover no higher than 15mm at a velocity of 0.166m/s (0.6km/hr).

The 1:100 year ARI flood level as provided by the "Port Hedland Coastal Vulnerability Study" as prepared by Cardno 2011 for this location is 5.90m AHD. The flood study recommends a minimum of 500mm freeboard above this level. The finished floor level of the buildings has been set at 7.95m AHD and 8.81m AHD. This level is above the 1:100 year flood level.

All of the above has been illustrated within RED documentation as part of the Development Application package and is titled:

- OTH3046-C-SK001, 37 Moore Street Concept General Arrangement; and
- OTH3046 Storm Water Calculations.

If you would like to discuss the Storm water management strategy or if we can provide any further information, please do not hesitate to contact myself or Brett Sanderson on (08) 9421 9588.

Kind Regards



Brett Sanderson  
Senior Civil Engineer  
Resource Engineering & Design



DRG2013 / 323 / 4



Resource Engineering &amp; Design

Client: HODGE COLLARD PRESTON (HCP)		Date: 21/05/13
Project/Job: 37 MOORE STREET, PORT HEDLAND	Job No: OTH-13-046	Sheet No: 1
Subject: STORM WATER CALCULATION FOR D.A. SUBMISSION		By: C.ROBERTSON

STORM WATER PHILOSOPHY:

- Analyse & assess the site as a whole to determine minimum storm water requirements.
- Utilise the Town of Port Hedland (ToPH) Storm water information sheets as the design basis.
- Analyse & assess flood water for the site.
- Store a minimum 1.5 year rain fall even on site.
- Analyse 1:100 year flows and provide sufficient overland flow paths.

STORM WATER QUANTITY:

Refer to drawing OTH3046-C-SK001 for Quantity, storage and flow rate calculations.

FLOOD WATER ASSESSMENT

NB: The flood assessment has incorporated information obtained from "Port Hedland Coastal Vulnerability Study" prepared by Cardno in August 2011.

Table 6.15 shows "Design Peak Total Still Water Level" for the area of East Port Hedland - excluding open coastal locations.

The document also recommends that a 1:100yr event with an additional 500mm freeboard be used to provide finished levels for residential development.

ARI = 100 => 5.9m AHD design water level  
 +0.5m freeboard  
 = 6.4m AHD.

FFL set at 7.95 & 8.81m AHD

Therefore FFL is above 100yr inundation level.

## ATTACHMENT 3 TO ITEM 11.1.1.3

**C.A. & M.J. LOMMERS PTY LTD**

Suite 10, 1321 Hay Street • WEST PERTH • W.A. • 6005  
Phone: (08) 9466 7900  
Email: [admin@lommers.com.au](mailto:admin@lommers.com.au)  
Trading for the LOMMERS FAMILY TRUST

Energy (ESD), Mechanical, Refrigeration &  
Fire Safety Services Consulting Engineers  
ABN 76 349 760 785  
ACN 053 135 318

Date: 20 May 2013

**HODGE COLLARD PRESTON**

Level 3  
38 Richardson Street  
WEST PERTH WA 6005

Attention Mr. N. Preston

Dear Sir,

**PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT  
37 MOORE STREET, PORT HEDLAND**  
**RE: DUST MANAGEMENT ASSESSMENT REPORT**

Further to your instructions we have prepared an assessment of the dust mitigation features present in the proposed building design and subsequent dust management assessment report for the proposed apartment development located at 37 Moore Street in Port Hedland.

The report has been prepared for and on behalf of the project architects, Hodge Collard Preston.

**1. DEVELOPMENT LOCATION:**

The proposed development is located within the "West End" precinct of Port Hedland, which is an area bound by Amendment 22 to the Town Planning Scheme No. 5.

As a result it is required to be designed in accordance with specific requirements of the Town Planning Scheme for the area.

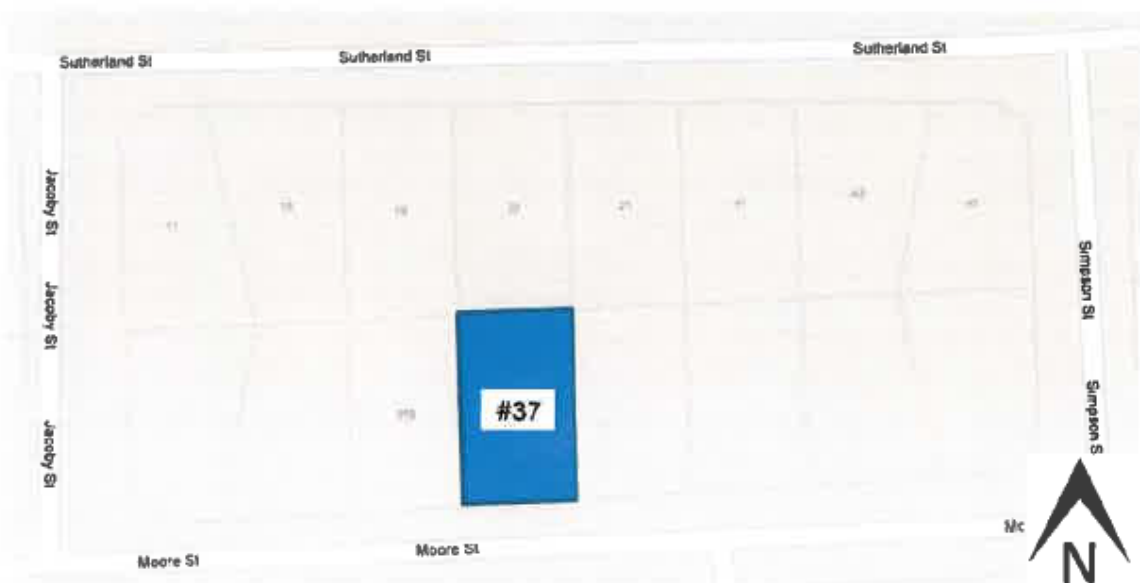


Figure 1 – Development Location Plan



**C.A. & M.J. LOMMERS PTY LTD**

ACN 053 135 318 • ABN 76 349 760 785

**2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22:**

The building generally achieves compliance with the policy objectives of the Town of Port Hedland Town Planning Scheme No. 5 Amendment 22.

**Building Openings Orientation**

***Legislative Requirement*** – Location of operable windows and doors on the Western and Southern facades only, and the use of deflection screens on the northern and eastern edges of operable windows.

***Performance Objective*** – Number of openings shall be minimised and generally limited to walls on the leeward side of the prevailing winds for Port Hedland and protected accordingly to reduce the direct ingress of dust into the building.

The proposed development has been designed with features and openings limited to the walls on the leeward side of the building, and achieves the legislative requirement.

The following features have been provided to achieve compliance with this requirement:

- No operable windows or balcony door openings have been documented in the northern or eastern facades of the building, with exception to balcony doors serving apartments 1 and 4.

Balcony door openings serving apartments 1 and 4 are protected from the impact of prevailing northern and eastern winds by the inclusion of a solid-construction perimeter fence along the northern boundary, and a protective screen to the eastern edge of the balcony itself.

The overall height of the northern boundary fence is 2,500mm above the floor level of the apartments, therefore extending 400mm above the window head of a 2,100mm sliding access door to the balcony.

- Access doors to Apartments 5 to 12 facing east shall be provided with overhead portico provisions, and perforated screening (to 1650mm high) to protect them from the impact of prevailing eastern wind.

Entrance doors to apartments 5 to 12 shall also be documented with self-closers to ensure doors are not left open unintentionally, as limited screening to the east has been provided.

- Openings in the western and southern façades of the building have been documented with reveals to the northern or eastern edge (as applicable) of the façade to achieve compliance with the legislative requirement.

Western openings to apartments 3 and 4 are considered sufficiently protected due to the significant overhead structure formed by the building above and therefore do not require reveals/deflection screens required above.

In lieu of solid construction the reveals to the eastern side of apartment 2 balcony shall be a maximum of 50% free area, and extend to the underside of the floor above.

**C.A. & M.J. LOMMERS PTY LTD**

ACN 053 135 318 • ABN 76 349 760 785

**2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22:** (Cont.)Entrances to Sole Occupancy Units and the Building

**Legislative Requirement** – *Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.*

**Performance Objective** – *Entrances into the building shall be protected accordingly to reduce the direct ingress of dust into the building.*

The following features have been provided to achieve compliance with this requirement;

- Entrances to apartments 1 to 4 are below the building and as such are protected for the external winds.
- Entrances to apartments 5 to 12 provided with screened porticos to reduce the impact of direct wind currents and associated ingress of dust.

Porticos above entrances shall be solid in construction, and screens enclosing areas surrounding entrances shall be a maximum of 50% open in free area.

This achieves the legislative requirement of this clause.

Development Orientation

**Legislative Requirement** – *Orienting buildings to avoid wind tunnelling effect*

**Performance Objective** – *building design should be structured such that wind tunnelling effects from long corridors and the likes are minimised.*

The following features have been provided to achieve compliance with this requirement;

- Whilst the building is designed with a common corridor between apartments 1/4 and 2/3, the corridor is protected from wind tunnelling effects via the store rooms located to the eastern extent of the common access way.

Furthermore the building is set down below natural ground level on the northern and eastern boundaries creating protection of the eastern corridor by means of the surrounding retaining and boundary fences.

This achieves the legislative requirement of this clause.

Pitch of Roofs

**Legislative Requirement** – *use of eaves.*

**Performance Objective** – *Rooves shall be designed in a manner to minimise the build-up of dust.*

The proposed development has been designed with features to reduce the build-up of dust on the roof of the building, and generally achieves the performance objective.

The following features have been provided to achieve compliance with this requirement;

- Generally the main roof of the building has been documented with parapet walls and therefore complies with the legislative requirement.

Areas under eaves associated with balcony roofs shall be horizontally lined to reduce stagnation currents forming below "dead areas" of roof overhang.

- The building is intended to form part of a high density area development. It is expected that other similar buildings will be effective to create a building boundary layer that could further reduce the direct air-flow onto the building.

## 2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22: (Cont.)

Due to the high density nature of the development, it is considered a high pitched roof is impractical and not necessary to achieve the requirements of this performance objective.

### Filtered Air Conditioning System

**Legislative Requirement** – *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration and then a finer filter.*

**Performance Objective** – *Habitable buildings are provided with Filtered Air Conditioning system and have management systems in place to ensure appropriate levels of maintenance.*

The proposed development has been checked for compliance with NCC/BCA Clause F4.5(a) and subsequently Clauses F4.6 and F4.7 and achieves the requirements of natural ventilation to habitable rooms within the apartments. Therefore no fresh air requirements apply to any air-conditioning intended to be installed in the development.

Compliance with the filtered air conditioning requirement is therefore not applicable to this development.

Note, this part of the assessment considers only habitable rooms requiring fresh air as per the requirements of BCA Clause F4.5 and their impact on the Scheme requirements.

Non-habitable rooms, such as toilets and laundries may require exhaust provisions not considered in this assessment as they have been deemed as not having an impact on the compliance with the Scheme requirements.

### Ancillary Features

**Performance Objective** – *Ancillary facilities such as car parking bays, outdoor living area and clothes drying facilities are to be designed/located in a manner so as to minimise adverse impacts resulting from elevated dust levels.*

The proposed development has been designed with ancillary features to enable occupants to minimise their exposure to elevated dust levels, and generally achieves the performance objective.

The following features have been provided to achieve compliance with this requirement;

- Covered outdoor areas have been provided to all units to enable clothes drying in acceptable areas.
- Generally, outdoor living spaces have been provided to the southern and western façades of the building.

## 3. CONCLUSION:

On the condition that the provisions noted in section 2 of this letter are implemented during the construction of the project we conclude that the requirements and intent of Town Planning Scheme No. 5—Amendment No. 22 clause (3)(iv) item 6.3.9 have been satisfied.

It is also concluded that this report forms a suitable "dust management plan" in conjunction with the project drawings to the satisfaction of the planning scheme.



**C.A. & M.J. LOMMERS PTY LTD**

ACN 053 135 318 • ABN 76 349 760 785

**4. ASSUMPTIONS AND LIMITATIONS:**

Any alterations to the design that result in the assumptions becoming invalid should result in a new dust management assessment.

**Assumptions**

The following assumptions have been made in the report:

- All areas of the development, not addressed in this report are designed to comply with the Deemed-to-Satisfy provisions of other town planning requirements, R-Codes and NCC/BCA, unless otherwise noted and agreed by the authorities as not having an impact on the energy usage of the proposed design.
- All installations will be fully maintained in accordance the relevant Australian Standards.

**Limitations**

The following limitations apply to the dust management analysis performed. Any change in the limitations may alter the final design solution and hence should be referred to a suitably qualified engineer for review prior to altering the design.

- The Deemed-to-Satisfy provisions of other town planning requirements, R-Codes and NCC/BCA are to be addressed by the relevant building surveyor and reported in separate documentation where appropriate.
- If the development is to change in the future the building may have to be re-classified and re-addressed.

Comments and assessment made in this report apply ONLY to the revisions of the project drawings as noted below.

Any changes to the assessed material will require further review to confirm their compliance with the Town Planning Scheme.

Drawings prepared by Hodge Collard Preston used in the preparation of this assessment:

- Drawing 12.13 DD01 Proposed Ground Level Plan Revision A
- Drawing 12.13 DD02 Proposed First Level Plan Revision A
- Interim Issue Perspective Drawings

We trust the information provided meets your approval.  
Please do not hesitate to contact our office if you have any queries.

Yours faithfully,

**C.A. & M.J. LOMMERS PTY LTD**



M.D. Lommers  
Mechanical & Fire Safety Engineer

B.Eng (Mech), M.I.E.Aust, M.A.I.R.A.H.,  
Grad. Cert. Performance Based Building & Fire Codes  
Grad. Dip. Building Fire Safety & Risk Engineering













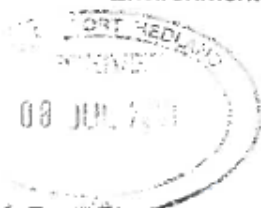








Government of Western Australia  
Department of Health  
Public Health and Clinical Services Division  
Environmental Health Directorate



Mr Ryan Djanegara  
Senior Statutory Planner  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Ryan,

**Application 2013/323 for twelve multiple dwellings on Lot 500 (37) Moore Street Port Hedland**

Thank you for your correspondence dated 10 June 2013 in requesting Department of Health (DOH) advice on the site plans and statements on dust management assessment submitted by CA and MJ Lommers Pty Ltd.

New buildings in the West End are to meet the requirements in the Port Hedland Town Planning Scheme 5 Amendment 22. These requirements include: filtering of the outside air according to the G3, G4, F5 double filtration standards, erecting protective screening at entrances and on North and East of operable windows, and having operable windows on West and South faces only.

The DOH notes specific short-comings in this proposal, including the lack of filtration of air-conditioning units and the construction of eaves and roof design elements. Statements made on pages 3 and 4 in this submission are not compliant with section P2.4.5 of the National Construction Code Series 2013 (NCC 2013) volume 2

Specifically, these statements are inconsistent and viewed as non-compliant with Town Planning scheme No.5 Amendment 22:

From page 3:

- "Generally the main roof of the building has been documented with parapet walls and therefore complies with the legislative requirement"

On page 4:

- "Due to the high density nature of the development, it is considered a high pitched roof is impractical and not necessary to achieve the requirements of this performance objective."

Again on page 4 under Filtered Air Conditioning System, the proposal states:

- "Compliance with the filtered air conditioning requirement is therefore not applicable to this development."

The DOH interprets the intention of Amendment 22 to be consistent with the performance requirement of the Australian NCC section P2.4.5 Ventilation which states:

"A mechanical air-handling system installed in a building must control—

The accumulation of harmful contamination by micro-organisms, pathogens and toxins

Contaminated air must be disposed of in a manner which does not unduly create a nuisance or hazard to people in the building or other property."

**ATTACHMENT 5 TO ITEM 11.1.1.3**

*Ryan get a comment from the applicant.  
② the applicant needs to address DOH concerns, alternatively the application cannot be supported.*

Our Ref: EHB13/1426  
F-AA-21909  
Enquiries: W Warren

**COPY**



Document #: IPA39199  
Date: 07.08.2013  
Officer: LEONARD LONG  
File: 119780G

*→ Ryan*

This application misinterprets the requirement for filtration of air conditioning systems. To meet this performance requirement, it is essential that the double filters on air-conditioning units are regularly maintained and replaced.

The roof design is not compliant with Amendment 22. The DOH advises that a report from the building surveyor should be incorporated to provide assurances that requirements are met utilising alternative R-Value insulation materials and that the design complies with the NCC 2013.

The DOH also notes the following have not been addressed in the proposal:


- Scheduled maintenance for replacement of all filtering systems on all air-conditions systems
- Instalment of airtight window seals on fixed or operable windows
- Instalment of dust seals on entry and balcony doors
- All potential residents are to be made aware of the Moratorium on Title and the potential health risks that are associated with living in the West End. Families with young children and elderly people are considered as sensitive receptors and as such, are to be actively discouraged from permanently living in this redevelopment zone.

~~These are four items are consistently missing in the proposals submitted to date for review by the DOH.~~

~~The DOH advises that application 2013/323 does not meet the requirements under Amendment 22 and therefore does not support this proposal.~~

~~If you require further information on these issues please contact Willow Warren on 9388 4957.~~

Yours sincerely,



Dr Martin Matisons  
PRINCIPAL TOXICOLOGIST  
1 July 2013

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ATTACHMENT 6 TO ITEM 11.1.1.3

27<sup>th</sup> August 2013

Mr R. Djanegara  
Snr Statutory Planner  
Town of Port Hedland  
PO BOX 41  
Port Hedland WA 6721

Our Ref: 12.13 DA

Dear Ryan,

**APPROVAL TO COMMENCE DEVELOPMENT  
MULTIPLE DWELLINGS  
LOT 500 (No 37) MOORE STREET PORT HEDLAND**

Further to your correspondence dated 13<sup>th</sup> August 2013 please find enclosed the following correspondence / discussion in reply to the issues you have raised.

- Letter from the Health Department dated 28/6/2013 ref EHB13/1426
- Letter from Mark Lommers dated 27/08/2013
- Letter from Mark Lommers dated 25/07/2013
- Hodge Collard Preston drawing 12.13 DD03 rev A

Can you please advise if this information addresses all outstanding issues.

We look forward to your response.

Regards,

A handwritten signature in blue ink, appearing to read 'Nic Preston'.

Nic Preston

Enc.

C.c. Mr. Bretton Day - 37 Moore Pty Ltd

**C.A. & M.J. LOMMERS PTY LTD**

Suite 10, 1321 Hay Street • WEST PERTH • W.A. • 6005

Phone: (08) 9466 7900

Email: [admin@lommers.com.au](mailto:admin@lommers.com.au)

Trading for the LOMMERS FAMILY TRUST

Energy (ESD), Mechanical, Refrigeration &  
Fire Safety Services Consulting Engineers

ABN 76 349 760 785

ACN 053 135 318

Date: 25 July 2013

**HODGE COLLARD PRESTON**

Level 3

38 Richardson Street

WEST PERTH WA 6005

Attention Mr. N. Preston

Dear Sir,

**PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT  
37 MOORE STREET, PORT HEDLAND**

**RE: DUST MANAGEMENT ASSESSMENT REPORT  
RESPONSE TO DEPARTMENT OF HEALTH COMMENTS**

Thank you for forwarding on correspondence dated 8 July 2013 advising the Department of Health's concerns with the level of compliance of the Development with the Port Hedland Town Planning Scheme 5 Amendment 22 ("The Amendment"). (DOH Ref: EHB13/1426)

Our comments are as follows:

**Port Hedland Town Planning Scheme 5 Amendment 22 – Excerpt Clause 6.3.9:**

The pertinent excerpt of Clause 6.3.9 of the Amendment as published in the Government Gazette dated 27 April 2012 reads as follows.

*"6.3.9 Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to—*

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orienting buildings to avoid wind tunnelling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening"*

**Specified Non-Compliances noted in Department of Health Comments dated 8 July 2013:**

The Department of Health's ("The Department") correspondence discusses four (4) specific items of concern upon which their conclusion not to support the proposal was based.

1. Paragraph 5 dot point 1 – "Generally the main roof..."

The Department views the statement "Generally the main roof of the building has been documented with parapet walls and therefore complies with the legislative requirement." contained within our original assessment as non-compliant.



C.A. & M.J. LOMMERS PTY LTD

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1. Paragraph 5 dot point 1 – “Generally the main roof...” (Cont)

Clause 6.3.9 of Amendment 22 requires, among other things, buildings designers to address the ingress of dust via exposed building eaves.

The use of parapet walls mitigates the need for building eaves thereby alleviating the potential ingress of dust to the building.

Linings to overhangs above windows and doors are solid and sealed against the ingress of dust.

The requirements of this provision have therefore been satisfied.

2. Paragraph 6 dot point 1 – “Due to the high density...”

The Department views the statement “Due to the high density nature of the development, it is considered a high pitched roof is impractical and not necessary to achieve the requirements of this performance objective.” contained within our original assessment as non-compliant.

Building designers are not bound to use pitched roofs as part of the Amendment. The plans submitted provide a building design that maximises owner benefits without compromising the requirements of the Amendment.

The requirements of Amendment 22 have therefore been satisfied without the use of a pitched roof design.

3. Paragraph 7 dot point 1 – “Compliance with the filtered...”

The Department views the statement “Compliance with the filtered air conditioning requirement is therefore not applicable to this development.” contained within our original assessment as non-compliant.

The document submitted for assessment provides an overview of building compliance in accordance with NCC/BCA, specifically NCC/BCA Volume 1 Clause F4.5 Ventilation of Rooms.

The NCC/BCA allows designers to consider alternative methods of compliance.

One such method noted in NCC/BCA Volume 1 Deemed to Satisfy provision F4.5 permits designers to utilise natural ventilation of rooms via operable windows and doors, in lieu of outside air via mechanical ventilation systems (such as air-conditioning).

In this case, the Dust Management Assessment Report submitted confirms compliance is achieved with NO mechanical ventilation for the habitable rooms of the development as all habitable rooms meet the compliance requirements of NCC/BCA Volume 1 Clause F4.5(a) and subsequently Clauses F4.6 and F4.7.

The requirements of Amendment 22 have therefore been satisfied as no incoming air is required in the building for compliance purposes.

Air conditioning is not referred to in clause 6.3.9 of the Amendment and it is our opinion the Health Department’s Assessor may have misread the section generally.

It is reiterated that Clause 6.3.9 of the Amendment does not require air-conditioning systems to be generally provided with specific filtration systems, only the incoming air introduced into the building presumably by a mechanical ventilation system where required.

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

## 3. Paragraph 7 dot point 1 – "Compliance with the filtered..." (Cont)

To further clarify, the Department's statement of NCC P2.4.5 Ventilation is extracted from Volume 2 of the NCC/BCA and not applicable to this class of development (Class 2).

Please note, these comments do not apply to exhaust systems that may be required in areas such as bathrooms and the likes, not considered habitable by the NCC/BCA.

## 4. Paragraph 9 – "The roof design..."

It is our opinion that comments from the Department with respect to R-Value of roof insulation materials are outside of the scope of the Dust Management Assessment Report and its subsequent review.

It is understood that NCC/BCA requirements for compliance with Section J are addressed during the Building Permit application process.

The comments provided by the Department are therefore not considered applicable to compliance with Amendment 22.

**Items Identified as "Not Addressed" in the Departments comments dated 8 July 2013:**

The Department of Health's ("The Department") correspondence discusses four (4) items not addressed in the Proposal.

## • Paragraph 11 dot point 1 – "Scheduled maintenance..."

The Departments blanket statement encompasses recirculating filtration systems that do not incorporate any "incoming air" requirement.

The Department should revise this statement to be consistent with the text of dot point on of Clause 6.3.9 of the Amendment only referring to "incoming air".

## • Paragraph 11 dot point 2 – "Instalment of airtight window seals..."

It should be noted that NCC/BCA Volume 1 J3 controls building sealing in buildings of this Type.

Window installations in general are controlled under Australian Standard AS2047 or are required to have seals to restrict air infiltration as per NCC/BCA Volume 1 Clause J3.4(a).

Clause 6.3.9 of the Amendment does not refer to specific construction standards and it is suggested that the existing control of building sealing is sufficient for use.

## • Paragraph 11 dot point 3 – "Instalment of dust seals..."

It should be noted that NCC/BCA Volume 1 J3 controls building sealing in buildings of this Type.

External door installations are required to have seals to restrict air infiltration as per NCC/BCA Volume 1 Clause J3.4(a).

Clause 6.3.9 of the Amendment does not refer to specific construction standards and it is suggested that the existing control of building sealing is sufficient for use.

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

- Paragraph 11 dot point 4 – “All potential residents...”

It is considered this building control issue is not applicable to the dust management assessment report content and should be addressed by the conditions of issue of a Planning Permit itself.

We trust the information provided meets your approval.  
Please do not hesitate to contact our office if you have any queries.

Yours faithfully,

C.A. & M.J. LOMMERS PTY LTD

M.D. Lommers  
Mechanical & Fire Safety Engineer

B.Eng (Mech), M.J.E.Aust, M.A.I.R.A.H,  
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Fire Safety Services Consulting Engineers  
ABN 76 349 760 785  
ACN 053 135 318

Date: 27 August 2013

**HODGE COLLARD PRESTON**

Level 3  
38 Richardson Street  
WEST PERTH WA 6005

Attention Mr. N. Preston

Dear Sir,

**PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT  
37 MOORE STREET, PORT HEDLAND**  
**RE: DUST MANAGEMENT ASSESSMENT REPORT  
RESPONSE TO DEPARTMENT OF HEALTH COMMENTS – FURTHER CLARIFICATION**

We are in receipt of a further clarification response from the Department of Health (DOH Ref: EHB13/1426) clarifying their concerns with the level of compliance of the Development with the Port Hedland Town Planning Scheme 5 Amendment 22 (the "Amendment") as a result of recent meetings held between the Department and our office.

All issues raised in the Departments previous correspondence, dated 8 July 2013, we addressed in our response dated 25 July 2013, however an outstanding issue of dust accumulation behind significant parapet walls to the roof structure remained.

We have attached a copy of your drawing, 12.13 DD03 Rev A, illustrating parapet walls that slope with the fall of the roof to ensure that no significant parapets exist in the building design.

It is our opinion, the existing design of the roof structure will not result in the undue accumulation of dust on the roof in accordance with the Amendment.

We trust the information provided meets your approval.

Please do not hesitate to contact our office if you have any queries.

Yours faithfully,

**C.A. & M.J. LOMMERS PTY LTD**

*Mark Lommers*

M.D. Lommers  
Mechanical & Fire Safety Engineer

B.Eng (Mech), M.I.E.Aust, M.A.I.R.A.H.,  
Grad. Cert. Performance Based Building & Fire Codes  
Grad. Dip. Building Fire Safety & Risk Engineering





Government of **Western Australia**  
Department of **Health**  
Public Health and Clinical Services Division  
Environmental Health Directorate

Our Ref: EHB13/1426  
F-AA-21909  
Enquiries: M Matisons

Mr Ryan Djanegara  
Senior Statutory Planner  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Ryan,

**Review of Application 2013/323 for twelve multiple dwellings on Lot 500 (37) Moore Street Port Hedland**

On 1 July, the Department of Health (DOH) provided advice to the Town of Port Hedland on the review of the above mentioned site plans and statements on dust management assessment submitted by CA and MJ Lommers Pty Ltd for Hodge Collard Preston.

Application 2013/323, as submitted, was considered as non-compliant with Town Planning Scheme No.5 Amendment 22, as detailed in my letter to you of 1 July 2013. Issues of concern were:

- Roof design particularly the accumulation of dust on flat roof behind parapet walls
- Requirement for filtration of air conditioning systems
- Scheduled maintenance for replacement of all filtering systems on all air-conditions systems
- Instalment of airtight window seals on fixed or operable windows
- Instalment of dust seals on entry and balcony doors
- All potential residents are to be made aware of the Moratorium on Title and the potential health risks that are associated with living in the West End. Families with young children and elderly people are considered as sensitive receptors and as such, are to be actively discouraged from permanently living in this redevelopment zone.

After the proponents were notified of the DOH comments, your office received and sent a letter of response from Mr Lommers, dated 17 July 2013. Subsequently, there have been two separate meetings attended by DOH officers concerning sites in the West End of Port Hedland.

The first was a phone conference on 6 August, arranged by you and attended by officers at the Town of Port Hedland Planning and Building Sections, Mr Lommers, Ms Warren and myself. At this meeting it was resolved that the last 3 points were covered by the Town of Port Hedland under building and other requirements.

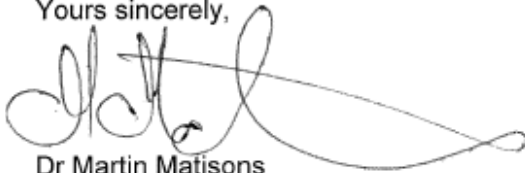
The second face-to-face meeting was held in our offices at Shenton Park, on 12 August 2013, attended by Mr Mark Lommers, Ms Willow Warren and myself. The focus of these two meetings was on the requirements needed to finalise the application. The issues regarding air conditioning have been resolved and require no further action.

The use of parapet walls was discussed in detail and the DOH would be satisfied that a report/statement from a qualified mechanical building surveyor/engineer indicating that the parapet walls, with any amendments if required, would not result in the accumulations of dusts on the roof.

All Correspondence: PO Box 8172 Perth Business Centre WA 6849  
Grace Vaughan House 227 Stubbs Terrace Shenton Park, WA 6008  
Tel (08) 9388 4999 Fax (08) 9388 4955

To enable timely processing of Application 2013/323 the DOH does not need to see the report regarding the parapet walls and would be satisfied with the Town of Port Hedland's assessment of it. Should you require further information on these issues please contact me on 9388 4946.

Yours sincerely,



Dr Martin Matison  
**PRINCIPAL TOXICOLOGIST**  
26 August 2013

CC: Mark Lommers, CA and MJ Lommers P/L

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**11.1.1.4 Proposal for Eight (8) Multiple Dwellings on Lot 193 (43) Morgans Street, Port Hedland (File No.: 108700G)**

<b>Officer</b>	<b>Ryan Djanegara Senior Statutory Planner</b>
<b>Date of Report</b>	<b>29 August 2013</b>
<b>Application No.</b>	<b>2013/298</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The Town received an application from McGrath Homes on behalf of the landowner being the Glasson Family Trust to construct eight (8) multiple dwellings on Lot 193 (43) Morgans Street, Port Hedland (subject site).

The proposed development is located within the West End Residential Zone, as such the application is presented to Council for consideration.

The application is supported by the Town's Officers, and it is recommended that Council approve the application with conditions.

**Background***Site Description (Attachment 1)*

The subject site is generally rectangular in shape, achieves vehicular access via Morgans and Kingsmill Street and has an area of 1012m<sup>2</sup>.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential".

*Proposal (Attachment 2)*

The applicant is proposing to construct eight (8), two (2) bedroom "Multiple Dwellings".

**Consultation**

The application was circulated as following:

*Internally:*

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

*Externally:*

- Department of Environment Regulation (formerly the Department of Environment and Conservation)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health
- Department of Water
- Department of Mines and Petroleum
- Department of Planning
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following comments were received:

## Department of State Development:

1. Development within the “West End Residential” zone must comply with the design requirements outlined in Town of Port Hedland Town Planning Scheme Amendment 22.
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22.

## Department of Health (DoH):

1. The dust mitigation report addresses the requirements of Scheme Amendment 22 however requires the installation of airtight window seals on fixed or operable windows. This needs to be included in the final design.
2. In accordance with Scheme Amendment No. 22, the DOH suggests:
  - a. Scheduled maintenance for replacement of all filtering systems on all air-conditions systems.
  - b. The moratorium on Title and the potential health risks associated with living in the West End.

## Department of Environment Regulation (DER):

1. DER notes that the development application includes a report from certified mechanical engineer confirming that the proposal meets the intent of the design requirements of Scheme Amendment 22.

2. DER also advises the DoH have finalised the methodology for the Port Hedland Health Risk Assessment. A further consultancy will now be funded to undertake a comprehensive Health Risk Assessment (HRA) which is expected to be completed in 2015.

The application was advertised for a period of 14 days to adjoining landowners.

No submissions were received during that 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 (TPS5).

### **Policy Implications**

12/002 Off Site Car Parking Policy

Objectives

- To provide guidance for the possible development of car parking in adjoining road reserves

### **Strategic Planning Implications**

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

---

6.3.1 Housing

---

Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

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

5.6.1 Precinct 1 – West End

5.6.1 Precinct 1 – West End

---

Precinct Summary

---

Noise and dust emissions particularly in proximity to existing developed urban areas.

### **Budget Implications**

Immediate:

An amended application fee of \$4,552.19 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

The whole of life costs include maintenance cost associated with the two (2) parking bays located within the Moore Street Road Verges. The applicant will be required to maintain the bays for a period of two (2) years, thereafter this will become the Town's responsibility. It is estimated that the average maintenance cost per bay is \$588.00, per annum (for the maintenance of 5 bays and less within the road reserve) considering the lifespan of the development being twenty (20) years. The licence fee (being in once off payment) for the two (2) parking bays is to be \$40,000.00.

It will be a condition of development approval that the proponent enter into a licence agreement to cover these costs. With regards to any landscaping requirements it will be the responsibility of the proponent/landowner to maintain in perpetuity.

#### **Officer's Comment**

##### *Dust Mitigation requirements in the West End Residential Zone*

The site is located in the "West End Residential" zone. Developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels. Section 6.3.9 of TPS5 states:

*"Residential development within the 'West End Residential Zone' and within the area bound by Withnell, McKay and Anderson Streets, and The Esplanade road, Port Hedland shall be in accordance with a local planning policy, development plan or design guidelines adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to -*

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orientation of buildings to avoid wind tunnelling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening."*

In the absence of a local planning policy, development plan or design guideline, state government stakeholders have expressed concern regarding suitable design requirements for residential development in the "West End Residential" zone.

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the relevant clause contained within TPS5.

Consequently, legal advice was obtained from the Towns' Solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to include a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieve the intent Clause 6.3.9 of TPS5.

The applicant has submitted a report by Norman, Disney and Young confirming the proposed design will mitigate dust and addresses the requirements under TPS5. This report was forwarded to the relevant stakeholders for comment.

The Department of Health provided feedback on the report by Norman, Disney and Young and advised the need to install airtight window seals on fixed or operable windows as part of the final design. Should the proposed be approved, it is recommended this requirement be imposed as a condition.

#### *Residential Design Codes of Western Australia (R Codes)*

A number of variations to the Acceptable Development Standards of the R Codes have been sought.

The justifications provided by the applicant for the required variations have been scrutinized, and from a planning perspective are considered to comply with the "Design Principles" of the Residential Design Codes and are supported.

#### *Off-site Parking Bays*

For the proposed development to comply with the required parking as stipulated in TPS5 and the Residential Design Guidelines, a minimum of two (2) visitor bays are to be provided.

In order for the applicant to maximise the development potential, it has been proposed to provide at the applicants cost one (1) parking bay within the Kingsmill Street road verge and one (1) parking bay within the Morgan Street road verge. Being located on the verge these bays will remain public car parking bays; but available to the visitors of the development.



Should Council resolve not to permit the construction of the two (2) visitor bays within the road verge, the application cannot be supported in its current form. The applicant will be required to reduce the development in order to accommodate all parking on-site.

**Attachments**

1. Locality Plan
2. Development Plans
3. Dust mitigation report (Under Separate Cover)

**Officer's Recommendation**

That Council approves the application submitted by McGrath Homes on behalf of the landowner being the Glasson Family Trust to construct eight (8) multiple dwellings on Lot 193 (43) Morgans Street, Port Hedland subject to the following conditions:

1. This approval relates only to the proposed Eight (8) "Multiple Dwellings", as indicated on the approved plans (DRG2013/298/1 - DRG2013/298/5). It does not relate to any other development on this lot;
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;
3. A minimum of 10 car bays (8 bays for residents and 2 bays for visitors including 2 within the road reserve) and 4 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/298/1);
4. No parking bays shall be obstructed in any way or used for any other purpose than parking;
5. 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;
6. Fences and structures 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;
7. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;

8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Planning Services;
9. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;
10. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/298/1);

The following conditions are to be cleared by Planning Services prior to the issuing of a building permit.

11. Prior to the issuing of a building permit, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the two (2) off site car parking bays within the adjacent road reserves, to be constructed to the satisfaction of the Manager Planning Services at the expense of the landowner;
12. Prior to the issuing of a building permit, the landowner shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 20 (twenty) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the issuing of a building permit;
13. Prior to the issuing of a building permit the landowner shall enter into a binding licence agreement with the Town for two (2) parking bays provided within the road verge. Such agreement shall include the following:
  - a. agreement by the landowner to maintain the parking bay for a period of two (2) years.
  - b. agreement by the landowner to pay a once off licence fee to be calculated at the time of preparing the agreement (such licence fee shall not exceed \$40,000.00). The agreement shall be prepared at the landowners cost. (see advice note 5 and 7).

14. Prior to the issuing of a building permit, 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. Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.
  - b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions.

Further information can be obtained from the Department of Health.

15. Prior to the issuing of a building permit, a detailed landscaping and reticulation plan including any street verge (verge landscaping is to be sufficient to deter parking there), shall be submitted and approved by the Manager Planning Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;
16. Prior to the issuing of a building permit, a "Stormwater management plan" shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan;
17. Prior to the issuing of a building permit, the landowner shall submit an "Erosion and Sediment Control Plan" for approval by the Manager Planning Services;
18. Prior to the issuing of a building permit, the landowner shall submit a "Construction Site Management Plan" for approval 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 prior to the occupation of the development.

- 19. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by Norman, Disney and Young;
- 20. Prior to the occupation of the development the landowner shall enter into a binding agreement to maintain the proposed landscaping within the Morgans and Kingsmill Street verges. (See advice note 5 and 6);
- 21. Prior to the occupation of the development and clearance of Condition 19, the landowner shall install airtight window seals on fixed or operable windows;
- 22. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services; (Refer to advice note 4)
- 23. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer;
- 24. 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 landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
- 25. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;
- 26. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and

27. 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. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:  
  
"Multiple Dwelling,  
  
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. With regards to Condition 23, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
5. Please be advised the Town currently makes use of the services of Jackson McDonald to prepare or scrutinise any agreement documents. Whilst you may engage any Solicitor of your choice, please keep in mind there will be additional costs for Jackson McDonald to scrutinise the agreement, should the agreement not be prepared by them;
6. Please be advised, all the landscaping on the road verge shall be maintained by the landowner in perpetuity and not Council;
7. With regards to Condition 13, the landowner is advised should the road verge ever be required for any public use (i.e. road widening, easements etc) any such works and costs to reinstate the car parks will be wholly the responsibility of the landowner and not Council;
8. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;
9. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;

10. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;
11. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;
12. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
13. Conditions 11 to 18 (including) shall be complied with prior to the issuing of a building permit. In this regard there is a clearance fee of \$324.10 per request. Please note it may take up to 28 days to clear conditions.

**201314/129 Council Decision****Moved: Cr Hunt****Seconded: Cr Jacob**

**That Council approves the application submitted by McGrath Homes on behalf of the landowner being the Glasson Family Trust to construct eight (8) multiple dwellings on Lot 193 (43) Morgans Street, Port Hedland subject to the following conditions:**

- 1. This approval relates only to the proposed Eight (8) "Multiple Dwellings", as indicated on the approved plans (DRG2013/298/1 - DRG2013/298/5). It does not relate to any other development on this lot;**
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- 5. 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;**
- 6. Fences and structures 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;**



- 7. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;**
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**The following conditions are to be cleared by Planning Services prior to the issuing of a building permit.**

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- 13. Prior to the issuing of a building permit the landowner shall enter into a binding licence agreement with the Town for two (2) parking bays provided within the road verge. Such agreement shall include the following:**
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- 27. 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. In terms of the Port Hedland Town Planning Scheme No 5, “Multiple Dwelling” is defined as follows:  
  
“Multiple Dwelling,  
  
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.”**
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- 5. Please be advised the Town currently makes use of the services of Jackson McDonald to prepare or scrutinise any agreement documents. Whilst you may engage any Solicitor of your choice, please keep in mind there will be additional costs for Jackson McDonald to scrutinise the agreement, should the agreement not be prepared by them;**

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12. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval;
13. Conditions 11 to 18 (including) shall be complied with prior to the issuing of a building permit. In this regard there is a clearance fee of \$324.10 per request. Please note it may take up to 28 days to clear conditions; and
14. The licence agreement shall clearly indicate the two visitor car parking bays located within the Moore Street verge are not for the exclusive use of the development and shall only be used for the purposes of visitor car parking and shall not be used for the parking of boats, trailers, caravans and the like.

