



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 26 JUNE 2013

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

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

Interests Affecting Impartiality: Disclosing Statement

“With regard to....(the matter in item)... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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 5.36 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett
Councillor George J Daccache
Councillor Arnold A Carter
Councillor Jan M Gillingham
Councillor David W Hooper
Councillor Michael (Bill) Dziombak
Councillor Julie E Hunt
Councillor Penny Taylor

Officers

Mal Osborne
Russell Dyer
Natalie Octoman
Darryal Eastwell

Jorine Bothma

Gordon MacMile
Josephine Bianchi
Lorraine Mathieson

Chief Executive Officer
Director Engineering Services
Director Corporate Services
Acting Director Planning &
Development
Acting Manager Planning &
Development
Director Community Development
Governance Coordinator
Administration Officer Governance

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Councillor Jacob

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on
Wednesday 22 May 2013****3.1.1 *Camilo Blanco***

In tonight's reconciliation bank statements of financial activity, page 9 shows \$71,172,309 in reserve funds. The bank reconciliation on page 17 shows \$23,103,773.27 in the NAB reserve account as at 30 April 2013.

If the closing balance of \$64,758,747.92 is true explain how \$7,606,000 highlighted in red brackets on page 9, is missing from the reserves?

Director Corporate Services advised that this amount is not missing. The \$71 million on page 9 reflects the balance of all reserves, being the \$65 million held in the Reserve Fund plus the BHP Reserve Fund amount of \$6 million on page 17.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 22 May 2013

3.2.1 Councillor Carter

What type of vegetation is going to be placed on the verges in Anderson Street?

Director Engineering Services advised that a Draft Landscape Plan for Anderson Street was submitted to the Town's Technical Services team last week by RPS. The Plan was reviewed with some changes which were forwarded to RPS. Once the final Plan has been received, Technical Services will present to Executive Team and Elected Members.

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

4.1.1 Mr Ian Halliburton

NOTE: The Mayor read out questions provided to her by Mr Haliburton who could not be in attendance at the meeting.

Is The Gateway development behind the TAFE rateable?

Chief Executive Officer advised that the Gateway Village development is rateable and has been rated since 1 October 2012.

How are they rated (what rating category do they fall under)?

Chief Executive Officer advised that the lot is currently rated on the GRV basis of vacant land using the rate code "Mass Accommodation".

Who owns the Gateway development and who pays the rates?

Chief Executive Officer advised that the Gateway development is on Crown Land that is leased to Compass Group Australia Pty Ltd. Compass Group therefore pays the rates on this land.

How many people can be accommodated in the Gateway development?

Chief Executive Officer advised that as per the Development Application, the Gateway Village will accommodate 1,239 persons.

Why doesn't Council take out advertisements explaining to rate payers that no rates are collectable from BHPBIO and FMG port processing facilities and advertising the amount of rates forgone by not being able to rate these and other State Agreement covered developments?

Chief Executive Officer advised that to undertake valuations in order to calculate the rates foregone by the State Agreements would come at a considerable cost to Council, and would require significant cooperation from the resource companies.

The Department of State Development is responsible for negotiating and developing the State Agreements with the resource companies. Part of any new State Agreement requires a Community Development Plan to be formed by the resource company, although any variation to a current State Agreement does not.

The Town has been lobbying the State over the last 12 months or so, to allow the Council to be a part of the negotiations, and to contribute to the development of the Community Development Plans in particular. Currently, there is no requirement for the State to consult with local government, and to date, while some resource companies see the Town's involvement to be of value, particularly when it comes to the Community Development Plan and aligning it to the likes of the Strategic Community Plan, the Town remains uninvolved, but will continue to lobby the State seeking an increased level of involvement.

4.1.2 Mr Camilo Blanco

Have any printed copies of the Delegation Register been made available for the public tonight? Copies of all attachments to agenda items should be available for the public, according to the Act.

Chief Executive Officer advised that one copy of the Delegation Register has been provided.

The last Special Council Meeting started at 4.30pm. This is not the usual time. What was the reason for this?

Mayor advised that this time had been set to ensure Elected Members were available to attend, and was advertised accordingly.

Are the new powers of entry in the Delegation Register necessary and required?

Chief Executive Officer responded that the officer's recommendation include a variety of delegations some of which refer to rights of entry which are required for staff to perform their tasks efficiently and effectively.

4.1.3 Ms Cate Bursey

This week's heavy rainfall saw parts of Wedge Street flooded for at least the fourth time in recent years. This is resulting in thousands of dollars' worth of property damage, lost trade, increased insurance premiums and disruption to local businesses and property owners. Could you please explain:

What action was taken to improve the drainage after the last flood?