***CARRIED 10/0***



ATTACHMENT 1 TO ITEM 11.1.1.4

Extract Map



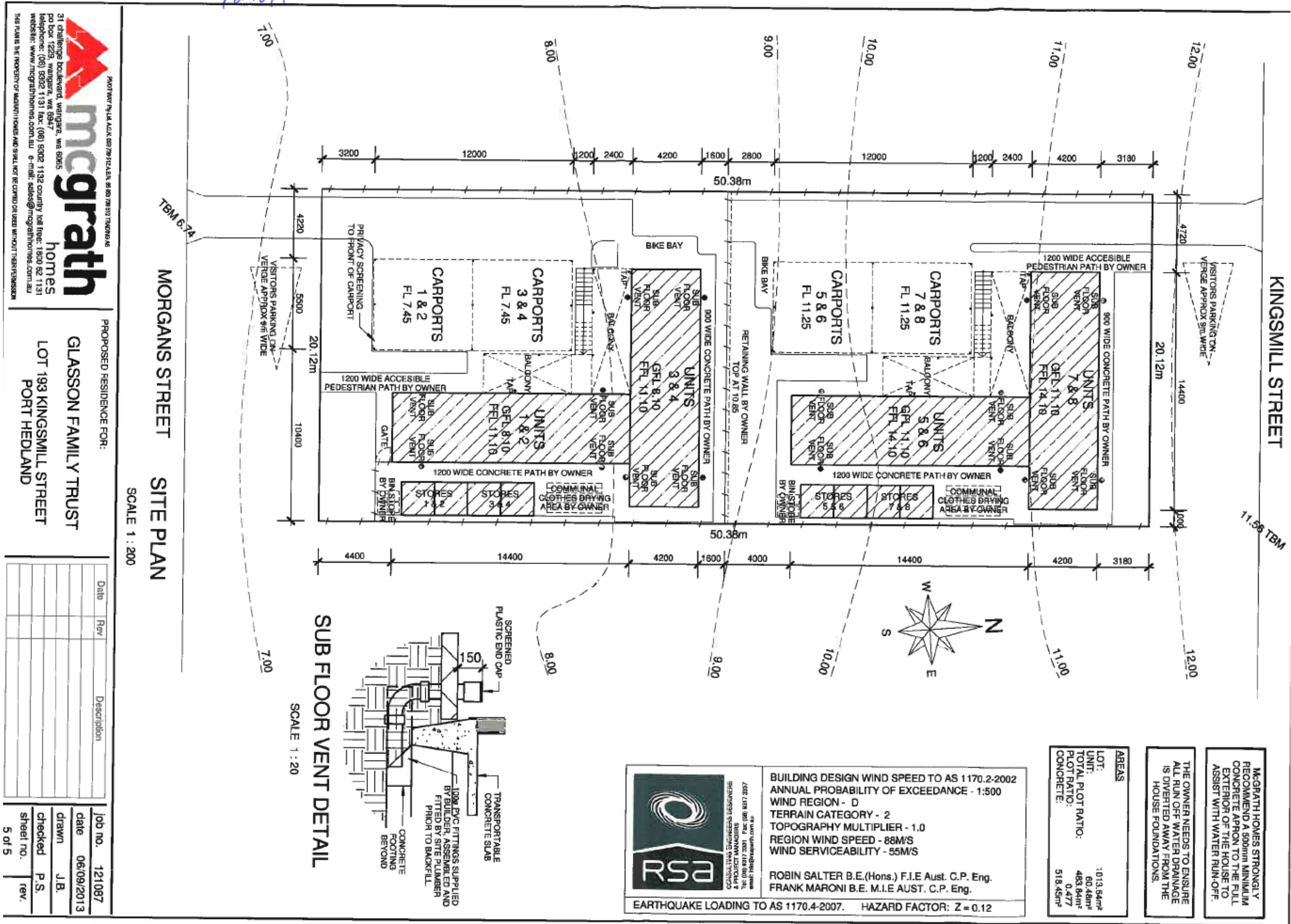
Context Map



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DRG2013/298/1



**mcgrath homes**  
 31 challenge boulevard, wangara, wa 6065  
 po box 1229, wangara, wa 6947  
 telephone: (08) 9392 1131 fax: (08) 9392 1132 country toll free: 1800 62 1131  
 website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au

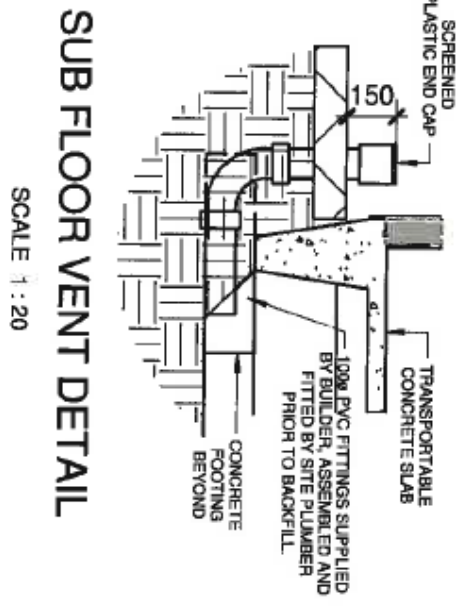
PROPOSED RESIDENCE FOR:  
**GLASSON FAMILY TRUST**  
 LOT 193 KINGSMILL STREET  
 PORT HEDLAND

Date	Rev	Description

job no.	121087
date	06/09/2013
drawn	J.B.
checked	P.S.
sheet no.	5 of 5
rev.	

MORGANS STREET  
 KINGSMILL STREET  
 TBM 6.74  
 SCALE 1 : 200



**RSA**  
 45/47 WEST GARDENS DRIVE, PERTH WA 6000  
 PH: (08) 9442 9999 FAX: (08) 9442 9998  
 www.rsa.com.au

BUILDING DESIGN WIND SPEED TO AS 1170.2-2002  
 ANNUAL PROBABILITY OF EXCEEDANCE - 1:500  
 WIND REGION - D  
 TERRAIN CATEGORY - 2  
 TOPOGRAPHY MULTIPLIER - 1.0  
 REGION WIND SPEED - 88M/S  
 WIND SERVICEABILITY - 55M/S

ROBIN SALTER B.E.(Hons.) F.I.E Aust. C.P. Eng.  
 FRANK MARONI B.E. M.I.E AUST. C.P. Eng.

EARTHQUAKE LOADING TO AS 1170.4-2007. HAZARD FACTOR: Z = 0.12

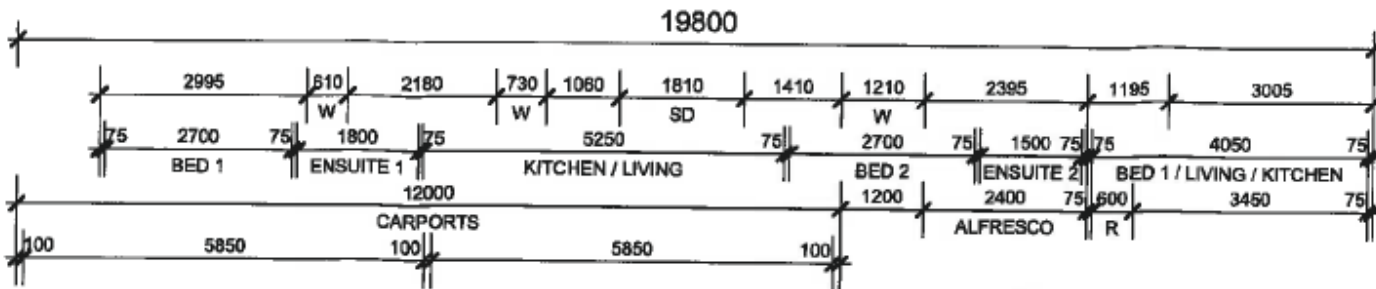
AREAS	
LOT:	1 013.54m <sup>2</sup>
UNIT:	60.48m <sup>2</sup>
TOTAL PLOT RATIO:	483.84m <sup>2</sup>
PLOT RATIO:	0.477
CONCRETE:	518.45m <sup>2</sup>

THE OWNER NEEDS TO ENSURE ALL RUN OFF WATER DRAINAGE IS DIVERTED AWAY FROM THE HOUSE FOUNDATIONS.
McGRATH HOMES STRONGLY RECOMMEND A 500mm MINIMUM CONCRETE APRON TO THE FULL EXTERIOR OF THE HOUSE TO ASSIST WITH WATER RUN-OFF.

DR62013/298/2

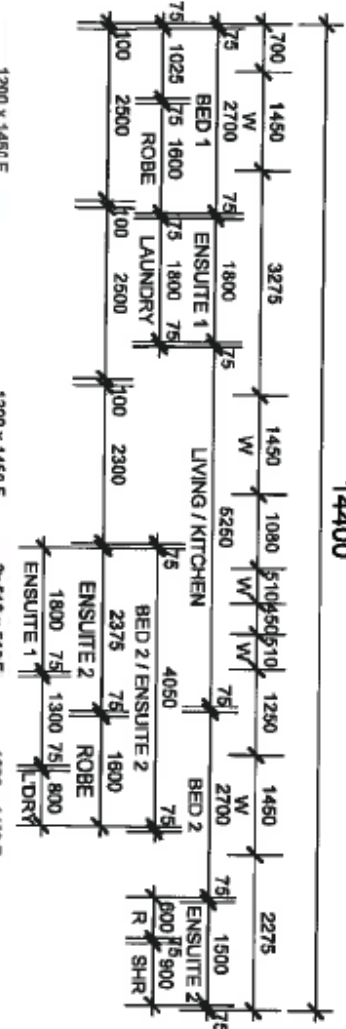
CARPENTERS NOTE:  
SILICON BEAD REQUIRED  
AT BASE OF WALL  
FRAMES TO ALL TILED  
WET AREAS



GROUND LEVEL  
FLOOR PLAN

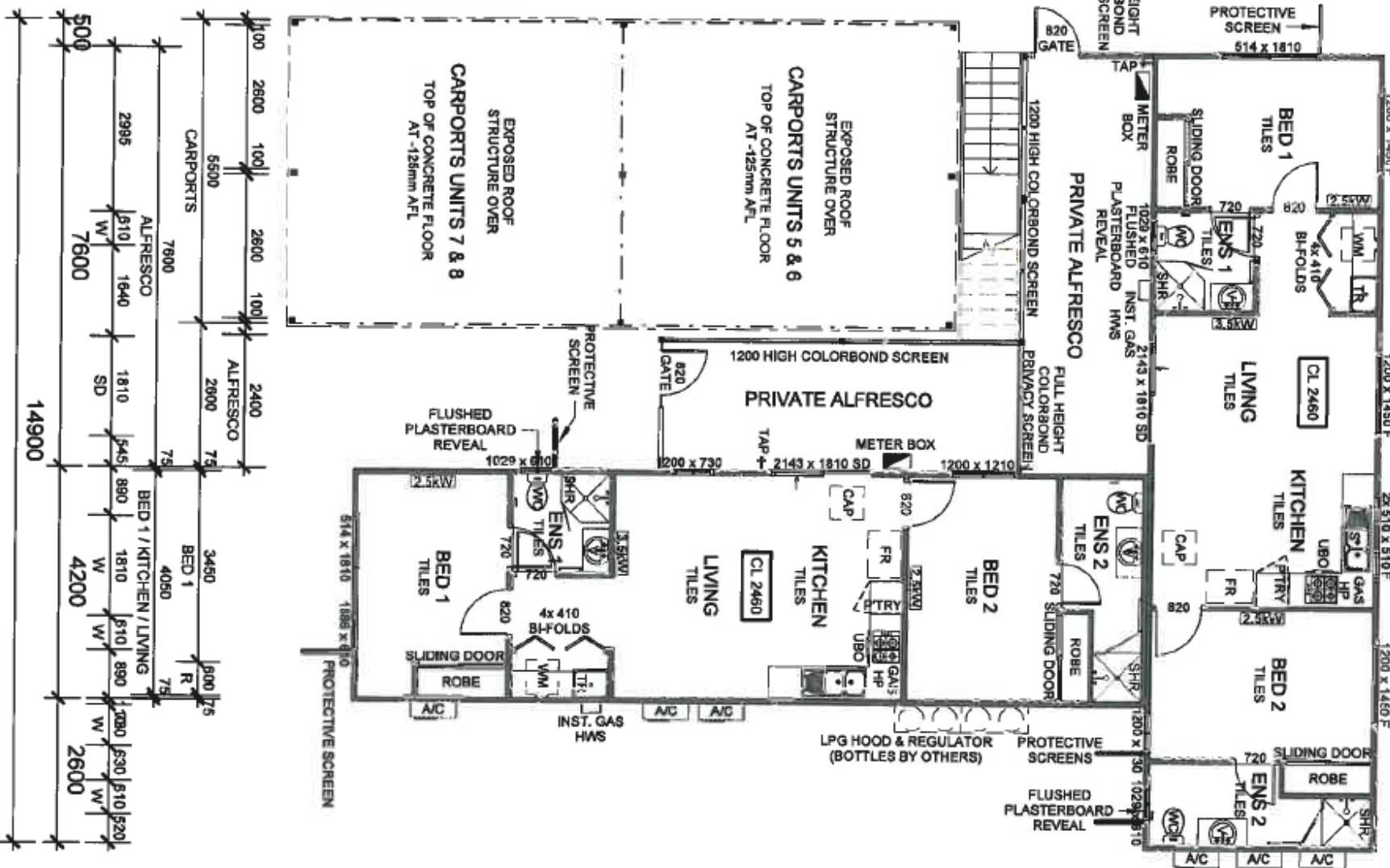
SCALE 1 : 100

INTERNAL OPENINGS:  
DHO: FLUSHED DOOR HEIGHT OPENING  
DFO: DOOR FRAME OPENING  
FHO: FULL HEIGHT OPENING



14400

AREAS  
HOUSE: 60.48m<sup>2</sup>  
CARPORT: 16.50m<sup>2</sup>  
ALFRESCO US: 15.60m<sup>2</sup>  
ALFRESCO UT: 18.24m<sup>2</sup>



14400

4200



CONSULTING ENGINEERS DESIGNERS  
& PROJECT MANAGERS  
Tel: (08) 9517 3331 Fax: (08) 9517 3337  
Email: info@rsapech.com.au

EARTHQUAKE LOADING TO AS 1170.4-2007. HAZARD FACTOR: Z = 0.12

BUILDING DESIGN WIND SPEED TO AS 1170.2-2002  
ANNUAL PROBABILITY OF EXCEEDANCE - 1:500  
WIND REGION - D  
TERRAIN CATEGORY - 2  
TOPOGRAPHY MULTIPLIER - 1.0  
REGION WIND SPEED - 88MWS  
WIND SERVICEABILITY - 55MWS  
ROBIN SALTER B.E.(Hons.), F.I.E Aust. C.P. Eng.  
FRANK MARONI B.E. M.I.E. Aust. C.P. Eng.

**mcgrath** homes  
31 Challenge Boulevard, Warrigal, VIC 3095  
PO Box 1229, Warrigal, VIC 3097  
Telephone: (08) 9302 1131 Fax: (08) 9302 1132 Country Tel Free: 1800 82 1131  
Website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au

PROPOSED RESIDENCE FOR:  
**GLASSON FAMILY TRUST**  
LOT 193 KINGSMILL STREET  
PORT HEDLAND

Date	Rev	Description

job no. 121087  
date 06/09/2013  
drawn J.B.  
checked P.S.  
sheet no. 1 of 5  
rev.



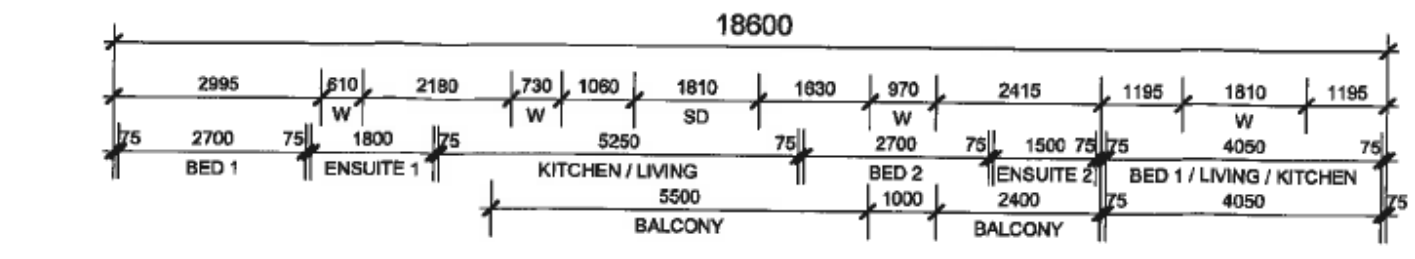
DRG2013/298/3



31 Challenge Boulevard, Wangara, WA 6095  
 PO Box 1228, Wangara, WA 6147  
 Telephone: (08) 9302 1131 Fax: (08) 9302 1132 Country toll free: 1800 62 1131  
 Website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au

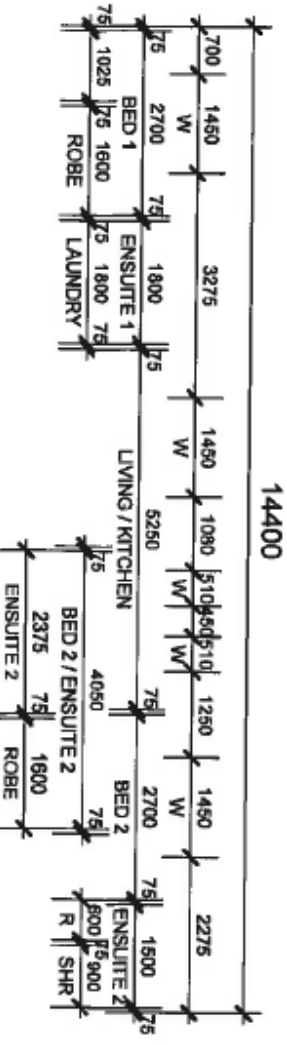
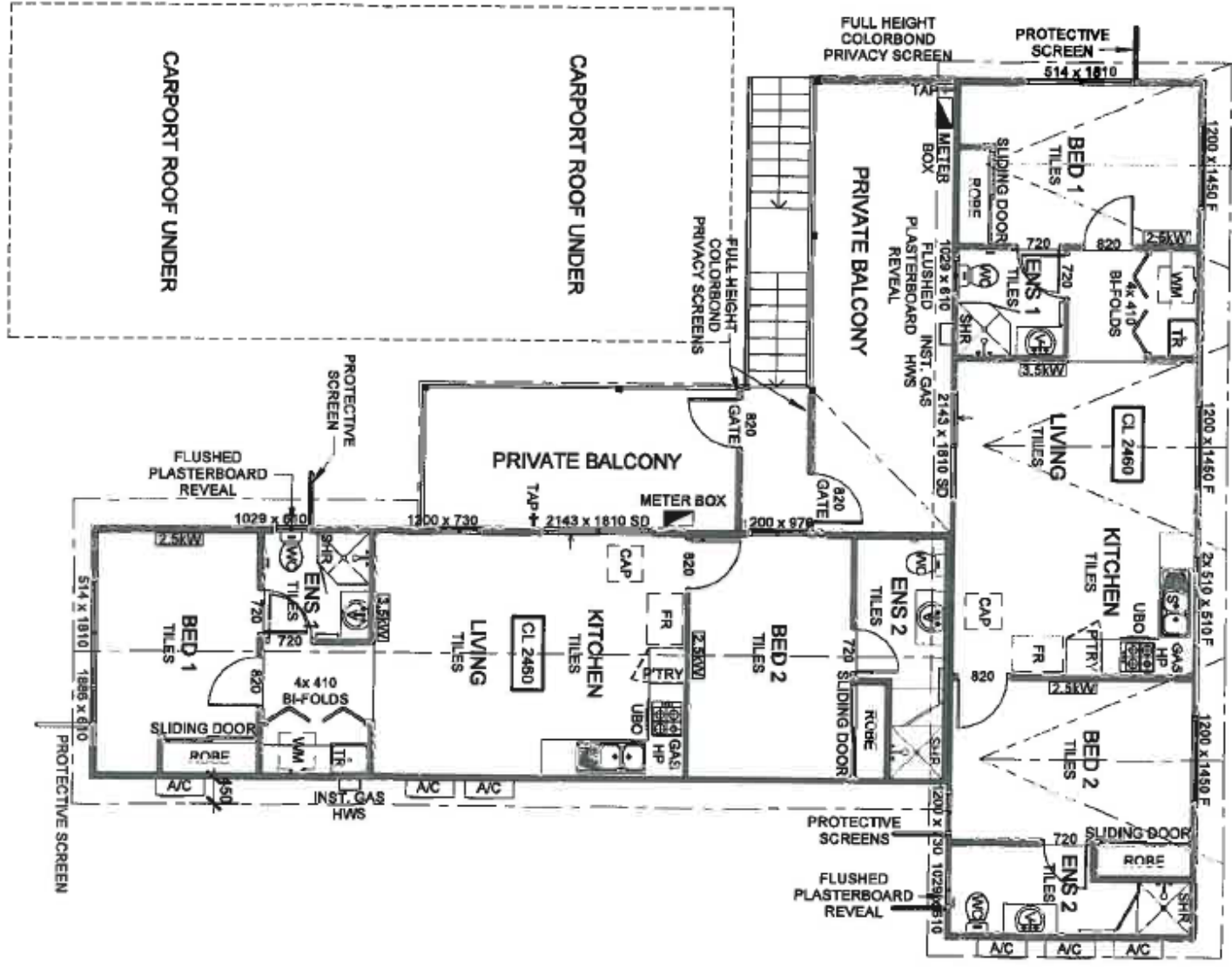
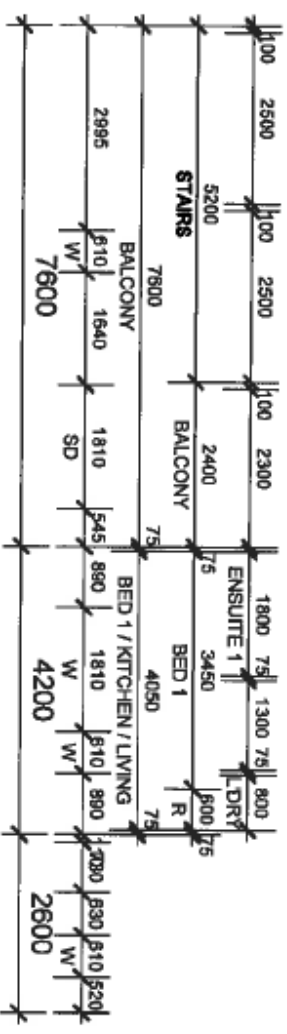
INTERNAL OPENINGS:  
 DHO: FLUSHED DOOR HEIGHT OPENING  
 DFO: DOOR FRAME OPENING  
 FHO: FULL HEIGHT OPENING

FIRST LEVEL  
 FLOOR PLAN  
 SCALE 1 : 100



CARPENTERS NOTE:  
 SILICON BEAD REQUIRED AT BASE OF WALL FRAMES TO ALL TILED WET AREAS


NOTE: ALL PLUMBING FROM FIRST FLOOR TO BE RUN EXTERNALLY



AREAS

HOUSE:	60.48m²
CARPORTRI:	16.50m²
BALCONY USE:	13.20m²
BALCONY UB:	18.24m²

PROPOSED RESIDENCE FOR:  
 GLASSON FAMILY TRUST  
 LOT 193 KINGSMILL STREET  
 PORT HEDLAND



CONSULTING ENGINEERS DESIGNERS & PROJECT MANAGERS  
 Tel: (08) 9417 3331 Fax: (08) 9417 3337  
 Email: info@rsaperth.com.au

BUILDING DESIGN WIND SPEED TO AS 1170.2-2002  
 ANNUAL PROBABILITY OF EXCEEDANCE - 1:500  
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 TERRAIN CATEGORY - 2  
 TOPOGRAPHY MULTIPLIER - 1.0  
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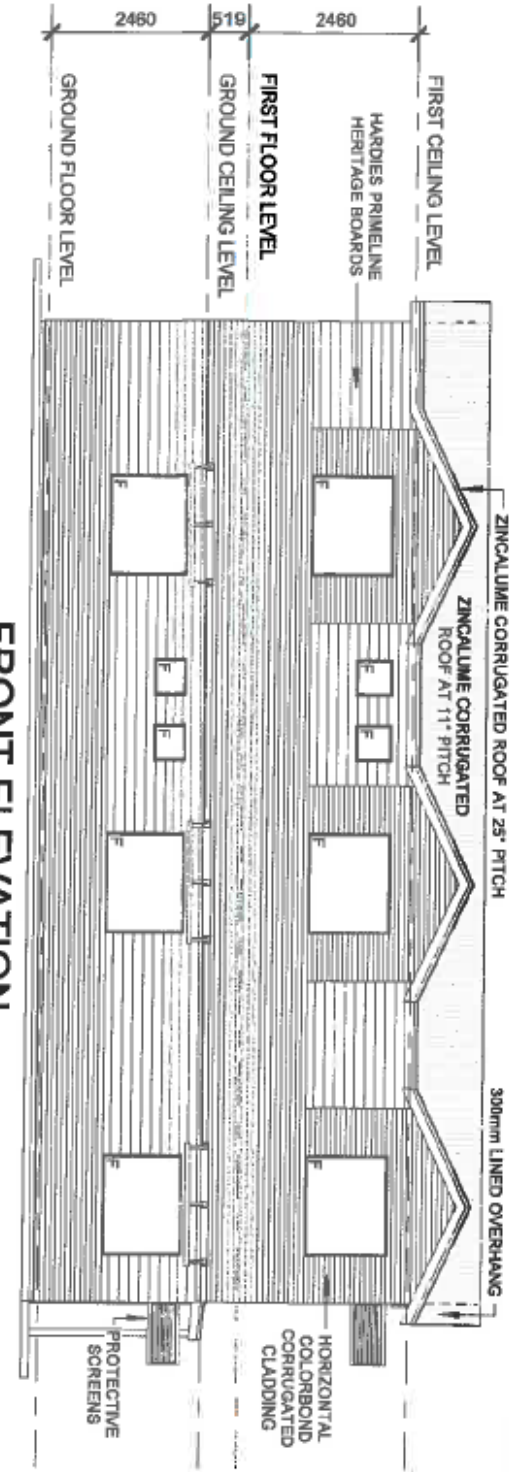
ROBIN SALTER B.E.(Hons.), F.I.E Aust. C.P. Eng.  
 FRANK MARONI B.E. M.I.E Aust. C.P. Eng.

EARTHQUAKE LOADING TO AS 1170.4-2007. HAZARD FACTOR: Z = 0.12

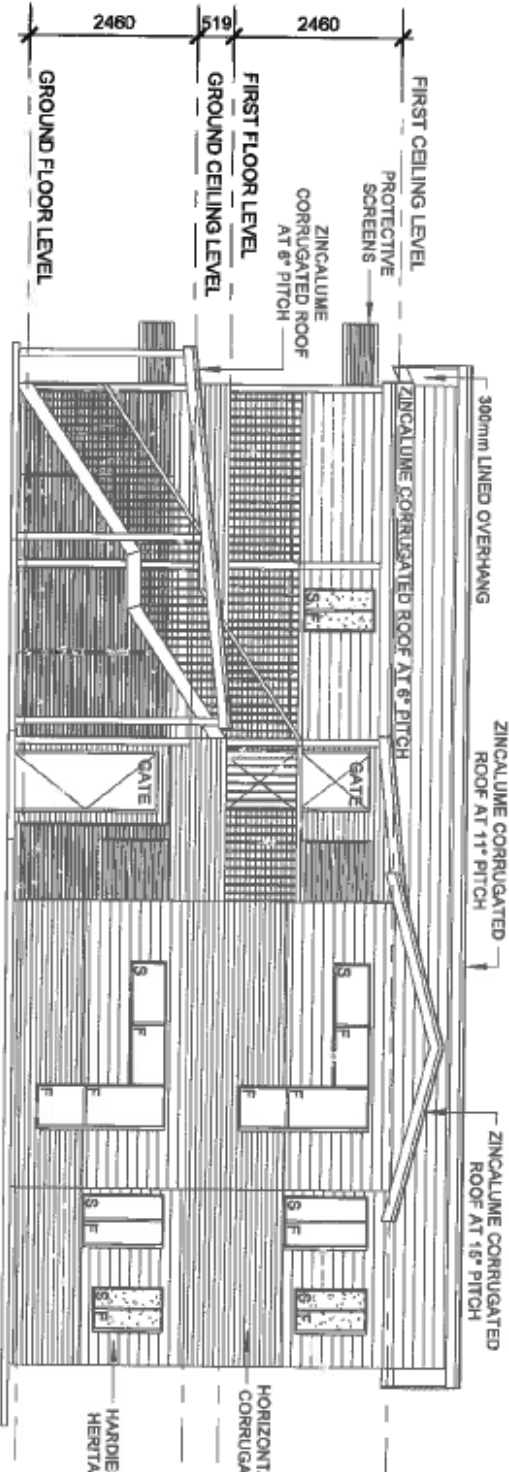
Date	Rev	Description

job no. 121087  
 date 06/09/2013  
 drawn J.B.  
 checked P.S.  
 sheet no. rev.  
 2 of 5

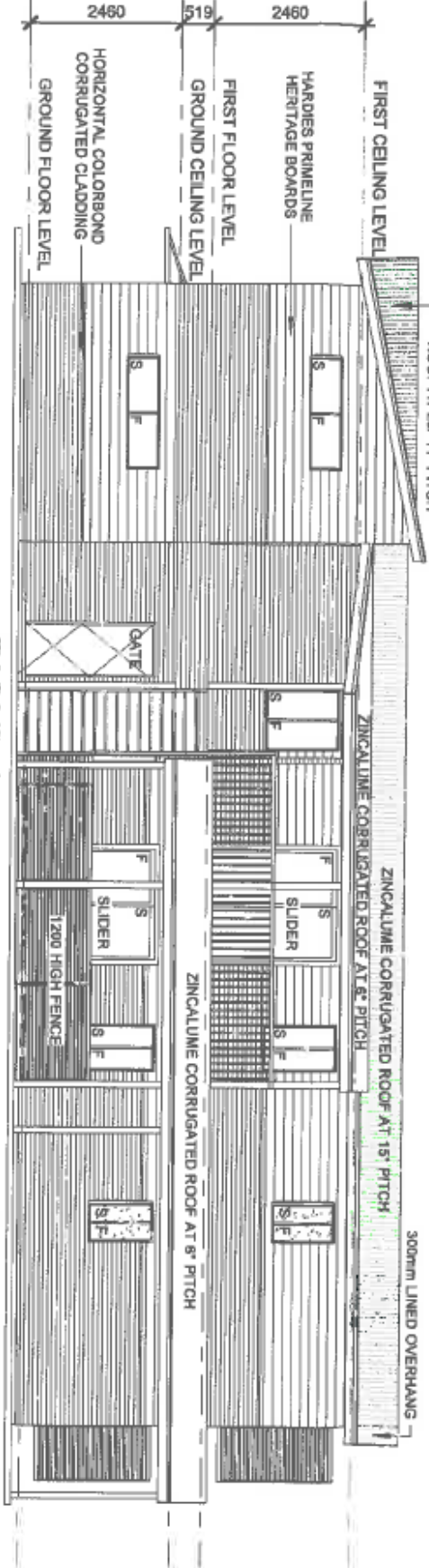
DR62013/298/4



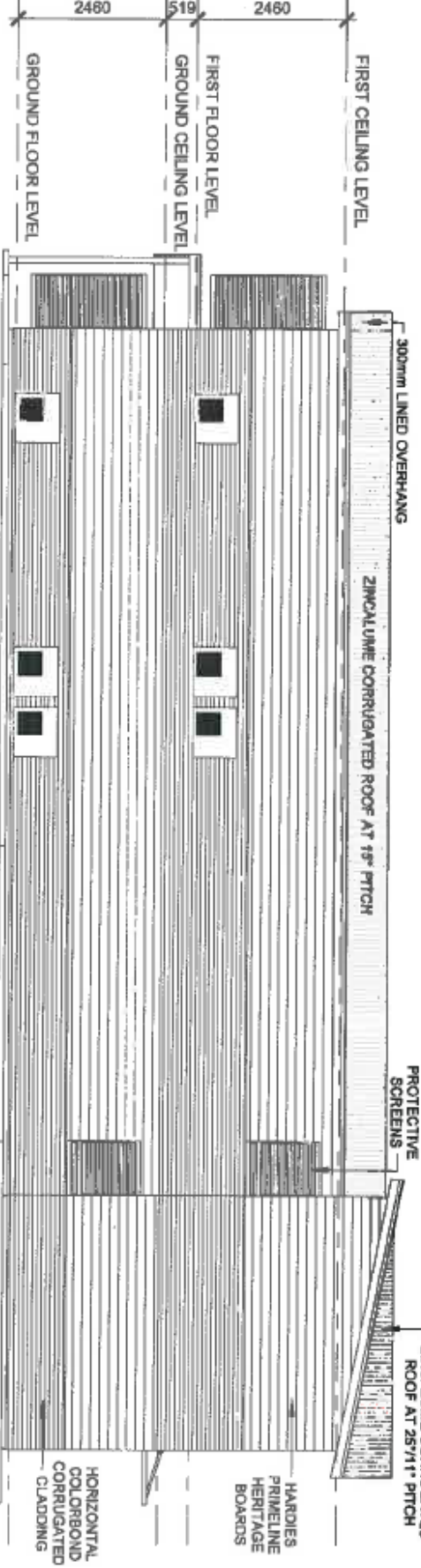
**FRONT ELEVATION**  
SCALE 1 : 100



**REAR ELEVATION**  
SCALE 1 : 100



**RIGHT SIDE ELEVATION**  
SCALE 1 : 100



**LEFT SIDE ELEVATION**  
SCALE 1 : 100



REGISTERED ARCHITECTS  
 10000 RIVERVIEW DRIVE, SUITE 100  
 WILLOWBROOK, VIC 3169  
 TEL: 03 9594 1111 FAX: 03 9594 1112  
 WWW.RSABUILDINGDESIGN.COM.AU

**BUILDING DESIGN WIND SPEED TO AS 1170.2-2002**  
 ANNUAL PROBABILITY OF EXCEEDANCE - 1:500  
 WIND REGION - D  
 TERRAIN CATEGORY - 2  
 TOPOGRAPHY MULTIPLIER - 1.0  
 REGION WIND SPEED - 88M/S  
 WIND SERVICEABILITY - 55M/S

**ROBIN SALTER B.E.(Hons.) F.I.E Aust. C.P. Eng.**  
**FRANK MARONI B.E. M.I.E AUST. C.P. Eng.**

**EARTHQUAKE LOADING TO AS 1170.4-2007. HAZARD FACTOR: Z = 0.12**



31 challenge boulevard, warrigera, nsw 2686  
 po box 1229, warrigera, nsw 2687  
 telephone: (08) 9302 1131 fax: (08) 9302 1132 country toll free: 1800 62 1131  
 website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au

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PROPOSED RESIDENCE FOR:  
**GLASSON FAMILY TRUST**  
 LOT 193 KINGSMILL STREET  
 PORT HEDLAND

Date	Rev	Description

job no.	121087
date	06/09/2013
drawn	J.B.
checked	P.S.
sheet no.	3 of 5
rev.	

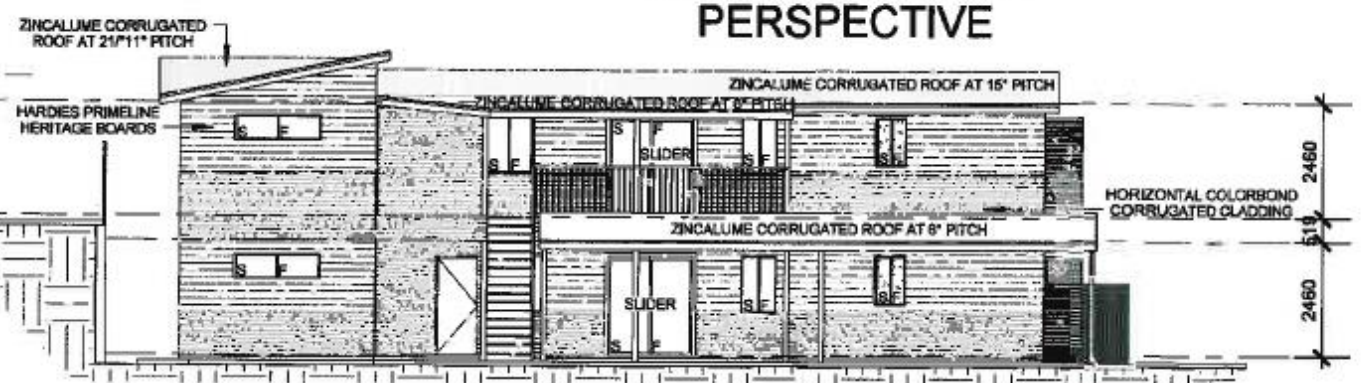
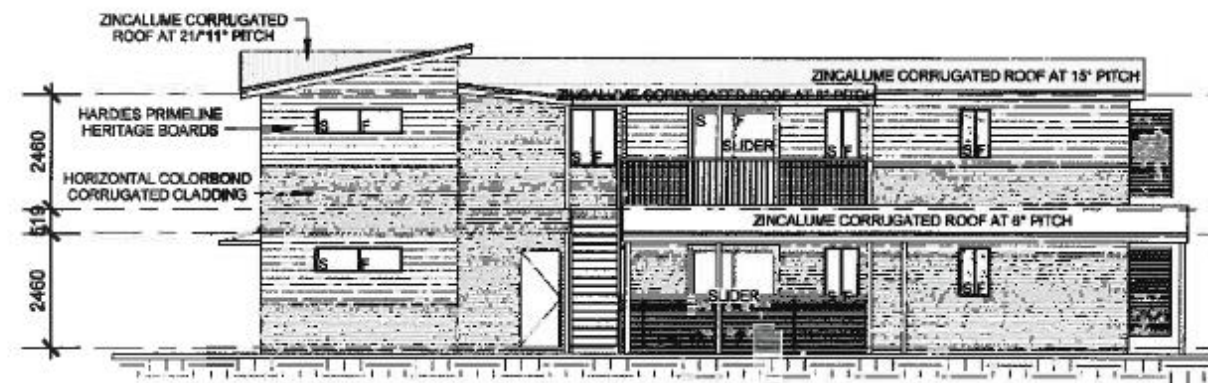


DR 2013/248/5



ZINCALUME CORRUGATED ROOF  
HORIZONTAL COLORBOND CORRUGATED CLADDING  
HARDIES PRIMELINE HERITAGE BOARDS

**MORGANS STREET PERSPECTIVE**



**OVERALL SIDE ELEVATION  
SCALE 1 : 150**



HARDIES PRIMELINE HERITAGE BOARDS  
HORIZONTAL COLORBOND CORRUGATED CLADDING

**KINGSMILL STREET PERSPECTIVE**

31 challenge boulevard, wangara, wa 6095  
po box 1229, wangara, wa 6947  
telephone: (08) 8302 1131 fax: (08) 8302 1132 country toll free: 1800 82 1131  
website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au  
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job no.	121087
date	06/09/2013
drawn	J.B.
checked	P.S.
sheet no.	4 of 5
rev.	

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**11.1.1.5 Proposal for Six (6) Multiple Dwellings on Lot 2 (51) Morgans Street, Port Hedland (File No.: 804427G)**

<b>Officer</b>	<b>Ryan Djanegara Senior Statutory Planner</b>
<b>Date of Report</b>	<b>3 September 2013</b>
<b>Application No.</b>	<b>2013/285</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The Town has received an application from Mikasa Designs on behalf of the landowners Richard James and Karen Catherine Ward to construct six (6) multiple dwellings on Lot 2 (51) Morgans Street, Port Hedland (subject site).

The proposed development is located within the West End Residential Zone and as such the Town's Officers do not have delegations to determine the application.

The application is supported by the Towns' Officers and it is recommended to approve the application with conditions.

**Background***Site Description (Attachment 1)*

The subject site is generally rectangular in shape, achieves vehicular access via Morgans Street and has an area of 500m<sup>2</sup>.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential".

*Proposal (Attachment 2)*

The applicant is proposing to construct six (6) "Multiple Dwellings" comprising of two bedroom units.

*Related Developments*

The proposed development does not differ significantly from those already approved / developed within the "West End", however, the licence fee has been included for the two (2) visitor bays proposed to be constructed by the applicant within the road verge.

**Consultation**

The application was circulated to the following units / organisations:

*Internally:*

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

*Externally:*

- Department of Environment Regulation (formerly the Department of Environment and Conservation)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health
- Department of Water
- Department of Planning
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following noteworthy comments were received:

## Department of State Development:

1. Development within the “West End Residential” zone must comply with the design requirements outlined in Town of Port Hedland Town Planning Scheme Amendment 22.
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22.

## Department of Health (DoH):

1. The DoH have reviewed the Dust Mitigation Report and have found that the following elements of the building design have not been addressed, which include:
  - a. State maintenance schedules for the replacement of filters on all split air conditioning units
  - b. Fixed windows on the West and South facades
  - c. No mention of airtight windows seals
  - d. No mention of dust seals on entry and balcony doors
  - e. No details of the structures of the eaves on the proposed buildings

*Applicant's Response*

In light of the Department of Health's comments, the applicant's Mechanical Engineer (Norman, Disney and Young) has revised the dust mitigation report to address the above concerns.

*Revised Comments from the Department of Health*

Subsequent to the revised dust mitigation report provided by the applicant, the Department of Health has reconsidered its position and is now satisfied with the response and measures to be undertaken. As such the Department's concerns have now been addressed and so not object to the application.

*Department of Environment Regulation (DER):*

1. DER notes that the development application includes a report from certified mechanical engineer confirming that the proposal meets the intent of the design requirements of Scheme Amendment 22.
2. DER also advises the DoH have finalised the methodology for the Port Hedland Health Risk Assessment. A further consultancy will now be funded to undertake a comprehensive HRA which is expected to be completed in 2015.

The application was advertised for a period of 14 days to adjoining landowners, no submissions were received during that 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 (TPS5).

**Policy Implications**

12/002 off site Car Parking Policy

Objectives

- To provide guidance for the possible development of car parking on adjoining road reserves.

**Strategic Planning Implications**

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

---

6.3.1 Housing

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Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

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

5.6.1 Precinct 1 – West End



## 5.6.1 Precinct 1 – West End

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Precinct Summary

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Noise and dust emissions particularly in proximity to existing developed urban areas.

**Budget Implications**

## Immediate:

An application fee of \$6,960.00 has been received as per the prescribed fees approved by Council.

## Long Term:

Nil

## Whole of Life:

The whole of life costs include maintenance cost associated with the two (2) parking bays located within the Moore Street Road Verges. The applicant will be required to maintain the bays for a period of two (2) years, thereafter this will become the Towns responsibility. It is estimated that the average maintenance cost per bay is \$588.00, per annum (for the maintenance of 5 bays and less within the road reserve) considering the lifespan of the development being twenty (20) years. The licence fee (being in once off payment) for the two (2) parking bays is to be \$40,000.00.

It will be a condition of development approval that the proponent enter into a licence agreement to cover these costs. With regards to any landscaping requirements it will be the responsibility of the proponent/landowner to maintain in perpetuity.

**Officer's Comment***Dust Mitigation requirements in the West End Residential Zone*

The site is located in the "West End Residential" zone. Developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels. Section 6.3.9 of TPS5 states:

*"Residential development within the 'West End Residential Zone' and within the area bound by Withnell, McKay and Anderson Streets, and The Esplanade road, Port Hedland shall be in accordance with a local planning policy, development plan or design guidelines adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to -*

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*

- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orientation of buildings to avoid wind tunnelling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.”*

In the absence of a local planning policy, development plan or design guideline, state government stakeholders have expressed concern regarding suitable design requirements for residential development in the “West End Residential” zone.

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the relevant clause contained within TPS5.

Consequently, legal advice was obtained from the Towns’ Solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to include a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent Clause 6.3.9 of TPS5.

The applicant has submitted a report by Norman, Disney and Young confirming the proposed design will mitigate dust and addresses the requirements under TPS5. This report was forwarded to the relevant stakeholders for comment.