Why those actions failed?

What action will be taken to prevent this happening again?

Director Engineering Services responded that prior to the upgrade in Wedge Street, there was an open style drain with a steel plate on top which used to get blocked, and the entry point to the drain was quite small. When Wedge Street was upgraded it was built with a pit with a grate. The invert level of the pipe is quite flat, and the pit feeds into a small diameter pipe. Small rainfall events are catered to, but yesterday was a one in eight and a half year event. A new drainage system which will alleviate the problem is designed to go in there at a cost of \$30,000, and will be built in the next financial year.

4.1.4 Mr Chris Walley

Last year I asked about the future access of water in the town. Is it possible for the Town to lay a water pipe from the Northwest Coastal Highway to the cemetery, or from Precinct 3 to the cemetery as it needs more trees, it is too barren.

Director Engineering Services responded that currently water services are at the cemetery. The Town would need to investigate if that supply is sufficient to water additional trees at the cemetery. The Town needs to develop a Master Plan for the whole site, as the actual Reserve is a lot bigger than the current cemetery site.

The Town would need to plan for future expansion of the cemetery, and potential road works surrounding the Reserve.

When will the SHAC lighting be installed?

Chief Executive Officer responded that there was a delay in receiving the pylons for the lights. Director Community services added that the bulbs are ordered, and the supply and installation is planned for late August, early September.

Does Council know when the final health report will be released regarding dust levels in the West End of town as there seems to be increasing confusion as to what type of development projects are forthcoming?

Chief Executive Officer responded that the Department of Health are undertaking a dust health assessment program, the results of which will be delivered by the end of 2015.

4.1.5 Ms Lorraine Butson

Is it true that the new Airport Director's position is based in Perth? If so, who pays for his travel, accommodation and car hire during his visits to Port Hedland. What are his visitation terms?

Chief Executive Officer responded that the Director is an employee of the Town, funded through the Airport Reserve Fund, working the majority of his time in Perth. His requirement to attend Port Hedland centres on various strategic and Airport Committee meetings. As an employee, the Town covers his costs.

At the community meeting held two weeks ago to discuss the proposed rate increase, the presenter showed different examples to those shown in the Agenda for the Council meeting. What was the reason for this?

Chief Executive Officer responded that at its Ordinary meeting Council resolved not to accept the Officer's Recommendation, and to adjust the percentage from 12 % to 8 % on the gross rental value for residential and commercial and industrial properties. That change dictated a subsequent change in the rate in the dollar, so the figures contained in the Minutes are the adopted figures based on the 8 % rate.

Is it true that the Town appointed a reticulation person to oversee the Town gardens? Is there no company in Port Hedland who could carry out these duties, and did a house and a car come with the appointment?

Director Engineering Services responded that the Town has a Leading Hand Reticulation officer which is a level 4 position, which is appropriate for the responsibilities involved in the role. There is no house or vehicle included in that position. The officer has access to a work vehicle in order to perform the required duties.

4.1.6 Mr Andrew Olding

Is Local Planning Policy 11 as shown on the Town's website current?

Chief Executive Officer responded in the affirmative.

Is the reason for having a Local Planning Policy to enable developers and ratepayers to work within state and local planning requirements?

Chief Executive Officer responded that the aim of this type of Policy is for developers and applicants to deal directly with staff, and if their applications fall within the constraints of the policy the Town is able to deal with applications more expediently.

If a building application met the requirements of the Local Planning Policy and State R Codes, would it be a permitted use under the Town Planning Scheme No 5?

Chief Executive Officer responded that if an individual complies with policy, it doesn't necessarily mean that the Town Planning Scheme requirements for land use are going to be complied with.

Mr Olding quoted the section from Local Planning Policy No 11 regarding outbuildings, stating that he had submitted an application that met the R codes and the Local Planning Policy, but after Building Approval was obtained, he was told that a Planning Approval was required. Mr Olding emailed the Planning department questioning this, and no written answer was provided. Mr Olding said that he was receiving mixed messages from Town staff and needed clarification.

Chief Executive Officer responded that without seeing the particular case, a categorical response cannot be provided.

Acting Planning Manager responded that details of the specific case would need to be examined in first instance for an appropriate response to be provided.

Mayor advised Mr Olding that the Chief Executive Officer and a representative of the Planning department will meet with him to clarify the issues. It may be that the information on the website needs to be changed.

Mayor closed Public Question Time at 6.00 pm.

Mayor opened Public Statement Time at 6.00pm.