As stated, the Department of Health raised concerns with regards to the proposed development and further notes specific issues with the Dust Mitigation Report. The applicant has responded to the Department’s comments and addressed the building issues raised. Subsequently the Department is now satisfied the issues raised have been addressed.

From a planning perspective the application can be supported, as the dust mitigation report provided by Norman, Disney and Young is consistent with the previous approvals issued by Council for applications in the “West End Residential” zone.

#### *Residential Design Codes of Western Australia (R Codes)*

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature.

The proponent has provided justification identifying design consideration and how the performance criterion has been achieved. It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

*Off-site Parking Bays*

For the proposed development to comply with the required parking as stipulated in TPS5 and the Residential Design Guidelines, a minimum of two (2) visitor bays are to be provided.

In order for the applicant to maximise the development potential, it has been proposed to provide at the applicants cost two (2) parking bays within the Morgan Street road verge. Being located within the verge these bays will remain public car parking, but available to the visitors of the development.

Should Council resolve not to permit the construction of the two (2) visitor bays within the road verge, the application cannot be supported in its current form. The applicant will be required to reduce the development in order to accommodate all parking on-site.

**Attachments**

1. Locality Plan
2. Development Plans
3. Artist Impression
4. Department of Health's referral
5. Revised Dust Mitigation Report dated 22 August 2013 (Under Separate Cover)
6. Revised response from the Department of Health

**Officer's Recommendation**

That Council approves the application submitted by Mikasa Designs on behalf of the landowners Richard James and Karen Catherine Ward to construct six (6) multiple dwellings on Lot 2 (51) Morgans Street, Port Hedland subject to the following conditions:

1. This approval relates only to the proposed Six (6) "Multiple Dwellings", as indicated on the approved plans (DRG2013/285/1 - DRG2013/285/3). It does not relate to any other development on this lot;
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;
3. A minimum of 8 car bays (6 bays for residents and 2 bays for visitors including 2 within the road reserve) and 4 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/285/1);
4. No parking bays shall be obstructed in any way or used for any other purpose than parking;

5. 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;
6. Fences and structures 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;
7. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;
8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Planning Services;
9. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;
10. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/285/1);

The following conditions are to be cleared by Planning Services prior to the issuing of a building permit.

11. Prior to the issuing of a building permit, the landowner shall submit amended plans and have approved by the Manager Planning Services to incorporate the following:
  - a. external clothes drying areas for Units 3, 4, 5 and 6 shall be installed within the proposed Outdoor Living Areas and screened from the primary street as per the attached plan (DRG2013/285/2).
12. Prior to the issuing of a building permit, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the two (2) off site car parking bays within the adjacent road reserves, to be constructed to the satisfaction of the Manager Planning Services at the expense of the landowner;

13. Prior to the issuing of a building permit, the developer shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 21 (twenty one) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;
14. Prior to the issuing of a building permit the landowner shall enter into a building licence agreement with the Town for two (2) parking bays provided within the road verge. Such agreement shall include the following:
  - a. agreement by the landowner to maintain the parking bays for a period of two (2) years.
  - b. agreement by the landowner to pay a once off licence fee to be calculated at the time of preparing the agreement (such licence fee shall not exceed \$40,000.00). The agreement shall be prepared at the landowners cost (see advice note 5 and 7).
15. Prior to the issuing of a building permit, 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. Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.
  - b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health.



16. Prior to the issuing of a building permit, a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;
17. Prior to the issuing of a building permit, a "Stormwater management plan" shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan;
18. Prior to the issuing of a building permit, the landowner shall submit an "Erosion and Sediment Control Plan" for approval by the Manager Planning Services;
19. Prior to the issuing of a building permit, the landowner shall submit a "Construction Site Management Plan" for approval 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 prior to the occupation of the development.

20. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by Norman, Disney and Young;
21. Prior to the occupation of the development the landowner shall enter into a binding to maintain the proposed landscaping in the Morgans Street verges for two (2) years to the satisfaction of the Manager Planning Services; (See advice note 6)
22. 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 5)

23. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer;
24. 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 landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
25. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;
26. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
27. 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. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:  
  
"Multiple Dwelling,  
  
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. With regards to Condition 23, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. With regards to Condition 23, the Water Corporation wishes to advise the wastewater systems components will require a review by the developer's Consulting Engineer, and the extent upgrading established. Details are to be provided to the Water Corporation at the time of building application together with a water efficiency plan, for assessment and agreement;

5. Please be advised the Town currently makes use of the services of Jackson McDonald to prepare or scrutinize any agreement document. Whilst you may engage any solicitor of your choice, please keep in mind there will be additional costs for Jackson McDonald to scrutinize the agreement should the agreement not be prepared by them;
6. Please be advised, all the landscaping on the road verge shall be maintained by the landowner in perpetuity and not Council;
7. With regards to Condition 14, the landowner is advised should the road verge ever be required for any public use (i.e. road widening, easements etc) any such works and costs to reinstate the car parks will be wholly the responsibility of the landowner and not Council;
8. 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;
9. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;
10. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
9. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;
10. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;
11. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
12. Conditions 11 to 19 (including) shall be complied with prior to the issuing of a building permit. In this regard there is a clearance fee of \$324.90 per request. Please note it may take up to 28 days to clear conditions.

**201314/130 Council Decision****Moved: Cr Jacob****Seconded: Cr Hunt**

**That Council approves the application submitted by Mikasa Designs on behalf of the landowners Richard James and Karen Catherine Ward to construct six (6) multiple dwellings on Lot 2 (51) Morgans Street, Port Hedland subject to the following conditions:**

- 1. This approval relates only to the proposed Six (6) “Multiple Dwellings”, as indicated on the approved plans (DRG2013/285/1 - DRG2013/285/3). It does not relate to any other development on this lot;**
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- 5. 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;**
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**ADVICE NOTES:**

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“Multiple Dwelling,**

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

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3. With regards to Condition 23, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. With regards to Condition 23, the Water Corporation wishes to advise the wastewater systems components will require a review by the developer’s Consulting Engineer, and the extent upgrading established. Details are to be provided to the Water Corporation at the time of building application together with a water efficiency plan, for assessment and agreement;
5. Please be advised the Town currently makes use of the services of Jackson McDonald to prepare or scrutinize any agreement document. Whilst you may engage any solicitor of your choice, please keep in mind there will be additional costs for Jackson McDonald to scrutinize the agreement should the agreement not be prepared by them;
6. Please be advised, all the landscaping on the road verge shall be maintained by the landowner in perpetuity and not Council;
7. With regards to Condition 14, the landowner is advised should the road verge ever be required for any public use (i.e. road widening, easements etc) any such works and costs to reinstate the car parks will be wholly the responsibility of the landowner and not Council;
8. 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;
9. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council’s Health Local Laws 1999 and to the satisfaction of Manager Planning Services;
10. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;

- 9. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;**
- 10. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;**
- 11. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval;**
- 12. Conditions 11 to 19 (including) shall be complied with prior to the issuing of a building permit. In this regard there is a clearance fee of \$324.90 per request. Please note it may take up to 28 days to clear conditions; and**
- 13. The licence agreement shall clearly indicate the two visitor car parking bays located within the Moore Street verge are not for the exclusive use of the development and shall only be used for the purposes of visitor car parking and shall not be used for the parking of boats, trailers, caravans and the like.**

***CARRIED 10/0***

ATTACHMENT 1 TO ITEM 11.1.1.5

Extract Map



Context Map

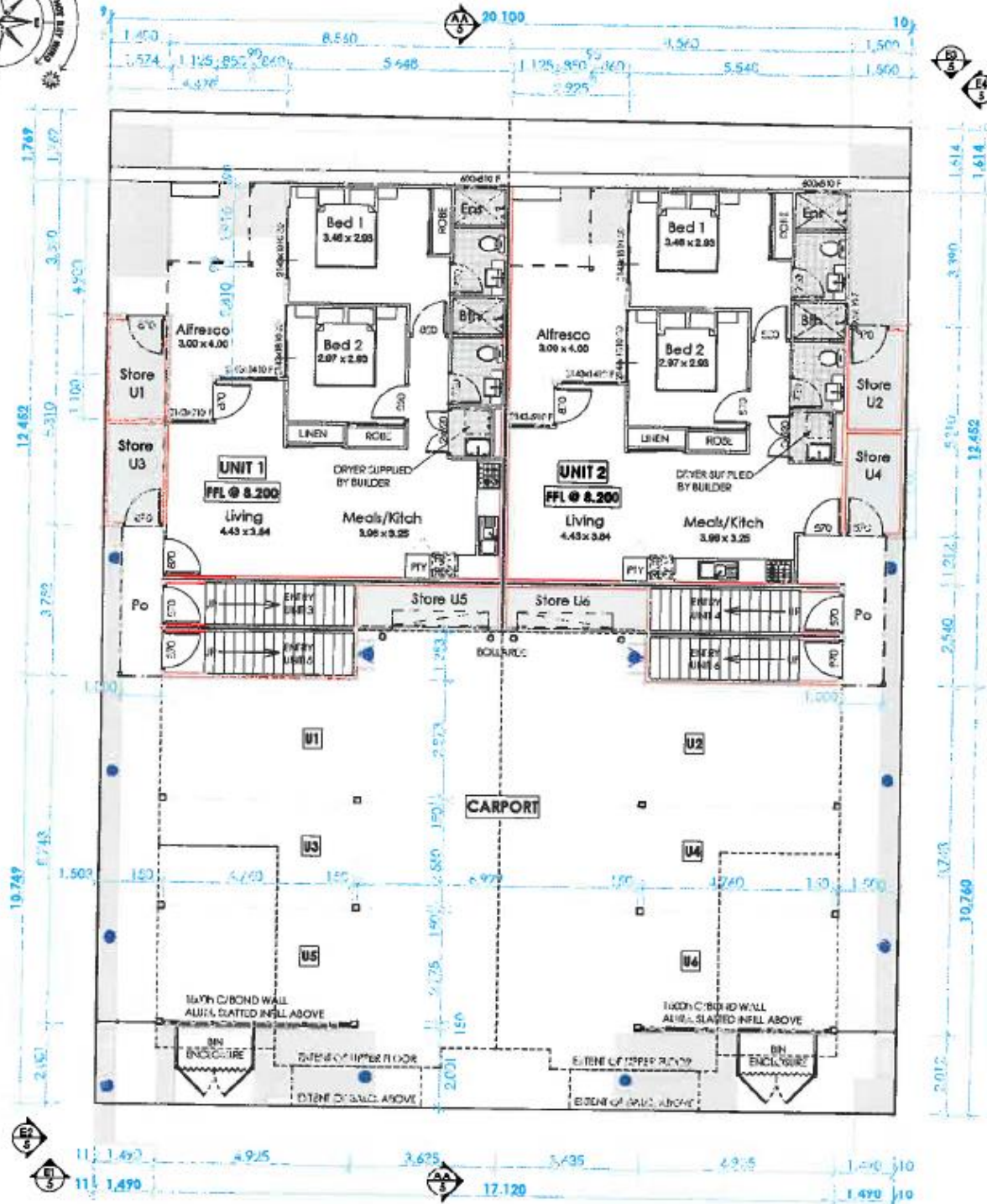






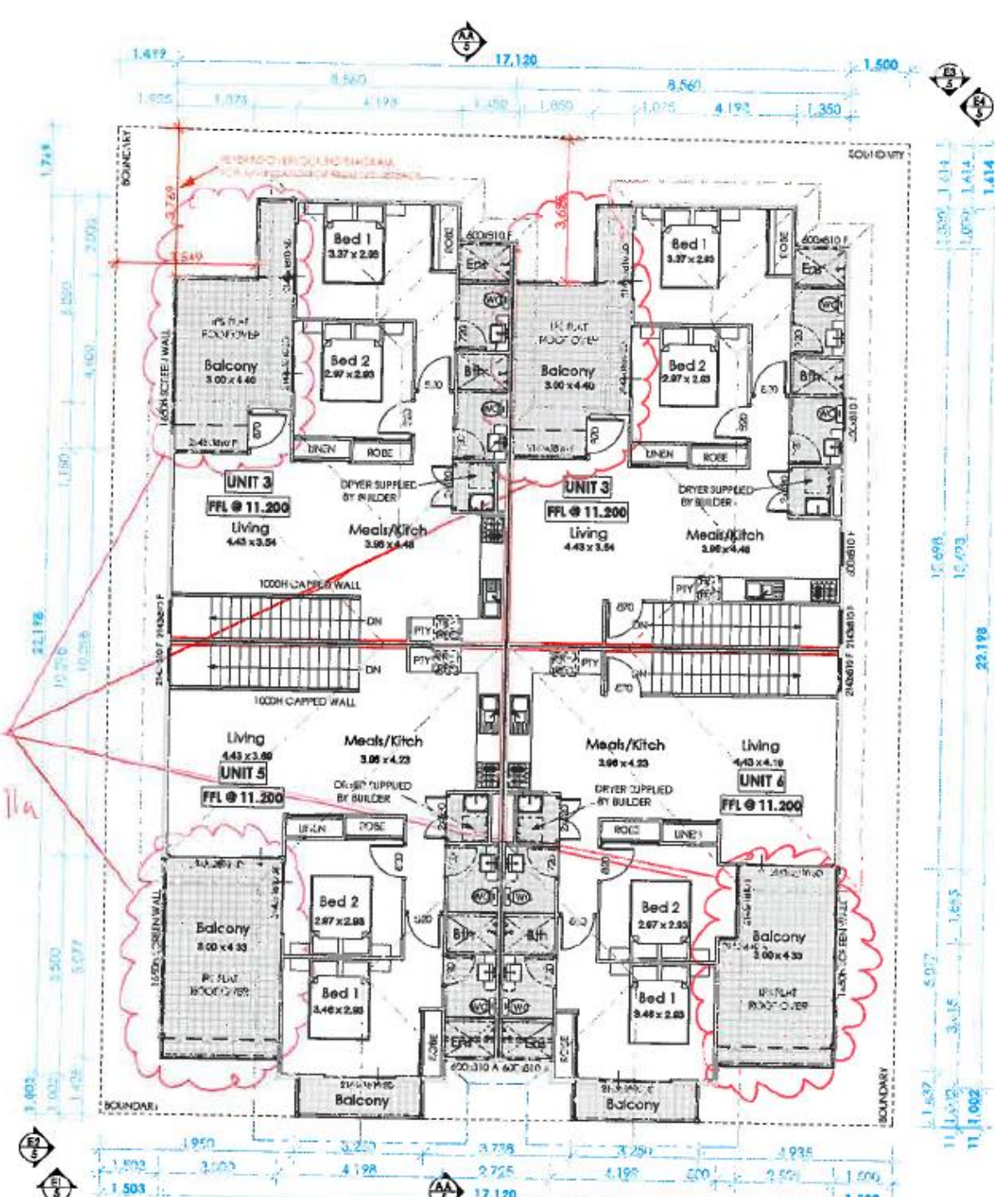


DA 2013/285/2



GROUND FLOOR PLAN  
SCALE: 1:100

UNIT	AREA
UNIT 1 (LIVING)	71.0
UNIT 1 (BED)	69.4
UNIT 1 (STORE)	4.1
UNIT 2 (LIVING)	71.0
UNIT 2 (BED)	69.4
UNIT 2 (STORE)	4.1



Refer to Condition 11a

UPPER FLOOR PLAN  
SCALE: 1:100

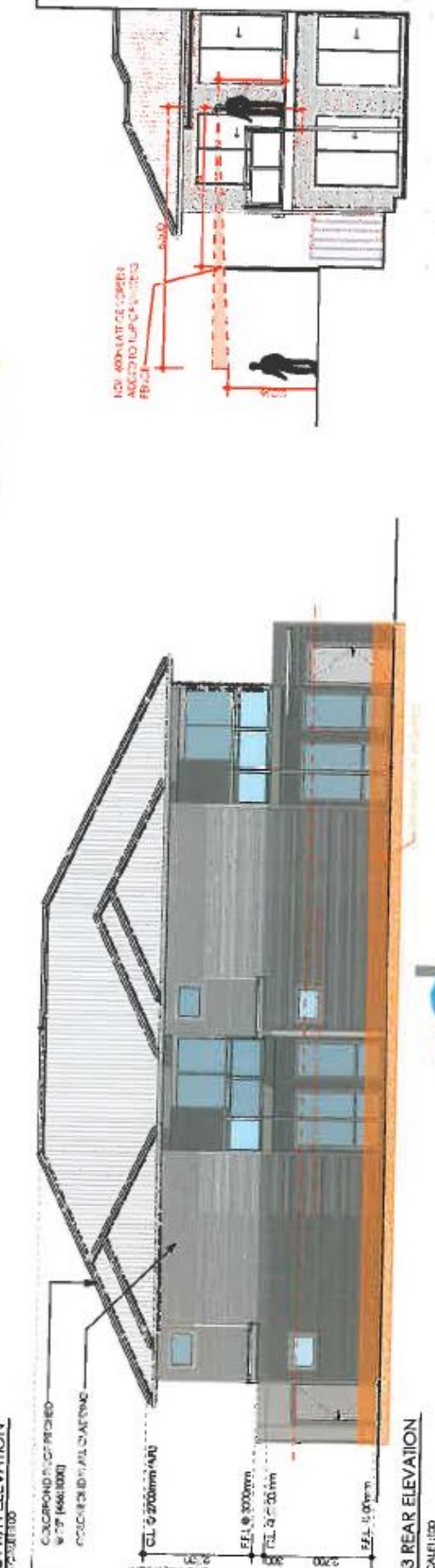
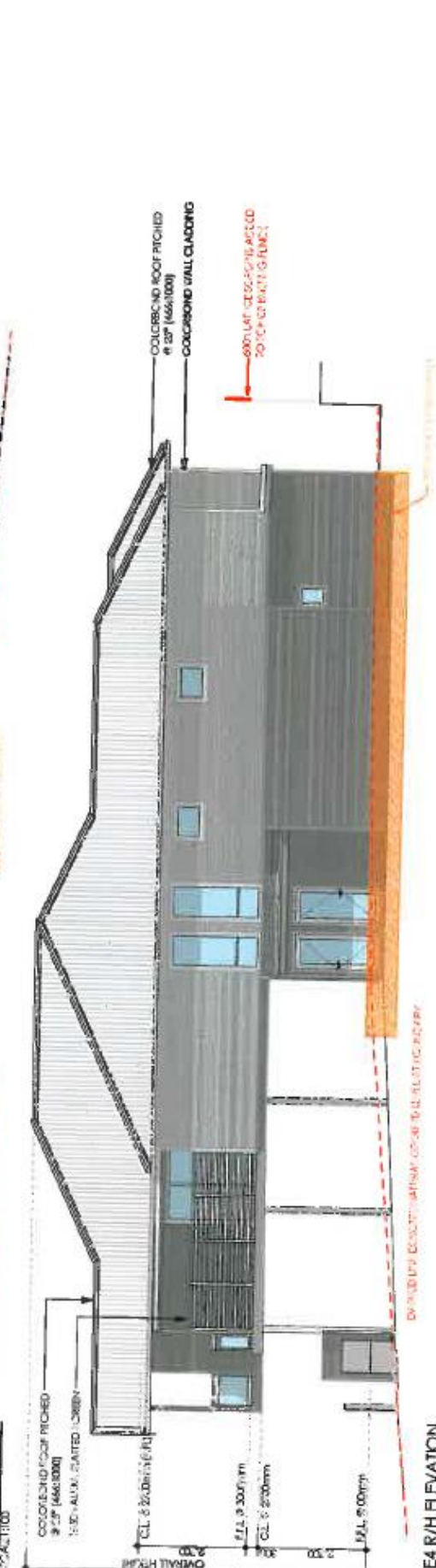
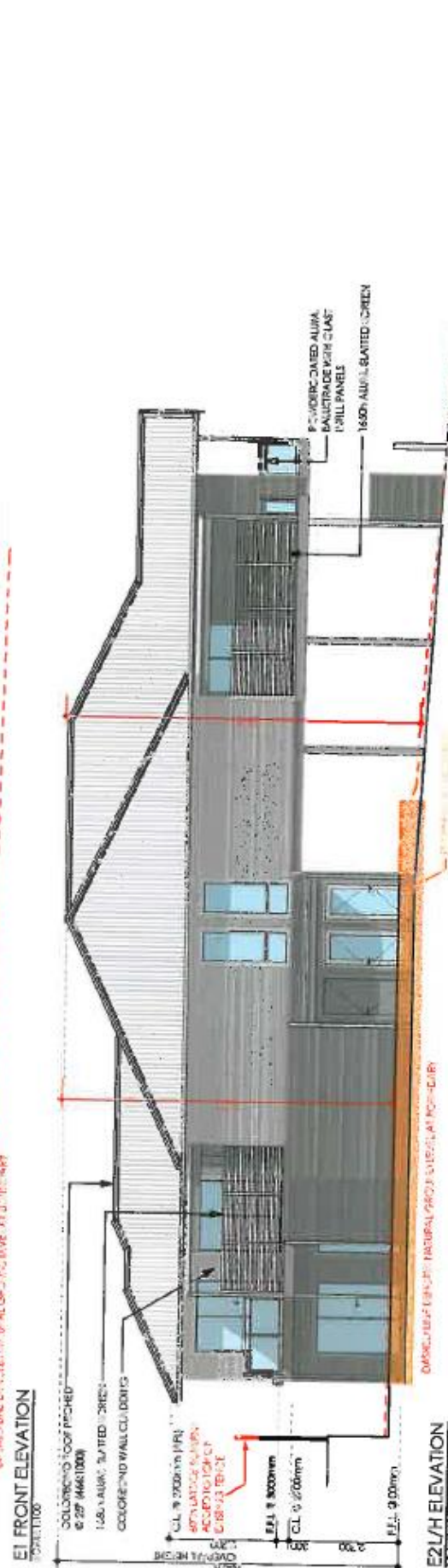
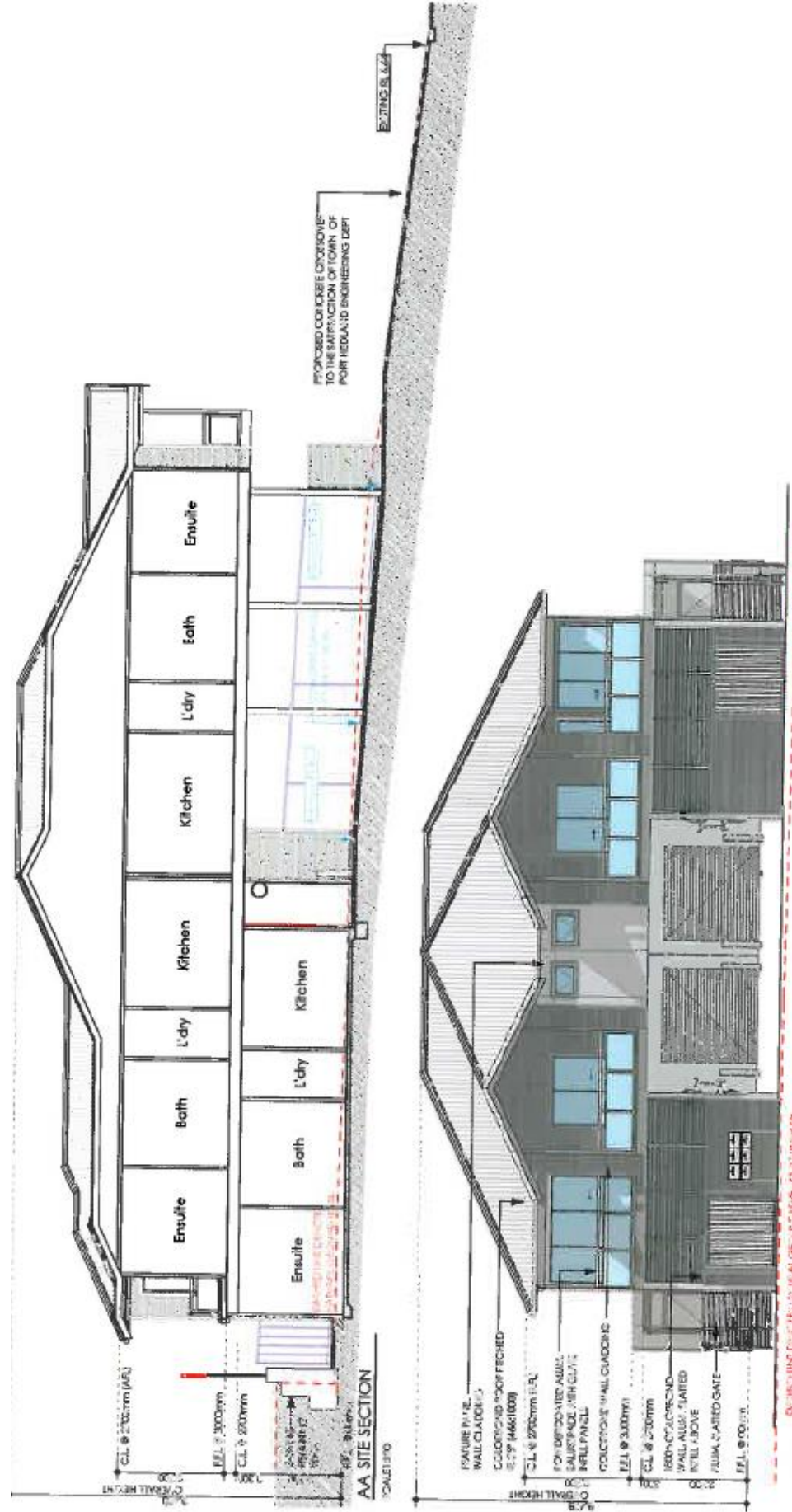
UNIT	AREA
UNIT 3 (BALCONY)	15.9
UNIT 3 (LIVING)	71.1
UNIT 3 (STORE)	4.7
UNIT 4 (BALCONY)	15.8
UNIT 4 (LIVING)	71.3
UNIT 4 (STORE)	4.0
UNIT 5 (BALCONY)	16.1
UNIT 5 (LIVING)	71.9
UNIT 5 (STORE)	4.6
UNIT 6 (BALCONY)	15.7
UNIT 6 (LIVING)	71.9
UNIT 6 (STORE)	4.0



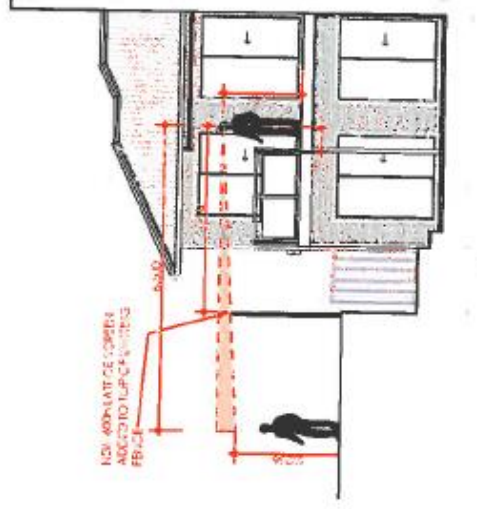
<p>TITLE: PLANNING APPROVAL (CA)</p> <p>CLIENT: BRAVO DEVELOPMENTS</p> <p>PROJECT: Proposed Multiple Dwellings LOT 2 51 MORGANS STREET PORT HEDLAND WA 4722</p>	<p>TITLE: FLOOR PLANS</p> <p>DATE: 08/11/12</p> <p>REV: 02</p> <p>DESCRIPTION: REVISIONS</p> <p>01: INITIAL CONCEPT</p> <p>02: REVISIONS FOR PLANNING APPROVAL</p> <p>03: PLANNING APPROVAL</p> <p>04: REVISIONS FOR PLANNING APPROVAL</p>	<p>DATE PRINTED: 20th Feb 2013</p> <p>TIME PRINTED: 1:18 PM</p>	<p>SHEET NO: 4 OF 6</p> <p>JOB NO: P2312-0487M</p> <p>DRAWING BY: 4.04</p>
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DRG 2013 / 285 / 3



OVERLOOKING DIAGRAM  
SCALE: 1:50



STAGE	PLANNING APPROVAL (CA)	REVISION	ELEVATIONS/SECTION	DATE	DESCRIPTION
1	BRavo DEVELOPMENTS	1		13/09/13	INITIAL CONCEPT
2	Proposed Multiple Dwellings	2		13/09/13	REVISED APPROVAL
3	LOT 2 51 MORGANS STREET	3		13/09/13	REVISED APPROVAL
4	FORT HEDLAND WA 6722	4		13/09/13	REVISED APPROVAL
5		5		13/09/13	REVISED APPROVAL

SHEET NO. 5 OF 6  
 JOB NO. P001-0007M  
 BUILDING DESIGNER  
 ARCHITECTURE  
 OF W.A.  
 SCALE: 1:50  
 DATE PLOTTED: 13/09/13







**BRAVO DEVELOPMENTS**  
 Proposed Multiple Dwellings  
 LOT 2 51 MORGANS STREET  
 PORT HEDLAND WA 6722



Layout Index			
Layout No:	Layout Name	Rev	Date
1	SITE LOCATION/PERSPECTIVES	04	22/2/13
2	FEATURE SURVEY/STRATA PLAN	04	22/2/13
3	SITE PLAN/OVERSHADOWING	04	22/2/13
4	FLOOR PLANS	04	22/2/13
5	ELEVATIONS/SECTION	04	22/2/13
6	LANDSCAPING PLAN	04	22/2/13



**SITE LOCATION MAP**  
SCALE: 1:5000



Approach from left side



**SITE LOCATION MAP (ENLARGEMENT)**  
SCALE: 1:1000



Approach from right side



STAGE: <b>PLANNING APPROVAL (CA)</b>		-HEB- <b>SITE LOCATION/PERSPECTIVES</b>		 REGISTERED PROFESSIONAL ENGINEER BUILDING DESIGNERS ASSOCIATION OF W.A.	SHEET NO: <b>1</b> OF 6 JOB NO: P2012-0482M DRAWING NO: 1.04
CLIENT: <b>BRAVO DEVELOPMENTS</b>	DATE: 05/12/13	REV: 01	DESCRIPTION: INITIAL 01-SCOP		
PROJECT: <b>Proposed Multiple Dwellings</b>	DATE: 05/12/13	REV: 02	DESCRIPTION: REVISED PLANNING APPROVAL		
<b>LOT 2 51 MORGANS STREET</b>	DATE: 05/12/13	REV: 03	DESCRIPTION: PLANNING APPROVAL		
<b>PORT HEDLAND WA 4722</b>	DATE: 05/12/13	REV: 04	DESCRIPTION: PERIOD OF CHANGE & 0101, & 4		
DATE PRINTED: 04/01/13 09:42:00		TIME PRINTED: 0:00:00			



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## ATTACHMENT 4 TO ITEM 11.1.1.5



Government of Western Australia  
 Department of Health  
 Public Health and Clinical Services Division  
 Environmental Health Directorate

Our Ref: EHB13/1282  
 F-AA-21909  
 Enquiries: W Warren

Mr Ryan Djanegara  
 Senior Statutory Planner  
 Town of Port Hedland  
 PO Box 41  
 Port Hedland WA 6721



Dear Ryan,

**Application 2013/285 for six multiple dwellings on Lot 2 (51) Morgans Street Port Hedland**

Thank you for your correspondence dated 23 May 2013 in requesting Department of Health (DOH) advice on the site plans, a dust mitigation report and the planners report.

New buildings are to meet these requirements in the Port Hedland Town Planning Scheme 5 Amendment 22. These requirements include: filtering of the outside air according to the G3, G4, F5 double filtration standards, erecting protective screening at entrances and on North and East of operable windows, and having operable windows on West and South faces only.

The DOH notes the planned use of separate wall-split air conditioning units. A regular maintenance schedule and frequent changing of air filtration pads would be necessary in these units and should be addressed in the all future proposals submitted to the DOH.

The information provided by Norman, Disney and Young lacked detail in respect to the criteria to be met in Amendment 22 or was contrary to the Scheme. Specifically these items need to be addressed:

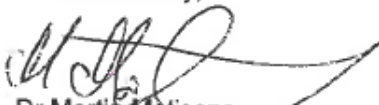
- State maintenance schedules for the replacement of filters on all split air conditioning units
- Fixed windows on the West and South facades
- No mention of airtight window seals
- No mention of dust seals on entry and balcony doors
- No details of the structures of the eaves on the proposed buildings
- Distances remaining on the North boundary of this block to Kingsmill Street are < 600m<sup>2</sup>

All potential residents are to be made aware of the Moratorium on Title and the potential health risks that are associated with living in the West End. The DOH notes the submission included a photocopy of page 39 from Amendment 22 of the Town Planning Scheme 5.

This proposal is insufficient in supplying evidence of meeting current standards.

If you require further information on these issues please contact Willow Warren on 9388 4957.

Yours sincerely,

  
 Dr Martin Matison  
 PRINCIPAL TOXICOLOGIST  
 7 June 2013

IPA 38059  
 File Number: ..... 804.627.G .....  
 Int. Correspondent:..... Leonard.....

W:\Public Health\EHD\EHHU\Toxicology\Typing\DOCUM\2013\DAP Port Hedland\130607ww 51 Morgans St Port Hedland.docx

All Correspondence: PO Box 8172 Perth Business Centre WA 6849  
 Grace Vaughan House 227 Stubbs Terrace Shenton Park, WA 6008  
 Tel (08) 9388 4999 Fax (08) 9388 4955

## ATTACHMENT 6 TO ITEM 11.1.1.5



Government of **Western Australia**  
Department of **Health**  
Public Health and Clinical Services Division  
Environmental Health Directorate

Our Ref: EHB13/1282  
F-AA-21909  
Enquiries: M Matisons

Mr Ryan Djanegara  
Senior Statutory Planner  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Ryan,

**Review of Application 2013/285 for six multiple dwellings on Lot 2 (51) Morgans Street Port Hedland**

Thank you for your email dated 3 September and the attached amended dust ingress mitigation report.

The Dust Mitigation report submitted by Bravo Developments outlines a program for monthly maintenance schedules and replacement of filtration systems in wall-split units, sufficient window and door treatments to reduce dust ingress, and sealed eaves to keep dust from entering the roof cavity or accumulation points above doorways.

This information addresses the points raised in my letter of 7 June 2013. The DoH is satisfied that the above application now meets the requirements of Town Planning Scheme 5 Amendment 22.

If you require further information, please contact me on 9388 4946.

Yours sincerely,

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

Dr Martin Matisons  
**PRINCIPAL TOXICOLOGIST**  
23 September 2013

W:\Public Health\EHD\EHHU\Toxicology\Typing\DOCUM\2013\DAP Port Hedland\130923 review of 51 Morgans St Port Hedland EHB13-1282.docx

**11.1.1.6 *Proposed Scheme Amendment No. 66 to the Town of Port Hedland Town Planning Scheme No.5: Rezone Lot 2940 Coppin Place, South Hedland from Other Public Purposes – Water and Drainage to Urban Development. (File No.: 18/09/0080)***

**Officer** Ryan Djanegara  
Senior Statutory Planner

**Date of Report** 4 September 2013

**Disclosure of Interest by Officer** Nil

### **Summary**

The Town has received a request from Whelans on behalf of Horizon Power to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)* to rezone Lot 2940 Coppin Place, South Hedland (subject site) from “Other Public Purposes – Water and Drainage” to “Urban Development”.

The request is supported by the Town’s Officers, and it is recommended that Council initiate the proposed scheme amendment.

### **Background**

The subject site is located south of the Pundulmurra Camp site and is an area predominately zoned R20 and R30. The land is a vacant parcel of 1.158ha and currently reserved “Other Public Purposes – Water and Drainage”.

The applicant proposes to rezone the subject site to “Urban Development” which will allow the exploration of future development opportunities via a development plan.

### **Consultation**

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation will be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to Section 81 of the Planning and Development Act, 2005, after which it will be advertised for public comment.

### **Statutory Implications**

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

### Policy Implications

10/001 – Existing Trees

“Pundul trees shall not be removed without prior consent of Council”.

### Strategic Planning Implications

The following sections of Council’s Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

---

6.3.1 Housing

---

Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

The following section of the “Pilbara’s Port City Growth Plan” is considered relevant to the proposal:

5.6.12 Precinct 12 – South Hedland East

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Precinct Plan summary

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Significant on-going infill/redevelopment of residential land.

- Implementation Indicators
- Key immediate land release sites being progressed by the private sector and not-for-profit organisations.
- Precinct Highlights
- Immediate term housing supply opportunity

### Budget Implications

The applicant has paid the prescribed fee of \$9,758.60 for the initiation of the scheme amendment.

### Officer’s Comment

#### *Urban Development Zone*

As noted in Clause 6.4 of the Town Planning Scheme, the purpose of the “Urban Development” zone is to identify land where detailed planning and the provision of infrastructure is required prior to the further subdivision and development of the land.

The detailed planning will be done through the preparation of a Development Plan. Such plan is to address all the matters outlined in Appendix 6 of the Port Hedland Town Planning Scheme No. 5.



Should Council resolve to initiate the scheme amendment as requested the site may not be developed until such time as Council has adopted a Development Plan over the area.

#### *Urban Development Zone*

The proposed zoning of "Urban Development" is in the absence of the Housing Strategy the most appropriate zoning to allocate the lot. On adoption of the Housing Strategy the Towns Officers will be in a position to inform Council through the Development Plan of the density coding that should be attributed to the lot.

#### *Pundul Trees*

A recent site visit has confirmed there are many existing Pundul trees located on the subject site. The proposed Scheme Amendment is not seeking approval to develop the land but identify the site for future urban development.

Under the Urban Development zone, Council can request a Development Plan be prepared and approved prior to considering any development on the site. As such, Council may request the applicant to retain where possible, or relocate the existing Pundul trees on the site.

Within the Officers recommendation an advice note has been included eluding the landowner to the requirement of obtaining Council consent to remove the existing Pundul trees.

### **Options**

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment.

The initiation of the Scheme Amendment is in line with the vision of the Pilbara Port City Growth Plan, and will allow the site to be considered for future development for housing opportunities.

2. Refuse to initiate the Scheme Amendment

The refusal to initiate the Scheme Amendment would result in the land remaining vacant and undevelopable.

Option 1 is recommended.

### **Attachments**

1. Location Plan
2. Scheme Amendment Documentation (Under Separate Cover)

**201314/131 Officer's Recommendation/ Council Decision****Moved: Cr Hunt****Seconded: Cr Jacob****That Council:**

- 1. Pursuant to Part 5 of the Planning and Development Act 2005, initiate Scheme Amendment No.66 to the Town of Port Hedland Town Planning Scheme No.5 to:**
  - a. Lot 2940 Coppin Place, South Hedland from 'Other Public Purpose – Water and Drainage' to 'Urban Development';**
  - b. Amend the Scheme map accordingly.**
- 2. Forward Amendment No. 66 to the Town of Port Hedland Town Planning Scheme No.5 to the Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act, 2005;**
- 3. Should confirmation from the EPA indicate the amendment is not subject to formal environmental assessment, advertise the amendment pursuant to Regulation 25(2) of the *Town Planning Regulations 1967 (as amended)* for a period of 42 days; and**
- 4. Advises the landowner the existing Pundul trees may not be removed without the Town's consent. In this regard the landowner will be required to provide the Town with a tree management plan. Such plan is to be submitted to and approved by the Manager Planning Services.**

***CARRIED 10/0***

ATTACHMENT 1 TO ITEM 11.1.1.6



**11.1.1.7 Proposed Final Adoption of Scheme Amendment 63 to the Town of Port Hedland Town Planning Scheme No. 5 – Water Corporation Rationalisation of Various Portions of Land Located within the South Hedland and Cooke Point Waste Water Treatment Plant (File No.: 18/06/0076)**

**Officer** Jorine Bothma  
**Senior Strategic Planner**

**Date of Report** 30 September 2013

**Disclosure of Interest by Officer** Nil

### **Summary**

Council at its Ordinary Meeting of 22 May 2013 resolved to initiate Scheme Amendment 63. The amendment seeks to rezone various portions of land surrounding the South Hedland Waste Water Treatment Plant and Portion of Lot 510 Cook Point Drive to 'Public Purpose – Waste Water Disposal and Treatment'. (Proposed waste water pumping station currently under construction).

The amendment was forwarded to the Environmental Protection Authority (EPA) and subsequently advertised in accordance with the *Town Planning Regulations 1967*.

During the advertisement period three (3) submissions were received. Two submissions were in support /no comment and one submission provided advice with respect to the clearing of native vegetation.

### **Background**

At the Ordinary Council Meeting of 22 May 2013, the proposed scheme amendment was presented to Council recommending initiation. Council resolved to initiate the scheme amendment (refer to Attachment 2 – Scheme Amendment Report).

Subsequently, the application was forwarded to the Environmental Protection Authority (EPA) for consideration. The EPA advised that an environmental assessment was not required and permitted Council to advertise the amendment in accordance with the *Town Planning Regulations, 1967* (refer to Attachment 5)

### **Consultation**

The proposed amendment was advertised from 24 July 2013 to 4 September 2013. The advertising was carried out by way of a sign on site, notification to relevant Government agencies, advertisements in the North West Telegraph, the Town's website and letters to affected and nearby landowners.

As a result of the above advertising, submissions were received from the South Hedland Owners and Trainers Association (SHOATA), Department of Parks and Wildlife and the Department of Water.

A brief overview of the submissions received is provided in the Table below. Additional information on the submissions is provided within the Schedule of Submissions (refer to Attachment 3).

	<b>Respondent</b>	<b>Position</b>
<b>1</b>	Department of Parks and Wildlife	Comments on the requirement for a permit when clearing native vegetation
<b>2</b>	South Hedland Trainers and Owners Association (SHOATA)	No comments/concerns raised
<b>3</b>	Department of Water (DoW)	No Objection

The Department of Parks and Wildlife indicated that a permit is required for the clearing of all native vegetation in Western Australia unless it is exempt in terms of Schedule 6 of the *Environmental Protection Act 1986* or in terms of Regulation 5 of the *Environmental Protection Regulations, 2004*.

### **Statutory Implications**

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

### **Policy Implications**

Nil

### **Strategic Planning Implications**

The following section of Council's *Strategic Community Plan 2012-2022* is considered relevant to the proposal:

6.3 Environment

6.3.4 Environment

Increased facilities for sustainable use of power and water

*Pilbara's Port City Growth Plan, 2012*

The following section of the *Pilbara's Port City Growth Plan, 2012* (Growth Plan) is considered relevant to the proposal:



Section 5.6.2 addresses the provision of wastewater services to the town in accordance with the forecast growth prospects. It notes as a strategic objective to decommission the WWTP located at Cooke Point and redirect all wastewater to the expanded WWTP in South Hedland.

*Pilbara Port City Implementation Plan*

The following section of the Pilbara Port City Implementation plan is considered relevant to the proposal:

Section 8.1 Infrastructure Capacity

Recommended actions which apply to the area which are decommissioning the WWTP at Cooke Point and upgrading the South Hedland WWTP.

*Pilbara Planning and Infrastructure Framework, 2012*

The Pilbara Planning and Infrastructure Framework (PPI) identify a number of Utility Infrastructure Objectives that makes specific reference to decommissioning the Port Hedland WWTP and augmenting the capacity at the South Hedland WWTP.

**Budget Implications**

The applicant has paid the prescribed fee for the initiation and adoption of the scheme amendment.

**Officer's Comment**

Scheme Amendment 63 will facilitate the future development and operation of the WWTP and pumping station, to provide for orderly and proper planning outcomes by ensuring the zonings and local reservations in TPS 5 are consistent with the existing and proposed land uses.

The most obvious factors to consider are current and expected odour emissions and updating the buffer area for the expansion of the South Hedland WWTP.

*Realignment of boundary relating to the expanded South Hedland Waste Water Treatment Plant*

Subsequent to the lodgement of the Scheme amendment request to the Town, the Water Corporation began a process of consolidating the various land parcels relating to the expanded South Hedland WWTP, and the entire area has recently become part of the same lot – Lot 350 / Reserve number 31687 all under the management of the Water Corporation (please refer to Attachment 6 – Deposited Plan)..

At this stage it was revealed that part of the previous Lot 344 Port Hedland was omitted from the original Scheme Amendment application area although it has always been part of Reserve 31687 (please refer to Attachment 7). The new lot configuration doesn't affect ownership or the extent of the proposed extended WWTP buffer area.

The remainder of the Scheme Amendment remains unaltered.

#### *Odour Emission*

Water Corporation appointed a consultant to undertake odour modelling for the proposed WWTP expansion in South Hedland.

The odour model reflects the immediate and long-term capacity of the WWTP and was based on expected emission rates at various stages of the upgrade.

#### *Buffer Area*

The buffer area supplied by the Water Corporation provides the basis for the boundary of the Special Control Area (SCA) and needs to be inserted into Town Planning Scheme No.5 demonstrating the expanded WWTP.

#### **Attachments**

1. Locality Plan
2. Scheme Amendment Report (Under Separate Cover)
3. Schedule of Submissions
4. Copy of submissions received
5. EPA advice
6. Deposited Plan
7. Initial and Modified Amendment boundary area

#### **Officer's Recommendation**

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act* adopt, Scheme Amendment No.63 to Town Planning Scheme No. 5 with a modification to consolidate all lots relating to the expanded South Hedland Waste Water Treatment Plant as part of Lot 350 and Reserve number 31687 and authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967 (as amended), including the fixing of the Council's seal;
2. Forwards three (3) copies of the approved scheme amendment and associated documentation to the Western Australian Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended); and

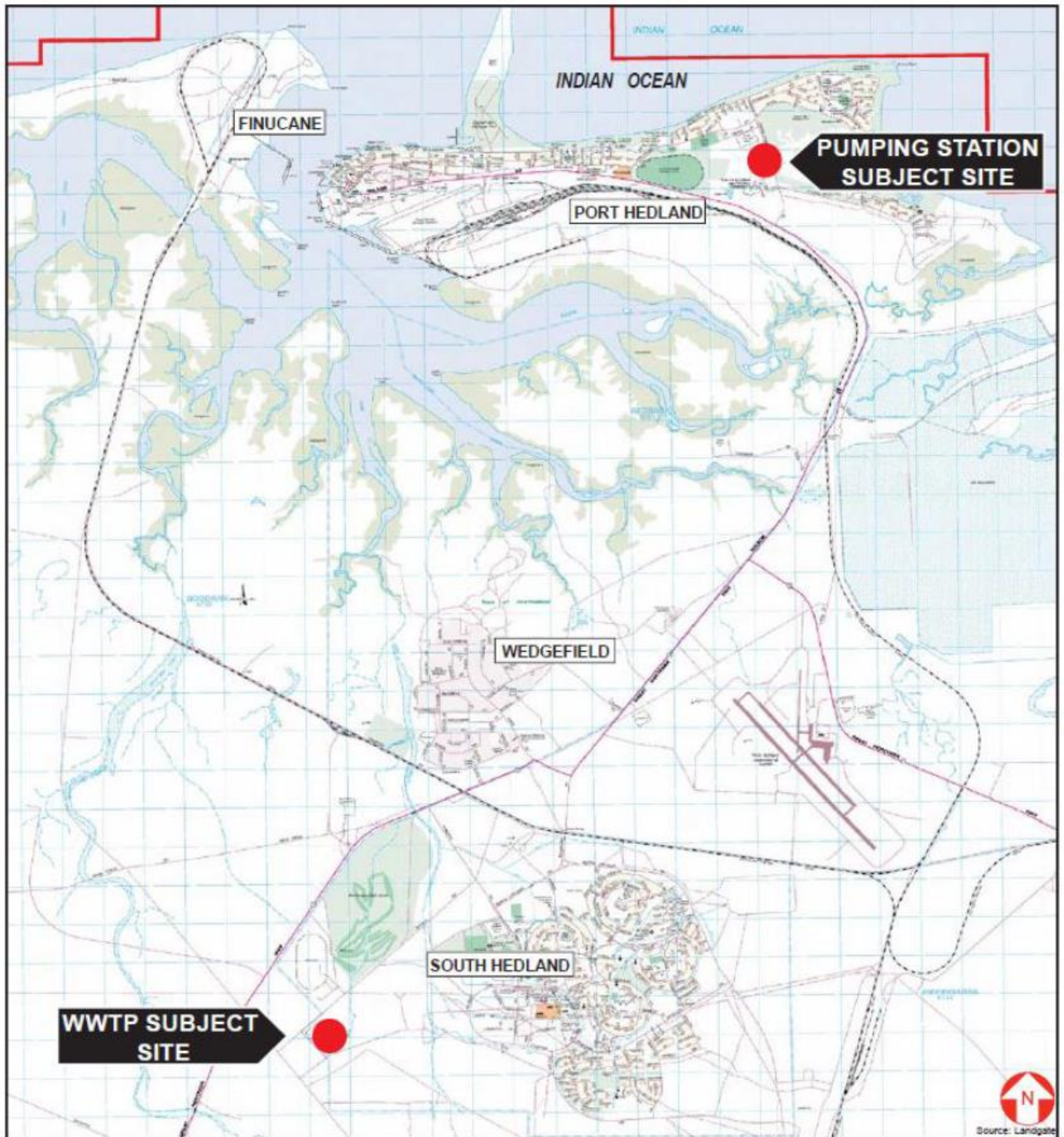
3. Endorses the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.

**201314/132 Council Decision****Moved: Cr Hooper****Seconded: Cr Jacob****That Council:**

1. Pursuant to Part 5 of the *Planning and Development Act* adopt, Scheme Amendment No.63 to Town Planning Scheme No. 5 with a modification to consolidate all lots relating to the expanded South Hedland Waste Water Treatment Plant as part of Lot 350 and Reserve number 31687 and authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967 (as amended), including the fixing of the Council's seal;
2. Forwards three (3) copies of the approved scheme amendment and associated documentation to the Western Australian Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended);
3. Endorses the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission; and
4. Advises the landowner any existing Pundul trees located within the scheme area shall not be removed without the Town's consent. In this regard the landowner will be required to provide the Town with a tree management plan. Such plan is to be submitted to and approved by the Manager Planning Services.

***CARRIED 10/0***

ATTACHMENT 1 TO ITEM 11.1.1.7



<b>Schedule of Submissions</b>	
Issues	Comments
<b>External Agencies</b>	
<p><b>Dept. Parks and Wildlife</b></p> <p><b>1. <u>Clearing</u></b>                      Clearing of native vegetation in WA is prohibited unless the clearing is authorized by a clearing permit obtained from the DEC or is a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Reg 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</p>	<p><b>1. <u>Clearing</u></b></p> <p>a. Approval of the Scheme Amendment is not the catalyst for clearing of the site.                      Prior to any clearing of land within the site the owner/developer shall be required to obtain a clearing permit from the DEC.</p>
DoW	No response required.
SHOATA	No response required.
	<p><b><u>Support</u></b>                      The activities of SHOATA is not affected by the proposal and no concerns are therefore raised at this point in time.</p>



## ATTACHMENT 4 TO ITEM 11.1.1.7

**Bothma Jorine**

---

**From:** MURRAY Philip [Hedland Senior High School]  
<Philip.Murray@education.wa.edu.au>  
**Sent:** Wednesday, 21 August 2013 1:39 PM  
**To:** Bothma Jorine  
**Subject:** FW: Town planning Scheme Amendment 63- request for comment  
**Attachments:** Skm1-civic13082110250.pdf

Hi Jorine,

We have looked at this and it does not appear to be affecting us, therefore, we have no concerns at present.

Regards

*Philip Murray*

SHOATA Secretary and Treasurer  
PO Box 2046  
South Hedland , 6722, WA

Email : [philip.murray@education.wa.edu.au](mailto:philip.murray@education.wa.edu.au)  
Phone : 08 91728000 (Switch)  
Phone : 08 91728044 (Direct)  
Mobile : 0438 722291

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**From:** Shio Blair [<mailto:shio@live.com.au>]  
**Sent:** Wednesday, 21 August 2013 10:42 AM  
**To:** MURRAY Philip [Hedland Senior High School]  
**Subject:** FW: Town planning Scheme Amendment 63- request for comment

just got this. reply to them all contact is via your email and to remove my email from their emailing list :)

---

**From:** [ssp1@porthedland.wa.gov.au](mailto:ssp1@porthedland.wa.gov.au)  
**To:** [shio@live.com.au](mailto:shio@live.com.au)  
**Subject:** Town planning Scheme Amendment 63- request for comment  
**Date:** Wed, 21 Aug 2013 02:30:54 +0000

To whom it may concern

Attached is a letter sent to the South Hedland Owners and Trainers Association. SHOATA is landowners in close proximity to one of the Scheme Amendments we are doing in the area. I am not sure whether it is Phil or Steve I spoke to. I was informed telephonically that SHOATA has no comment/objection to offer to

the proposed Scheme Amendment. I however require this in writing in terms of the Planning and Development Act, 2005. Can you please direct this letter to the appropriate person to respond before 4 September 2013.

Kind Regards and thanks



**Jorine Bothma**

Senior Strategic Planner  
PO Box 41 Port Hedland WA 6721  
Ph: (08) 9158 9328 Fax: (08) 9158 9399  
Email: [ssp1@porthedland.wa.gov.au](mailto:ssp1@porthedland.wa.gov.au)  
Web: [www.porthedland.wa.gov.au](http://www.porthedland.wa.gov.au)

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**Bothma Jorine**

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**From:** Morris, Kerri <Kerri.Morris@DPaW.wa.gov.au>  
**Sent:** Thursday, 19 September 2013 3:53 PM  
**To:** Bothma Jorine  
**Cc:** Hoskin, Libby  
**Subject:** Application: 2013/195

Good afternoon

Regarding the above application for Scheme Amendment 63 – Water Corporation Infrastructure.

Department of Parks and Wildlife: It should be noted by the applicant that clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Parks and Wildlife or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

If you have any queries regarding this matter please call Libby Hoskin at DEC Karratha Regional Office on 9182 2004.

DPaW would like to apologise for the lateness of our comments due to staff shortages at this time.

Kind Regards

Kerri Morris

Administration Assistant

Department of Parks and Wildlife | Pilbara Region  
Lot 3 Mardie/Anderson Roads, PO Box 835, Karratha WA 6714  
Ph: 08 9182 2019 | Fax: 08 9144 1118 | Web: [www.dpaw.wa.gov.au](http://www.dpaw.wa.gov.au)



**PARKS AND  
WILDLIFE**



BEFORE PRINTING THIS E-MAIL  
please consider the environment

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**Bothma Jorine**

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**From:** MCKEOUGH Karen <Karen.MCKEOUGH@water.wa.gov.au>  
**Sent:** Thursday, 5 September 2013 3:51 PM  
**To:** Bothma Jorine  
**Subject:** AMD 63 Water Corporation Infrastructure

Hi Jorine,

Apologies for the delay in responding to this referral. The Department of Water has assessed the above application and can advise that it has no objections to the proposal.

Regards,

**Karen McKeough**

Landuse Planning Officer

Department of Water - Pilbara Region

phone: 9841 0128

[karen.mckeough@water.wa.gov.au](mailto:karen.mckeough@water.wa.gov.au)

**Disclaimer:**

This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.

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## ATTACHMENT 5 TO ITEM 11.1.1.7



## Environmental Protection Authority



15/7/13 \$ → JB



Document #: IPA39300  
 Date: 07.11.2013  
 Officer: LEONARD LONG  
 File: 18/09/0076 → Steve

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

Our Ref 13-219242  
 Enquiries Stephen Pavey  
 Phone 6145 0837

Attn: Jorine Bothma

*Some, please proceed with this required consultation.*

Dear Sir/Madam

**DECISION UNDER SECTION 48A(1)(a)**  
**Environmental Protection Act 1986**

**SCHEME AMENDMENT TITLE:** Town of Port Hedland Town Planning Scheme 5 Amendment 63 - Rezoning to Public Purpose - Waste Water Disposal and Treatment

**LOCATION:** various portions of land surrounding South Hedland WWTP & part Lot 510 Cooke Point Drive

**RESPONSIBLE AUTHORITY:** Town of Port Hedland

**DECISION:** Scheme Amendment Not Assessed (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be **assessed** under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not **assess** the scheme amendment.

Level 4, The Atrium, 168 St Georges Terrace, Perth, Western Australia 6000  
 Telephone 08 6145 0800 Facsimile 08 6145 0895 Email [info@epa.wa.gov.au](mailto:info@epa.wa.gov.au)

Locked Bag 10, East Perth WA 6892

[www.epa.wa.gov.au](http://www.epa.wa.gov.au)



- This letter will be made available to the public on request.

Yours faithfully

*Mark Jefferies*

Mark Jefferies  
A/Director  
Assessment and Compliance Division

8 July 2013

Attachment 6

LOT	FORMER PI/TENURE	ON PLAN/DIAGRAM	TITLE
LOT 350	LOT 300	DP 182534	LR 3021/73
	PT LOT 340	DP 72901	LR 3161/712
	LOT 341	DP 72901	LR 3161/712
	LOT 342	DP 72901	LR 3161/714
	LOT 343	DP 72901	LR 3161/715
	PT LOT 344	DP 72901	LR 3161/716
	LOT 356	DP 74206	LR 3008/258
	LOT 357	DP 74206	LR 3008/522
	LOT 4508	DP 182534	LR 3112/180
	PT LOT 5157	DP 214217	LR 3139/368
LOT 351	PT LOT 340	DP 72901	LR 3161/712
	PT LOT 331	DP 72894	LR 3161/417
LOT 352	PT LOT 340	DP 72901	LR 3161/712
	PT LOT 605	DP 71984	LR 3161/585
	PT LOT 5157	DP 214217	LR 3008/522
	LOT 5526	DP 215251	LR 3008/466
	PT LOT 5864	DP 218335	LR 3145/829
LOT 353	PT LOT 344	DP 72901	LR 3161/716
LOT 359	PT LOT 605	DP 71984	LR 3161/585
LOT 360	PT LOT 5864	DP 218335	LR 3145/829
LOT 361	PT LOT 331	DP 72894	LR 3161/417
LOT 362	PT LOT 301	DP 71522	LR 3160/876

DISTRICT FORREST		SSA NO
TOWNSITE PORT HEDLAND		FORMER TENURE
DRDL FILE 02366-1988, 01975-1977		SEE ABOVE TABLE
LOCAL AUTHORITY TOWN OF PORT HEDLAND		FIELD BOOK
LOCALITY SOUTH HEDLAND, BOODARIE		119941
INDEX ON BL66 (18) 5.5		(NAM 4733)
BL66 (2) 25.21, 25.22		

SCALE: 1:8000 AT A2 SIZE

ALL DISTANCES ARE IN METRES

SURVEYOR'S CERTIFICATE - Reg 54

I, GLENN BUSH, Surveyor, do hereby certify that this is an accurate and to a correct representation of the (a) survey, and (b) (where applicable) measurements taken in accordance with the relevant law in relation to which it is lodged.

WHELAN'S (WA) PTY LTD

LODGED DATE TYPE OF VALIDATION APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION

EXEMPT FROM WAPC APPROVAL

IN ORDER FOR DEALINGS

SUBJECT TO

FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER DATE

APPROVED

INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER DATE

**Landgate**  
Western Australian Land Information Authority

DEPOSITED PLAN

74712

whelans

6:\Projects\75\75464\Carters\statutory\drafting\75464022.dwg  
19/10/13 10:40:00 AM

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(H)	MEMORIAL	CONTAMINATED SITES ACT 2003	DOC L003681	LOT 350	DEPARTMENT OF ENVIRONMENT & CONSERVATION	

LOTS 351, 353, 361 & 362 ARE SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES



Original Amendment area at time of initiation



Revised Amendment area after LandCorp reconfiguration



**11.1.1.8 Final Adoption of South Hedland Town Centre Development Plan (File No.: 18/12/0030)**

**Officer** Steve de Meillon  
Senior Strategic Planner

**Date of Report** 23 September 2013

**Disclosure of Interest by Officer** Nil

**Summary**

At the Special Council Meeting on the 31 July 2013 Council resolved to initiate advertising of the South Hedland Town Centre Development Plan (SHTCDP).

The Town's Officers support the proposed adoption of the SHTCDP.

This report is presented to Council to review the content of the submissions received, and consider final adoption of the South Hedland Town Centre Development Plan.

**Background**

The Development Plan has now been advertised in accordance with the Town of Port Hedland Town Planning Scheme No.5 (TPS5), and as per the 31 July 2013 Council resolution.

**Consultation**

The Development Plan was advertised and circulated as follows:

North West Telegraph: 7/8/2013, 14/8/2013 and 21/8/2013  
Council Website: 7/8/2013 – 18/9/2013

Written notification was sent to all landowners within the Development Plan boundary.

Written notification was sent to the following agencies:

- Department of Regional Development
- Department of Lands
- Pilbara Development Commission
- Department of Environment Regulation
- Department of Planning
- Department of Water
- Water Corporation Horizon Power
- Optus
- Telstra
- Main Roads WA
- Department of Indigenous Affairs
- Department of Education

- Department of Community Development

A summary of submissions received during the advertising period is contained within Table 1 below:

Correspondent	Issue Raised	Response
Department of Aboriginal Affairs	<p>There are no known Aboriginal heritage sites or places which intersect with the area to which the Plan relates.</p> <p>Prior to development associated with the Plan occurring DAA would recommend reference to the State's Aboriginal Heritage Due Diligence Guidelines occur.</p>	Noted.
Department of Education	Advises the student yield generated from residential development is to be accommodated in the future primary school site identified in the proposed Western Edge Development Plan.	Noted.
Optus	Advises that Optus has underground assets in the area. Recommends lodging a 'Dial Before You Dig' request for development proposals in the area.	Responsibility of developers when development occurs on the various sites.
Main Roads WA	No objection.	Noted.
Department of State Development	<p>Provides the following comments:</p> <p>Supports the preparation and endorsement of the Development Plan, which will provide a strategic direction for the orderly and proper planning of the South Hedland Town Centre.</p> <p>Supports increasing residential development in South Hedland. This will assist in alleviating pressure on constrained residential areas, including the West End.</p> <p>The Development Plan area is outside the Boodarie Industrial Estate buffer. This will enable increased residential and commercial development that</p>	Noted.



	will not compromise amenity or adversely affect industrial activities.	
Department of Local Government and Communities	The Department does not comment on proposed local government planning strategies, schemes or plans.	Noted.
Telstra	No objection.	Noted.
Water Corporation	No objection subject to the following advice: In summary, Services can be provided subject to reticulation upgrades by the developer. Wastewater headworks are in the process of being augmented. Future headworks size water mains will augment the current infrastructure when required. Water efficiency is to be addressed at every planning and development approval step.	Noted.
Department of Water	No objection.	Noted.

### Statutory Implications

The review and assessment of the Development Plan has been undertaken in accordance with the *Planning and Development Act 2005* and the *Town of Port Hedland Town Planning Scheme No.5*.

### Policy Implications

Once endorsed by Council, a Development Plan becomes a policy statement under the statutory provision of the town of Port Hedland Town Planning Scheme 5.

### Strategic Planning Implications

The following sections of the Town of Port Hedland Strategic Community Plan 201 – 2022 are relevant to the proposal:

#### 6.1 Community

##### 6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally.

##### 6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities and opportunities. Commit to improving the quality of life and wellbeing of residents.

6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth. Enhance supply of suitably located and supported industrial and retail land.
6.3	Environment
6.3.1	Housing
	Attract and retain new residents to increase the population to 40,000 by 2025.
6.3.2	Community Facilities
	Provide safe and accessible community facilities, libraries, services and public open spaces that connect people and neighbours. Facilitate the provision of high quality health services and facilities for residents that are equal to or above the quality of those found in the metropolitan area.

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

Section 5.6.11

Precinct 11 – City Centre

Precinct Plan Summary:

- The development and revitalisation of the South Hedland City Centre has the potential to act as a catalyst for further development and growth, engendering business confidence as well as local community pride and ownership.
- Providing a City Centre point or 'hub' of activity where people can meet and interact on an organised or chance basis and which supports a variety of services and functions.
- Providing stronger pedestrian / cyclist and vehicular connections into the City Centre making travel more convenient.
- Providing shaded pedestrian walkways and open areas in an attractive setting within the City Centre that encourages people to remain and spend time.
- Introducing a greater permanent residential population through the release of a variety of medium and higher density housing types reflective of a City Centre location.
- Providing a logical program for the redevelopment of available existing land and the future release of vacant land with an overall vision of a more vibrant place to live, work and recreate.
- Recognising demands for short-stay and tourism with the release of land for accommodation, entertainment and related uses.

Improvements to the public realm will be achieved in line with the following planning and design principles:

- Clear definition of public spaces, with each having a unique character and sense of place, and surrounding built form interacting positively for ease of site identification and recognition.
- Functionality and usability of public spaces for a wide range of people, with appropriate levels of landscaping and public facilities to encourage activity.
- High levels of visual amenity and points of interest, including key destinations, land marks and gateways.
- Ensuring that streets serve not only to provide for the safe, efficient movement of vehicles, but also for the movement of pedestrians and cyclists, and act as dynamic, interesting public spaces in their own right.
- Celebration of community heritage through the use of public art and landscaping to tell the story of the places and its people.
- Adequate levels of lighting, activity and passive surveillance to improve the safety of public spaces.

#### *Implementation Indicators*

- Review/refinement of existing South Hedland Town Centre Development Plan to reflect enhanced City Centre role.

#### **Budget Implications**

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

#### **Officer's Comment**

The rationale and aim of the Development Plan is summarised as:

The general aim of the SHTCDP is twofold. Firstly to update the existing Development Plan in accordance with the new growth and investment as recommended through the Growth Plan. Secondly to bring the existing Development Plan in to line with the introduction of the new Structure Plan Preparation Guidelines.

#### *Modifications to the Development Plan*

No objections were received through the advertising period. However, some minor modifications have been identified through the advertising period, which need to be addressed prior to Council adoption.

The proposed modifications as summarised below and provided in further detail within the attached Schedule of Modifications:

1. Clause 3.9 Car Parking
  - a. Edit of the text to provide further clarity for readers to determine how car parking was calculated and how it applies to new and existing developments within the South Hedland Town Centre.

2. On the Development Plan, increase the northern boundary of the public open space at Lot 521. This will ensure consistency with ultimate lot boundaries within the Development Plan area. (refer attachment 4 – Point 2)
3. On the Development Plan, increase the area of the central 'Preferred Public Car Park Location' located between McLarty Boulevard (north), Wise Terrace (east) and Colebatch Way (south) further west to align with the boundary of Precinct C. This will ensure consistency with the ultimate lot boundaries within the Development Plan area. (refer attachment 4 – Point 3)
4. On the Development Plan, adjust the north – south boundary of Precinct D located between Throssell Road (north) and McLarty Boulevard (south) east to align with the boundary of Precinct B. This will ensure the future development of land will be clearly identified for its intended purpose. (refer attachment 4 – Point 4)
5. Update references in the Development Plan to ensure consistency of terminology:
  - a. Change all references of 'City Centre' to 'Town Centre'.
  - b. Change all references of car parking, parking bays, bays to 'car parking bay(s)'.
  - c. Update title of document to 'South Hedland Town Centre Development Plan' to ensure greater consistency with the Town Planning Scheme provisions.

### **Options**

1. Adopt the Development Plan with modifications.

This option should be resolved to allow Council to include minor modifications to the Development Plan identified through the advertising period. A Schedule of Modifications is contained within attachment 2.

2. Adopt the Development Plan without modifications.

This option is to retain the Development Plan as advertised, without any changes. Both option 1 and 2 would allow the Development Plan to be forwarded to the Western Australian Planning Commission for adoption. Adoption of the Development Plan would provide a new and updated framework to guide the development of the South Hedland Town Centre.

3. Refuse to endorse the Development Plan

This option should be resolved if Council considers the Development Plan is in conflict with the Town's strategic planning and growth.

Option 1 is recommended.

**Attachments**

1. Modified South Hedland Town Centre Development Plan Figure.
2. Schedule of Modificaitons.
3. Copies of Submissions received.
4. Boundary Modifications.

**201314/133 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

**That Council:**

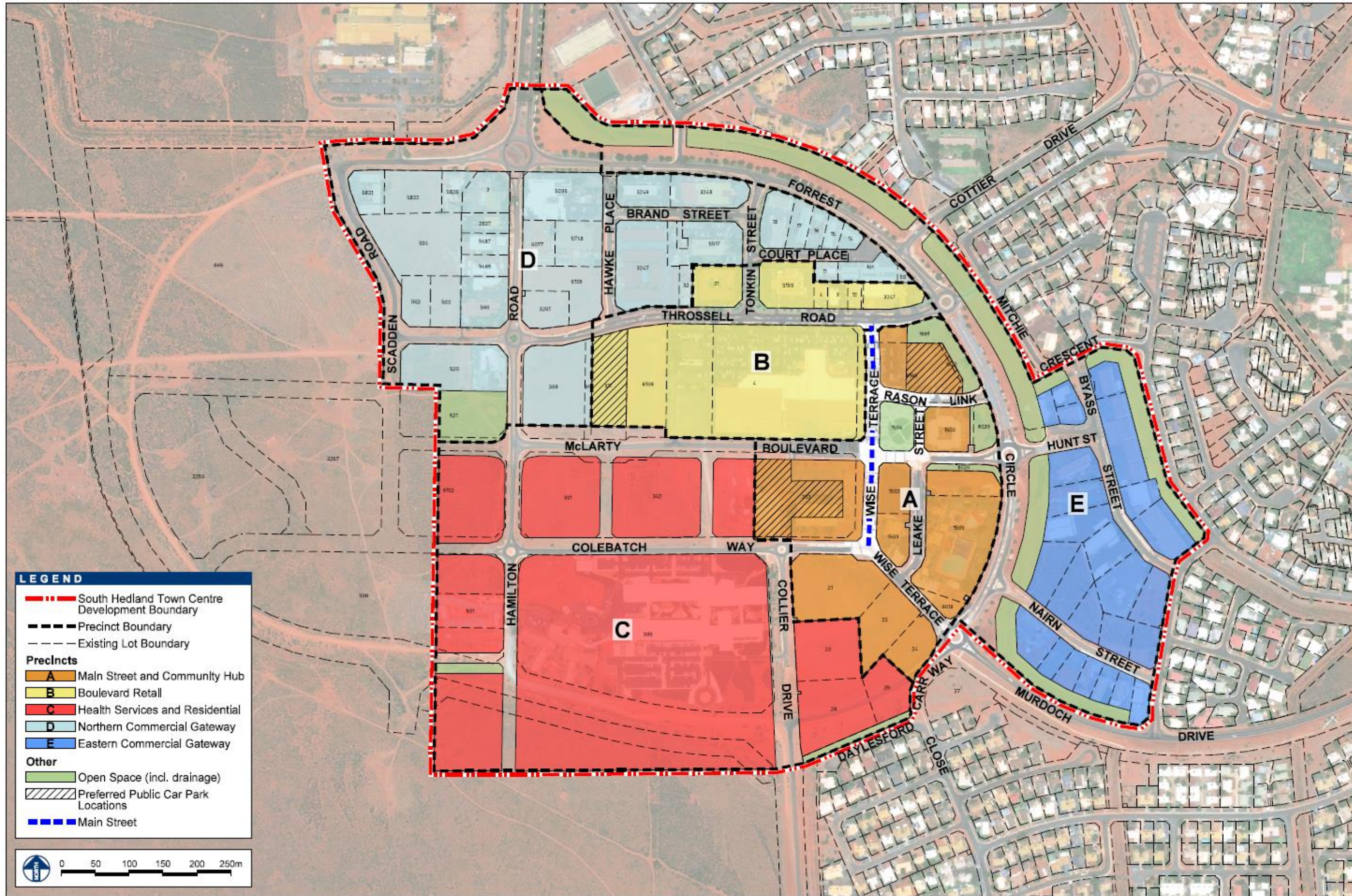
1. **Adopts the South Hedland Town Centre Development Plan with the modifications specified in Attachment 2 – Schedule of Modifications;**
2. **Requests the Chief Executive Officer, or his delegate(s), to endorse the adopted Development Plan and forward it to the Western Australian Planning Commission for adoption; and**
3. **Requests the Chief Executive Officer, or his delegate(s), to advise the applicant of Council's decision.**

***CARRIED 10/0***



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**LEGEND**

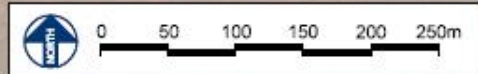
- - - - - South Hedland Town Centre Development Boundary
- Precinct Boundary
- Existing Lot Boundary

**Precincts**

- A Main Street and Community Hub
- B Boulevard Retail
- C Health Services and Residential
- D Northern Commercial Gateway
- E Eastern Commercial Gateway

**Other**

- Open Space (incl. drainage)
- Preferred Public Car Park Locations
- Main Street



**RPS** Australia East Pty Ltd  
 ABN 44 40292782  
 PO Box 488 SUBIACO WA 6004  
 38 Stirling Street SUBIACO WA 6008  
 T +61 8 9211 1111 W rpsgroup.com.au

Base data supplied by Landgate, Aerial Dated December 2011.  
 Accuracy +/- 4m, Projection PNG84,  
 © COPYRIGHT PROTECTS THIS PLAN  
 2967\_164-2008.dwg : PLAN No  
 A.L.: DRAWN

15,000@A3 : SCALE  
 26 September 2013 : DATE

**SOUTH HEDLAND TOWN CENTRE DEVELOPMENT PLAN MAP**  
 South Hedland Town Centre



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Schedule of Modifications

No.	Section of report	Modification	Justification
1	Clause 3.9 Car Parking	<p><b>3.9 CAR PARKING</b></p> <p><b>3.9.1 Overview</b></p> <p>A successful Town Centre will be serviced by an adequate number of parking bays to service resident, commercial and visitor needs. This means that the number of parking bays provided achieves a balance between under-supply that would constrain accessibility to the Centre, and over-supply that would serve to under utilise land.</p> <p>Some parking is required for exclusive use, such as residential parking. Commercial activity however requires bays to be publicly available to customers. It is recognised that visitors to the Town Centre may attend a number of properties in one visit. This means that some parking bays are effectively shared between different development sites. In this circumstance, it is appropriate to discount the number of bays required by individual developments, and for some parking to be on public land to allow effective sharing of bays.</p> <p>The Master Plan acknowledges the ability of the Town of Port Hedland to discount parking calculations where reciprocal arrangements can be demonstrated. The plan also acknowledges the capacity for cash-in-lieu of parking on individual development sites. The Master Plan is supported by an accompanying Parking Strategy prepared by Porter Consulting and incorporated within the Transport Assessment contained within Appendix 5.</p> <p><b>3.9.2 Parking Provision for New Development</b></p> <p><b>3.9.2.1 Residential Parking</b></p>	<p>Reword the text to provide further clarity for readers to determine how car parking was calculated and applies to new developments.</p>

	<p>Proposed residential developments (i.e. grouped dwellings and multiple dwellings), shall provide all required car parking on-site. The adequate provision of car parking for residential uses in the Town Centre is considered to be fundamental to the success of the Development Plan and ultimately the amenity for future residents. Together with other relevant development requirements under the R-Codes, the requirement for on-site parking also assists in ensuring residential density is appropriately controlled.</p>	
	<p><b>3.9.2.2 Non-Residential Parking</b></p> <p>Proposed non-residential developments (including the portion of commercial within mixed uses developments), shall identify the number of required car parking required by the development. The determination shall be made either using the minimum car parking requirements contained within Appendix 8 of the Town Planning Scheme, or where suitable justification is provide by a Traffic Statement / Report.</p>	
	<p>Once the amount of car parking bays required for a non-residential development is determined, a 20% shared use reduction shall be applied to that number of bays, to determine the final amount of parking required by the development.</p>	
	<p>With the inclusion of the 20% shared use reduction applied, all non-residential developments shall provide a minimum of 80% of the final required parking on-site.</p>	
	<p><b>3.9.3 Car Parking Calculations</b></p> <p>The supporting Transport Assessment contained within Appendix 5, identifies a total number of required parking bays to be 5,896 bays.</p>	



	<p>On the basis of all proposed residential developments (i.e. grouped dwellings and multiple dwellings) providing all required car parking on-site, the total future demand of car parking bays as listed in the Transport Assessment should be revised to 2,411, being the number of bays estimated for future non-residential land uses only.</p> <p>Further, and noting the findings of the Community Facilities Parking Strategy, also prepared by Porter Consulting Engineers, the estimated number of car parking bays required for these facilities outlined in the Transport Assessment table (being 279) should be subtracted from the overall estimated future demand figure and be included as a separate component to the overall parking demand calculations. This results in the overall estimated future demand for non-residential uses as being 2,132.</p> <p>As supported by the Transport Assessment, including the literature cited within the report (refer Appendix 5), a shared use reduction of 20% is considered appropriate. The application of this shared use reduction factor has been applied acknowledging the Town Centre context, and specifically the cross-visitation and reciprocal use of car parking bays across non-residential development within the Town Centre. Further, cross-visitation within the Town Centre will be promoted through the increased level of 'walkability', implemented both through the recently completed Town Centre upgrades and the use of Design Guidelines which promote pedestrian-friendly streets (i.e. standards relating to active frontages, awnings, setbacks).</p> <p>Accordingly, the following is calculated:</p> <ul style="list-style-type: none"> <li>• Estimated Future Demand (Non-Residential) = 2,132</li> <li>• Less the 20% shared use factor = 1,706</li> </ul>	
--	--	--

	<p>Based on the future non-residential forecasted demand of 1,706, the following calculations are provided:</p> <ul style="list-style-type: none"> <li>• 80% on-site parking provided for future development = 1,365 on-site bays, leaving 342 off-site parking bays being required.</li> </ul> <p>The current number of dedicated public parking bays proposed by Porter's Transport Assessment is 969 (this excludes the 88 bays identified in Porter's Transport Assessment that are wholly required for the South Hedland Aquatic Centre).</p> <p>On the basis of future non-residential developments providing a minimum of 80% of the assessed car parking requirement on-site, there is a surplus of 627 public car parking bays.</p> <p>The above figures however do not account for the car parking numbers outlined in the Community Facilities Parking Strategy. We understand that the redevelopment of the Community Facilities requires a total of 365 car parking bays. Application of the 20% shared use reduction factor, brings this total requirement down to 292. With a total number of proposed on-site bays being 115, this leaves a shortfall of 177 car parking bays.</p> <p>Despite the number of on-site bays being less than the 80% target, the Town is prepared to support the resulting shortfall being provided off-site, subject to adequate provision being made within close proximity, being the general area bound by Wise Terrace (west and south), Throssell Road (north) and Forrest Circle (east). The current Transport Assessment identifies 142 public parking car bays (incl. on-street bays) within this area, leaving a shortfall of 35 bays.</p> <p>Incorporating this shortfall, the total number of public car</p>

parking bays proposed with the South Hedland Car Parking Study Area is now proposed to be 1,004.

On the basis of future non-residential developments providing a minimum of 80% of the assessed car parking requirement on-site, and the considerations as outlined above, there is a calculated surplus of 485 public parking bays.

Table 4 demonstrates the car parking calculations:

*Car Parking Calculation Table*

The purpose of these calculations is to demonstrate that the Development Plan identifies areas for appropriately located public parking, and that should non-residential development not be able to achieve 80% of the assessed parking on-site, then there is sufficient scope to entertain an increase in the amount of off-site bays permitted (via cash-in-lieu).

A reduction to the minimum 80% on-site parking requirement target should be assessed on the merit of each individual development proposal, including its overall contribution to the objectives of the South Hedland Town Centre Development Plan and the availability of off-site parking.

**3.9.3 Variations**

The preferred location and distribution of the public parking areas are illustrated on both the Development Plan map and Figure 42. These locations have been deliberately annotated as 'preferred', acknowledging the variables associated with development timing and availability of land for public parking.

The methodology and/or requirement for the provision of on-site parking does not bind the Council in respect of any application for planning approval proposing a variation to the

		<p>required number of car parking bays. As per Clause 6.13.5 of the Town Planning Scheme No. 5, where the Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, a reduction in the number of car parking spaced required may be permitted.</p> <p>The number of required public parking bays (i.e. off-site parking) is to be subject to regular review and monitoring as new developments are approved / constructed.</p> <p>Increase the western most portion of public open space boundary north.</p>	
2	The Development Plan Figure(s)		<p>This will ensure consistency with ultimate lot boundaries within the Development Plan area.</p>
3	The Development Plan Figure(s)	<p>Increase the area of the central 'Preferred Public Car Park Location' located between McLarty Boulevard (north), Wise Terrace (east) and Colebatch Way (south). Increase the area of parking west in line with the boundary of Precinct A and B.</p>	<p>This will ensure consistency with the ultimate lot boundaries within the Development Plan area.</p>
4	The Development Plan Figure(s)	<p>Adjust the north – south boundary of Precinct D located between Throssell Road (north) and McLarty Boulevard (south). Move the boundary east, in line with the currently identified Precinct B, and indicate the unidentified land as Precinct D.</p>	<p>This will ensure the future development of land will be clearly identified for its intended purpose.</p>
5	General Text Modifications	<p>a. Change references of 'City Centre' to 'Town Centre'.                  b. Change references of car parking, parking bays, bays to 'car parking bay(s)'.                  c. Update title of document to 'South Hedland Town Centre Development Plan'.</p>	<p>The changes will ensure consistency of terminology, and ensure consistency with the provisions in the Town Planning Scheme.</p>



## ATTACHMENT 3 TO ITEM 11.1.1.8



Government of Western Australia  
Department of Aboriginal Affairs

ENQUIRIES : Simon Keenan - Ph 6551 8118  
OUR REF: 13/0048

YOUR REF: 2012/629 / 18/12/0030

1CR39972  
File Number: ..... 18/12/0030  
Int. Correspondent: ..... Leonard

§ 12/7/13  
→ Steve



Mr Steve de Meillon  
Senior Strategic Planner  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

Dear Mr de Meillon

**APPLICATION 2012/629 - SOUTH HEDLAND TOWN CENTRE DEVELOPMENT PLAN**

Thank you for your letter of 1 August 2013 inviting the Department of Aboriginal Affairs to comment upon proposed South Hedland Town Centre Development Plan (the Plan). I have reviewed the Plan and provide the following advice.

A review of the Register of Aboriginal Sites indicates that there are no known Aboriginal heritage sites or places which intersect with the area to which the Plan relates. However, DAA does not hold any Aboriginal heritage survey reports which indicates that the Aboriginal heritage values of the area have been investigated.

Prior to development associated with the Plan occurring DAA would recommend reference to the State's Aboriginal Heritage Due Diligence Guidelines occur. The guidelines will assist to assess the risk that proposed developments hold with respect to the potential for that development to impact upon Aboriginal heritage. The guidelines can be located at [http://www.daa.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AHA Due Diligence Guidelines.pdf](http://www.daa.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AHA_Due_Diligence_Guidelines.pdf).

I note that the vision for the City Centre includes an emphasis on the association of Aboriginal heritage with the South Hedland community and I applaud this emphasis.

Please do not hesitate to contact Simon Keenan on 6551 8118 or at [simon.keenan@daa.wa.gov.au](mailto:simon.keenan@daa.wa.gov.au) should you wish to discuss the contents of this letter.

Kind Regards

Cesar Rodriguez  
Manager Heritage Approvals and Advice - Government  
7 August 2013





Government of Western Australia  
Department of Education

Your ref :  
Our ref : D13/0413326  
Enquiries :

Mr Steve de Meillon  
Senior Strategic Planner  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721



Dear Mr. de Meillon

**Application No. 2012/629 for South Hedland Town Centre Development Plan**

Thank you for your letter dated 1 August 2013 regarding Application No. 2012/629 for the South Hedland Town Centre Development Plan.

The Department of Education has reviewed the document and wishes to advise that the student yield generated from residential development is to be accommodated in the future primary school site identified in the proposed Western Edge development plan.

Yours sincerely

STEVE MULDOON  
SENIOR CONSULTANT  
STRATEGIC ASSET PLANNING

6 August 2013

12/12/13 - D SD

ICR39944

File Number: ..... 12/12/0030 .....  
Int. Correspondent: Leonard.....

*begin please put a copy on the western edge development plan file*

*Thanks  
Jez*

File Number:  
Int. Correspondent:



August 5, 2013

Your Ref: S De Meillon



Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

*8/8/13 - Steve*



Document #: IPA39856  
Date: 08.08.2013  
Officer: **LEONARD LONG**  
File: 16/12/0030 *Steve*

Dear Sir/Madam

**APPLICATION 2012/629 TOWN CENTRE DEVELOPMENT PLAN SOUTH HEDLAND**

In response to your letter dated 1/8/13 we advise that Optus has underground assets in the area of your enquiry. Please find attached our map which is an indication only of your query as outlined in the map you attached with your correspondence.

We recommend that you lodge an online request with Dial Before You Dig using the link provided here <http://www.1100.com.au/default.aspx> to lodge any formal request and for any future queries regarding Optus assets.