4.2 Public Statement Time

4.2.1 *Mr Camilo Blanco*

The application from Landcorp in the Agenda is supported by the Town's Officer and does not suggest an alternate recommendation to refuse the application to allow noxious uses in the new transport zone. Certain businesses should not co-exist with residences. Prevailing winds will blow emissions across the new Kingsford Business Park, including the proposed Worker's Camp.

The attempted rezoning of this land is because it is not selling as it is too expensive, and should not be approved.

The Delegation Register has given responsibility for financial decisions to the Chief Executive Officer for amounts up to half a million dollars. That amount should be reduced to \$50,000.

Tonight's Agenda item to pay \$50,000 membership to the WA Regional Cities Alliance is an unnecessary expense. If there is to be cost cutting, then this money is better spent on local roads. Information from the WA Regional Cities Alliance is available free on the web.

New delegated powers being granted in relation to powers of entry represent an invasion of privacy. Are the rate payers aware of the powers available to the officers? Who is monitoring this use? This has the potential to create instant conflict. Those powers need to be deleted from the Register.

Mayor closed Public Statement Time at 6.08pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Cr Gillingham*

I have just heard that hotel rooms in town are still costing up to about \$350 per night even though I believe a lot of rooms are empty. Does the Visitor's Centre compile a list of accommodation availability?

Chief Executive Officer responded that the Visitor's Centre management is now contracted out to FORM, who provide quarterly reports on financial operations and major activities, but no statistics on vacant rooms.

Director Community Services added that FORM is not required to gather that information.

Regarding the recent flooding, is the Town aware if the big companies in town are maintaining good planning practices in the way they have filled lots of low lying areas.

Chief Executive Officer responded that most of that work is done on mining leases which are governed by State Agreement Acts and require environmental clearances for works to be undertaken. They should be scrutinised by the authorities, who would also be taking appropriate action where required.

Can the Director Community Services provide an update on the use of the Civic Centre?

Chief Executive Officer responded that the Gratwick Hall is going to be furnished and utilised as temporary office space, including hot desks for temporary staff and overflow of staff from current offices, and the Airport which is extremely crowded, plus the Airport Director. The architect has been approved for design work for the fit out which will involve further discussions with Elected Members and staff.

Would it be possible to notify the public about the progress of this project?

Chief Executive Officer responded that the community will be notified of the issues and time-lines of the project.

It has been noted that there is a lack of bees in the town. In Perth people are encouraged to put bee hives on their property. Is this something the Town can look into?

Mayor responded that this would be tabled for further advice.

5.2 *Cr Hooper*

The speed at which the water dissipated from Pedlar Street after the rains was impressive. Was that due to the clearing of the drains or was there some water pumping taking place?

Chief Executive Officer responded that the engineering team have worked hard cleaning drains out which has helped the clearance of the water, highlighting how maintenance works are necessary to the functioning of Town assets. Also it was fortunate that the rain ceased as the high tide came in, relieving the situation.

5.3 *Cr Dziombak*

When will the next Community Conversation be held?

Chief Executive Officer advised that it is scheduled for 6.30pm Wednesday 10 July 2013, at Jimblebar Room, Wanangkura Stadium and the topic is 'Projects – History and Myths'. A media release about this event was issued last week.

Mayor advised that the timing of this event had been changed and information has been posted on the Town's new Facebook page.

5.4 *Cr Taylor*

At the 27 March meeting Council discussed the temporary fit-out and new building of Civic Centre accommodation. The costs were noted as a \$5 million loan for the upgrade including roofing repairs and \$1.7 million for the temporary fit-out. Public bookings for Gratwick Hall ceased, and it is not yet being used for office accommodation. Conversion costs now seem to be in the order of \$3.5 million, which is higher than the agenda item indicated. The expenditure includes upgrading IT and electrical facilities to the entire Civic Centre and addressing roofing and structural maintenance issues, which doesn't leave much of the \$5 million.

The community is keen to regain the use of Gratwick Hall, with alternative office accommodation being sourced.

Can you please advise the timeline for the office space to be completed, outline the costs incurred and advise what will be spent to convert the Hall to office space.

Chief Executive Officer responded that a time-frame will be established so the community and Elected Members are aware of the works that need to be undertaken in the Hall including the architectural design work, and retro-fitting existing office accommodation. A \$5 million draft budget for 2013/14 is being considered for the roof repairs and the fit-out which will lead to a permanent solution for this facility. There will be consultation with Elected Members, community and staff about how the work will proceed.