Yours faithfully

Ray Azzopardi  
Team Leader  
Customer Assurance Field Operations WA

**optus.com.au**

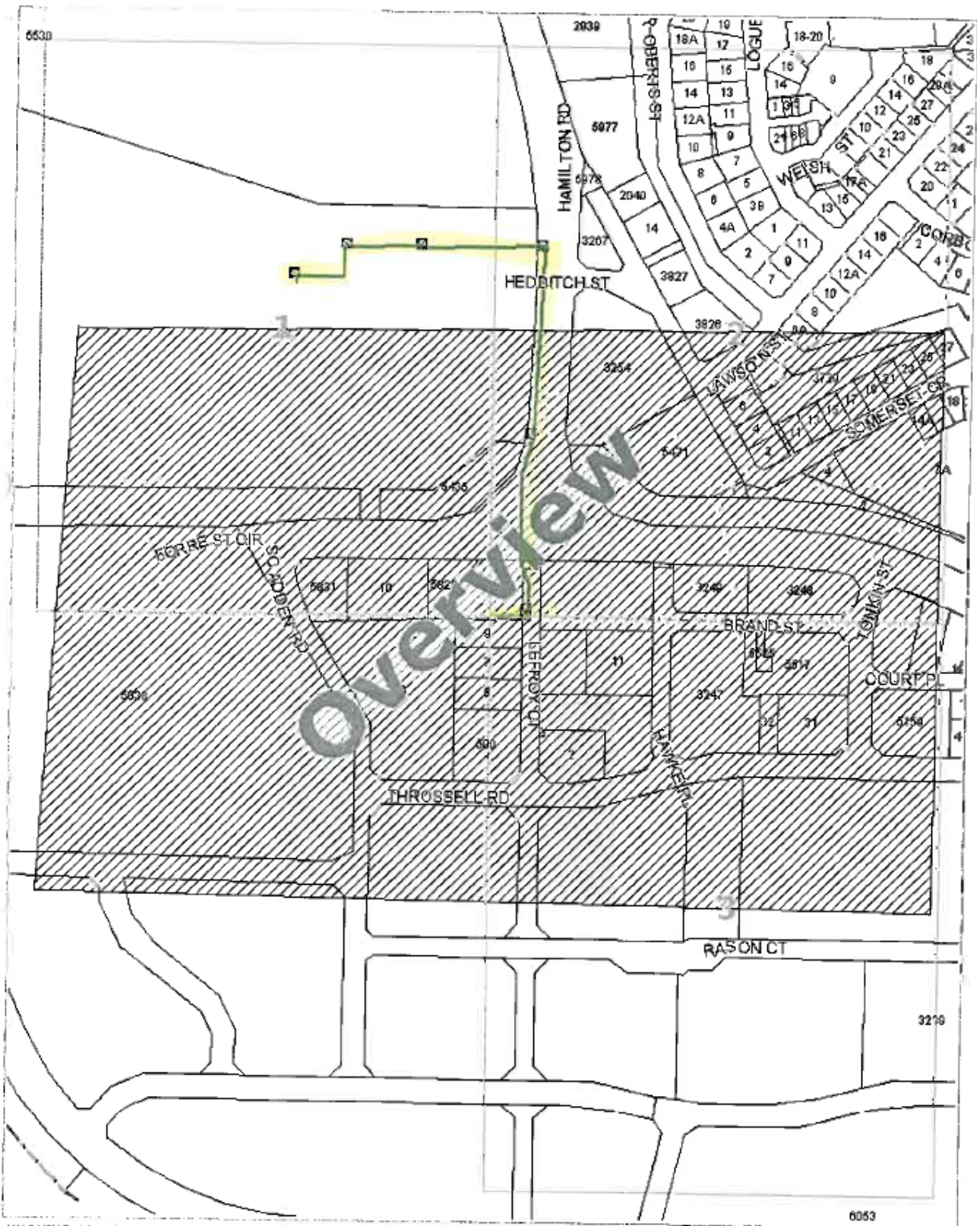
Singtel Optus Pty Ltd  
ABN 90 052 833 208

Lot 4, Alton Road, Lockridge,  
WA 6054 Australia

PO Box 295, Bassendean,  
WA 6054 Australia

Telephone +61 8 6188 5000  
Facsimile +61 8 9288 9801

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Sequence Number:

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For all Optus DBYD plan enquiries -  
Email: [Elas1.g@optusnet.com.au](mailto:Elas1.g@optusnet.com.au)  
For urgent onsite assistance contact 1800 505 777  
Optus Limited ACN 052 833 208





ABN: 50 860 676 021

Enquiries: Vel Khokulan on 08 9172 8880  
Our Ref: 06/3513-07  
Your Ref: 2012/629/ 18/12/0030

13 September 2013

Steve De Meillon  
Senior Strategic Planner  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

Dear Steve

**APPLICATION 2012/629 FOR SOUTH HEDLAND TOWN CENTRE DEVELOPMENT PLAN**

Thank you for your letter dated of 1 August 2013 requesting comments from Main Roads Western Australia (MRWA) regarding the content of the above proposal.

I wish to advise you that MRWA has no objection to the content of the above proposal.

If you require any further information please contact Vel Khokulan on (08) 9172 8880.

Yours faithfully

**DAVE PEARSON**  
NETWORK MANAGER





Government of Western Australia  
Department of State Development

Your ref: 2012/629/18/0030  
Our ref: S0080/201102  
Enquiries: Rebecca White - Ph 9222 0445 Fax 9222 0505  
Email: rebecca.white@dsd.wa.gov.au

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

Attention: Steve De Meillon

Dear Mal

**APPLICATION 2012/629 FOR SOUTH HEDLAND TOWN CENTRE  
DEVELOPMENT PLAN**

Thank you for your letter dated 1 August 2013 requesting comments on the South Hedland Town Centre Development Plan.

The Department of State Development has considered the proposed South Hedland Town Centre Development Plan has the following comments:

- The Department supports the preparation and endorsement of the Development Plan, which will provide a strategic direction for the orderly and proper planning of the South Hedland Town Centre.
- The Department supports increasing residential development in South Hedland. This will assist in alleviating pressure on constrained residential areas, including the West End.
- The Development Plan area is outside the Boordarie Industrial Estate buffer. This will enable increased residential and commercial development that will not compromise amenity or adversely affect industrial activities.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicky Cusworth'.

Nicky Cusworth  
Deputy Director General  
STRATEGIC POLICY

17 September 2013





Government of Western Australia  
Department of Local Government and Communities

Your Ref: 2012/629 / 18/12/0030  
Our Ref: PH1-22; D1301662; E1320361



Mr Steve De Meillon  
Senior Strategic Planner  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

Dear Mr De Meillon

**TOWN OF PORT HEDLAND - TOWN CENTRE DEVELOPMENT PLAN**

Thank you for your correspondence dated 1 August 2013 inviting comment on the proposed South Hedland Town Centre Development Plan.

While I appreciate the opportunity provided, this Department does not comment on proposed local government planning strategies, schemes or plans, or amendments to such strategies, schemes or plans.

Yours sincerely

Jenni Law  
MANAGER, ADVICE AND SUPPORT

13 August 2013

*B 17/8/13 → STEVE.*

*ICR 40110*

File Number: ..... *18/12/0030*

Int. Correspondent: ..... *Leonard*

Gordon Stephenson House  
140 William Street Perth WA 6000  
GPO Box R1250 Perth WA 6844  
Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)  
Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

**De Meillon Steve**

---

**From:** Walkerden, Norm F <Norman.F.Walkerden@team.telstra.com>  
**Sent:** Wednesday, 28 August 2013 8:34 AM  
**To:** De Meillon Steve  
**Subject:** Application No. 2012/629 - South Hedland Town Centre

Attn: Steve de Meillon

Ref: 2012/629 / 18/12/0030

**APPLICATION NO. 2012/629 - SOUTH HEDLAND TOWN CENTRE**

Thank you for the above advice. At present, Telstra Corporation Limited has no objection.

A network extension will be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBN Co. or the Telstra Smart Community website: <http://www.telstra.com.au/smart-community/developers/>.

More information regarding NBN Co. can be found on their website <http://www.nbnco.com.au/>. I add this information about NBN Co. as it is not known when services will be available from NBNCo. Telstra may provide services if NBN Co. cannot.

Please dial 1100 (Dial before You Dig) for location or relocation of existing services.

Regards,



**Norm Walkerden** - Strategic Forecaster

Forecasting & Area Planning, Fixed and Access Engineering, Network and Access Technology, Telstra Operations  
Postal: Locked Bag 2525 Perth WA 6001 Phone: 08 6224 6272 Email [Norman.F.Walkerden@team.telstra.com](mailto:Norman.F.Walkerden@team.telstra.com)

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Your Ref: 2012/629/18/12/0030  
 Our Ref: JT1 2013 01848 V01  
 Enquiries: Frank Kroll  
 Phone: 9420 2221

IPA 40826 \$ 2/1/12 → Steve  
 File Number: 18/12/0030  
 Correspondent: Leonard



26 August 2013

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

Attention: Steve De Meillon



629 Newcastle Street  
 Leederville 6007  
 Western Australia

PO Box 100  
 Leederville 6902  
 Perth Western Australia

Tel (+61 8) 9420 2420

[www.watercorporation.com.au](http://www.watercorporation.com.au)

ABN 28 003 434 917

### APPLICATION 2012/629 FOR SOUTH HEDLAND TOWN CENTRE DEVELOPMENT PLAN

Thank you for your letter of 1 August 2013. The Corporation has no objection to the Plan subject to the following advice.

It is noted that the 2013 South Hedland City Centre Master Plan replaces the 2008 South Hedland Town Centre Development Plan, and will be adopted in the Town of Port Hedland Town Planning Scheme No. 5.

Source water from the DeGrey and Yule schemes are being upgraded and substantial increases in our servicing capacities are expected from 2014.

The Corporation supports comments in the Local Water Management Strategy section 4.1.2 Water conservation, as this will reduce demand. The Department of Water guidelines *Better Urban Water Management* and Water Corporation *Waterwise* guidelines should be followed. The detailed water management plan should include appliance labelling standards, incentives for occupants to be water efficient, garden and irrigation design, leak detection and maintenance, and opportunities explored for recycling.

Concerning services, there is an existing network (plan attached) that was planned for the density contained in the 2008 Development Plan, however detailed planning based on location of specific consumption/discharge locations may alter the characteristics of the network. Consumption for water and discharge for wastewater should keep within those limits. Sections 2.5.2 Sewerage and 2.5.3 Water of the Master Plan is a fair description of the situation. Upgrading of the local network, if required, of the reticulation network will be at the developers cost.

The current wastewater planning is dated February 2013 (attached) and shows a proposed (although shortly completed) Pump Station D to service the development area that has an ultimate pump rate of 209.5 L/sec, and pumps directly to the Wastewater Treatment Plant. An existing Pump Station 8 services the eastern part of the development site and will be graded out when Station D is operational.



The current water planning is dated October 2011 and shows future augmentation of a 400/300mm main in Forrest Circle fed via a new main from the Stanley Street Tank (unscheduled). The existing supply is via a 200mm main in Forrest Circle fed from a 600mm main in Kennedy Street. Headworks size mains (300mm and above) will be constructed by the Corporation when required.

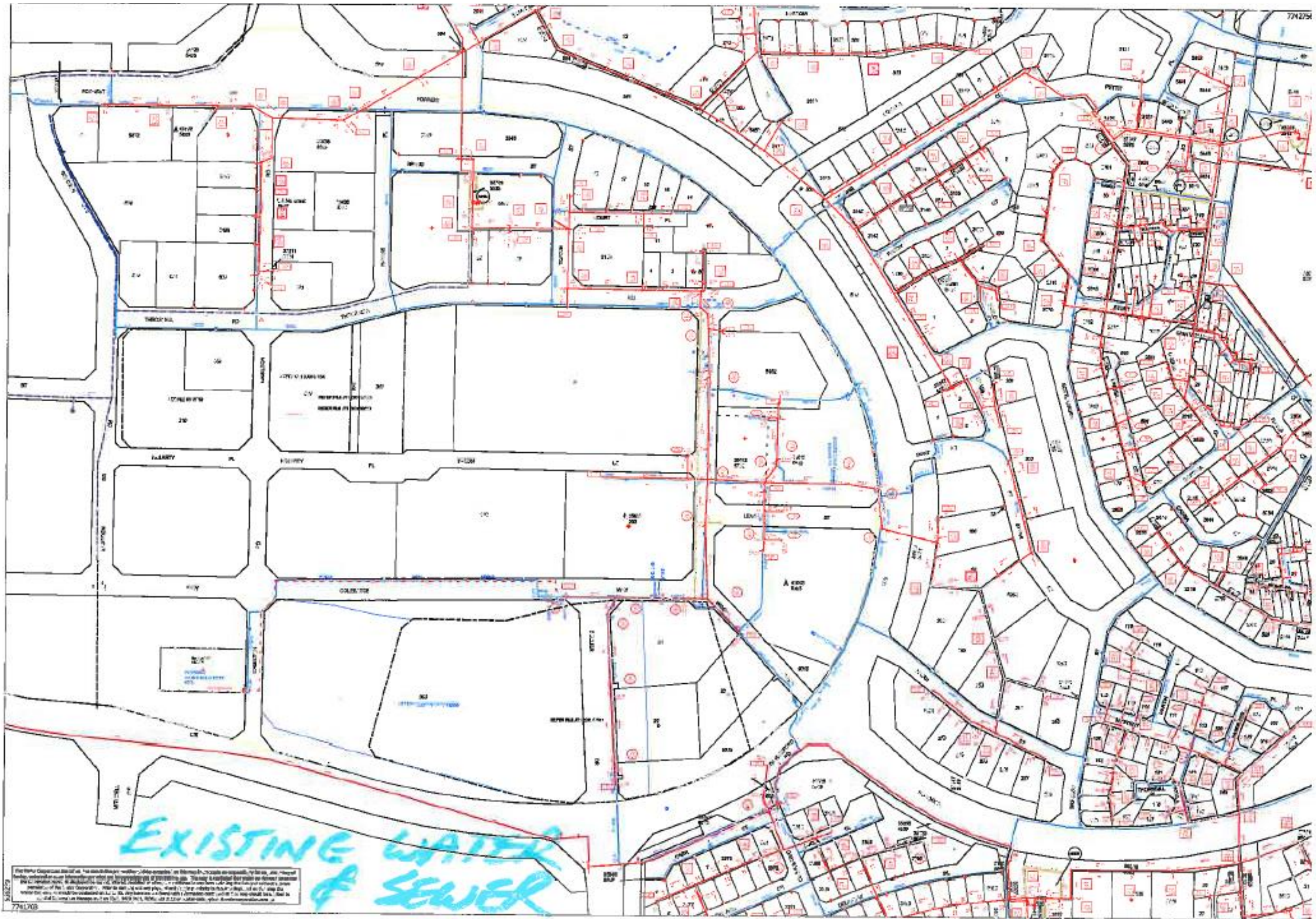
In summary, the Master Plan is able to be serviced to that planned for the previous 2008 Plan, subject to local reticulation upgrades by the developer. Wastewater headworks are in the process of being augmented. Future headworks size water mains will augment the current infrastructure when required. Water efficiency is to be addressed at every planning and development approval step.

Should there be further queries, please contact the undersigned.

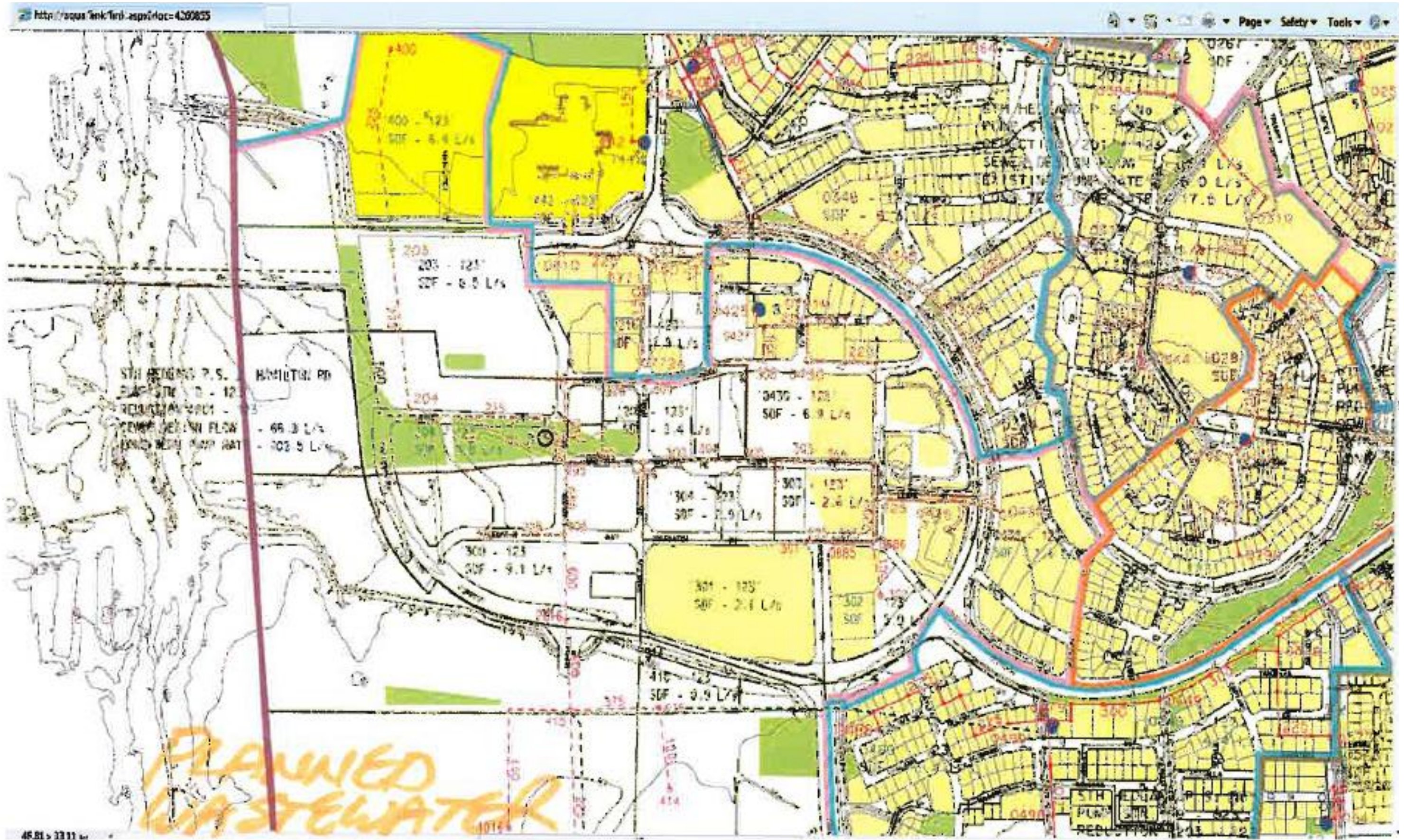


**Frank Kroll**  
Senior Development Planner  
Development Services  
Planning & Capability













Government of **Western Australia**  
Department of **Water**



*looking after all our water needs*

Your ref: 2012/629  
Our ref: RF741-15 / SRS34437 /WRD219894  
Enquiries: Karen McKeough, 9841 0128

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

Attn: Steve de Meillon

Dear Sir

***Application 2012/629 – South Hedland Town Centre Redevelopment Plan***

Thank you for the opportunity to provide comment on the above application.

The plan contains two documents, the Local Water Management Strategy and the flood modelling both prepared by JDA, which have been previously assessed and approved by the Department of Water. As such, the DoW has no objections to the South Hedland Town Centre Redevelopment Plan.

If you wish to discuss the above please, contact the Department of Water's Pilbara Office on 9841 0128.

Yours Sincerely,

**Gary Humphreys**  
**A/Regional Manager**  
**Department of Water**  
**Pilbara Region**

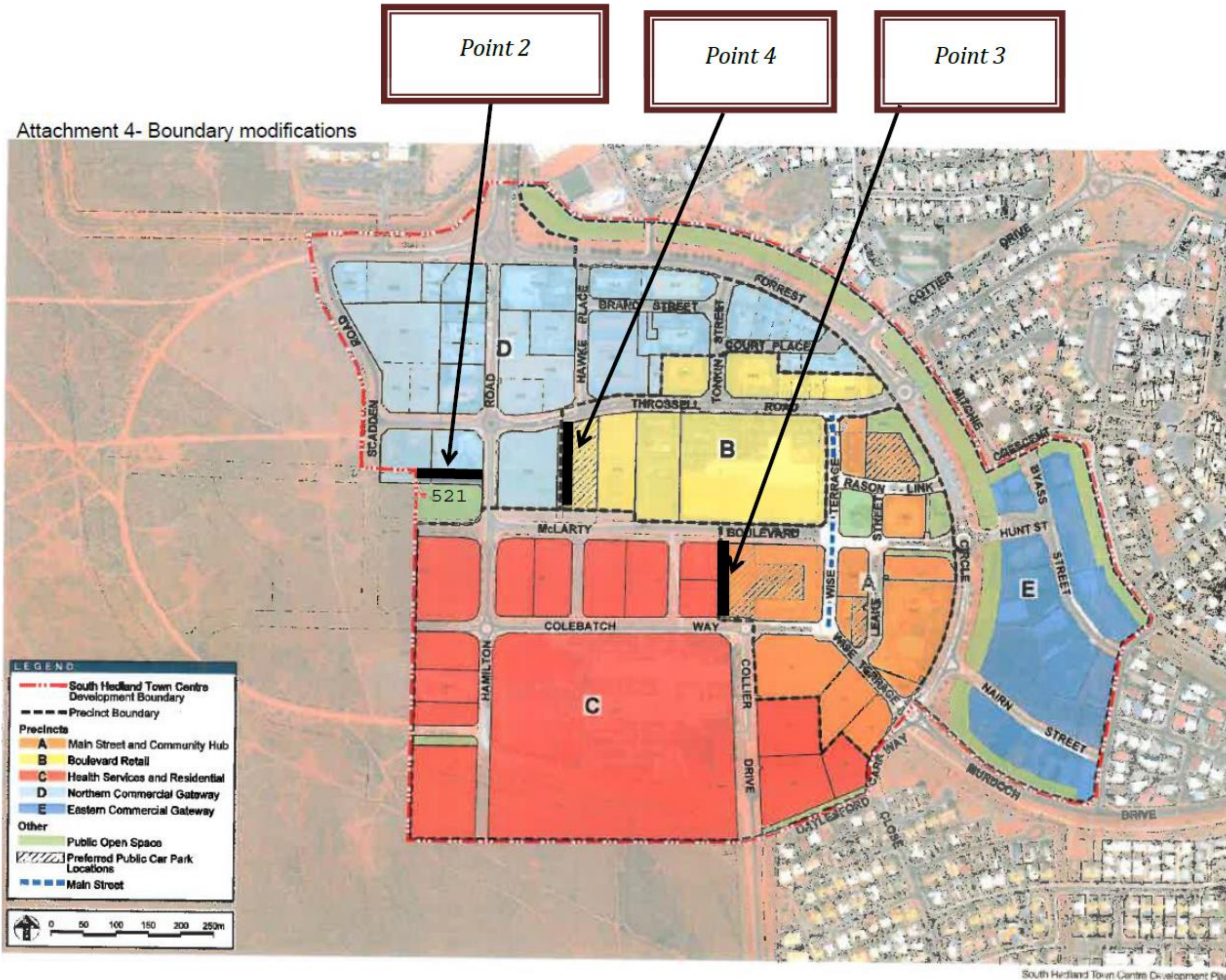
17 September 2013

Pilbara Region  
Lot 4608 Cherratta Road KIE  
Karratha Western Australia 6714  
PO Box 836 Karratha Western Australia 6714  
Telephone (08) 9144 0200 Facsimile (08) 9144 2610  
[www.water.wa.gov.au](http://www.water.wa.gov.au)  
[wa.gov.au](http://wa.gov.au)

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Attachment 4- Boundary modifications





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**11.1.2 Environmental Health Services****11.1.2.1 *Authorisation of Cat Registration Officers – Cat Act 2011 (File No. :19/09/001)***

<b>Officer</b>	<b>Peter Wilden Coordinator Rangers</b>
<b>Date of Report</b>	<b>20 September 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The purpose of this report is for Council to consider delegating powers under the Cat Act 2011 to the Chief Executive Officer (CEO) and to appoint Rangers as authorised officers to administer the provisions of the Cat Act 2011.

Further, it will be recommended that the Administration Officer of Ranger Services, South Hedland Library Officers and all Civic Centre Customer Service Officers be authorised for the purpose of Registration Officers (only) under the Cat Act 2011 for the Town of Port Hedland.

**Background**

With the introduction of the new Cat Act 2011 coming into effect on the 1 November 2013 there is a requirement that authorised officers or classes of persons be appointed to administer the various provisions of the Act.

**Consultation**

Western Australian Local Government Association

**Statutory Implications**

The Cat Act 2011 requires that all persons that are to administer the provisions of the Cat Act 2011 and register cats be authorised under the Cat Act 2011 to carry out this function.

*Division 2 — Delegations**44. Delegation by local government*

- (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) A decision to delegate under this section is to be made by an absolute majority.*

*45. Delegation by CEO of local government*

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 44, but in the case of such a power or duty —*
  - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*
- (6) *A power or duty under section 63, 64 or 65 cannot be delegated to an authorised person.*

*46. Other matters relevant to delegations under this Division*

- (1) *Without limiting the application of the Interpretation Act 1984 sections 58 and 59 —*
  - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
  - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
  - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
  - (b) *a CEO from performing any of his or her functions by acting through another person.*

*47. Register of, and review of, delegations*

- (1) *The CEO of a local government is to keep a register of the delegations made under this Division to the CEO and to employees of the local government.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Division is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

*Division 3 — Authorised persons**Subdivision 1 — Appointment of authorised persons**48. Authorised persons*

- (1) *A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.*

- (2) *A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of section 62.*
- (3) *An authorisation under this section may be made on such conditions as the local government determines, in writing given to the authorised person.*
- (4) *The local government may, in writing given to the authorised person, at any time, cancel an authorisation under this section or add, vary or cancel a condition of an authorisation.*
- (5) *The local government is to issue to each authorised person appointed under subsection (1) a certificate stating that the person is an authorised person for the purposes of this Act.*
- (6) *An authorised person appointed under subsection (1) must —*
  - (a) *carry the certificate at all times when exercising powers or performing functions as an authorised person; and*
  - (b) *produce for inspection the certificate at the reasonable request of any person; and*
  - (c) *if he or she ceases to be an authorised person, return the certificate to the local government as soon as is practicable.**Penalty: a fine of \$5 000.*

*Subdivision 2 — Particular powers of authorised persons - has not come into operation.*

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Nil

### **Budget Implications**

It will be recommended that all appointments under the Act be advertised in the Government Gazette for public information, which will incur a cost to Council of approximately \$200.00.

### **Officer's Comment**

It is a requirement that any officer responsible for administering certain provisions of the Cat Act 2011 be authorised to do so by Council.

Authorisation of officers also gives the staff legal protection while carrying out these functions while acting in good faith.

### **Attachment**

Nil

**Officer's Recommendation**

That Council:

1. Approves delegation to the Chief Executive Officer in accordance with Part 4 Division 2 Regulation 44(1) to exercise any of its powers or the discharge of any of its duties under the provisions of the Cat Act 2011;
2. Approves the authorisation of all Ranger positions as Authorised Officers in accordance with Part 4 Division 3 Regulation 48(1) to administer the provisions of the Cat Act 2011 and to undertake the registration of cats within the Town of Port Hedland;
3. Authorise the Administration Officer Rangers, Library Officers and Civic Centre Customer Service Officers in accordance with Part 4 Division 3 Regulation 48(1) as Registration Officers in accordance with the provisions of the Cat Act 2011; and
4. Authorise these appointments to be advertised in the Government Gazette for public information.

**201314/134 Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Gillingham**

**That Council:**

1. **Approves delegation to the Chief Executive Officer in accordance with Part 4 Division 2 Regulation 44(1) to exercise any of its powers or the discharge of any of its duties under the provisions of the Cat Act 2011;**
2. **Approves the authorisation of all Ranger positions as Authorised Officers in accordance with Part 4 Division 3 Regulation 48(1) to administer the provisions of the Cat Act 2011 and to undertake the registration of cats within the Town of Port Hedland;**
3. **Authorise the Administration Officer Rangers, Library Officers and Civic Centre Customer Service Officers in accordance with Part 4 Division 3 Regulation 48(1) as Registration Officers in accordance with the provisions of the Cat Act 2011;**
4. **Authorise these appointments to be advertised in the Government Gazette for public information; and**

- 5. Requests the Chief Executive Officer, or his delegate(s), to investigate the opportunity for partnerships with interested groups regarding discounted or subsidized micro chipping for cats.**

***CARRIED BY ABSOLUTE MAJORITY 10/0***



**11.2          Engineering Services**

Nil

**11.3 Community Development**

Nil

**11.4 Corporate Services****11.4.1 Finance****11.4.1.1 *Late Submission for Rates Concessions by the Country Women's Association of Western Australia***

**Officer** Carmen Hanisch  
**Senior Rates Officer**

**Date of Report** 1 October 2013

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider possible rates concessions for the Country Women's Association of Western Australia (CWAWA).

**Background**

Each year, as part of the Annual Budget, Council provides rates concessions and exemptions to a number of community, recreation and welfare organisations.

In June 2011 Council adopted a Rates Concession and a Rates Exemption Policy to assist Council in determining community rate concessions and exemptions and identify applicable exemptions.

As per these policies community groups are required to reapply for rates concessions or exemption every two years. A large number of Concessions and Applications were approved for the 2012/13 financial year and will still be current for the 2013/14 financial year.

On 24 April 2013 Council adopted a concession for Drug Arm WA in addition to other concessions, which were adopted for a two year term in 2012.

**Consultation**

As per Council Policy 2/013 and 2/014 a new application for Rates Concession or Exemption must be made prior to 31 March for the rating year that precedes the financial year to which the application relates.

The due date for the applications was this year advertised to the community through local news and the Town's e-newsletters throughout February and March 2013.

CWAWA were advised that their submission for Rates Concession was late and that an application had to be made for Council's consideration.

## Statutory Implications

### Local Government Act 1995

#### 6.47. Concessions

*Subject to the Rates and Charges (Rebates and Deferments)*

*Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

#### 6.26. Rateable land

*(1) Except as provided in this section all land within a district is rateable land.*

*(2) The following land is not rateable land —*

*(a) land which is the property of the Crown and —*

*(i) is being used or held for a public purpose; or*

*(ii) is unoccupied, except —*

*(I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*

*(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

*(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;*

*(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;*

*(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;*

*(e) land used exclusively by a religious body as a school for the religious instruction of children;*

*(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999;*

*(g) land used exclusively for charitable purposes;*

*(h) land vested in trustees for agricultural or horticultural show purposes;*

- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;*
  - (j) *land which is exempt from rates under any other written law; and*
  - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

*[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]*

### **Policy Implications**

2/014 Rates Concession Policy (Rateable Land)

### **Strategic Planning Implications**

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

6.4.2 Community Focused

Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders. Council resources are managed to provide optimum benefit to the community.



### Budget Implications

Rates are Council's primary means of raising income to cover operational costs and approving these concessions will directly impact Council's budget and reduce the funds available for other programs and projects.

All approved concessions impacted the 2013/14 budget by a total of \$99,196.19. If Council approve the additional concession for CWAWA, the 2013/14 budget will be affected by a further \$1986.30.

As the concession would be approved for a term of two years, the 2014/15 budget will also be affected by a similar amount, depending on the valuation and rate in the dollar approved.

### Officer's Comment

As per Council's Rates Concession Policy, the applicant has submitted a copy of their constitution, copies of their audited financial statements and written statements outlining the purpose of the property their concession or exemption application is relating to.

Officers have reviewed all information supplied with the applications and while the CWAWA would usually be recommended for concession, the policy is quite clear in terms of the time frames for applications, therefore in this case the CWAWA is not recommended for a concession in 2013/14.

<i>Organisation</i>	<i>Assessment Number</i>	<i>Officer's recommendation</i>	<i>Rates waived</i>
<i>Country Women's Association of Western Australia (Inc.)</i>	<i>A152358</i>	<i>Nil</i>	<i>Nil</i>

*Country Women's Association of Western Australia (Inc.)*

#### *Benefit to the Community*

CWAWA use their property at 8/9 Masters Way, South Hedland for emergency accommodation, medical staff housing and as a meeting place for their association's members.

#### *Financial Information*

The organisation conducts fundraising and receives other funds through donations and by charging a small fee for the accommodations they provide. Their Port Hedland branch has not made a profit in the year ending 2012.

*Rates (2013/14)*

\$1,986.30

*Concession applied for by Applicant*

100%

*Officer's Recommendation*

Nil

CWAWA are a small community association assisting women in need in country towns like Port Hedland. They are an asset to any country area and their operations are solely run by volunteers. Given the media that was distributed in relation to concessions, and reminders made, the CWAWA did not apply for a concession until 13 September 2013. This is clearly after the adoption of the 2013/14 budget and would have a direct impact on the efficiency dividend.

**Attachments**

Nil

**2013/14/135 Officer's Recommendation/ Council Decision****Moved: Cr Daccache****Seconded: Cr Hooper****That Council:**

- 1. Does not approve Concession to the Country Women's Association of Western Australia (Inc.) for the 2013/14 financial year:**

<i>Organisation</i>	<i>Assessment Number</i>	<i>Officer's recommendation</i>	<i>Rates waived</i>
<i>Country Women's Association of Western Australia (Inc.)</i>	<i>A152358</i>	<i>Nil</i>	<i>Nil</i>

- 2. Requests the CEO, or their delegate, to advise the CWAWA of Council's decision and suggests that they submit an application prior to 31 March 2014 to be considered for the 2014/15 financial year.**

***CARRIED 10/0***

### **11.4.1.2 Request to Waive Penalty Interest for 41 Properties Owned by Dampier Salt Ltd**

**Officer** Carmen Hanisch  
Senior Rates Officer

**Date of Report** 1 October 2013

**Disclosure of Interest by Officer** Nil

#### **Summary**

For Council to consider the waiver of penalty interest on 41 properties owned by Dampier Salt Ltd totalling \$24,517.42.

#### **Background**

Due to a transition between their in-house accounts payable function and a shared service agreement in July 2012, Dampier Salt Ltd did not pay the Council rates for their 35 residential properties and 6 mining tenement leases by the due date.

Interest accrued on all those unpaid accounts at the rate of 11% as determined by Council in the annual budget, until payment was finally received in June 2013.

Dampier Salt Ltd is requesting to have this interest waived.

#### **Consultation**

- Director Corporate Services
- Manager Financial Services

#### **Statutory Implications**

*Local Government Act 1995*

*Section 6.50. Rates or service charges due and payable*

(1) *Subject to —*

- (a) *subsections (2) and (3); and*
- (b) *any concession granted under section 6.47; and*
- (c) *the Rates and Charges (Rebates and Deferments) Act 1992, a rate or service charge becomes due and payable on such date as is determined by the local government.*

*Section 6.51 Accrual of interest on overdue rates or service charges*

- (1) *A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on —*
  - (a) *a rate or service charge (or any instalment of a rate or service charge); and*

- (b) *any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

*Section 6.12. Power to defer, grant discounts, waive or write off debts*

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
- (b) *wave or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money, which is owed to the local government.*

### **Policy Implications**

- 2/004 Rating (Collection)

### **Strategic Planning Implications**

#### 6.4 Local Leadership

---

##### 6.4.1 Strategic

---

Deliver high quality corporate governance, accountability and compliance.

Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

##### 6.4.2 Community Focused

---

Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders. Council resources are managed to provide optimum benefit to the community.

### **Budget Implications**

If Council decides to approve a waiver of the interest on the 41 properties, the impact on the cash position of the Town will be \$24,517.42.

### **Officer's Comment**

The Rates Department follows strict procedures with regards to debt collection. Two weeks after the due date, as reflected on the original rate notices as 29 October 2012, final notices allowing a further two weeks for payment, were posted in November 2012 to all ratepayers with unpaid accounts including Dampier Salt Ltd.

When the accounts remained overdue, Officers contacted Dampier Salt Ltd (and all other ratepayers with overdue accounts) directly to notify them of further action, which would be taken if no payment was received.

The above process requires a lot of the Officer's time and effort to follow up and it would be a wasted effort if the interest charges were written off.

Adequate notice was given to Dampier Salt Ltd to pay the outstanding rates and appropriate follow-up actions and reminders were given. Moreover, it would be unfair to other ratepayers in similar situations who had to pay their penalty interest.

Dampier Salt Ltd have paid their rates for the current financial year before the due date, however they have not paid the amount of interest on all their properties awaiting the outcome of their request to waive the interest applicable.

### **Attachments**

1. Listing of applicable properties and the interest outstanding at the time of writing.
2. Letter from Simon Hepworth, Manager Commercial Finance, Dampier Salt Ltd received on 4 September 2013.

### **Officer's Recommendation**

That Council declines the request to waive penalty interest for the following 41 properties owned by Dampier Salt Ltd totalling \$24,517.42.

### **201314/136 Council Decision**

**Moved: Cr Taylor**

**Seconded: Cr Hooper**

**That Council:**

1. **Declines the request to waive penalty interest for the following 41 properties owned by Dampier Salt Ltd totalling \$24,517.42;**
2. **Request CEO, of his delegate, contact Dampier Salt Pty Ltd and offer for the company to enter into payment arrangements for the outstanding interest to be paid in full by 30 June 2014; and**
3. **Subject to Dampier Salt Ltd entering into a payment agreement for the outstanding interest that the Town ceases to charge any further interest.**

***CARRIED 9/1***



## ATTACHMENT 1 TO ITEM 11.4.1.2

Assessment Number	Property Address	Interest
A108340	6 CORNEY STREET, PORT HEDLAND	\$ 250.17
A111397	4 COCKATOO COURT, SOUTH HEDLAND	\$ 191.78
A114580	33 ETREMA LOOP, SOUTH HEDLAND	\$ 165.57
A115460	15 CLARK STREET, PORT HEDLAND	\$ 105.80
A115490	171 ANDERSON STREET, PORT HEDLAND	\$ 68.07
A115500	165 ANDERSON STREET, PORT HEDLAND	\$ 161.84
A115510	151 ANDERSON STREET, PORT HEDLAND	\$ 164.40
A115520	149 ANDERSON STREET, PORT HEDLAND	\$ 165.57
A115530	40 SUTHERLAND STREET, PORT HEDLAND	\$ 324.18
A115540	41 SUTHERLAND STREET, PORT HEDLAND	\$ 180.52
A115550	Lot 1076 WODGINA STREET, PORT HEDLAND	\$ 217.41
A115560	72 SUTHERLAND STREET, PORT HEDLAND	\$ 209.34
A115580	11 MOSELEY STREET, PORT HEDLAND	\$ 200.12
A115610	34 MOSELEY STREET, PORT HEDLAND	\$ 250.29
A115620	7 CLARK STREET, PORT HEDLAND	\$ 200.12
A115630	15 TREMBATH STREET, PORT HEDLAND	\$ 214.73
A115660	42 MCPHERSON STREET, PORT HEDLAND	\$ 220.59
A115670	52 MCPHERSON STREET, PORT HEDLAND	\$ 211.65
A115720	5 NYANDA PLACE, SOUTH HEDLAND	\$ 159.79
A116508	5 SANDPIPER PLACE, SOUTH HEDLAND	\$ 195.25
A116520	50 SUTHERLAND STREET, PORT HEDLAND	\$ 240.70
A117170	111 SUTHERLAND STREET, PORT HEDLAND	\$ 228.67
A118520	38 MCPHERSON STREET, PORT HEDLAND	\$ 213.96
A121370	36 DEMPSTER STREET, PORT HEDLAND	\$ 222.91
A122550	53 LIMPET CRESCENT, SOUTH HEDLAND	\$ 163.26
A130636	4/17 MCGREGOR STREET, PORT HEDLAND	\$ 182.82
A130637	3/17 MCGREGOR STREET, PORT HEDLAND	\$ 182.82
A402580	7 MARRA COURT, SOUTH HEDLAND	\$ 175.54
A804193	69 DOWDING WAY, PORT HEDLAND	\$ 244.45
A804375	5 THE GANGWAY, SOUTH HEDLAND	\$ 169.39
A804385	5 KEEL CLOSE, SOUTH HEDLAND	\$ 185.15
A804588	29 HUXTABLE CRESCENT, SOUTH HEDLAND	\$ 169.39
A804766	148 KENNEDY STREET, SOUTH HEDLAND	\$ 174.44
A804783	18 LAPWING WAY, SOUTH HEDLAND	\$ 173.62
A804791	118 KENNEDY STREET, SOUTH HEDLAND	\$ 171.32
A800099	M45/652 MINING TENEMENT, PORT HEDLAND AREA	\$ 74.29
A801988	AML45/250SA MINING TENEMENT, PORT HEDLAND	\$ 2,324.35
A803012	P9 GILBERT STREET, PORT HEDLAND	\$ 408.94
A803282	AML45/242SA MINING TENEMENT, PORT HEDLAND	\$11,559.41
A803285	AML45/269SA MINING TENEMENT, PORT HEDLAND	\$ 3,320.51
A803346	AML45/450 MINING TENEMENT, PORT HEDLAND AREA	\$ 74.29
		\$24,517.42

RioTinto

## ATTACHMENT 2 TO ITEM 11.4.1.2

Dampier Salt Limited  
Locked Bag 11  
Belmont WA 6984  
Australia  
T +61 (8) 9270 9270  
F +61 (8) 9270 9370

**Private and confidential**

Katrechia Davis  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721  
Australia

Friday, 30 August 2013

Dear Katrechia

**Request for 2012 / 2013 rates assessment interest waiver**

Thank you for your help last Friday 23<sup>rd</sup> August 2013 regarding Dampier Salt Limited (DSL) Residential and Mining Lease rates assessments.

This letter is a request that the Town of Port Hedland waiver the interest charges they have imposed on DSL for the 2012-2013 year.

DSL acknowledges it was late in paying the 2012-2013 rates notices on all of our accounts for Port Hedland. The Town of Port Hedland only receiving payment of approximately \$260,000.00 in mid June 2013. A review of why this late payment occurred has been completed. The reason relates to the transition, in July 2012, from an in house accounts payable function to a shared service arrangement. DSL identified our new Shared Service provider did not acknowledge a rates notice as an invoice and consequently did not pay these items. DSL was not aware these invoices had not been processed until Match this year. Once the issue was identified payment was made. DSL apologise for this error in payment processing.

DSL has a long history of paying rates in full and on time, and will do so again this year. DSL will pay this year's rates, totalling approximately \$400,000.00 in advance of the due date of the 23<sup>rd</sup> of September 2013. DSL and the Town of Port Hedland have had a history of working together on matters such as these. For example, in 2008 when DSL identified that the Town of Port Hedland accidentally overcharged DSL \$127,728.58 on assessments between 2003 and 2007. DSL and the Town of Port Hedland mutually agreed that repaying these charges in one year would be unfair to the Town of Port Hedland, and agreed to spread these payments over several years. An amicable outcome was reached without the need for interest charges.

Dampier Salt Limited requests the Town of Port Hedland to consider waiving the interest charges on our 2012-2013 accounts. DSL can offer immediate payment of its current rates assessments as a token of goodwill and with the strong expectation that this situation will not arise again in the future.

We request your consideration of this matter.

Yours sincerely



Simon Hepworth  
Manager Commercial Finance



Dampier Salt Limited, 37 Belmont Avenue, Belmont WA 6104 Australia  
ABN 30 008 706 590

TOWN OF  
PORT HEDLAND11<sup>th</sup> September 2008

Tom Lukeman  
General Manager – Operations  
Dampier Salt Limited  
Locked Bag 11  
BELMONT WA 6984

Our Ref: A803282

Your Ref:

Enquiries: Rates Section

Direct Line: (08) 9158 9300

Dear Tom,

With regard to your proposal regarding the overpayment of Rates by Dampier Salt of offsetting \$127,728.58 (2003/04-2006/07) against this year's rates, I would request you consider the following:

- The overpayment error was unidentified by both parties (Dampier Salt and Town of Port Hedland) for at least 4 years; and
- Rates received (including the overpayment) during this period has gone directly into providing services and activities for the Port Hedland community and residents, many employed by Dampier Salt Ltd; and
- The Town of Port Hedland has already written off \$59,234.14 raised in error in 2007/08; and
- The Town of Port Hedland has only one opportunity per year to raise rates (1 July 2008) and writing off \$127,728.58 (due to previous year's oversights) will have a significant impact on Town's current budget and ability to continue providing services and activities to the Community.

Based on these points, the Town of Port Hedland would like Dampier Salt Ltd to consider offsetting the overpayment over 4 years, in equal instalments of **\$31,932.15 pa**. This will lessen the impact on the Town's 08/09 Budget, while the overpayment is offset over a similar period as it was originally generated.

The Town of Port Hedland has enjoyed a long and productive relationship with Dampier Salt Ltd, and its parent company Rio Tinto, and hopes this relationship is also considered in considering our counter proposal.

I look forward to your response.

Yours Faithfully



Matthew Scott  
Director, Corporate Services

*I support this request*  
*Tom Lukeman*  
*25-9-08*

# TOWN OF PORT HEDLAND



17th November 2008

Tom Lukeman  
General Manager - Operations  
Dampier Salt Limited  
Locked Bag 11  
BELMONT WA 6984

Our Ref: BH A800170

Your Ref:

Enquiries: Rates Section

Direct Line: (08) 9158 9300

Dear Mr Lukeman

**RE: Town of Port Hedland to repay \$127,728.58 over four years.**

Thank you for your email received on the 15<sup>th</sup> of October 2008 accepting the Town of Port Hedland's proposal to repay the overpayment of Rates totalling \$127,728.58 by Dampier Salt over a period of four years.

The amount of \$31,932.15 will be written off the Rates account of Dampier Salt during the periods of 2008/09, 2009/10, 2010/11 and 2011/12.

Please find below a table to show which accounts the Town has credited to equal the amount of \$31,932.15 for the financial period of 2008/09;

Assessment	Address	Amount
A116508	8 Sandpiper Place	\$1,974.79
A801988	AML45/250SA	\$16,990.99
A803285	AML45/00269SA	\$12,966.37
	<b>Total</b>	<b>\$31,932.15</b>

Should you have any further queries regarding **this** letter, please do not hesitate to contact the Rates Department on (08) 9158 9300.

Yours sincerely

*Natalie Octoman*

Natalie Octoman  
Manager Financial Services

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 OF  
PORT HEDLAND**  
McGregor Street, PORT HEDLAND, WA 6721  
Phone: (08) 9158 9300  
Fax: (08) 9158 9399  
Email: council@porthedland.wa.gov.au

**OFFICE HOURS: 8.00am—5.00pm Monday to Friday**  
ABN 192 200 852 26

**CASHIER**  
Civic Centre 8.00am—4.00pm  
South Hedland Library (EFT only) 9.00am—4.00pm

## RATE NOTICE

**RATING PERIOD**  
1 JULY 2011 TO 30 JUNE 2012

IF THE NAME OR ADDRESS SHOWN IS INCORRECT, PLEASE ADVISE COUNCIL IN WRITING

 052 / 1504  
**DAMPIER SALT LTD**  
 LOCKED BAG 11  
 BELMONT WA 6104

Should you have any questions or queries regarding your rate notice, please contact the Town's Rates Section by telephoning (08) 9158 9300.

**C.E.O PAUL MARTIN**

ASSESSMENT No.	PROPERTY ADDRESS			
A803285	AML45//00269SA MINING TENEMENT 0000001 of PORT HEDLAND AREA AML45//00269SA			
DUE DATE	ISSUE DATE	RATING CATEGORY		
12.09.2011	08.08.2011	UV MINING TENEMENT		
VALUATION	LATE PAYMENT INTEREST	MINIMUM PAYMENT		
\$136,114.00	11,000.00	\$1,000.00		
DESCRIPTION AND CALCULATION METHOD				
DETAILS	RATE (K\$ QUANTUM \$/HECTARE)	CURRENT	ARREARS	TOTAL
UV MINING TENEMENT IMPROVED	31.3051	\$42,610.62		\$42,610.62
Emergency Services Levy		\$55.00		\$55.00
ESL Category 5. Property Use Mining Tenement, UV \$136,114.00				
Adjustments		-\$2,104.65		-\$2,104.65
GST is nil				

SEE OVER FOR IMPORTANT INFORMATION  
Please see over attached for additional information and relevant conditions

**TOTAL AMOUNT**      **\$40,560.97**

**PAYMENT OPTIONS**      NOTE: Payment not received by the due date may attract daily interest as per the above mentioned RVV

OPTION No.	PAYMENTS	DUE DATES	AMOUNTS
1	ONE PAYMENT NO COST	12.09.2011	DUE \$40,560.97
2	FOUR INSTALMENTS OPTION COST \$628.32	1ST INST \$10,340.14    12.09.2011 2ND INST \$10,283.05    18.11.2011 3RD INST \$10,283.05    19.01.2012 4TH INST \$10,283.05    22.03.2012	TOTAL \$41,189.29

\$4550 + \$75100 = \$79650  
15/03/2011

**PAYMENT METHODS**      DEPOSIT SLIP/OFFICE COPY

ASSESSMENT No.	NAME
A803285	DAMPIER SALT LTD
PROPERTY ADDRESS	DEPOSIT SLIP/OFFICE COPY
AML45//00269SA MINING TENEMENT 0000001 of PORT HEDLAND AREA AML45//00269SA	



**BILLER CODE: 42010**  
**REF. 1008032855**

Correct your financial institution to make payments from your nominated bank account.



**BILLER CODE: 42010**  
**REF. 1008032855**

**INTERNET: visit [www.porthedland.wa.gov.au](http://www.porthedland.wa.gov.au)**  
**PHONE: call 1300 275 468**

**MAKE ALL CHEQUES PAYABLE TO: Town of Port Hedland**  
**PO Box 41, PORT HEDLAND WA 6721**




Detach this slip and mail to Council Office



Present this account intact when making payments at Council Office





**TOWN OF  
PORT HEDLAND**  
McGregor Street, PORT HEDLAND, WA 6721  
Phone: (08) 9158 9300  
Fax: (08) 9158 9399  
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**CASHIER**  
Civic Centre 8.00am—4.00pm  
South Hedland Library (EFT only) 9.00am—4.00pm

RATING PERIOD  
JULY 2011 TO 30 JUNE 2012

# RATE NOTICE

IF THE NAME OR ADDRESS SHOWN IS INCORRECT, PLEASE ADVISE COUNCIL IN WRITING



052 / 1501  
**DAMPIER SALT LTD**  
LOCKED BAG 11  
BELMONT WA 6104

Should you have any questions or queries regarding your rate notice, please contact the Town's Rates Section by telephoning (08) 9158 9300.  
**C.E.O PAUL MARTIN**

ASSESSMENT No.	PROPERTY ADDRESS		
A801988	AML45//250SA MINING TENEMENT 0000001 of PORT HEDLAND AREA AML45/250SA		
DUE DATE	ISSUE DATE	RATING CATEGORY	
12.09.2011	08.08.2011	UV MINING TENEMEN	
VALUATION	LATE PAYMENT INTEREST	MINIMUM PAYMENT	
\$95,280.00	11.0000	\$1,000.00	
DESCRIPTION AND CALCULATION METHOD			
DETAILS	RATING CATEGORY	CURRENT	AMOUNT
UV MINING TENEMENT IMPROVED	31.3051	\$29,827.50	\$29,827.50
Emergency Services Levy		\$55.00	\$55.00
ESL Category 5, Property Use Mining Tenement, UV \$95,280.00			
Adjustments		-\$29,827.50	-\$29,827.50
GST is nil			
			TOTAL AMOUNT
SEE OVER FOR IMPORTANT INFORMATION Approach over/after office hours for additional information and advice consequences.			\$55.00
PAYMENT OPTIONS			
(NOTE: Payments not received by the due date may incur penalty interest as per the above mentioned text.)			
OPTION No.	PAYMENTS	DUE DATES	AMOUNTS
1	ONE PAYMENT NO COST		DUE \$55.00
2	FOUR INSTALMENTS OPTION COST	1ST INST 2ND INST 3RD INST 4TH INST  TOTAL	\$45511 475100 RT 15/10/2011
PAYMENT METHODS			DEPOSIT SLIP/OFFICE COPY
ASSESSMENT No.	NAME		
A801988	DAMPIER SALT LTD		
PROPERTY ADDRESS			
AML45//250SA MINING TENEMENT 0000001 of PORT HEDLAND AREA AML45/250SA			

**11.4.1.3 Proposal to Change the Method of Valuation for Lot 185 Madigan Road, Pippingarra – Assessment Number: A804113 and Lot 270, Great Northern Highway, Indee – Assessment Number: A803135**

**Officers** Natalie Octoman  
Director, Corporate Services

**Date of Report** 24 September 2013

**Disclosure of Interest by Officer** Nil

### **Summary**

The Town attempts to propose rates to Council at a level that is considerate of all ratepayers and takes into account what it believes is fair and reasonable to ensure that the rates burden is distributed equitably.

The Town has received numerous queries from the lessees of Lot 185 Madigan Road since 2008 as to the quantum of the rates applied and the apparent inequities when considering their property with other properties in the area. These queries have also extended to Lot 270 Great Northern Highway whereby the lessee considered the rates also to be excessive.

Lot 185 Madigan Road has been leased from the Crown by Mrs Judith Dhu since 1 July 2008, with the lease recently transferring to R Dhu on 1 July 2013. Based on the reasons outlined in this report, it is proposed that Council consider presenting to the Department of Local Government (who will in turn prepare a report for the Minister's consideration) a recommendation to change the method of valuation used on both Lot 185 Madigan Road, Pippingarra and Lot 270, Great Northern Highway, Indee from an unimproved valuation (UV) to a gross rental valuation (GRV). It is also proposed to write off the difference between the UV rates and the GRV rates that would have been payable if the GRV rate were applied, subject to Ministerial approval to change the methodology.

### **Background**

*Lot 185, Madigan Road, Pippingarra (A804113)*

Lot 185, Madigan Road, Pippingarra is a 4.2 hectare parcel of land south east of the Port Hedland International Airport near the Speedway. The land was previously leased to the local TAFE for horticultural purposes (assumedly for training/teaching) and was not rateable until 1 July 2008 when the Crown leased the land to Mrs Judith Dhu. The lease was provided with the permitted use of horticulture and the requirement for the "*lessee to occupy the land and put it to use for the Permitted Use from the Commencement Date.*"

Mrs Dhu moved from the Port Hedland townsite to the Pippingarra property back in 2008 in order to have a larger space for growing trees and gardening. She does this as a personal hobby and has confirmed that she does not sell any of the items that she grows.

At that time, the Valuer General's Office (VGO) assessed the property to have a UV of \$75,000. The lease allows for horticultural use with the right of residence. Under the *Valuation of Land Act 1978*, the VGO must value this as a freehold block with the relevant restrictions of use being allowed for.

The UV Other rating category is applied to properties that are outside the town boundary (but within the remaining District) and do not fall within the UV Mining Improved, UV Mining Vacant, UV Pastoral or UV Other Vacant categories.

The rates (not including other charges) that have been applied to this property since the commencement of the lease are as follows:

Year	Valuation	Rate in the Dollar	TOTAL RATES PAYABLE
2008-09	\$75,000	10.5409	\$7,905.68
2009-10	\$75,000	11.8374	\$8,878.05
2010-11	\$100,000	9.0201	\$9,020.10
2011-12	\$200,000	10.3731	\$20,746.20
2012-13	\$200,000	11.7216	\$23,443.20
2013-14	\$200,000	13.1282	\$26,256.40
<b>TOTAL</b>			<b>\$96,249.63</b>

In November 2009 a request to apply for a rating concession was received and put to Council, whereby Council resolved to provide a 50% rates concession on the 2009-10 rates payable on the provision that the remaining rates were paid in full by 30 June 2010. The rates were not paid in full, although the concession was still applied. It should be noted that at no time since July 2008 when the lease was entered into, have the rates been paid in full and the lessee has been contesting the rates payable with both the Town and the VGO since 2008. The outstanding account at the time of writing the report is \$93,979.75 consisting of \$81,635.50 in rates; \$10,324.20 in interest and \$2,020.05 in legal related costs. The last payment received by the Town was on 3 March 2010.

On 15 October 2012 a building license was granted for the construction of an outbuilding and the installation of a solar energy power system. The installation of the solar energy power system is complete, with the construction of the outbuilding about to commence.

*Lot 270, Great Northern Highway, Indee (A803135)*

Lot 270, Great Northern Highway, Indee is a 154.6288 hectare parcel of land approximately 69.2km south of Port Hedland. Again, it is Crown land leased to Mr David Paddington since 6 December 2005. The original lease dating back to 28 August 1998 was to Mr Owen Jaffrey who transferred the lease to Mr Paddington for minimal consideration (\$1.00). The officer is of the understanding that Mr Paddington is responsible for the financial affairs of Mr Jaffrey who still resides on the property.

In 2007 an objection was raised with the VGO as to the valuation of the land, which saw the valuation from 1 July 2005 reduced from \$54,000 to \$20,000. In 2009 Mr Paddington again lodged an objection to the VGO as to the valuation of the land which was denied. On 28 October 2009, Council considered whether or not to write off, or provide a discount to the rates applicable to this parcel of land, and determined not to provide any concessions, nor to write off any part of the rates charges, and to investigate options to obtain pensioner status. The officer believes that this was investigated but as Mr Paddington is not the owner of the leased property, he is ineligible for pensioner status as you have to own the land for this option to be available.

Taking into account the objection, for 2005 the VGO applied a UV of \$20,000 taking into account the leasing conditions that permits the use of the land for an ostrich farm with the lessee, manager or caretaker being permitted to reside on the land. At no time has the permitted use of ostrich farming been undertaken, and the officer understands that it is not likely to be undertaken in the future.

The rates that have been applied to this property since the lease was taken over in 2005 are outlined below:

<b>Year</b>	<b>Valuation</b>	<b>Rate in the Dollar</b>	<b>TOTAL RATES PAYABLE</b>
2005-06	\$20,000	7.8191	\$1,563.82
2006-07	\$20,000	9.7739	\$1,954.78
2007-08	\$20,000	10.1160	\$2,023.20
2008-09	\$40,000	10.5409	\$4,216.36
2009-10	\$40,000	11.8374	\$4,734.96
2010-11	\$54,000	9.0201	\$4,870.85
2011-12	\$54,000	10.3731	\$5,601.47
2012-13	\$54,000	11.7216	\$6,329.66
2013-14	\$54,000	13.1282	\$7,089.23
<b>TOTAL</b>			<b>\$38,384.33</b>

At the time of writing this item, Mr Paddington has been making repayments upon the rates outstanding and has \$7,842.81 outstanding consisting of \$7,546.60 in rates, \$179.21 in interest and \$117.00 for the Emergency Services Levy.

## Consultation

A meeting occurred between the Mayor, Director Corporate Services, Mr Robert Dhu, Mrs Judith Dhu and Mrs Pat Mason where the proposal of spot rating their property was outlined. The proposal was seen to be a positive outcome to what has been a difficult situation for many years. This meeting was followed up with an email from the Director Corporate Services to the affected parties confirming the discussion and the way forward that was proposed.

Mr Paddington is not contactable by telephone so the Town wrote to Mr Paddington outlining the proposal. At the time of writing this report there has been no verbal contact with Mr Paddington, although the officer believes that this too is a positive outcome for Mr Paddington.

Further consultation undertaken:

- Chief Executive Officer – Mal Osborne
- Mayor Kelly Howlett
- Officers from the Valuer-General's Office
- Officers from the Department of Local Government
- Officer from Regional Development & Land

## Statutory Implications

*Local Government Act 1985*

*Introductory Matters*

*Part 1*

*1.4 Terms Used*

*owner, where used in relation to land —*

*(a) means a person who is in possession as —*

- (i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple; or*
- (ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act.*

*6.12. Power to defer, grant discounts, waive or write off debts*

*(1) Subject to subsection (2) and any other written law, a local government may —*

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*



- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

*Division 6 — Rates and service charges*

*Subdivision 1 — Introduction and basis of rating*

*6.25. Terms used*

*gross rental value in relation to land has the same meaning as under the Valuation of Land Act 1978;*

*unimproved value in relation to land has the same meaning as under the Valuation of Land Act 1978;*

*vacant land has the same meaning as under the Valuation of Land Act 1978.*

*6.26 Rateable Land*

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
  - (a) *land which is the property of the Crown and —*
    - (i) *is being used or held for a public purpose; or*
    - (ii) *is unoccupied, except —*
      - (I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
      - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land...*

*6.28. Basis of rates*

- (1) *The Minister is to —*
  - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
  - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

- (3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*
- (4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*
- (5) *Where during a financial year —*
  - (a) *an interim valuation is made under the Valuation of Land Act 1978; or*
  - (b) *a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or*
  - (c) *a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.*

*Valuation of Land Act 1978*

*Preliminary*

*Part I*

*townsite means —*

- (a) *all land within the metropolitan region; and*
- (b) *all land within a district that is a city or town outside the metropolitan region; and*
- (c) *any land that is currently a townsite within the meaning of the Land Administration Act 1997 or any Act repealed thereby; and*
- (d) *any land, including privately owned subdivided land, in an area that has been, or is to be regarded as having been, constituted a townsite, and given a name, under section 10 of the Land Act 1933 2.*

*unimproved value means —*

- (a) *in relation to any land situate within a townsite, except land referred to in paragraph (b)(ii), the site value;*
- (b) *in relation to any land not included in any area referred to in paragraph (a), where any such land is —*
  - (i) *land —*
    - (I) *held under a lease granted under the Land Administration Act 1997, or any Valuation of Land Act 1978*
    - (II) *held under a lease, licence or permit under the Conservation and Land Management Act 1984; or*
    - (III) *other than a mining tenement, held pursuant to an agreement made with the Crown in the right of the State and scheduled to an Act approving the agreement, the value thereof is an amount equal to 20 times the annual rental reserved by the lease or agreement or the value of the land in fee simple, whichever is the lesser sum;*

- (ii) *land in respect of which —*
- (I) *a mining tenement is held pursuant to an agreement made with the Crown in the right of the State and scheduled to an Act approving the agreement —*
    - (A) *5 times the annual rent per hectare for the first 1 000 h or part thereof;*
    - (B) *2.5 times the annual rent per hectare for the next 9 000 h or part thereof;*
    - (C) *0.25 times the annual rent per hectare for each hectare in excess of 10 000 h, where the annual rent referred to is the rent that would be payable if the mining tenement were held under the Mining Act 1978;*
  - (II) *an exploration licence is held under the Mining Act 1978 — 2.5 times the rent payable for the exploration licence under that Act;*
  - (III) *a petroleum production licence or geothermal production licence is held under the Petroleum and Geothermal Energy Resources Act 1967 — 2.5 times the fee payable for the relevant licence under that Act;*
  - (IV) *any other leases or licences are held under the Mining Act 1978 or exploration permits held under the Petroleum and Geothermal Energy Resources Act 1967 — 5 times the rent or fee payable for those leases, licences or permits under the relevant Act;*
  - (V) *any mineral estate or interest in land is registered under the Transfer of Land Act 1893 — 5 times the rent that would be payable if the land were held as a mining lease under the Mining Act 1978;*
- [(iii) deleted]*
- (iv) *land comprised in the annual cutting section allotted by the Department (as defined in section 3 of the Conservation and Land Management Act 1984) in respect of areas of State forests, timber reserves or other Crown land and held under a sawmilling permit or licence from the Crown for cutting or removing timber — the value thereof is an amount equal to \$3.75 for every hectare of land or part thereof;*
  - (v) *land held or used under any other lease, licence or concession from the Crown with the right to take any profit from the land — the value thereof is an amount equal to \$2.50 for every hectare of land or part thereof;*
  - (vi) *other land of the Crown which is temporarily occupied for private purposes without title or authority — the value thereof is an amount equal to 20 times the ground rent which might reasonably be demanded for the land, or the value of the land in fee simple, whichever is the lesser sum;*
  - (vii) *land to which any of subparagraphs (i) to (vi) do not apply —*
    - (I) *the capital amount that an estate in fee simple in the land not including improvements might reasonably be expected to realize upon sale; or*

- (II) *where the unimproved value cannot reasonably be determined on the basis in item (I) — the percentage of the capital amount that an estate in fee simple in the land might reasonably be expected to realize upon sale assuming that the land has been developed, without buildings, to the standard generally prevailing in the part of the State in which the land is situated and taking into account any restriction on the land imposed under any written law, such percentage being that prescribed for land in that part of the State.*

### **Policy Implications**

While not a Council Policy, the Local Government Operational Guidelines for “*Changing Methods of Valuation of Land*” issued in March 2012 have been referenced by the officer to ensure the appropriate steps, content of the report and subsequent submission are incorporated and available for consideration by the Minister.

Subsequently, a “Rating Policy – Valuation of Land” has also been introduced by the Department of Local Government in August 2013 which provides guidance underpinning the Ministerial determination on the method of valuation of land for rating purposes.

### **Strategic Planning Implications**

6.4 Local Leadership

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6.4.1 Strategic

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Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements

### **Budget Implications**

#### *Lot 185, Madigan Road, Pippingarra (A804113)*

As outlined above the rates applicable for this property with a \$200,000 unimproved value and using the UV Other rate in the dollar are in the order of \$26,256 per annum.

After discussions with the VGO, an indicative GRV would be \$31,200. Unfortunately the VGO cannot retrospectively apply rating values that are not gazetted, but Council does have the discretion to consider utilizing the current GRV and applying that retrospectively when it considers to write off monies (or any other methodology).

For reasons of equity, the spot rate could have been applied at any point in time subject to Council and the Minister's approval. The officer is therefore recommending that Council consider writing off the difference in the GRV and UV rates applicable to this property from the commencement of the lease from 1 July 2008. The table below outlines the variations between the rating methodology and the total rates and charges that would be required to be written off if Council consider this to be a reasonable approach.

Year	Valuation	UV Other Rate in the Dollar	TOTAL RATES PAYABLE	Indicative Valuation	GRV Residential Rate in the Dollar	TOTAL REVISED RATES PAYABLE	Variation
2008-09	\$75,000	10.5409	\$7,905.68	\$31,200	11.6365	\$3,630.59	(\$4,275.09)
2009-10	\$75,000	11.8374	\$8,878.05	\$31,200	4.1000	\$1,279.20	(\$7,598.85)
2010-11	\$100,000	9.0201	\$9,020.10	\$31,200	4.2640	\$1,330.37	(\$7,689.73)
2011-12	\$200,000	10.3731	\$20,746.20	\$31,200	4.5625	\$1,423.50	(\$19,322.70)
2012-13	\$200,000	11.7216	\$23,443.20	\$31,200	3.1025	\$1,040.00	(\$22,403.20)
2013-14	\$200,000	13.1282		\$31,200	3.3507	\$1,165.00	(\$25,091.40)
<b>TOTAL</b>						<b>\$9,868.66</b>	<b>(\$86,380.97)</b>

The variation calculated in the above table would see rates charges alone being written off valued at \$86,380.97. Along with the interest (\$10,324.20), legal and other charges (\$2,020.05), the total write off is estimated to be \$98,725.22.

Payments made to date by Mrs Dhu total \$10,603.80.

Taking into account the \$10,603.80 already paid by Mrs Dhu, the total amount that Mrs Dhu would be refunded would be \$735.14 reflecting the \$10,603.80 less the revised rates that would have been payable with a GRV methodology applied of \$9,868.66.

It is also suggested that if Mrs Dhu was charged the lesser amount from the commencement of the lease, that payments would have been made in full by the due date. If this were the case, no interest or legal fees would have been applied. Part of the recommendation of this report, is to write off all interest (estimated at \$10,324.20) and legal fees (estimated at \$2,020.05) since the commencement of the lease also.

*Lot 270, Great Northern Highway, Indee (A803135)*

The VGO has provided an indicative GRV for this property, being \$2,750 given there is little more than a shed on the property. This would result in Minimum Payments being required for each year since the commencement of the lease.



Year	Valuation	UV Other Rate in the Dollar	TOTAL RATES PAYABLE	Valuation	GRV Residential Rate in the Dollar	TOTAL RATES PAYABLE	Variation
6/12/05	\$20,000	7.8191	\$1,563.82	\$2,750	10.4574	\$458.84 (pro rata)	(\$1,104.98)
2006-07	\$20,000	9.7739	\$1,954.78	\$2,750	10.7899	\$600	(\$1,354.78)
2007-08	\$20,000	10.1160	\$2,023.20	\$2,750	11.1675	\$600	(\$1,423.20)
2008-09	\$40,000	10.5409	\$4,216.36	\$2,750	11.6365	\$630	(\$3,586.36)
2009-10	\$40,000	11.8374	\$4,734.96	\$2,750	4.1000	\$653	(\$4,081.96)
2010-11	\$54,000	9.0201	\$4,870.85	\$2,750	4.2640	\$800	(\$4,070.85)
2011-12	\$54,000	10.3731	\$5,601.47	\$2,750	4.5625	\$1,000	(\$4,601.47)
2012-13	\$54,000	11.7216	\$6,329.66	\$2,750	3.1025	\$1,040	(\$5,289.66)
2013-14	\$54,000	13.1282	\$7,089.23	\$2,750	3.3507	\$1,165	(\$5,924.23)
<b>TOTAL</b>			<b>\$38,384.33</b>			<b>\$6,946.84</b>	<b>(\$31,437.49)</b>

Payments made to date by Mr Paddington total \$42,716.04, which includes payments for interest, legal fees and the Emergency Services Levy also.

If Council considered writing off the difference between the UV and GRV rates payable this would result in a total of \$31,437.49 being written off, excluding legal, interest charges and the Emergency Services Levy.

Taking into account the \$42,716.04 that Mr Paddington has already paid, the total amount the Town would be required to refund Mr Paddington is \$11,278.55 being the difference between the amount paid and the \$6,946.84 required to be paid for rates, excluding legal and interest charges.

The write-off in rates and associated fees and charges for both of these properties will have an overall impact on the efficiency dividend of approximately \$130,162.71 being the \$98,725.22 for Lot 185 Madigan Road, and \$31,437.49 for Lot 270 Great Northern Highway. If all interest and legal fees were to be written off, then the amount would be slightly higher given that interest accrues daily.

The ongoing impact of changing the method of valuation for both of these properties would be in the order of \$32,957.80 annually (based on the 2013/14 rates that may be applied) not accounting for valuation or rate in the dollar modifications that may be made.

#### **Officer's Comment**

The Town has always attempted to rate the community in a manner that is consistent and equitable to all ratepayers. It is the officer's opinion that the current rating of these particular properties given the allowable uses contained within the lease and what they are using the land for, is unfair and should be reviewed.

As outlined in the Department's guidelines, "Spot valuations can be effective in promoting rating equity by ensuring that properties with similar uses are rated on the same method of valuation regardless of their location within the district. However they also can be more labour intensive and less administratively efficient than other options."

Initially the officer had only identified the Madigan Road property for spot valuation but part of the Departmental guidelines recommends that the Town should check the district to identify properties of a similar type to also be reviewed, hence the incorporation of the Great Northern Highway property which is similar in terms of it being a Crown lease with the ability for residential use, which is currently the predominant use of the land. In fact one of the examples in the guidelines states:

*"A house is situated on a two hectare property. On the property there is a vegetable patch and some fruit trees. The occupier also keeps livestock, including a cow, two sheep, two horses and several chickens and ducks. There is no doubt that some rural activities are undertaken on the property. However, these activities are undertaken on a small scale. The produce is mainly for personal consumption. Although from time to time the occupier may sell some produce at a roadside stall, the occupier is not deriving his/her livelihood from "working the land". The predominant use can be said to be residential."*

The above example is clearly similar to the two properties mentioned within this report.

While the guidelines also refer to spot valuations being potentially more labour intensive, the officer does not believe that this will be case as the proposal is to use the same rating category that is currently applied to residential properties and even the rural residential estate which is outside the town boundary, being GRV residential. This will minimize the administrative burden for the Town and provides a consistent basis going forward.

If Council supports the officer's recommendation, an application is to be put to the Department of Local Government who will then put the application to the Minister to consider spot rating these properties on the basis that they are being inconsistently rated currently when considering the predominant use of the land, and should be considered to be more aligned with the rural residential estate to the south of South Hedland. While these properties are outside the town boundary, they are currently being rated utilizing the GRV Residential rate category, which according to the VGO is quite common for these types of subdivisions.

As mentioned in the Budget Implications section of this report, at any stage, the Town has had the opportunity to spot rate these properties considering the predominant use of the land has never changed from being residential. The officer is not aware of the previous circumstances as to why this was not provided as an option, and is of the opinion that if Council and the Minister approve the proposal, that while the rate value cannot be applied retrospectively, that Council consider applying it in a financial sense, whereby the difference between the GRV and the UV rates calculated is written off, along with all legal fees and interest charges to date (reflecting the “goodwill” assumption that the ratepayers would have paid the reduced rates in full).

Although this has a significant financial impact in the order of \$130,162.71 and also an ongoing impact of at least \$32,957.80, the officer believes this is the ethical way to proceed.

### **Attachments**

1. Map showing the town boundary.
2. Map reflecting property 11 is Lot 185 Madigan Road, Pippingarra and the current inequity in property values based on GRV and UV's in the area.
3. Google Map showing approximately where 270 Great Northern Highway, Indee is located in comparison to the Port Hedland International Airport.
4. Property outline of Lot 270 Great Northern Highway, Indee (aerial is unavailable for this area of Port Hedland).
5. Changing Methods of Valuation of Land – Local Government Operational Guidelines – Number 02 Revised March 2012 (Under Separate Cover)

### **201314/137 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hooper**

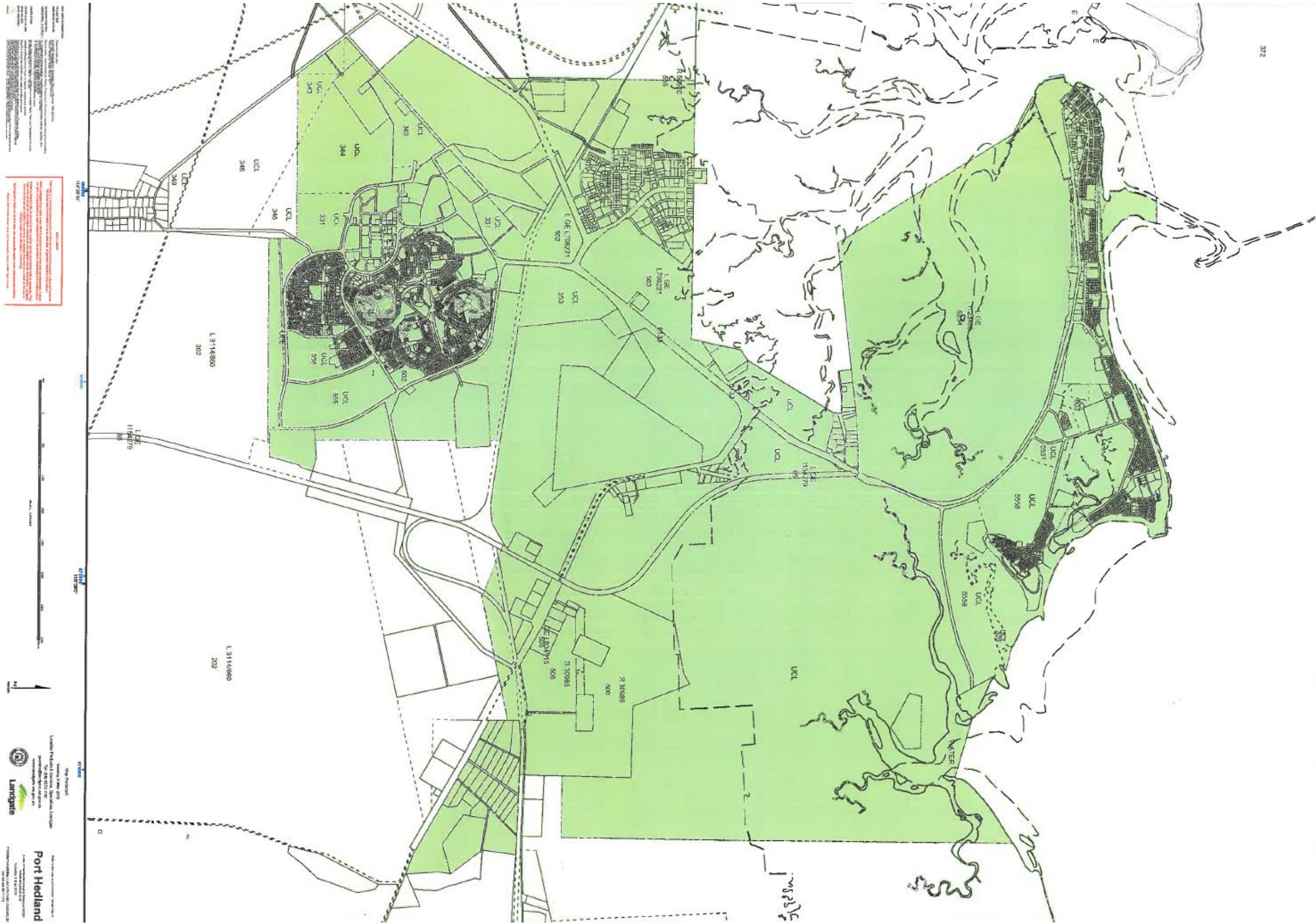
### **That Council:**

1. **Approves the change in valuation method for Lot 185, Madigan Road, Pippingarra (A804113) from an unimproved basis to a gross rental value basis to commence 1 July 2014, subject to the Minister's approval;**
2. **Approves the change in valuation method for Lot 270, Great Northern Highway, Indee (A803135) from unimproved to a gross rental basis to commence 1 July 2014, subject to the Minister's approval;**

- 3. Subject to the Minister's approval to change the valuation method, authorises the writing off of \$86,380.97 in rates, along with all interest and legal fees (excluding any amounts for the Emergency Services Levy) associated with Lot 185, Madigan Road, Pippingarra (A804113) which reflects the difference in the amounts that would have been charged utilizing a GRV rather than a UV from 1 July 2008;**
- 4. Subject to the Minister's approval to change the valuation method, authorises the writing off of \$31,437.49 in rates, along with all interest and legal fees (excluding any amounts for the Emergency Services Levy) associated with Lot 270, Great Northern Highway, Indee (A803135) which reflects the difference in the amounts that would have been charged utilizing a GRV rather than a UV from 1 July 2008;**
- 5. Recognises that the writing off of these amounts will result in monies being returned to the lessee of the property;**
- 6. Acknowledges the assistance provided by the Valuer General's Office in this matter, and thanks them for their cooperation; and**
- 7. Requests the Chief Executive Officer, or his delegate(s), to put an application to the Department of Local Government (who will prepare a report for the Minister's consideration) seeking to change the method of valuation from unimproved to a gross rental basis to be in force from 1 July 2014 for A804113 and A803135.**

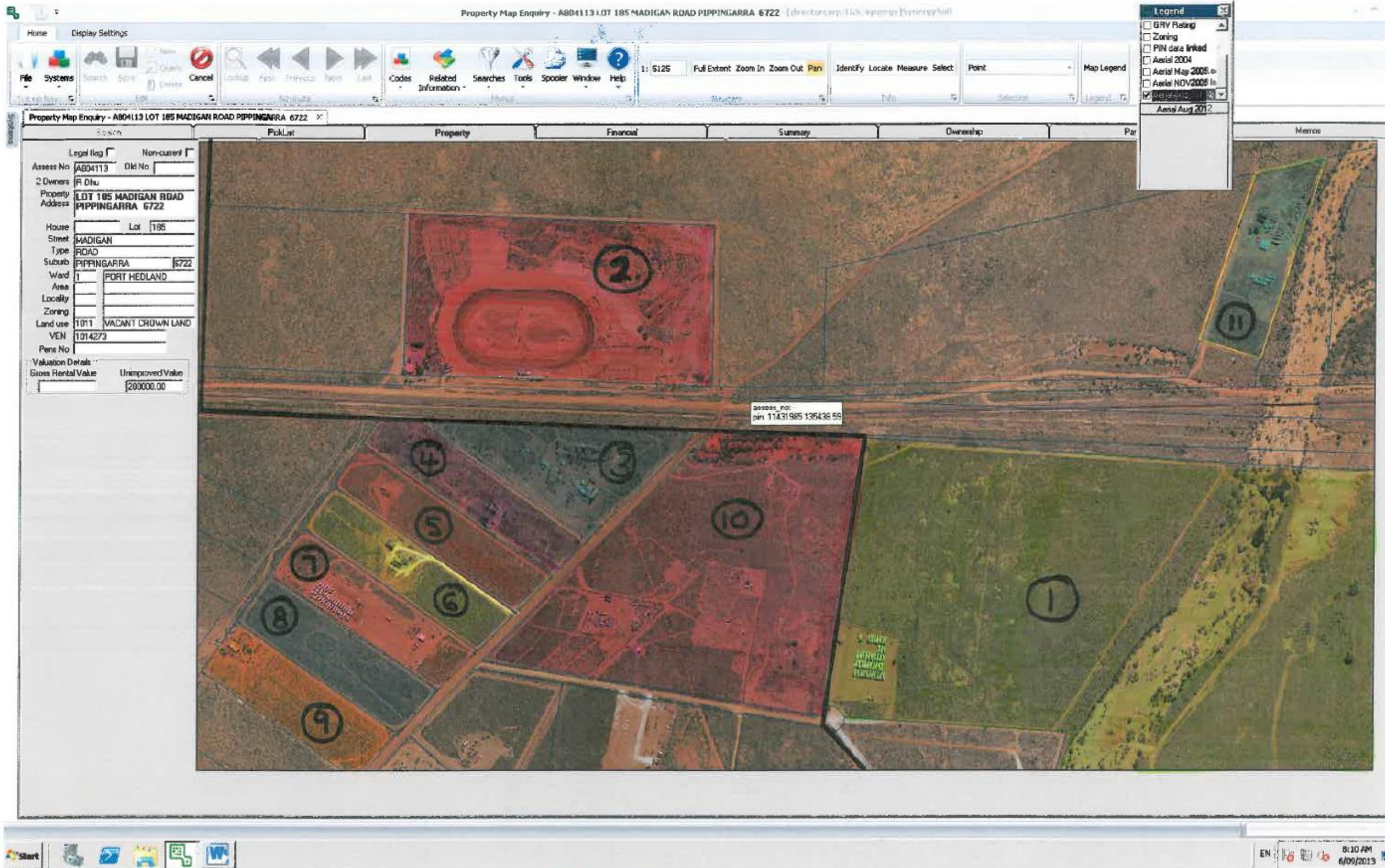
***CARRIED BY ABSOLUTE MAJORITY 10/0***







- ① A129010  
201.9430 ha  
GRV: \$73,320
- ② A156260  
17.3 ha  
UV: \$140,000
- ③ A130583  
5.7202 ha  
GRV: \$7,800
- ④ A130603  
4.0269 ha  
GRV: \$7,800
- ⑤ A130581  
4.0040 ha  
GRV: \$1,890
- ⑥ A130580  
4.0003 ha  
GRV: \$1,890
- ⑦ A130579  
4.0539 ha  
GRV: \$1,890
- ⑧ A803185  
4.1136 ha  
GRV: \$1,890



- ⑨ A805246  
4.0994 ha  
GRV: \$1,890
- ⑩ A155980  
Non-Rateable
- ⑪ A804113  
4.2 ha  
UV: \$200,000
- Town Boundary



Get directions My places

1 Highway, Port Hedland, Western Australia x

270 Great Northern Highway, Indee  
[Are you seeing a different 270 Great Northern Highway Indee  
Add Destination - Show options  
**GET DIRECTIONS**

Suggested routes

National Highway 1 and Great Northern Hwy/National Highway 95 69.2 km, 45 mins

Driving directions to Great Northern Hwy, Indee WA 6721

Port Hedland International Airport  
Great Northern Hwy  
Port Hedland WA 6721

1. Head north-west on Great Northern Hwy/National Highway 1 towards Stirrupiron St 2.1 km
2. Turn left onto National Highway 1 1.4 km
3. Turn right onto Great Northern Hwy/ National Highway 1 28.8 km
4. Turn left onto Great Northern Hwy/ National Highway 95 (signs for Munjina/ Newman) 24.9 km

Great Northern Hwy  
Indee WA 6721

Save to My Maps

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs and notices regarding your route.