How will the funding arrangements affect the long term repairs to the roof and the building as a whole. The \$1.7 million was the conversion costs, and the remainder of the \$5 million was for refurbishment?

Chief Executive Officer responded that those figures were taken from a quantity survey report provided by architects; the Town now needs to work with the architect on the interior design of the building, and come back to Council for discussion about how that will look. Getting the roof fixed is a priority.

Has the \$3.5 million tender been let?

Chief Executive Officer responded that no tender has been let on physical works.

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 Dziombak
Councillor Daccache	Councillor Hooper
Councillor Carter	Councillor Hunt
Councillor Gillingham	Councillor Taylor

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 22 May 2013

201213/404 Council Decision

Moved: Cr Carter

Seconded: Cr Dacacche

That the Minutes of the Ordinary Meeting of Council held on Wednesday 22 May 2013 be confirmed as a true and correct record with the following amendment to resolution for Item 11.2.2.1 'Award of Tenders 13/05 Apron Extension and Associated Works – (File No.: 30/12/0009), Tender 13/03 Port Hedland International Airport Electrical Upgrade Works – (File No.: 30/12/0008) and Approve Modifications to the Airport Re-development Program as Included in the 2012/13 Town of Port Hedland Annual Budget' recorded on page 266:

That Council:

1. Award Tender 13/05 Apron Extension and Associated Works to WBHO Civil Pty Ltd [for the amount of \$3,292,283.90 including GST] without the contingency as per their submission;
2. Award Tender 13/03 Port Hedland International Airport Electrical Upgrade Works to Total Electrical Communication Services Pty Ltd [for the amount of \$1,867,681.93 including GST] as per their tender submission;

CARRIED 8/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 8 May 2013 at 4.50pm**201213/405 Council Decision****Moved: Cr Carter****Seconded: Cr Hunt**

That the Minutes of the Special Meeting of Council held on Wednesday 8 May 2013 at 4.50pm be confirmed as a true and correct record.

CARRIED 8/0**7.3 Confirmation of Minutes of Special Meeting of Council held on Wednesday 12 June 2013****201213/406 Council Decision****Moved: Cr Carter****Seconded: Cr Hunt**

That the Minutes of the Special Meeting of Council held on Wednesday 12 June 2013 be confirmed as a true and correct record.

CARRIED 8/0**ITEM 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****May 2013**Monday, 13th May

- Weekly CEO & Mayor Catch Up Meeting
- Weekly Spirit Radio Mayor Chat Interview
- Chair Indigenous Camping Taskforce Meeting

Tuesday, 14th May

- Meeting Hon Bill Marmion (Minister Housing)
- Meeting LandCorp
- Meeting Department State Development
- Meeting Department Commerce (NBN Rollout Regional WA)

Friday, 17th May

- Attended 2013 National Tidy Towns/Sustainable Communities Awards Caloundra QLD

Monday, 20th May

- Weekly CEO & Mayor Catch Up Meeting
- Tuesday, 21st May
- Weekly Spirit Radio Mayor Chat Interview
- Attended RDA-Pilbara Women In Business Luncheon Event (Karratha)
- Attended Welcome To New Airport Redevelopment Program Director Sundowner

Wednesday, 22nd May

- Attended South Hedland Business Association Breakfast Meeting
- Executive Coaching Session – Kerry Neill
- Meeting - Review Of The Disability Access & Inclusion Plan
- Weekly CEO & Elected Member Catch Up
- Attended FMG Quarterly Forum Discussion
- Attended Confidential Planning Briefing
- Attended Confidential Concept Forum
- Attended Agenda Briefing Session
- Chair OCM May 2013
- Attended CME Industry & Federal Representatives Dinner Event (Esplanade Hotel)

Thursday, 23rd May

- Meeting With Resident Diane Wright
- MC & Presentations Student's Airport Artwork Unveiling Ceremony
- Attended HSHS Open Afternoon Event & Tour
- Attended South Hedland Business Association AGM

Friday, 24th May

- Meeting CSSU Family Day Care
- Attended Port Hedland Historical Society Sundowner Event

Monday, 27th May

- Weekly CEO & Mayor Catch Up Meeting
- Fortnightly Pilbara Shire Presidents & Mayor Phone Link Up Meeting
- Attended TOPH Aboriginal Consultation Forum – Safety In Our Community Part II
- Meeting Main Roads WA Introduction Meeting New Director
- Meeting LandCorp's Brad Pawlenko Re South Hedland CBD Issues