Map data ©2013 Google

Imagery ©2013 TerraMetrics, Map data ©2013 Google Edit in Google Map Maker Report a problem

Enrich	PickList	Property	Financial	Summary	Ownership	Pa	Memos				
<p>Legal flag <input type="checkbox"/> Non-current <input type="checkbox"/></p> <p>Assess No: A803135 Old No: <input type="text"/></p> <p>Owner: PADDINGTON</p> <p>Property Address: LOT 270 GREAT NORTHERN HIGHWAY</p> <p>House: <input type="text"/> Lot: 270</p> <p>Street: GREAT NORTHERN</p> <p>Type: HIGHWAY</p> <p>Suburb: INDEE 6721</p> <p>Ward: 1 PORT HEDLAND</p> <p>Area: <input type="text"/></p> <p>Locality: <input type="text"/></p> <p>Zoning: <input type="text"/></p> <p>Land use: <input type="text"/></p> <p>VEN: 1253898</p> <p>Rate No: <input type="text"/></p> <p>Valuation Details</p> <table><tr><td>Gross Rental Value</td><td>Unimproved Value</td></tr><tr><td><input type="text"/></td><td>54000.00</td></tr></table>		Gross Rental Value	Unimproved Value	<input type="text"/>	54000.00						
Gross Rental Value	Unimproved Value										
<input type="text"/>	54000.00										



**11.4.1.4 Interim Financial Reports to Council for the Period Ended 31 August 2013 (File Nos: FIN-008, FIN-014 and RAT-009)**

**Officer** Kalwant Dhillon  
Manager Financial Services

**Date of Report** 4 October 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The objective of this item is to present a summary of the financial activities of the Town for the period ended 31 August 2013, in comparison to the year-to-date budget. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2012/13.

**Background**

*1. Interim Financial Statements*

The following interim financial reports are attached for the period ended 31 August 2013:

- Statement of Interim Financial Activity (Attachment 1 – see Schedules 2 to 14);
- Statement of Interim Financial Activity (Attachment 1 – see Notes 3 to 11);

*Note: Interest rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Bankwest, Western Australian Treasury Corporation, Commonwealth Bank, Australian and New Zealand Bank and Westpac Bank.*

*2. Utility and Fuel Costs*

Presented in graph form is the 2013/14 monthly water, power and fuel costs compared with 2012/13.

*3. Schedule of Accounts Paid – Attachment 2*

The Schedule of Accounts paid under delegated authority which is submitted to Council on 23 October 2013 for noting, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and delivery of services, and verification of prices, computations and costs.

**Consultation**

Nil

## Statutory Implications

### *Financial Statements*

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

*“34. Financial activity statement report - s. 6.4*

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) budget estimates to the end of the month to which the statement relates;*
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing:*
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown:*
  - (a) according to nature and type classification;*
  - (b) by program; or*
  - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS, to be used in statements of financial activity for reporting material variances.*

*Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:*

*“(1) Subject to subsection (2) and any other written law, a local government may –*



*(a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*

*(b) waive or grant concessions in relation to any amount of money; or*

*(c) write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

*(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

*(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

*(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”*

## **Policy Implications**

2/003 Financial Statements – Copies for Councillors.

Apart from the financial reports presented to Council as required by way of legislation, the following reports will be presented to Council:

### *Monthly*

- Bank Reconciliation of the Municipal, Reserve and Trust Fund
- +90 day outstanding Sundry Debtors Report
- List of Accounts paid under Delegated Authority
- Register of Investments
- Rate Summary Trial Balance
- Reserve Account Balances.

### *Quarterly*

- Quarterly Budget Review
- Report on all Budgeted Grants of \$50,000 or more

Irregular Financial reports will be presented to Council as deemed necessary by the Director, Corporate Services or Manager, Financial Services or requested by Council by resolution.

## **Strategic Planning Implications**

6.4 Local Leadership

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6.4.1 Strategic

---

Deliver high quality corporate governance, accountability and compliance.

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

## Budget Implications

At the Special Meeting held on 31 July 2013, Council resolved to adopt item 6.3.1 'Adoption of the 2013/2014 Budget' en block with the exception of Recommendation 20, which included Recommendation 19 as follows:

### *"Recommendation 19*

*In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, that Council adopts the following percentage or dollar value for determining and reporting material variances in 2013/14 as follows:*

- i) 10% of the Function amended budget; or*
- ii) \$100,000 of the Function amended budget*

*whichever is the lesser, for the following categories of revenue and expenditure:*

- iii) Operating Revenue*
- iv) Operating Expenditure*
- v) Non-Operating Revenue*
- vi) Non-Operating Expenditure"*

## Officer's Comment

For the purpose of explaining Material Variance (see Attachment 1, Schedule 2) a three-part approach was taken:

### *Period Variation*

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

### *Primary Reason*

Identifies the primary reasons for the period Variance. As the report is aimed at the higher level analysis, minor contributing factors are not reported.

### *Budget Impact*

Forecasts the likely dollar impact on the Adopted Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

**Attachments**

1. Monthly Statement of Business Activity (Under Separate Cover)
  - 1.1 Schedule 2, an Statement of Interim Financial Activity. Pages 2
  - 1.2 Notes 3 to 11 which form part of the Interim Statement of Financial Activity. Pages 3 to 18
  - 1.3 Schedule 3 -14, Detailed Interim Financial Activity by Program. Pages 19 to 73
  - 1.4 Comparison of Utility & Fuel Costs (2013/14 vs 2012/13). Pages 74 to 76
2. August 2013 Listings for Payment (Under Separate Cover)

**201314/138 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hooper**

**That Council note the:**

1. **Financial Statements as at 31 August 2013;**
2. **Graphic representation of the Town's energy, water and fuel use;**
3. **List of Accounts paid during August 2013 under Delegated Authority; and**
4. **Financial Statements will remain interim until after all year end processes are undertaken and the Town's auditors have finalised the 2012/13 annual audit.**

***CARRIED 10/0***

**11.4.1.5 Efficiency Dividends Achieved for September 2013**

<b>Officer</b>	<b>Kalwant Dhillon Manager Financial Services</b>
<b>Date of Report</b>	<b>3 October 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The objective of this paper is to report to Council the efficiency dividends achieved by the Town of Port Hedland for the month of September 2013 for its consideration and endorsement.

**Background**

An efficiency dividend of \$1.93 million was incorporated in the 2013/14 budget to provide a challenge to the organization to improve the efficiency and effectiveness of the facilities and services provided to the community.

The efficiency dividend is anticipated to be achieved through the following areas:

- Staff cost savings including vacancies
- Savings in other operating expenses including travel and energy savings
- Additional revenues arising from existing and new sources

Staff vacancies will be reviewed by the management team in order to ensure that the position is still required and paid at the appropriate salary level. Whilst this may cause delays in recruitment of staff this would allow the organisation to rationalize their staff resources and achieve the efficiency dividend where possible and appropriate. Similarly, higher duties allowances will be monitored closely by management and payments for these allowances in relation to short-term "Acting" opportunities will be restricted.

The Managers will be taking the efficiency dividend into consideration in their decision making process moving forward and a formal process has been established to monitor and report the efficiency dividends through the Managers' meetings on a monthly basis.

As a way forward, the efficiency dividend report will be presented to the Council on a monthly basis, for the Council's consideration and endorsement to adjust the efficiency dividend budget allocation and the associated expenditure and revenue budget allocations where the efficiency dividends are achieved.

**Consultation**

All Managers  
Executive Team  
Coordinator, Human Resources

**Statutory Implications**

Local Government Act – Part 6 Financial Management

Local Government (Financial Management) Regulations 1996 – Part 3

**Policy Implications**

Nil

**Strategic Planning Implications**

Local Leadership

6.4 Local Leadership

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6.4.1 Strategic

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Deliver high quality corporate governance, accountability and compliance

6.4 Local Leadership

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6.4.2 Community Focused

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Provide a community-oriented organization that delivers the high levels of service expected by our stakeholders

**Budget Implications**

If Council endorses the efficiency dividends for the month of September 2013, the net impact on the Budget would be nil, but the GL accounts identified in Attachment 1 would be modified.



**Officer's Comment**

The Management Team has worked through a formal process to identify the efficiency dividend on a monthly basis and for the month of September 2013 the efficiency dividends achieved is summarized below:

**Summary of Efficiency Dividends Achieved for September 2013**

	Municipal Fund \$	Airport Reserve \$
Cost Savings	(\$92,262)	(\$10,816)
Transfer from Airport Reserve	\$0	\$10,816
Total Impact on Efficiency Dividend	\$92,262	\$0

Details of the efficiency dividends achieved for September 2013 are outlined in Attachment 1.

It should be noted that the individual general ledger accounts listed in Attachment 1 include corporate areas which are recommended to be adjusted. The monthly review does not take into account any adjustments that are then required in relation to the administration costs to be distributed across all business units, which is a "flow on effect" of adjustments to corporate costs.

Any amendments required for the administration cost distribution and therefore other associated reserve transfers will be identified during each quarterly budget review and proposed for amendment at that stage in order to simplify the efficiency dividend review.

**Attachments**

1. Summary of Efficiency Dividends for September 2013

**201314/139 Officer's Recommendation/ Council Decision**

**Moved: Cr Hunt**

**Seconded: Cr Jacob**

**That Council:**

- 1. Note the efficiency dividends achieved for the month of September 2013 being \$92,262 attributed to the Municipal Fund and \$10,816 attributed to the Airport Business Unit;**
- 2. Approve the budget adjustments reflected in the variation column of Attachment 1 as a result of efficiency dividends achieved for September 2013 recognizing that the adjustments will maintain a balanced budget position for the Town; and**
- 3. Note that the administration costs distributed and other subsequent adjustments will be identified in each budget review for consideration in order to simplify the monthly efficiency dividend review process.**

***CARRIED 10/0***

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## SUMMARY OF EFFICIENCY DIVIDENDS - SEPTEMBER 2013

Description	GL Account Description	G/L Reference	Original Budget \$	Ammended Budget after August ED \$	Proposed Budget \$	Variance/ Efficiency Div \$	Funding Source	
							Municipal Fund	Airport Reserve
<b>Expenditure Impacts</b>								
<i>Staff Cost Savings</i>								
Human Resources	Salaries	404201	669,486	637,135	612,641	24,494	24,494	
	Super	404211	72,519	69,124	66,604	2,520	2,520	
	Vehicle	404269	3,500	2,940	2,671	269	269	
Organisational Development	Salaries	408201	922,610	901,946	892,039	9,907	9,907	
	Super	408211	95,808	93,863	92,954	909	909	
Environmental Health Services	Salaries	702201	456,304	449,699	439,792	9,907	9,907	
	Super	702211	51,919	51,313	50,404	909	909	
Information Communication Technology	Salaries	405201	461,164	442,530	428,107	14,423	14,423	
	Super	405211	52,600	51,711	50,257	1,454	1,454	
Building Control	Salaries	1302201	554,481	552,853	552,039	814	814	
	Super	1302211	58,157	56,057	55,007	1,050	1,050	
Engineering Services	Garden Maintenance	1111283	1,266,400	-	1,257,395	9,005	9,005	
	Kerb maintenance	1206279	57,668	-	48,663	9,005	9,005	
Planning	Salaries	1006201	1,184,785	-	1,177,832	6,953	6,953	
	Super	1006211	124,626	-	123,983	643	643	
Airport Administration	Salaries	1210201	2,168,827	2,154,564	2,144,657	9,907		9,907
	Super	1210211	210,481	209,167	208,258	909		909
<b>Sub-Total (Staffing Cost)</b>						<b>103,078</b>	<b>92,262</b>	<b>10,816</b>
<i>Other Operating Cost Savings</i>								
Nil						-	-	-
<i>Other Impacts</i>								
Council Decisions						-	-	-
<b>TOTAL OPERATING COST SAVINGS</b>						<b>103,078</b>	<b>92,262</b>	<b>10,816</b>
<b>Revenue Impacts</b>								
Airport Administration	T/F from Ap Capital Works Reserve	1210398	31,468,668	31,453,091	31,442,275	10,816	-	10,816
<b>TOTAL NEW REVENUE STREAMS</b>						<b>10,816</b>	<b>-</b>	<b>10,816</b>
<b>Total Efficiency Dividend Impact</b>		1407274				92,262	92,262	-
<b>NET BUDGET IMPACT</b>						<b>-</b>	<b>-</b>	<b>-</b>

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11.5 Office of the CEO

11.5.1 Organisational Development

**11.5.1.1 *Membership and Terms of Reference of the Town of Port Hedland Audit & Finance Committee and Port Hedland International Airport Committee (File No.: 13/05/0002)***

**Officer** Josephine Bianchi  
Governance Coordinator

**Date of Report** 4 October 2013

**Disclosure of Interest by Officer** Nil

**Summary**

To comply with the requirements of the Local Government Act 1995 (the Act) and to ensure active community engagement, this report seeks to nominate elected members and appoint community members to represent Council to the Town of Port Hedland Audit & Finance Committee and Port Hedland International Airport Committee. The Terms of Reference of the both committees are also proposed to be changed.

**Background**

Following the Ordinary Local Government elections to be held on Saturday 19 October 2013, and the election of five (5) Councillors and one (1) Mayor, Council has to consider reviewing its current committees and fill elected member vacancies.

*Committees*

Local Government committees are a formal type of meetings established as part of the administrative structure of the Town of Port Hedland.

The role of committees is to assist the Council in its decision making process by providing advice about specific issues.

Committees are very similar to Ordinary Council meetings, as they have to follow a series of statutory requirement in accordance with the Act and the Town of Port Hedland's Local Law on Standing Orders. The Act stipulates the following:

- Requires committees to have at least three members if they are established
- Requires committee members to declare a financial interest, where applicable
- Outlines the prescribed method of appointment of committee members

- Details the tenure of committees
- Details quorum requirements of committees
- Limits the roles and functions of committees
- Details requirements for record keeping, particularly in relation to minutes and decisions made by the committee under delegated authority
- Details the delegations of some powers and duties to certain committees

Council's Local Law on Standing Orders provides the following:

- the duties and any delegations proposed to be entrusted to the committee
- the number of members intended to constitute the committee;
- the term of establishment of the committee
- details of when the committee is to meet and how it shall report to Council

### Consultation

- Chief Executive Officer
- All Directors
- Governance Coordinator
- Manager Organisational Development

### Statutory Implications

#### *5.10. Committee members, appointment of*

*(1) A committee is to have as its members —*

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
  - (b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

*5.11. Committee membership, tenure of*

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b) *the person resigns from membership of the committee; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day, whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day, whichever happens first.*

*5.11A. Deputy committee members*

- (1) *The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.*
- \* Absolute majority required.*
- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
- (a) *if the member of the committee is a council member — a council member; or*
  - (b) *if the member of the committee is an employee — an employee; or*
  - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
  - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*

- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

#### Town of Port Hedland Local Law on Standing Orders

##### *Appointment of Deputies*

##### *19.1*

- (1) *The council may appoint a member or members thereof to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee provided that a committee member is not appointed deputy for another member of the same committee. Where two or more deputies are so appointed they shall have seniority in the order determined by the council.*
- (2) *In the event of a member not being able to attend a meeting of a committee to which the member has been appointed, the member will endeavour to arrange for the appointed deputy to attend in the member's place.*

##### *Appointment of Committees*

##### *19.3 Any motion to establish a committee shall contain-*

- a. the duties and any delegations proposed to be entrusted to the committee;*
- b. the number of members intended to constitute the committee;*
- c. the term of establishment of the committee;*
- d. details of when the committee is to meet and how it shall report to council.*

#### **Policy Implications**

Nil

#### **Strategic Planning Implications**

The following section of Council's Strategic Community Plan 2012 - 2022 is considered relevant:

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance
6.4	Local Leadership
6.4.2	Community focused
	Local leaders in the community who provide transparent and accountable civic leadership.

### **Budget Implications**

Costs associated with committees are included in the Town of Port Hedland 2013/14 Budget as operational expenditures.

### **Officer's Comment**

Following each Ordinary Local Government Election the membership of all committees established by the Council is required to be reviewed. This is also considered as an appropriate time to review the committees terms of reference.

The current terms of reference for the Audit & Finance Committee are listed under Attachment 1 of this report. It is the officer's recommendation that they be amended as follows:

#### *Audit & Finance Committee – Revised Terms of Reference*

##### *Aim/Purpose*

The Audit and Finance Committee objective is to assist the Town of Port Hedland Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of Council's financial management systems and reporting

The Audit and Finance Committee has been established in accordance with Part 7 of the Local Government Act 1995 to:

1. liaise with the Auditor(s) to assist Council in carrying out functions in relation to external audit, including liaising with the Auditor and develop a process for selection and appointment of a person as the Auditor.
2. receive Quarterly Budget Review Reports;
3. recommend Donations as per Council's Policy;
4. receive Quarterly Financial Reports on all of the Town of Port Hedland's Managed Community Facilities;
5. review and suggest improvements to Risk Management within the organisation; and
6. assist the organization in the development of an internal audit program.

##### *Membership:*

The membership of the committee be as follows:

- 4 x Elected Members
- 4 x Deputy Members



1 x Community Member

*Quorum:*

The quorum for the Committee be a minimum of 50% of its membership.

*Delegation:*

The Town of Port Hedland Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's auditor(s) as required by Section 7.12A(2) of the Local Government Act 1995.

*Tenure:*

Ongoing

*Responsible Officer:*

Director Corporate Services

The main changes to the terms of reference are the addition of reference to an internal audit program to be developed and the deletion of the periodic consideration of alternatives for potential staff housing options, as this is not considered to be a function that pertains to an audit and finance committee.

The nomination of four deputy members has been added to ensure a quorum is achieved at every meeting and the appointment of an external member is also being proposed. This community member will be expected to hold formal qualifications within the areas of finance, governance, risk management and/or auditing at a corporate level and will be required to submit a curriculum to showcase relevant work experience together with a cover letter outlining the reasons behind their willingness to be on this committee.

With regard to the Port Hedland International Airport Committee it is the officer's recommendation that the current Terms of Reference (listed under Attachment 2) remain unchanged, with the exception of the membership. Nominations will have to be sought from five elected members. With regard to community members, all current members have expressed their willingness to continue their membership, a part from Mr Chris Whalley and Mr Erik Widing who have officially resigned. It is therefore proposed that the Council reconsider the memberships of Ms Florence Bennett, Mr Serge Doumergue and Dr Ken King only, without seeking further community membership until the terms of reference of the committee are reviewed in full at a later date. This will bring the total number of members on the Port Hedland International Airport Committee to eight.

**Attachments**

1. Audit & Finance Committee current Terms of Reference.
2. Port Hedland International Airport Committee current Terms of Reference.
3. Department of Local Government and Communities Guidelines No. 9 –Audit Committees in Local Government.

**Officer's Recommendation**

That Council:

1. Adopts the following Terms of for the Audit and Finance Committee:

*Aim/Purpose*

The Audit and Finance Committee objective is to assist the Town of Port Hedland Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of Council's financial management systems and reporting

The Audit and Finance Committee has been established in accordance with Part 7 of the Local Government Act 1995 to:

1. liase with the Auditor(s) to assist Council in carrying out functions in relation to external audit, including liaising with the Auditor and develop a process for selection and appointment of a person as the Auditor.
2. receive Quarterly Budget Review Reports;
3. recommend Donations as per Council's Policy;
4. receive Quarterly Financial Reports on all of the Town of Port Hedland's Managed Community Facilities;
5. review and suggest improvements to Risk Management within the organisation; and
6. assist the organization in the development of an internal audit program.

*Quorum:*

The quorum for the Committee be a minimum of 50% of its membership.

*Meeting Frequency*

As and when required.

*Delegation:*

The Town of Port Hedland Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's auditor(s) as required by Section 7.12A(2) of the Local Government Act 1995.

*Tenure:*

Ongoing

*Responsible Officer:*

Director Corporate Services

2. Appoints Councillors \_\_\_\_\_ as members of the Audit & Finance Committee, and Councillors \_\_\_\_\_ as deputy members of the Audit & Finance Committee; and
3. Request the Chief Executive Officer, or his delegate(s), issue a public notice seeking the appointment of 1 suitably qualified community member to the Audit & Finance Committee;
4. Adopts the following Terms of Reference for the Port Hedland International Airport Committee:

*Aim/Purpose*

The Port Hedland International Airport Committee is established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

- Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified;
- Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means; and
- Upgrade terminal facilities including baggage screening and departure lounges.

*Quorum*

The quorum for the Committee is to be a minimum of 50% of its membership.

*Delegation*

- i) To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11F.
- ii) To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.

*Tenure*

Ongoing

*Meeting frequency*

Every 4 weeks

*Dates of Meetings*

The next Port Hedland International Airport Committee meeting is to take place on 31 October 2013 at 12:30pm in Council Chambers as per recommendation from the last Port Hedland International Airport Committee meeting held on 2 October 2013. All subsequent dates and times will be set by the Port Hedland International Airport Committee on 31 October and advertised accordingly.

*Responsible Officer*

Director Engineering Services

5. Appoints Councillors \_\_\_\_\_ as members of the Port Hedland International Airport Committee, and Councillors \_\_\_\_\_ as deputy members of the Port Hedland International Airport Committee;
6. Reappoints Ms Florence Bennett, Mr Serge Doumergue and Dr Ken King as community members of the Port Hedland International Airport Committee; and
7. Acknowledges the resignation of Mr Chris Whalley and Mr Erik Widing from the Port Hedland International Airport Committee and commends them for their time and effort.

## 201314/140 Council Decision

Moved: Cr Gillingham

Seconded: Cr Jacob

That Council:

1. Adopts the following Terms of for the Audit and Finance Committee:

*Aim/Purpose*

The Audit and Finance Committee objective is to assist the Town of Port Hedland Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of Council's financial management systems and reporting

The Audit and Finance Committee has been established in accordance with Part 7 of the Local Government Act 1995 to:

1. liase with the Auditor(s) to assist Council in carrying out functions in relation to external audit, including liaising with the Auditor and develop a process for selection and appointment of a person as the Auditor.
2. receive Quarterly Budget Review Reports;
3. recommend Donations as per Council's Policy;
4. receive Quarterly Financial Reports on all of the Town of Port Hedland's Managed Community Facilities;
5. review and suggest improvements to Risk Management within the organisation; and
6. assist the organization in the development of an internal audit program.

*Quorum:*

The quorum for the Committee be a minimum of 50% of its membership.

*Meeting Frequency*

As and when required.



***Delegation:***

The Town of Port Hedland Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's auditor(s) as required by Section 7.12A(2) of the Local Government Act 1995.

***Tenure:***

Ongoing

***Responsible Officer:***

Director Corporate Services

2. Appoints Mayor Howlett and Councillors Jacob, Butson and Van Vugt as members of the Audit & Finance Committee, and Councillors Daccache, Gillingham, Hooper, Hunt, Taylor and Melville as deputy members of the Audit & Finance Committee;
3. Request the Chief Executive Officer, or his delegate(s), issue a public notice seeking the appointment of 1 suitably qualified community member to the Audit & Finance Committee;
4. Adopts the following Terms of Reference for the Port Hedland International Airport Committee:

***Aim/Purpose***

The Port Hedland International Airport Committee is established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

- Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified;
- Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means; and
- Upgrade terminal facilities including baggage screening and departure lounges.

***Quorum***

The quorum for the Committee is to be a minimum of 50% of its membership.

*Delegation*

- i) To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11F.
- ii) To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.

*Tenure*

Ongoing

*Meeting frequency*

Every 4 weeks

*Dates of Meetings*

The next Port Hedland International Airport Committee meeting is to take place on 30 October 2013 at 12:30pm in Council Chambers as per recommendation from the last Port Hedland International Airport Committee meeting held on 2 October 2013. All subsequent dates and times will be set by the Port Hedland International Airport Committee on 30 October and advertised accordingly.

*Responsible Officer*

Director Engineering Services

5. Appoints Mayor Howlett and Councillors Jacob, Gillingham, Hunt and Butson as members of the Port Hedland International Airport Committee, and Councillors Hooper and Melville as deputy members of the Port Hedland International Airport Committee;
6. Reappoints Ms Florence Bennett, Mr Serge Doumergue and Dr Ken King as community members of the Port Hedland International Airport Committee;
7. Acknowledges the resignation of Mr Chris Whalley and Mr Erik Widing from the Port Hedland International Airport Committee and commends them for their time and effort; and
8. Acknowledges and commends the efforts of Arnold Carter and Bill Dziombak.

***CARRIED BY ABSOLUTE MAJORITY 10/0***

## ATTACHMENT 1 TO ITEM 11.5.1.1

**Audit & Finance Committee****Terms of Reference**

The Audit and Finance Committee has been established in accordance with Part 7 of the Local Government Act 1995 to:

1. liaise with the Auditor(s);
2. receive Quarterly Budget Review Reports;
3. recommend Donations as per Council's Policy;
4. periodically consider alternatives for potential staff housing options;
5. receive Quarterly Financial Reports on all of the Town of Port Hedland's Managed Community Facilities; and
6. review and suggest improvements to Risk Management within the organisation.

*Membership:*

The membership of the committee be as follows:

- Mayor Kelly A Howlett;
- Councillor Arnold A Carter (Presiding Member)
- Councillor Michael B Dziombak (Deputy Presiding Member)
- Councillor Gloria A Jacob

*Quorum:*

The quorum for the Committee be a minimum of 50% of its membership.

*Delegation:*

The Town of Port Hedland Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's auditor(s) as required by Section 7.12A(2) of the Local Government Act 1995.

*Tenure:*

Ongoing

*Responsible Officer:*

Director Corporate Services

*(Adopted by Council at its Ordinary Meeting held 16 November 2011)*

## ATTACHMENT 2 TO ITEM 11.5.1.1

**Airport Committee of the Town of Port Hedland Council - Terms of Reference****Aim/Purpose**

The Airport Committee is established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

- Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified;
- Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means; and
- Upgrade terminal facilities including baggage screening and departure lounges.

**Membership**

Elected Members:

Councillor Arnold A Carter  
Councillor Jan M Gillingham  
Councillor Michael B Dziombak  
Councillor Julie E Hunt  
Councillor Gloria A Jacob

Community Members:

Ms Florence Bennett  
Mr Serge Doumergue  
Mr Chris Whalley  
Dr Ken King  
Mr Erik Widing

**Quorum**

The quorum for the Committee is to be a minimum of 50% of its membership.

**Delegation**

- i) To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11F.
- ii) To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.



**Tenure**

Ongoing

**Meeting frequency**

Every 4 weeks

**Dates of Meetings**

The following dates have been set and advertised in accordance with the Local Government Act 1995 for Airport Committee Meetings to be held at 12:30 pm in Council Chambers:

- Wednesday, 6 February 2013
- Wednesday, 6 March 2013
- Wednesday, 3 April 2013
- Wednesday, 1 May 2013
- Wednesday, 5 June 2013
- Wednesday, 3 July 2013
- Wednesday, 7 August 2013
- Wednesday, 4 September 2013
- Wednesday, 2 October 2013
- Wednesday, 6 November 2013
- Wednesday, 4 December 2013

**Responsible Officer**

Director Engineering Services

# Audit Committees in Local Government

## Their appointment, function and responsibilities

Local Government Operational Guidelines - **Number 09** Revised March 2006



Department of Local Government  
and Regional Development  
Government of Western Australia

[www.dlgrd.wa.gov.au](http://www.dlgrd.wa.gov.au)

# Audit Committees in Local Government

## THEIR APPOINTMENT, FUNCTION AND RESPONSIBILITIES

### 1. INTRODUCTION

1 An amendment to the *Local Government Act 1995* (the Act) in 2005 introduced a requirement that all local governments establish an audit committee. Such committees are to provide an independent oversight of the financial systems of a local government on behalf of the Council. As such, the committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government's financial reporting and audit responsibilities.

2 The purpose of this guideline is to assist local governments to establish and operate an effective audit committee. Clear and comprehensive terms of reference, setting out the committee's roles and responsibilities, is essential and a model terms of reference for an audit committee is provided with this guideline. Matters such as the governing legislation, membership, primary roles and responsibilities of the committee and ancillary functions are also addressed. Guidance is provided to the committee as it approaches its task of appointing an external auditor through provision of a minimum standard audit specification.

### 2. LEGISLATION

3 The relevant parts of the Act and regulations that relate to financial management, audits and audit committees are listed below.

#### Financial Management

4 In relation to financial management under Part 6 of the Act, a local government is to -

- a) prepare and adopt an annual budget in the form and manner prescribed. A copy of the budget is to be sent to the Department within 30 days of adoption.

- b) prepare an annual financial report and such other financial reports as are prescribed. The accounts of the local government and annual financial report are to be submitted to the auditor for audit by 30 September.
- c) have a municipal fund and a separate and distinct trust fund.
- d) establish and maintain reserve funds for the holding of monies set aside for future use.

#### Audit requirements for local governments

5 Part 7 of the Act and the *Local Government (Audit) Regulations 1996* (the Regulations) address the situation of audit. In relation to the duties of the local government with respect to audits -

- a) the local government is to do everything in its power to -
  - i. assist the auditor to conduct an audit and carry out his or her other duties under the Act; and
  - ii. ensure that audits are conducted successfully and expeditiously;
- b) a local government is to meet with its auditor at least once in every year;
- c) a local government is to examine the report of the auditor and is to -
  - i. determine if any matters raised require action to be taken by the local government; and
  - ii. ensure that appropriate action is taken in respect of those matters;
- d) a local government is to -
  - i. prepare a report on any actions taken in respect of any matters raised in the report of the auditor; and
  - ii. forward a copy of that report to the Minister by the end of the next financial year, or 6 months after the last report prepared by the auditor is received by the local government, whichever is the latest in time.

**Audit Committees**

6 The Act and Regulations provide that: -

**In relation to the establishment of an audit committee –**

- a) each local government is to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it;
- b) members of the committee are to be appointed by an absolute majority decision of Council. At least three of the members, and the majority of the members, are to be elected members;
- c) the CEO is not to be a member of the committee and may not nominate a person to be a member or have a person to represent him or her as a member of the committee;
- d) an employee is not to be a member of the committee;
- e) the only powers and duties that can be delegated to a committee are any of the powers and duties of the local government under Part 7 of the Act. The committee cannot on-delegate the powers and duties delegated to it;
- f) an audit committee with a member who is a person that is not an elected member can be delegated powers and duties referred to in (e); and
- g) a decision of the committee is to be made by simple majority.

**As part of its function an audit committee –**

- a) is to provide guidance and assistance to the local government –
  - i. as to the carrying out of its functions in relation to audits;
  - ii. as to the development of a process to be used to select and appoint a person to be the auditor; and
- b) may provide guidance and assistance to the local government as to –
  - i. matters to be audited;
  - ii. the scope of the audit;

- iii. its functions under Part 6 of the Act that relate to financial management; and
- iv. the carrying out of its functions relating to other audits and other matters related to financial management.

**Appointment of the Auditor**

7 The Act and Regulations provide that –

- a) on the recommendation of the audit committee a local government is to from time to time appoint, by absolute majority, a person to be its auditor;
- b) the local government may appoint one or more persons as its auditor;
- c) the local government's auditor is to be a person who is –
  - i. a registered company auditor; or
  - ii. an auditor approved by the Minister;
- d) a person may not be appointed as a local government auditor if that person is-
  - i. a councillor or employee of the local government;
  - ii. in debt to the local government for more than \$5,000;
  - iii. a councillor or employee of a regional local government in which the local government is a participant;
  - iv. a member of an incorporated association formed by the local government; or
  - v. a class of persons as prescribed in the Regulations;
- e) an auditor is not to be appointed for more than five years; and
- f) the appointment of a person as an auditor is to be made by agreement in writing and is to include –
  - i. the objectives of the audit;
  - ii. the scope of the audit;
  - iii. a plan for the audit;
  - iv. details of the remuneration and expenses to be paid to the auditor; and
  - v. the method to be used by the local government to communicate with, and supply information to, the auditor.

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**Conduct of the Audit**

- 8 The Act and Regulations provide that –
- a) the auditor is required by 31 December next following the financial year to which the audit relates, to examine the accounts and annual financial report submitted for audit;
  - b) the auditor is to form an opinion as to whether –
    - i. the accounts are properly kept; and
    - ii. the annual financial report –
      - is prepared in accordance with the financial records; and
      - represents fairly the results of the operations of the local government and its financial position at 30 June;
  - c) the auditor is to prepare a report on the audit and within 30 days of completing the audit forward a copy to –
    - i. the mayor or president;
    - ii. the CEO of the local government; and
    - iii. the Minister;
  - d) the report is to give the auditor's opinion on –
    - i. the financial position of the local government; and
    - ii. the results of the operation of the local government;
  - e) the report is to include –
    - i. any material matters that indicate significant adverse trends in the financial position or the financial management practices of the local government;
    - ii. any matters indicating non-compliance with financial management requirements of the Act, Regulations and any other written law;
    - iii. details of whether information and explanations were obtained; and
    - iv. a report on the conduct of the audit;
  - f) where it is considered appropriate to do so the auditor is to prepare a management report to accompany the auditor's report;
  - g) where the auditor considers that –
    - i. there is any error or deficiency in an account or financial report;
    - ii. any money paid from, or due to the local government has been, or may have been misapplied; or
    - iii. there is a matter arising from the audit that needs to be addressed by the local government;
 details are to be included in the report to the Minister; and
  - h) the auditor has a right of access at all reasonable times to such books, accounts, documents and assets of the local government as are in the opinion of the auditor necessary to allow the audit to be conducted.

**3. OPERATION OF AUDIT COMMITTEES****Role and Responsibilities**

- 9 The role of the audit committee is to support Council in its endeavours to provide effective corporate governance and fulfil its responsibilities in relation to directing and controlling the affairs of the local government.
- 10 The essential role for an audit committee is oversight for all matters that relate to the conduct of audits. The committee's effectiveness will be greater if it is also given responsibility for oversight of financial management processes within the local government but only where a Council does not have a finance committee.
- 11 Please note that an audit committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation the audit committee may have a role unless the function has been delegated to the CEO by the Council.



- 12 The deliberations and recommendations of the committee must be independent and autonomous. Therefore, the Act prohibits the CEO being a member of the committee. However, it is essential that the CEO be given every opportunity to provide his/her expert advice to the committee as he/she does with full Council and other committees. Therefore, the CEO or their nominated representative must be given official adviser status and attend all meetings.
- 13 A model terms of reference is attached as Appendix 1 to assist local governments to define an appropriate role for its audit committee. When considering the model, local governments need to remember it is a guide and they can delete or modify any matters they believe not applicable.
- 14 It is important to note that the legislation gives the audit committee a specific role in appointing the auditor. It is to recommend to the Council who should be appointed as the auditor. Attached as Appendix 2 is a model 'Minimum Standard Audit Specification' that local governments can use when developing a process to be used to select and appoint a person to be the auditor. Local governments can amend the document to suit their individual requirements. Any scope adopted must meet, as a minimum, the legislative requirements.
- 15 The legislation specifies that a local government is required to meet with its auditor at least once in every year. The term "local government" in this context means the Council. If Council so resolved via a formal delegation, a meeting between the audit committee and the auditor would satisfy this requirement.
- 16 It is acknowledged that the requirement to meet at least once per year may incur a significant financial burden for the more remote local governments. In such circumstances the meeting can be conducted by telephone or video conference. The Council or audit committee should resolve how the meeting with the auditor will be conducted and for the record of the meeting to show that the auditor was involved and the matters discussed. It would be inappropriate for Council representatives to meet with the auditor in their offices unless they were members of the Audit Committee or a significant majority of the members.
- 17 The committee may need to liaise regularly with the external auditor to discuss the audit plan, results of the audit and implementation of any recommendations for action emerging from the audit. The method of liaison between auditor and committee should be addressed in the agreement of appointment.
- 18 Advice from the auditor may address issues such as –
- (i) an assessment of accounting procedures;
  - (ii) an assessment of internal controls;
  - (iii) an assessment of risk;
  - (iv) compliance with the Act and associated regulations;
  - (v) compliance with Council policies;
  - (vi) performance assessments on the efficiency and effectiveness of operations;
  - (vii) processes of the internal audit;
  - (viii) outcomes of the external audit prior to issue of management and audit reports; and
  - (ix) changes to accounting standards and legislation and the impact on the local government.
- 19 The audit committee should examine the auditor and management reports. The committee would then determine if any matters raised in the reports require action to be taken by the local government and to ensure that appropriate action is implemented.
- 20 A further role for the audit committee would be to receive and authorise the report relating to the audit prepared by the CEO that is to be sent to the Minister. This report would outline any actions the local government has taken or intends to take in relation to the matters identified by the auditor.

21 The role of the audit committee in relation to the internal audit function is a matter of conjecture. Most CEO's would argue that where there is a formal internal audit that it is an operational function and is their responsibility. The role of the Audit Committee may be to ensure that an internal audit function is put in place where required and that its processes are appropriate, accountable and transparent. The role of the external auditor in this regard can be established at the time of appointment.

### Membership

22 An audit committee is required to consist of a minimum of 3 members and in that situation all must be council members. Where a committee consists of more than 3 members then a majority of those members must be council members. Local governments may decide to appoint a committee involving only elected members or they may appoint one or more persons who are external to the Council. If a Council considers it appropriate the whole Council can be appointed as the audit committee.

23 If the local government wishes to appoint one or more persons other than elected members to the committee, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee.

### Operation of the Committee

24 Irrespective of the membership of the committee, all legislative requirements relating to committee meetings such as advertising meeting dates, notice of meeting and keeping minutes of meetings need to be complied with.

25 The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made, commensurate with the expertise and knowledge such people bring to the committee. The Council will need to determine whether payment will be offered and the level of that payment.

26 Members of the committee should be encouraged to attend appropriate courses to keep them up to date with legislation, accounting and other relevant issues.

### Other Responsibilities

27 Local governments are required by legislation to complete a statutory compliance return and have the return adopted by Council. The return is a comprehensive checklist of a local government's compliance with the requirements of the Act and all its Regulations. After adoption, the return is to be signed by the Mayor or President and the CEO prior to it being forwarded to the Department.

28 The detailed nature of the return makes it difficult for Council to assess any implications arising from the return at its Ordinary Council Meetings. In addition, the return covers a significant number of compliance matters that relate to the management of financial processes and procedures.

29 Therefore, as an option Council could consider allocating to the audit committee the role of reviewing the return and making a recommendation on its adoption. The audit committee could also consider proposals from the CEO as to whether the compliance audit is undertaken internally or an external party is contracted to undertake the task. In the case of an external party the audit committee would have the responsibility to receive the report and make recommendations on it to full Council.

## 4. THE EXTERNAL AUDITOR

### Appointment of an Auditor

30 The Act requires that each local government, from time to time, appoint an auditor on the recommendation of the audit committee. The committee should undertake a proper selection and appointment process as part of appointing an auditor.

31 It is important to realise that the Act specifies that it is a person(s) that is appointed as auditor, not the company which employs the person. Therefore, when the audit report is received it must be signed by the person(s) appointed as the auditor; it cannot be the generic signature identifying the firm.

**Scope of the Audit**

- 32 The Act and Regulations prescribe the scope of the external audit of the annual financial statements of a local government.
- 33 The scope details are going to vary between local governments but as an aid a model minimum standard audit specification is attached as Appendix 2 to this guideline. Individual local governments can amend that document to suit their particular needs.

**Reporting by the auditor**

- 34 Regulations require the auditor, where appropriate, to prepare a management report to accompany the auditors report. Although there is no legislative requirement for the auditor to prepare a management report unless he or she deems it appropriate, local government may wish to require the auditor to prepare a report on all issues identified during the audit.
- 35 The auditor, after completing the audit, is to forward a copy of his or her audit and management report to –
- the Mayor or President;
  - the CEO of the local government; and
  - the Minister via the Department.
- 36 The CEO should be assigned the task of providing the report to the audit committee.

**Appendix 1****MODEL TERMS OF REFERENCE – AUDIT COMMITTEES**

- 37 Important: The following Model Terms of Reference contains clauses that may not be applicable to each local government. Local governments will need to consider each clause and only adopt those that are applicable to the roles and responsibilities and delegated powers and functions that will apply to their audit committee.
- 38 The clauses that are considered optional have been asterisked (\*).

**Objectives of Audit Committees**

- 39 The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.
- 40 Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.
- 41 The committee is to facilitate –
- the enhancement of the credibility and objectivity of \*internal and external financial reporting;
  - \*effective management of financial and other risks and the protection of Council assets;
  - compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
  - \*the coordination of the internal audit function with the external audit; and
  - the provision of an effective means of communication between the external auditor, \*internal auditor, the CEO and the Council.

**Powers of the Audit Committee**

- 42 The committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

43 The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

#### Membership

44 The committee will consist of \*four members with three elected and \*one external person. All members shall have full voting rights.

45 \*External persons appointed to the committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.

46 \*Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

47 \*Remuneration will be paid to each external person who is a member of the committee on the basis of an annual payment.

48 The CEO and employees are not members of the committee.

49 The CEO or his/her nominee is to attend all meetings to provide advice and guidance to the committee.

50 The local government shall provide secretarial and administrative support to the committee.

#### 4. Meetings

51 The committee shall meet at least \*quarterly.

52 Additional meetings shall be convened at the discretion of the presiding person.

#### 5. Reporting

53 Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

54 \*The committee shall report annually to the Council summarising its activities during the previous financial year.

#### 6. Duties and Responsibilities

55 The duties and responsibilities of the committee will be –

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
- c) Develop and recommend to Council –
  - a list of those matters to be audited; and
  - the scope of the audit to be undertaken;
- d) Recommend to Council the person or persons to be appointed as auditor;
- e) Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include –
  - the objectives of the audit;
  - the scope of the audit;
  - a plan of the audit;
  - details of the remuneration and expenses to be paid to the auditor; and
  - the method to be used by the local government to communicate with, and supply information to, the auditor;
- f) \*Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- g) Liaise with the CEO to ensure that the local government does everything in its power to –
  - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
  - ensure that audits are conducted successfully and expeditiously;



- h) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
  - determine if any matters raised require action to be taken by the local government; and
  - ensure that appropriate action is taken in respect of those matters;
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- j) Review the scope of the audit plan and program and its effectiveness;
- k) \*Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;
- l) \*Review the level of resources allocated to internal audit and the scope of its authority;
- m) \*Review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which Council and management reacts to matters raised;
- n) \*Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
- o) \*Review the local government’s draft annual financial report, focusing on –
  - accounting policies and practices;
  - changes to accounting policies and practices;
  - the process used in making significant accounting estimates;
  - significant adjustments to the financial report (if any) arising from the audit process;
  - compliance with accounting standards and other reporting requirements; and
  - significant variances from prior years;
- p) \*Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
- q) \*Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee’s terms of reference;
- r) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee’s terms of reference following authorisation from the Council; and
- s) \*Review the Statutory Compliance Return and make a recommendation on its adoption to Council.

**Appendix 2**

**MODEL MINIMUM STANDARD AUDIT SPECIFICATION**

56 IMPORTANT: The following Model Minimum Standard Audit Specification may be used as the basis for the calling of tenders or seeking of quotes for the appointment of an auditor. Local governments need to consider the Model to ensure that only those clauses applicable to its requirements are used. This applies, in particular, to the “Critical matters to be audited”.

**Introduction**

57 This document is provided for the assistance of auditors who wish to apply for the role of auditor with the City/Town/Shire.

58 Auditors are required to address all of the matters outlined in the specification.

59 Auditors who submit an application may be asked to provide further information and/or make a presentation to the audit committee.

**Objectives of the Audit**

60 To provide an independent audit opinion of the accounts and annual financial reports of the local government for each financial year covered by the term of the audit appointment.



**Term of Audit Appointment**

- 61 For the financial years commencing 1 July ..... through to 30 June..... (not more than 5 years)

**Scope of the Audit**

- 62 The auditor is to –

Carry out such work as is necessary to form an opinion as to whether –

- (a) the accounts are properly kept; and
- (b) the annual financial report –
  - (i) is prepared in accordance with the financial records; and
  - (ii) represents fairly the results of the operations of the local government and the financial position of the local government at 30 June in accordance with the Australian Accounting Standards, the *Local Government Act 1995* (as amended), the *Local Government (Financial Management) Regulations 1996* (as amended) and other mandatory professional reporting requirements;

Give an opinion in his or her audit report on –

- (a) the financial position of the local government; and
- (b) the results of the operation of the local government;

Include in his or her audit report –

- (a) any material matters that indicate significant adverse trends in the financial position or the financial management practices of the local government;
- (b) any matters indicating non-compliance with financial management requirements of the Act, Regulations and any other written law.

**Audit Methodology and Approach**

- 63 Other requirements of the Auditor –

- (a) The auditor is required to comply with the requirements of section 7.9 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*;
- (b) An audit is to be carried out in accordance with "Auditing Standards" and "Auditing Guidance Statements" adopted from time to time by the

Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia;

- (c) The auditor is to provide the local government with a general outline of his/her methodology;
- (d) The auditor is to provide the local government with a plan for the audit including –
  - timing of interim audit visits;
  - final audit visit (within 30 days of being advised that the accounts and annual financial report are available for audit);
  - timing of the legislative requirement to meet with the local government and whether that meeting will be in person or by some other means; and
  - the method to be used to communicate with, and provide advice and information to, the local government; and
- (e) The auditor is required to produce an audit report as required by section 7.9 of the *Local Government Act 1995* and, if considered appropriate by the auditor, a management report.

**Critical Matters to be Audited**

- 64 The auditor is to include in his or her application the extent to which the critical matters outlined below will be audited so as to form an opinion on the manner in which they have been maintained.

- (i) Revenue
  - Rates revenue
  - Government grants
  - User pays revenue
  - Profit on sale of non-current assets
  - Other income
- (ii) Expenditure
  - Salary and wage costs
  - Depreciation
  - Materials and contract expenditure
  - Loss on sale of non-current assets
  - Insurances
  - Bad debts
  - Other expenditure

<p>(iii) Current Assets</p> <ul style="list-style-type: none"> <li>■ Bank and short term investments</li> <li>■ Receivables and prepayments</li> <li>■ Inventory</li> </ul> <p>(iv) Non-Current Assets</p> <ul style="list-style-type: none"> <li>■ Property, plant, furniture and equipment</li> <li>■ Infrastructure and depreciation</li> <li>■ Other receivables</li> </ul> <p>(v) Liabilities (Current and non-current)</p> <ul style="list-style-type: none"> <li>■ Creditors and accruals</li> <li>■ Loan borrowings including new loans raised</li> <li>■ Provision for annual and long service leave entitlements</li> </ul> <p>(vi) Reserve Funds</p> <p>(vii) Contingent Liabilities</p> <p>(viii) Capital Commitments</p> <p>(ix) Accounting Policies and Notes to the Financial Statements</p> <p>(x) Cash Flow Statement</p> <p>(xi) The financial ratios required by the <i>Local Government (Financial Management) Regulations 1996</i></p> <p><b>Hours, Fees and Expenditure</b></p>	<p>66</p> <p>67</p> <p>68</p>	<p>The auditor is to provide a fee for any additional audit requested by Council.</p> <p><b>Terms</b></p> <p>Conditions to be noted by auditors –</p> <ul style="list-style-type: none"> <li>■ The auditor shall not sub contract to a third party;</li> <li>■ The auditor shall not, and has no right to, assign the audit contract to third parties;</li> <li>■ The auditor shall not be engaged by the local government to undertake any financial consultancy with the local government that requires the preparation of financial information that will be the subject of the annual audit; and</li> <li>■ The auditor shall confirm that he or she has, and will maintain during the duration of the audit term, professional indemnity insurance covering the legal liability arising out of any neglect, default, error, or omission.</li> </ul> <p><b>Termination of Appointment</b></p> <p>The appointment as auditor is terminated if –</p> <ul style="list-style-type: none"> <li>(a) the auditor ceases to be a registered company auditor;</li> <li>(b) the auditor ceases to be an approved auditor under Section 7.5 of the <i>Local Government Act 1995</i>;</li> <li>(c) the auditor is a disqualified person under Section 7.4(2) of the <i>Local Government Act 1995</i>;</li> <li>(d) the auditor resigns by notice in writing to Council; and</li> <li>(e) Council serves notice in writing to the auditor terminating the appointment.</li> </ul>
<p>65</p> <p>The auditor is to provide –</p> <ul style="list-style-type: none"> <li>■ Estimate of the time to be spent on the audit;</li> <li>■ Fees for completing the audit in accordance with this specification;</li> <li>■ Nominated auditor(s) and registered company audit number(s); and</li> <li>■ Experience of the nominated auditors in completing local government audits.</li> </ul>		



Department of Local Government  
and Regional Development  
Government of Western Australia

[www.dlgrd.wa.gov.au](http://www.dlgrd.wa.gov.au)

#### FURTHER INFORMATION

For more information about this and other guidelines, contact the Local Government Support and Development Branch of the Department of Local Government and Regional Development on:

**Tel: (08) 9217 1500**

**Fax: (08) 9217 1555**

**Freecall: 1800 620 511** (Country Only)

These guidelines are also available on the Department's website at [www.dlgrd.wa.gov.au](http://www.dlgrd.wa.gov.au)

#### ABOUT THE GUIDELINE SERIES

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Departmental officers' knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

## 11.5.2 Office of the CEO

**11.5.2.1 Reviewed Option of Elected Members Meeting Fees Payments for 2013/14 (File No.: 22/13/0002)**

**Officer** Mal Osborne  
Chief Executive Officer

**Date of Report** 3 October 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The Council is requested to consider its options related to meeting fees in view of recent and different statutory advice received from the Department of Local Government and Communities (DOLGC).

**Background**

Following the Salaries and Allowances Tribunal (SAT) determination on Elected Members fees, allowances and reimbursements the Council at its Ordinary Meeting held on 24 July 2013 the Council made the following decision:

*201314/017 Officer's Recommendation/Council Decision*  
*Moved: Cr Jacob* *Seconded: Cr Hunt*

*That Council adopt the following reviewed fees, allowances and reimbursements for the 2013/14 financial year:*

<i>Council Meeting Fee – Mayor</i>	<i>\$750</i>
<i>Council Meeting Fee - Deputy Mayor &amp; Councillors</i>	<i>\$600</i>
<i>ToPH Committee Meeting Fee – Mayor, Deputy Mayor &amp; Councillors</i>	<i>\$300</i>
<i>Agenda Briefing Fee - Mayor, Deputy Mayor &amp; Councillors</i>	<i>\$300</i>
<i>ICT Allowance</i>	<i>\$3,400</i>
<i>Mayor Allowance</i>	<i>\$75,000</i>
<i>Deputy Mayor Allowance</i>	<i>\$18,750</i>
<i>Travel reimbursements</i>	<i>as per Public Service Award 1992</i>
<i>Childcare reimbursement</i>	<i>actual cost per hour or \$25 per hour, whichever is the lesser amount</i>

*carried by absolute majority 5/1*

This decision was incorporated as part of the Town’s 2013/14 budget and submitted to the Department of Local Government and Communities (DOLGC).

An officer from the DOLGC contacted the Town in August 2013 to advise that the \$300 fee that had been set for agenda briefings on first advice from another officer of the DOLGC could now not be paid as it was not considered as ‘meeting of a prescribed type’ as per Section 5.98(2A) of the Local Government Act 1995 and listed under Part 8 Section 30(3A) of the Local Government (Administration) Regulations 1996.

This feedback prompted Town officers to seek further clarification from this second DOLGC officer on which categories of meetings can incur a fee – this new advice has been outlined in the table below.

<b>Initial Advice from DOLGC</b>	<b>Current Advice from DOLGC</b>
Council meeting (Ordinary & Special)	Council meeting (Ordinary & Special)
Committee meeting (Audit & Finance and Airport)	Committee meeting (Audit & Finance only)
WALGA Zone meetings	WALGA Zone meetings
MR Regional Roads Group	MR Regional Roads Group
ToPH Working Groups	Legal advice to be sought
ToPH Forums (Aboriginal Consultation Developers, FMG Quarterly Strategic, Council Community Users Facilities)	No
All external Committees	All external Committees, but proxies only to be paid where they are deputising for a delegate
Agenda Briefings	No fee
Concept Forums	No fee
Other ad-hoc meetings such as Tidy Towns, WALGA Week, Regional Centres Future Forum, Pilbara Cities Challenges & Opportunities Forum	Only 2 delegates to WALGA AGM

The DOLGC advised that elected members cannot be paid for attending concept forums and agenda briefings as they are not elected/appointed delegates of Council when attending such meetings.



With regard to working groups, the DOLGC stated that it is unclear whether the Administration Regulations would allow elected members appointed to working groups to be paid for attending meetings of working groups. Section 5.98(7) of the Act limits payment of fees for attending committees to committees that comprise council members only, or council members and employees. Therefore meeting fees cannot be paid for committees that comprise council members, employees and other persons or council members and other persons (ie Airport Committee).

In view of the above, the DOLGC states that:

*“it is difficult then to form the view that while Parliament (for whatever reason) did not support meeting fee payments to committees comprising council members, employees and other persons or council members and other persons, it intended to allow meeting fee payment for attendance at other meetings of working groups established by the Council (which unlike committees have no statutory basis); and which may or may not include other persons as members. Legal advice should be sought on this to confirm if section 5.98 meeting fees can be paid.”*

All of the above advice was presented to elected members at a Concept Forum on 25 September. The feedback from the forum was to prepare additional information related to the options that Council had should it wish to review its previous decision in light of the new information received from the DOLGC and what financial impact a change in direction might have on the budget. This information was presented to elected members at a Concept Forum on 2 October, the outcome of which is summarised under the Officer’s Comment section of this report.

### **Consultation**

#### Internal

- Elected Members
- Chief Executive Officer
- Manager Organisational Development

#### External

- Department of Local Government

### **Statutory Implications**

- WA Salaries and Allowances Act 1975
- Sections 5.98, 5.98A, 5.99A(b) of the Local Government Act 1995
- Sections 30, 31(1)(b), 32 of the Local Government (Administration) Regulations 1996

*Local Government (Administration) Regulations 1996, Section 30(3A) allows fees to be paid for;*

- (a) *Attendance as an elected/appointed delegate to a WALGA Zone meeting (but not State Council as those members are elected/appointed by the Zone not the Town council)*
- (b) *Attendance at Regional Road Group meetings (as an elected/appointed delegate of the Town)*
- (c) *Attendance of a deputy member at a regional local government meeting but only when attending in place of the member*
- (d) *Attendance at a meeting other than Council or Committee at the request of a Minister of the Crown who is attending the meeting*
- (e) *Attendance at a meeting other than Council or Committee where the council member is representing a local government as an elected/appointed delegate of the Town.*

- Section 10 ‘Revoking or changing decisions’ of the LG Administration Regulations
- Section 18 ToPH Local Law on Standing Orders – ‘Revoking or Changing Decisions’

**Policy Implications**

- 4/002 Councillors’ Travel Expenses
- 4/005 Members Professional Development and Associated Travel and Accommodation

**Strategic Planning Implications**

The following section of Council’s Strategic Community Plan 2012 - 2022 is considered relevant:

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance
6.4	Local Leadership
6.4.2	Community focused
	Local leaders in the community who provide transparent and accountable civic leadership.

**Budget Implications**

The table below shows the Town’s current 2013/14 budget provision based upon Council’s July decision.

<i>Council Meeting Fee – Mayor</i>	<i>\$750 x 12</i>	<i>\$9,000</i>
<i>Council Meeting Fee - Deputy Mayor &amp; Councillors</i>	<i>\$600x8x12</i>	<i>\$57,600</i>
<i>ToPH Committee Meeting Fee – Mayor, Deputy Mayor &amp; Councillors</i>	<i>\$300</i>	<i>\$22,800</i>
<i>Agenda Briefing Fee - Mayor, Deputy Mayor &amp; Councillors</i>	<i>\$300x9x12</i>	<i>32,400</i>
<i>ICT Allowance</i>	<i>\$3,400x9</i>	<i>\$30,600</i>
<i>Mayor Allowance</i>	<i>\$75,000</i>	<i>\$75,000</i>
<i>Deputy Mayor Allowance</i>	<i>\$18,750</i>	<i>\$18,750</i>
<b>2013/14 Budget</b>		<b>\$246,150</b>

This report lists a number of options for Council consideration; the impact that these options could have on the budget are summarised below and expanded upon under the Officer's Comment section of this report.

Options 1-5 were presented to elected members by Town officers at a concept forum on 2 October.

Option 6 was proposed by elected members in attendance at this concept forum.

<b>Option No.</b>	<b>Description</b>	<b>Budget Impact</b>
Option 1	Maintain 24 July 'Per Meeting' Fee Resolution	saving of \$45,000
Option 2	Adopt SAT's Minimum Annual Meeting Fee of \$24,000 per Elected Member	additional \$112,200
Option 3A	Increase 'Per Meeting' Fees to SAT's Maximum -	saving of 23,550
Option 3B	Remove Community Members from Airport Committee, allowing Elected Members to be paid a \$300 fee	saving of \$27,000
Option 3C	Adopt a \$300 Per Meeting Fee for External Committees	saving of \$31,500
Option 4	A combination of Options 3A,3B and 3C above	costs will depend on Council's preferred option
Option 5	Adopt Minimum Annual Meeting Fee of \$24,000 per Elected Member whilst adjusting Mayoral and Deputy Mayoral allowance and all Elected Members ICT allowances	additional \$77,600
Option 6	Adopt SAT's Annual Meeting Fee of \$30,000 per Elected Member	additional \$170,700

All of the above options are inclusive of the additional two year councillor seat.

The above options have been calculated retrospectively from 1 July 2013 for 9 elected members, however the Council could decide to adopt them commencing from October 2013 onwards.

**Officer’s Comment**

The most recent advice from the DOLGC in terms of which type of meetings can incur a ‘per meeting’ fee will result in elected members not being able to receive a fee for Airport committees or agenda briefings.

Town officers therefore presented to Council at a Concept Forum on 2 October the following 5 options which Council could consider in light of the impact of DOLGC’s advice on its 24 July decision.

**Option 1 – Maintain 24 July ‘Per Meeting’ Fee Resolution**

Remain with current decision acknowledging that no payment will be received by elected members for attending airport committees and/or agenda briefings.

<b>Attendee(s)</b>	<b>Type of Meeting</b>	<b>Number of forecasted 2013/14 meetings and meeting fee</b>	<b>Original Total Meeting Fee</b>	<b>Revised Total Meeting Fee</b>	<b>Difference</b>
1 x Mayor	Council Meetings	12 @ \$750	\$9000	\$9000	
8 x Councillors	Council Meetings	12 @\$600	\$57,600	\$57,600	
5 x Councillors	Airport Committee	12@\$300	\$18,000	No Fee	
4 x Mayor & Councillors	Audit & Finance Committee	4@\$300	\$4,800	\$4,800	
9 x Mayor & Councillors	Agenda Briefing Sessions	12@\$300	\$32,400	No Fee	
10 <sup>th</sup> Councillor	Council Meetings	9 Council meetings @\$600	N/A	\$5,400	
<b>Total</b>			<b>\$121,800</b>	<b>\$76,800</b>	<b>\$45,000</b>

**Option 2 – Adopt SAT’s Minimum Annual Meeting Fee of \$24,000 per Elected Member**

Reconsider its previous decision in light of the DLGC’s recent advice and adopt the minimum annual attendance fee (\$24,000 per elected member), backdated from 1 July 2013.

<b>Fee description</b>	<b>Total</b>
Original Total ‘Per Meeting’ Fee (based on 9 elected members)	\$121,800
Revised Total Minimum Annual Fee (based on 9 elected members)	\$216,000
Revised Total Minimum Annual Fee (pro-rata for 10 <sup>th</sup> elected member)	\$18,000
<b>Difference</b>	<b>\$112,200</b>

**Option 3A – Increase ‘Per Meeting’ Fees to SAT’s Maximum**

Review ‘per meeting’ fee to try and align it with original budgeted figure of \$121,800 for meetings by increasing the ‘per meeting fee’ to SAT’s maximum.

<b>Attendee(s)</b>	<b>Original Budget</b>	<b>Revised Budget</b>	<b>Difference</b>
1 x Mayor	Council Meetings - 12 @ \$750	Council Meetings - 12 @ \$1,125	
8 x Councillors	Council Meetings - 12 @ \$600	Council Meetings - 12 @ \$750	
5 x Councillor	Airport Committee – 12@300	N/A	
4 x Mayor & Councillors	Audit & Finance Committee - 4@ \$300	Audit & Finance Committee - 4@ \$375	
9 x Councillors	Agenda Briefings – 12@ \$300	N/A	
10 <sup>th</sup> Councillor	N/A	Council Meetings - 9@750	
<b>Total</b>	<b>\$121,800</b>	<b>\$98,250</b>	<b>\$23,550</b>

**Option 3B – Remove community membership on Airport Committee**

Remove community membership on Airport Committee, therefore elected members on Airport Committee can incur a ‘per meeting’ fee.

<b>Attendee(s)</b>	<b>Original Budget</b>	<b>Revised Budget</b>	<b>Difference</b>
1 x Mayor	Council Meetings - 12 @ \$750	Council Meetings - 12 @ \$750	
8 x Councillors	Council Meetings - 12 @ \$600	Council Meetings - 12 @ \$600	
5 x Councillor	Airport Committee – 12@300	Airport Committee – 12@300	
4 x Mayor & Councillors	Audit & Finance Committee - 4@ \$300	Audit & Finance Committee - 4@ \$300	
9 x Councillors	Agenda Briefings – 12@ \$300	N/A	
10 <sup>th</sup> Councillor	N/A	Council Meetings - 9@600	
<b>Total</b>	<b>\$121,800</b>	<b>\$94,800</b>	<b>\$27,000</b>

*Note: Should the Terms of Reference of the Airport Committee change to include additional elected members then additional budget provision will have to be made accordingly.*



### Option 3C – Adopt a \$300 Per Meeting Fee for External Committees

Add a fee for delegates attendance at External Committees. The calculations in the table below are based upon meetings that elected members attended in the last financial year. The committee meetings are the ones currently listed on the Town's corporate record.

Name of Committee	Elected Member	Potential 2013/14 fees at \$300 per delegate based on 2012/13 meeting attendance
Pilbara Regional Council	Mayor Howlett Cr Daccache Cr Jacob Proxy Cr Hunt Proxy	PRC pays fee
Regional Roads Group	Cr Daccache Mayor Howlett - Proxy	\$900
Port Hedland Retirement Village	Cr Hunt	\$1,800
Local Emergency Management Committee	Mayor Howlett Cr Daccache	3,000
BHP Billiton Consultative Committee	Cr Hunt Cr Jacob Proxy	\$1,800
Hedland Senior High School Board	Mayor Howlett	\$1,800
Pilbara Regional Planning Committee	Mayor Howlett	\$1,200
Hedland Community Foundation Board	Cr Dziombak	No longer active
JDAP	Mayor Howlett Cr Carter Cr Daccache Proxy Cr Dziombak Proxy	JDAP pays fee
PH Visitors Centre Management Committee	Cr Gillingham	No longer active
Hedland Roadwise Committee	Mayor Howlett Cr Daccache	\$1,800
De Grey Land Conservation Committee	Mayor Howlett	Membership established in 2013 – estimated \$1,200
<b>Total fees</b>		<b>\$13,500</b>

The impact that these additional fees would have on the budget are listed in the table below.

<b>Attendee(s)</b>	<b>Original Budget</b>	<b>Revised Budget</b>	<b>Difference</b>
1 x Mayor	Council Meetings - 12 @ \$750	Council Meetings - 12 @ \$750	
8 x Councillors	Council Meetings - 12 @ \$600	Council Meetings - 12 @ \$600	
5 x Councillor	Airport Committee – 12@300	N/A	
4 x Mayor & Councillors	Audit & Finance Committee - 4@\$300	Audit & Finance Committee - 4@\$300	
9 x Councillors	Agenda Briefings – 12@\$300	N/A	
10 <sup>th</sup> Councillor	N/A	Council Meetings - 9@600	
External Committees	N/A	\$13,500 as per table above	
<b>Total</b>	<b>\$121,800</b>	<b>\$90,300</b>	<b>\$31,500</b>

**Option 4 – A combination of Options 3A, 3B and 3C above**

The budget implications for this option will vary depending on which combination the Council was to decide upon.

**Option 5 – Adopt Minimum Annual Meeting Fee of \$24,000 per Elected Member whilst adjusting Mayoral and Deputy Mayoral allowance and all Elected Members ICT allowances**

<b>Type of Payment</b>	<b>Original Budget</b>	<b>Reviewed Budget</b>	<b>Difference</b>
Annual Fee	Not applicable	\$234,000 (10 elected members)	
Per Meeting Fees	\$121,800 (based on 9 members attendance at OCMs, Airport and A&F Committees and Agenda Briefings)	Not applicable	
Mayoral Allowance	\$75,000 - Min \$50,000- Max \$85,000 or 0.2% operating revenue for 2012/2013 FY (whichever is the lesser)	\$68,200	
Deputy Mayoral Allowance	\$18,750 (Up to 25% Mayoral Allowance)	\$17,050 (Up to 25% Mayoral Allowance)	
ICT Allowance	\$30,600 (\$3,400 x 9)	\$4500 (min \$500 x 9)	
<b>Total budget</b>	<b>\$246,150</b>	<b>\$323,750</b>	<b>\$77,600</b>

### Option 6 - Adopt Annual Meeting Fee of \$30,000 per Elected Member

Following the concept forum on 2 October 2013, elected members in attendance requested the Town's officers to include a new option, being the adoption a \$30,000 annual fee in lieu of a 'per meeting' fee for all elected members, to be effective from 1 July 2013.

Original Total 'Per Meeting' Fee (based on 9 elected members)	Revised Total \$30,000 Annual Fee (based on 10 elected members)	Difference
\$121,800	\$292,500	\$170,700

The Council needs to determine its own preferred option in relation to its fees and allowances from within the statutory parameters. This means that no fees can be set for agenda briefings, concept forums or committee meetings that have members of the public as part of their membership. Officers have provided detailed budgetary information associated with all options to ensure the financial impact of any new decision is available to assist the Council with its decision making in this regard.

#### Attachments

1. SAT Determination (Under Separate Cover)

#### Officer's Recommendation

That Council reconfirm its decision made at the 24 July Ordinary Council meeting and acknowledges that no fee will be paid for attendance at agenda briefings or Airport Committee meetings.

*NOTE: Mayor to call for a show of hands in favour (1/3 of members) to consider the revoking of Resolution 201314/017 of Agenda Item 11.6.1.2 'Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowances and Reimbursements for 2013/14 (File No.: 22/13/0002)' presented to Council's Ordinary Meeting Held on 24 July 2013, and recorded on page 221 of those Minutes.*

- Councillor Daccache
- Councillor Gillingham
- Councillor Taylor

## 201314/142 Council Decision

Moved: Cr Daccache

Seconded: Cr Gillingham

That Council revokes the meeting fees outlined in Council decision 201314/017 of Item 11.6.1.2 'Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowances and Reimbursements for 2013/14 (File No.: 22/13/0002)' held on the 24 July 2013 and recorded on page 221 of those minutes:

*That Council adopt the following reviewed fees, allowances and reimbursements for the 2013/14 financial year:*

<b>Council Meeting Fee – Mayor</b>	<b>\$750</b>
<b>Council Meeting Fee - Deputy Mayor &amp; Councillors</b>	<b>\$600</b>
<b>ToPH Committee Meeting Fee – Mayor, Deputy Mayor &amp; Councillors</b>	<b>\$300</b>
<b>Agenda Briefing Fee - Mayor, Deputy Mayor &amp; Councillors</b>	<b>\$300</b>

***CARRIED BY ABSOLUTE MAJORITY 10/0***

## 201314/142 Council Decision

Moved: Cr Daccache

Seconded: Cr Gillingham

That Council:

1. Reconfirm its decision made at the 24 July 2013 Ordinary Council meeting and acknowledges the service of previous elected members payments to be:

<b>ICT Allowance</b>	<b>\$3,400</b>
<b>Mayor Allowance</b>	<b>\$75,000</b>
<b>Deputy Mayor Allowance</b>	<b>\$18,750</b>

2. Adopt the Salaries and Allowances Tribunal's Annual Meeting fee of \$27,000 per elected member effective of 1 July 2013 and review councillor payments at the next year's Budget 2014/15 period.

***CARRIED BY ABSOLUTE MAJORITY 10/0***

*Reason: The Salaries and Allowances Tribunal have determined that WA Local Government Elected Member payments should be equal with the rest of Australia's Local Government Elected Members therefore Council believes all Elected Members should be receiving the annual fee that has been set.*

**ITEM 12 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/COUNCIL**

- 6:38pm Councillor Jacob declared a financial interest in Item 12.1 'Award of Tender 13/26 – Construction of the South Hedland Youth Space & Skate Park Facility (File No.: 26/13/0026)' as she has FMG shares over the statutory threshold.
- 6:38pm Councillor Daccache declared a financial interest in Item 12.1 'Award of Tender 13/26 – Construction of the South Hedland Youth Space & Skate Park Facility (File No.: 26/13/0026)' as he has BHP Billiton and FMG shares over the statutory threshold.
- 6:39pm Councillor Hunt declared a financial interest in Item 12.1 'Award of Tender 13/26 – Construction of the South Hedland Youth Space & Skate Park Facility (File No.: 26/13/0026)' as she has BHP Billiton shares over the statutory threshold.
- 6:39pm Councillor Melville declared a financial interest in Item 12.1 'Award of Tender 13/26 – Construction of the South Hedland Youth Space & Skate Park Facility (File No.: 26/13/0026)' as he is an employee of BHP Billiton.
- 6:39pm Councillors Jacob, Daccache, Hunt and Melville left the room.

**12.1 *Award of Tender 13/26 - Construction of the South Hedland Youth Space & Skate Park Facility (File No.: 26/13/0026)***

<b>Officer</b>	<b>Lorna Secrett Manager Community Development</b>
	<b>Jenella Voitkevich Manager Infrastructure Development</b>
<b>Date of Report</b>	<b>11 October 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The purpose of this report is to provide a summary of tender submissions and to nominate a preferred contractor for Tender 13/26 Construction of the South Hedland Youth Space & Skate Park Facility.

Additional funding will be sourced prior to construction proceeding.



## Background

Council has considered the location and design of the South Hedland Youth Space on several occasions since July 2011 with the most recent being at the Special Council Meeting (SCM) on 31 July 2013, with the resolution (201314/028) as follows:

*“That Council:*

1. *Notes the final design, confirmation of funding strategy, indicative asset management and maintenance costs and construction program for the South Hedland Youth Space; and*
2. *Authorises the Chief Executive Officer to call for tenders for the construction of the South Hedland Youth Space and refer back to Council for consideration.”*

In accordance with item 2 of the resolution, the tender for this work was advertised in The West Australia on Saturday, 14 September 2013. A non-mandatory site meeting was held on 23 September 2013.

## Consultation

The tender documentation was prepared in consultation with:

### *Internal*

Director Community Development  
Manager Infrastructure Development  
Manager Community Development  
Coordinator Projects  
Coordinator Cultural Development

### *External*

Enlocus (design consultants)

Enlocus also provided additional information as requested by prospective tenderers.

The review and assessment panel for this tender was:

Acting Manager Community Development  
Manager Infrastructure Development  
Project Development Officer

## Statutory Implications

This tender was called in accordance with the *Local Government Act (1995)*:

*3.57. Tenders for providing goods or services*

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

*Local Government (Functions and General) Regulations 1996, part 4, division 2:*

*11. When tenders have to be publicly invited*

- 1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or expected to be, more, or worth more, than \$100 000 unless sub regulation (2) states otherwise.*

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the *Local Government Act (1995)*:

*5.23 Meetings generally open to public*

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following — .....*
  - (e) *a matter that if disclosed, would reveal — ...*
    - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; .....*

### **Policy Implications**

This tender was conducted in accordance with Procurement Policy 2/007, Tender Policy 2/011 and Regional Price Preference Policy 2/016.

### **Strategic Planning Implications**

The South Hedland Integrated Community Facilities project addresses several elements of Town's *Strategic Community Plan 2012 - 2022*.

The predominant strategies and underlying goals are:

6.1	Community
6.1.1	Unified
	Increase in the number of physical, cultural and social facilities in Port Hedland
6.1	Community
6.1.2	Vibrant
	Provide access to recreational, cultural, entertainment facilities and opportunities
6.3	Environment
6.3.2	Community Facilities
	Provide safe and accessible community facilities, libraries, services and public open spaces that connect people and neighbours.

'Design and construct Youth Skate Park in South Hedland' is also included as an action for 2013/14 in the Corporate Business Plan.

### Budget Implications

Confirmed funding for the project is as follows in Table 1.

Table 1:

Income	Amount	Status
BHP Billiton Iron Ore	(\$70,000)	Expended – Masterplan and Concept Design
	(\$156,977)	Expended – Detailed design and preparation of contract documentation
	\$773,023	Balance, confirmed for construction
	\$116,303	Shortfall funding committed pending assessment of tendered construction costs.
Landcorp	\$350,000	Confirmed for construction
FMG	\$500,000	Confirmed for construction
Lotterywest	\$650,000	Confirmed for construction
<b>TOTAL</b>	<b>\$2,389,326</b>	

Table 2 below describes quantity survey information to inform the tender process, as reported to Council at the SCM on 31 July 2013.

Table 2:

Description	Amount (ex GST)
Construction cost including 10% contingency	\$2,338,000
Client Project Delivery Costs – contract administration, project management and sponsor recognition	\$51,326
<b>TOTAL</b>	<b>\$2,389,326</b>

In accordance with the table above and allowing for a 10% contingency, the construction contract value should not exceed \$2,125,454.55. All tender submissions received were in excess of this budget, which was based on a QS report. However, the preferred tenderer has suggested many options that will reduce the initial capital outlay, although will still not meet budget restrictions. The validity of these options needs to be investigated in consideration of the project outcomes and stakeholder expectations.

It is recommended that Council nominate a preferred contractor with the final construction cost to be negotiated in conjunction with an evaluation against the QS report and sourcing additional funding.

#### Officer's Comment

Tender 13/26 closed at 2.30pm on Wednesday 9 October. Two (2) tenders were received from the following organisations:

Convic Skate Parks  
Hutchinson Pty Ltd

All tenders were deemed compliant and assessed against the advertised evaluation criteria (price, relevant experience, resources and demonstrated understanding) by the tender assessment panel.

Confidential attachment one shows the price schedules submitted by each tenderer.

The following table provides a summary of assessment results.

Assessment Criteria / Tenderer	Price (25%)	Relevant Experience (40%)	Resources (10%)	Demonstrated Understanding (25%)	Total Score (100%)
Convic Skate Parks	21.91	36	7.67	20	85.58
Hutchinson Pty Ltd	25	17.33	4	4.17	50.5

*Price*

All submissions were assessed after applying the Regional Price Preference policy applicable to construction (building) services. This provides a price reduction of 5% of the applicable value up to a maximum of \$50,000 based on evidence provided in the tender submission. Convic Skate Parks demonstrated \$1,065,000 of expenditure in accordance with the Regional Price Preference policy and received a reduction of \$50,000. Hutchinson did not provide any information to assess the application of the policy. Please note that the reduction is for assessment purposes only and does not impact on the awarded contract value.

Both submissions exceeded the project construction budget by a significant amount (in excess of \$700,000). Initial investigations indicate that some components of the price submissions far exceed QS expectations, therefore clarification is required. Nominating a preferred contractor and commencing negotiations allows for a detailed review of all costs associated with the contract to ensure that the Town is receiving the best value for money.

Hutchinson submitted their price proposal with critical aspects such as civil works and concrete construction as provisional sums. This indicates that these works were not able to be accurately quoted for inclusion as a lump sum. This poses a high risk to the project budget as the true cost for these items is unknown.

Convic has suggested many options within their proposal to reduce the initial capital outlay of the project. These options need to be further investigated in consideration of the project outcomes and stakeholder expectations. The cost impact of these options has not been included when comparing the price score of each tender submission (ie the price score is based on the original price submission for the project as documented in the RFT).

*Relevant Experience*

Convic Skate Parks specialize in the construction of skate parks, youth precincts and urban plazas, having delivered over 400 facilities around Australia and worldwide, including remote locations. They are a registered preferred supplier with WALGA and are proficient in all elements of this contract including landscaping, structures and electrical works. Convic has offered an experienced team for construction, contract management and client liaison.



Hutchinson is a well-established building company with a wealth of experience in residential and commercial construction, including in the Pilbara. They have provided examples of two smaller scale skate parks within their portfolio, however their role in the projects is unclear. The submission from Hutchinson included information from Precision Skate Parks, an organization experienced in the construction of skate parks in the eastern states. However it is unclear what relationship Precision Skate Parks has with Hutchinson and how their role in the project will be managed. No information has been provided to demonstrate that Hutchinson and Precision Skate Parks have delivered projects together in the past.

#### *Resources*

Convic has provided a good level of information regarding plant, equipment, construction teams, management personnel, subcontractors and suppliers. They have provided examples of their integrated health, safety, environment and quality management systems. Convic offers an experienced full-time crew to deliver the project in accordance with tender requirements.

Hutchinson has not provided information on plant and equipment or availability of personnel. The submission indicates the involvement of Precision Skate Parks however the roles, responsibilities and relationship with Hutchinson is unclear. Hutchinson offers ISO certified environment, quality and safety management systems.

#### *Demonstrated Understanding*

Convic has provided a detailed project schedule indicating all relevant processes involved in the project, including building permits, long lead time items and a critical path. Convic has not acknowledged the risk of constructing during the cyclone season although they have allowed for a small contingency down-time within each phase. Convic has demonstrated an excellent understanding of the entire project, not just for the skate park component. They have acknowledged critical elements of the construction methodology including site access and protection of the adjacent South Hedland Aquatic Centre.

Hutchinson has not provided a project schedule or methodology for the delivery of the project. Although their experience in building construction is clear, the submission provides insufficient information to support the understanding of this specific project. A critical aspect of the skate park construction (concrete works) has been quoted as a provisional sum (instead of a lump sum requested in the RFT), raising concerns that this element is not fully understood.

*Summary*

The tender evaluation panel is confident that Convic Skate Parks has provided a submission demonstrating an excellent level of experience and ability to deliver the project. Furthermore, the panel is confident the preferred tenderer will complete the contracted works in accordance with the tender requirements to fully satisfy the project outcomes at a high quality.

Acknowledging that the price submission from Convic exceeds the current budget allocation, officers recommend to award the contract to a preferred tenderer status. This will then allow the project team to enter into discussions with Convic and the skate park designers to negotiate alternative options to deliver the project within an acceptable budget.

Officers will also pursue all avenues of additional funding to ensure that the project outcomes and stakeholder expectations are satisfied.

**Attachments**

1. **CONFIDENTIAL** Price submission schedules for Tender 13/26 Construction of the South Hedland Youth Space & Skate Park Facility.

**Officer's Recommendation**

That Council:

1. Nominates Convic Skate Parks as the preferred contractor for Tender 13/26 Construction of the South Hedland Youth Space & Skate Park Facility;
2. Requests the Chief Executive Officer, or his delegate(s), to review all construction cost options offered, ensuring that stakeholder expectations and key deliverables are met, in accordance with previous Council decisions;
3. Requests the Chief Executive Officer, or his delegate(s), to pursue additional funding for the project; and
4. Delegates authority to the Chief Executive Officer to award Tender 13/26 Construction of the South Hedland Youth Space & Skate Park Facility to Convic Skate Parks when construction cost options are finalized and sufficient funds are secured.

**201314/142 Revised Officer's Recommendation/ Council Decision****Moved: Cr Taylor****Seconded: Mayor Howlett****That Council:**

- 1. Nominates Convic Skate Parks as the preferred contractor for Tender 13/26 Construction of the South Hedland Youth Space & Skate Park Facility;**
- 2. Requests the Chief Executive Officer, or his delegate(s), to pursue additional funding for the project;**
- 3. Requests the Chief Executive Officer, or his delegate(s), to negotiate construction costs with Convic Skate Parks in consideration of value management options offered, ensuring that stakeholder expectations and key deliverables are met, in accordance with the approved project design and budget inclusive of any additional funding secured as per part 2; and**
- 4. Delegates authority to the Chief Executive Officer to award Tender 13/26 Construction of the South Hedland Youth Space & Skate Park Facility to Convic Skate Parks on finalization of construction costs and project funding.**

***CARRIED 6/0***

6:47pm Councillors Jacob, Daccache, Hunt and Melville re-entered the room and resumed their chairs. Mayor advised them of Council's decision.

ITEM 13      **REPORTS OF COMMITTEES**

*NOTE: The Minutes of this Committee meeting are enclosed under separate cover.*

13.1.1      **Airport Committee Minutes – 2 October 2013****201314/143 Officer's Recommendation 1/ Council Decision****Moved: Cr Hunt****Seconded: Cr Gillingham**

**That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on Wednesday 2 October 2013 at 12:30pm inclusive of the following decisions:**

**7      Confirmation of Minutes of a Previous Meeting****10.1 Port Hedland International Airport – Projects Update October 2013 (File No.: 08/02/0025)**

***CARRIED 10/0***

**201314/144 Officer's Recommendation 2/ Council Decision****Moved: Cr Hooper****Seconded: Cr Daccache**

**That Council adopts the following recommendation from the Airport committee as listed in the minutes of its Ordinary meeting of 2 October 2013 which states:**

***That the Airport Committee recommend to Council:***

- 1.      That a new charge for parking at \$5 per day in the long-term car park will be available to airport businesses on application as part of the quarterly budget review process; and***
- 2.      Note that free staff car parking arrangements are still available.***

***CARRIED 10/0***

*Note: Mayor advised that the next Airport Committee meeting will be held on Wednesday 30 October 2013 not 31 October as previously stated.*

**201314/145 Officer's Recommendation 3/ Council Decision**

**Moved: Cr Hunt**

**Seconded: Cr Gillingham**

**That Council approves Councillor Jacob's participation in the next Airport Committee Meeting to be held on Wednesday 30 October 2013 by way of teleconference.**

***CARRIED BY ABSOLUTE MAJORITY 10/0***

**ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**ITEM 15 CONFIDENTIAL ITEMS**

**201314/146 Council Decision**

**Moved: Cr Gillingham**

**Seconded: Cr Daccache**

**That the meeting be closed to members of the public as prescribed in Section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following items:**

**15.1 Confidential: New Energy Corporation Waste Supply Proposal Progress Report (File No.: 31/14/0003)**

**15.2 Confidential - Request to Waive Portion of Fees (File No: 05/05/0079)**

***CARRIED 10/0***

6:51pm Mayor advised that this meeting is now closed to members of the public.



**15.1      *Confidential: New Energy Corporation Waste Supply Proposal Progress Report (File No.: 31/14/0003)***

**201314/147 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Daccache**

**That Council:**

- 1. Acknowledges the legal advice received from McLeods on 22 August 2013 which advises that, "...the Town could not enter into the proposed contract with New Energy without publically inviting tenders in relation to the supply of the proposed service";**
- 2. Authorises the Chief Executive Officer, or his delegate(s), to conduct an Expression of Interest for Waste Management Services;**
- 3. Requests that the Chief Executive Officer, or his delegate(s), notify New Energy Corporation of this decision; and**
- 4. Requests that the Chief Executive Officer, or his delegate(s), provide an update to Council on completion of the Expression of Interest process.**

***CARRIED 10/0***

**15.2 Confidential - Request to Waive Portion of Fees (File No: 05/05/0079)**

201314/148 Officer's Recommendation/ Council Decision

Moved: Cr Jacob

Seconded: Cr Daccache

That Council:

1. Amend the commencement date of the agreements for occupation of the terminal booths and car parking bays to 21 September 2012; and
2. Write-off the following debts and adjust the leasing income within the airport business unit by \$5,362.50:

Debtor Number	Invoice Number	Amount (Inc GST)
8461	36258	550.00
	36259	550.00
	36260	550.00
	36261	550.00
	36262	550.00
	36263	550.00
	36264	550.00
	36265	550.00
	36266	550.00
	36274	412.50

*CARRIED 10/0*

**201314/149 Council Decision****Moved: Cr Taylor****Seconded: Cr Daccache****That the meeting be opened to members of the public.*****CARRIED 10/0***

6:52pm Mayor advised that the meeting is now open to the public. Mayor advised members of the public of Council's decision whilst behind closed doors.

**ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE****201314/150 Council Decision****Moved: Cr Daccache****Seconded: Cr Gillingham****That the following applications of leave of absence:**

- **Councillor Jacob from 29 October 2013 to 9 November 2013;**
- **Councillor Gillingham from 16 November 2013 to 21 November 2013;**
- **Councillor Hooper from 31 October 2013 to 7 November 2013;**
- **Councillor Hunt from 10 November 2013 to 12 December 2013;**
- **Councillor Melville from 14 November 2013 to 25 November 2013;**
- **Mayor Howlett from 12 November 2013 to 12 December 2013**

**be approved.*****CARRIED 10/0*****ITEM 17 CLOSURE****17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 November 2013, commencing at 5.30 pm, with the Agenda Briefing Session to be held on Wednesday 20 November 2013, commencing at 3:30pm.

**17.2 Closure**

Mayor advised that this is the last Council meeting for Natalie Octoman, Director Corporate Services. Mayor commended the Ms Octoman's work at the Town and wished her and her family all the best for the future.

There being no further business, the Mayor declared the meeting closed at 7:02pm.