Tuesday, 28th May

- Weekly Spirit Radio Mayor Chat Interview
- Meeting Hon Bill Marmion (Minister Housing)
- Participated In Department Housing Video Interview Re: Key Service Worker Housing
- Attended & Provided Welcome Address “Franchisee Meet ‘N’ Greet Night

Wednesday, 29th May

- Participated TOPH Bus Tour With Elected Members & Executive Team Part 2
- Budget Overview Workshop

Thursday, 30th May

- Attended Pilbara JDAP Meeting (Phone Link Up)
- Attended Media Event – AirServices Reintroduces Services To Port Hedland
- Attended Hedland Neighbourhood Watch BBQ Event

Friday, 31st May

- Chair Multi Agency Meeting Re: Juvenile Children At Risk Port Hedland
- Attended Quarterly EFT Review

June 2013

Saturday, 1st June

- Attended Port Hedland Rovers vs South Hedland Swans Game

Tuesday, 4th June

- Weekly CEO & Mayor Catch Up Meeting
- Weekly Spirit Radio Mayor Chat Interview
- Meeting Local Resident Joan Foley Re Disability & Inclusion Plan Issues
- Attended Soroptimist International – Port Hedland Monthly Meeting

Wednesday, 5th June

- Attended Port Hedland Substance Use Management Group Meeting
- Weekly CEO & Elected Member Catch Up
- Meeting Hon Robin Chapple MLC
- Presentation From Andrew McLaughlin Centre Committee

Thursday, 6th June

- BHP Billiton Harbour & Site Tour

Friday, 7th June

- Attended BHPBIO/Council Sustainability Partnership Working Group Meeting
- Meeting Department Indigenous Affairs – Tim Turner
- Attended Youth Involvement Council Fundraiser Quiz Night

Saturday, 8th June

- Attended Andrew McLaughlin Centre Family Fun Day
- Welcome Speech – 2013 Philipino Independence Day Celebration Event

Monday, 10th June

- Weekly CEO & Mayor Catch Up Meeting
- Fortnightly Pilbara Shire Presidents & Mayor Phone Link Up Meeting
- Meeting Department Corrective Services – Ray Wiley
- Attended Tourism WA – Pilbara Priorities Forum
- Budget Discussion – Executive & Elected Members

Tuesday, 11th June

- Weekly Spirit Radio Mayor Chat Interview
- Attended & Assisted With Presentation FMG VTEC Graduation
- Attended Meeting Budgetary Discussions BHPBIO/Council Sustainability Partnership Working Group

Wednesday, 12th June

- Opened & Welcome Address RDA-Pilbara: Peter Kenyon Workshop – Building Healthy, Vibrant, Inclusive & Enterprising Communities
- Attended Audit & Finance Committee Meeting
- Weekly CEO & Elected Member Catch Up
- Attended Confidential Planning Briefing
- Attended Confidential Concept Forum
- Special Council Meeting Agenda Briefing Session
- Chair Special Council Meeting

Thursday, 13th June

- Meeting WALGA President Troy Pickard & Visit To Port Hedland

Friday, 14th June

- Attended PANGO “Pilbara Community Indigenous Leadership Program”
- Attended North West Netball Region AGM

Saturday, 15th June

- Attended The North West Netball Championships Opening Event & Read The Players & Officials Pledge

Sunday, 16th June

- Attended the PHNA North West Netball Championships Sponsors Event & A Grade Grand Final

Monday, 17th June

- Weekly CEO & Mayor Catch Up Meeting
- Interview ABC WA 7.30 Report Re: Marina Precinct Development
- Chair Indigenous Camping Taskforce Meeting
- Meeting FACSHIA Ingrid Page
- Conducted Citizenship Ceremony
- Attended Kerrie Phipps “The Headspace Of Effective Leaders & Communicators” Workshop

Tuesday, 18th June

- Weekly Spirit Radio Mayor Chat Interview

The Mayor also reported that on Saturday 22 June the 2013 Sri Chinmoy Oneness-Home Peace Run was welcomed to Port Hedland on its 15,000 kilometre run which departed Canberra in April. Councillor Hunt was also in attendance.

A letter was presented from Katy Gallagher MLA, the ACT Chief Minister and a Certificate signed by the participants in the peace run, made out to the City of Port Hedland.

Six local people were recognised with Peace medallions and awards; Robyn Middleton, Anna Jsinsky, Tom Keefe, Joan Foley, Tony McGorry and Bob Neville.

Mayor Howlett also presented the Tidy Town awards she accepted on behalf of the Town, at the Tidy Towns awards ceremony in Caloundra, Queensland. Awards won by the Town include the Award for Environmental Innovation and Protection, and a highly commended in the Community Action and Partnership sector. The state regional judging for the next year’s awards begins 4 July 2013.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 *Cr Daccache***

Cr Daccache reported on an article in the West Australia newspaper which outlined fire safety problems experienced at the \$549 million indoor sports venue Perth Arena. These problems were similar to those experienced here at the Wanangkura stadium, highlighting that this type of problem did not only occur in Port Hedland, and noting that the Perth issue was resolved in the same way it was resolved here.

Cr Daccache reported on another article about water testing failures at Champion Lakes Armadale Regatta Centre which resulted in the facility being closed to the public 22 times in two and a half years. This illustrates that the water quality issues being experienced at the Town's facilities are not isolated to Port Hedland, and that Council's decision to delay opening the facilities until water quality was resolved was justified.

9.2 *Cr Gillingham*

Cr Gillingham reported that she had attended courses in Perth covering the topics of asset management, risk management and conflict management, which were most interesting and informative to her role as an Elected Member. It is also useful to meet with other Elected Members attending these courses.

9.3 *Cr Dziombak*

Cr Dziombak reported that he had attended the Port Hedland Chamber of Commerce meeting, and was reappointed as President. In reference to Cr Gillingham's recent comment, the Chamber of Commerce is completing a body of work on the issue of affordable accommodation in town, and this information will be placed on the Chamber's web site.

9.4 *Cr Hunt*

Cr Hunt attended the BHP Consultative Committee, noting that progress is continuing in the inner harbour although it isn't as busy as it was last year.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**10.1 *Pilbara Feasibility Study, University of Western Australia***

Dr Ben Killigrew, Director UWA Pilbara Project, provided an update on strategic planning and project outcomes to date. He noted that the UWA Pilbara facility would be a research based facility, which provides an investment attraction in and of itself.

The UWA already has a presence at the Rural Clinical Health Centre in South Hedland training final year medical students.

The establishment of a sub-campus in the Pilbara has in-principle government support. The university will be preparing a business case by the end of the year describing a research facility for the Pilbara, including access to all faculties, establishing site, location, infrastructure and partnerships. APP Projects are managing the project, and an economic consultant will be engaged shortly, funded by the University and the Pilbara Development Commission. The University Board will make its decision once the business case has been analysed.

10.2 WA Country Health Services

Mr Ron Wynne, Regional Director, was unable to attend the meeting as planned. Brian Wilson, Operations Manager of South Hedland Health Campus made a presentation on his behalf regarding the strategic position of the WACHS Pilbara and services available from the WACHS Pilbara to resident of the town, noting that Hedland Health Campus is one of the best performing sites in Australia in relation to Emergency.

It was noted that Outpatient numbers had increased markedly since the campus was relocated to South Hedland, reflecting that it was easier for people to access. Statistics also showed that more people are presenting to General Practitioners than to Outpatients for appropriate treatments.

Disclaimer

IMPORTANT NOTE:

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.

- Amending the zoning table by changing the permissibility of “Industry – Noxious” within the “Transport Development” zone from “~” to “SA”.
- Amending the objectives Clauses 6.7.15 and 6.7.16 being objectives for the Transport Development zone, as follows:

When considering applications for any use subject to licensing as “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—

- (a) may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;*
- (b) may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;*
- (c) may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) above.*

Under the provisions of TPS5 the land uses to be included in the TD zone are defined as:

Industry – Noxious

An industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended).

Industry – General

An industry other than a cottage, extractive, light, noxious, rural or service industry.

Consultation

This matter was discussed at the Confidential Concept Forum on Wednesday 12 June 2013.

Should Council resolve to initiate this amendment 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

Nil

Strategic Planning Implications

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

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.

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

5.6.6 Precinct 6 – Wedgefield Industry & Logistics

Implementation Indicators:

Review of existing Wedgefield land use recommended following relocation of heavier uses in short to medium term. Review to determine opportunities for formal 'composite industrial' residential/light industrial use in limited western edge area.

Precinct Highlights: 'Hedland Junction' transport/logistics area.

Proposed Land Use: General Industry / Transport and Logistics.

5.6.15 Precinct 15 – Boodarie

Precinct Highlights: Noxious Industry

Proposed Land Use: Strategic / Heavy Industry

Budget Implications

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

Officer's Comment

The proponent has provided justification for the Amendment within the attached report (Attachment 1). The following information is provided as support for the Amendment.

Background

The purpose of the Amendment is to broaden the narrow transport focus of the TD zone to include compatible general industry uses. It is crucial to ensure the Amendment does not permit land use conflicts or development that should be located elsewhere.

The previous Local Planning Strategy endorsed in 2008 was the Land Use Master Plan (LUMP). Although this document has been replaced by the Growth Plan, the strategies give an indication of the historical industrial issues. The LUMP addressed industrial land supply and land use conflict and proposed the following general principles:

2.4(a) Contain the spread of industrial uses in well planned, orderly precincts that are located to take advantage of existing infrastructure wherever possible, to support existing industrial development, and to avoid conflicts with adjacent land uses.

2.4(b) Identify appropriate locations for different types of industrial uses, promoting synergies among related businesses and avoiding conflicts between noxious and light industrial uses.

2.4(c) Establish high standards of design and construction quality and landscape development to protect the "view from the road" on Great Northern Highway and the entries to South Hedland, Wedgefield and Port area.

In addition to the above, the LUMP identified noxious uses as those that generate excessive noise, odour, dust or other negative impacts.

The Growth Plan supports the general principles presented in the LUMP by proposing to review Wedgefield and relocate heavier uses in the short to medium term. In addition the Growth Plan identifies creating a General Industry / Transport and Logistics zone. The Amendment seeks to include Industry – General and suitable Industry – Noxious within the established TD zone.

In light of the above, the Amendment aligns with the Town's strategic direction by encouraging Industry – General land uses outside of the existing Wedgefield Industrial Area.

Industrial Land Supply

Despite the vast areas currently devoted to industrial uses within the Town of Port Hedland, there is a critical shortage of available industrial land. The majority of industrial land within Port Hedland is either undeveloped, un-serviced or is constrained by land use conflicts. The largest area of land that has been opened up by new development is the TD zone in Wedgefield. The TD zone was implemented into TPS5 in 2011 to address a demand from the transport industry. The experience over the last three (3) years is the list of proposed land uses with the TD zone has not allowed industry to take up the full uses of the land.

In light of the above, low demand for the current land uses within the TD zone provides opportunity to consider additional compatible uses.

Prescribed Licence

The Amendment proposes to include Industry – Noxious within the TD zone. Industry – Noxious is defined under TPS5 as:

An industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended).

There are a broad range of uses listed as ‘Prescribed Premises’ under the Environmental Protection Regulations 1987 (EPR), and therefore as Industry – Noxious under TPS5. Uses listed as ‘Prescribed Premises’ are all required to licensing under the Department of Environment and Conservation (DEC). The DEC imposes licences and approvals to prevent, control, abate or mitigate pollution or environmental harm.

Currently Industry – Noxious is listed as a ‘SA’ land use permissibility within the ‘Industry’ zone of TPS5. The land use is therefore permitted in the ‘Industry’ zone subject to public advertising and the discretion of Council. Due to the high ‘residential’ population within the ‘Industry’ zoning in Wedgefield, a Wedgefield Special Control Area was created within TPS5 (Clauses 7.5.1 – 7.5.5). The provisions for the Special Control Area within TPS5 provide Council the ability to consider Industry – Noxious applications subject to consideration of impact and exposure to potential emissions.

The Amendment proposes to include Industry – Noxious within the TD zone subject to amending objectives of the TD zone to ensure suitable consideration of emissions. In addition, no ‘residential’ or sensitive land uses are permitted within the TD zone. The Amendment would allow Council to discourage Industry – Noxious applications within the Wedgefield ‘Industry’ zone until further consideration can be given to the existing ‘residential’ population.

Only Industry – Noxious development applications that can suitably demonstrate through a DEC licence that all emissions are contained on-site will be considered within the TD zone.

In the event Industry – Noxious applications are received that require an off-site buffer, they will need to be located within the Boodarie Strategic Industrial Area. Industry – Noxious applications requiring off-site buffers could potentially be located in the TD zone subject to a suitable noxious precinct being created. The precinct would need to be strategically located to ensure suitable buffers, monitoring and licencing. Applications for Industry – Noxious in the TD zone would be at the discretion of Council and after consideration of the objectives and requirements of the zone.

In addition, suitable measures through Guidelines and a Development Plan will ensure the positive amenity and function of the TD zone.

In light of the above, initiation of the Amendment will provide opportunity for the Environmental Protection Authority (EPA) to determine if it is environmentally acceptable. Subject to the EPA review, the Amendment will then be advertised for public comment and consideration by suitable agencies.

Attachments

1. Scheme Amendment 65 Report

Options

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment.

The initiation of the Scheme Amendment will allow the formal referral process to commence. The referral process is the opportunity to determine if the Amendment is environmentally acceptable. If acceptable the Amendment provides the opportunity in the short to medium term to encourage general and noxious industries out of the existing Wedgefield 'Industrial' area.

2. Refuse to initiate the Scheme Amendment.

Refusal to initiate the Scheme Amendment will result in limited land available to cater for both Industry – General and Industry – Noxious land uses. Both uses are permissible within the existing Wedgefield 'Industrial' area and Council may have no choice but to continue approving them if no alternative locations exist.

201213/407 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Hunt**

That Council pursuant to Part 5 of the Planning and Development Act 2005, initiate Scheme Amendment No. 65 to the Town of Port Hedland Town Planning Scheme No. 5 by:

- a) Amending the Zoning Table by changing the permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';**
- b) Amending Table 1 – Zoning Table by changing the permissibility of 'Industry – Noxious within the 'Transport Development' zone from '~' to 'SA';**
- c) Deleting Clauses 6.7.15 and 6.7.16 of the Scheme and replacing them with the following text:**

6.7.15 The purpose of the Transport Development zone is to accommodate a range of industrial uses and in particular uses that support the transport, mining and construction industries.

6.7.16 When considering applications for any use subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—

(a) may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;

(b) may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;

(c) may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) above.

CARRIED 6/2

ATTACHMENT 1 TO ITEM 11.1.1.1



Proposed Amendment
No.65 to Town of Port
Hedland Town Planning
Scheme No.65

Town of Port Hedland

May 2013



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Karen Wright
Associate Director	Tim Dawkins
Consultant	Emma Taylor
Job Code	PA0815
Report Number	1

Planning and Development Act 2005 (as amended)

RESOLUTION DECIDING TO AMEND

A TOWN PLANNING SCHEME

Town of Port Hedland Town Planning Scheme No. 5

RESOLVED that the local government, in pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend the above Town Planning Scheme by:

(a) Amending the Zoning Table by changing the permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';

(b) Amending Table 1 – Zoning Table by changing the permissibility of 'Industry – Noxious' within the 'Transport Development' zone from '~' to 'SA';

(c) Deleting Clauses 6.7.15 and 6.7.16 of the Scheme and replacing them with the following text:

6.7.15 *The purpose of the Transport Development zone is to accommodate a range of industrial uses and in particular uses that support the transport, mining and construction industries.*

6.7.16 *When considering applications for any use subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—*

- (a) *may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;*
- (b) *may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;*
- (c) *may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) above.*

Dated this _____ day of _____ 20_____.

Chief Executive Officer

REPORT – AMENDMENT NO.65

FILE NO:

PART OF AGENDA

MINISTER FOR PLANNING

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. Local Government: Town of Port Hedland
2. Description of Scheme: Town of Port Hedland Town Planning Scheme No. 5
3. Serial Number: Amendment No.65
4. Proposal:
 - a) Change the land use permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';
 - b) Change the land use permissibility of 'Industry – Noxious' within the 'Transport Development' zone from '~' to 'SA'; and
 - c) Undertake textural amendments to clauses 6.7.15; and 6.7.16.
5. Report by: Urbis Pty Ltd on behalf of LandCorp for the Town of Port Hedland.

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1 Introduction

The Town of Port Hedland seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to the proposed Scheme Amendment.

1.1 OVERVIEW OF PROPOSAL

The proposed Scheme Amendment No.65 seeks to:

1. Change the land use permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';
2. Change the land use permissibility of 'Industry – Noxious' within the 'Transport Development' zone from '~' to 'SA'; and
3. Undertake textural amendments to clause 6.7.15 and 6.7.16.

1.2 CONTEXT

Port Hedland is a coastal town situated in the Pilbara region, in the north-west of Western Australia. Port Hedland is located approximately 1,300 kilometres from Perth (measured in a straight line) and is the logistics and commercial hub associated with the surrounding mining areas.

On behalf of LandCorp, we request the Town of Port Hedland initiate an Amendment to Town Planning Scheme No. 5 (TPS5) to allow a broader range of industrial land uses within the Transport Development area, specifically, the inclusion of 'Industry – General' and 'Industry – Noxious'.

We are undertaking this amendment on behalf of LandCorp for the following key reasons:

- To allow for a range of uses that do not fall into the strict requirements of Transport Development, however, provide support and benefit from co-location with Transport Development. Such uses include:
 - o spray painting
 - o concrete batching
 - o sandblasting
 - o moulding of plastics
- To provide for compatible industrial development on well located serviced lots for uses that are not appropriate within the old Wedgefield Industrial Area due to the high rate of residential uses (192 lots currently approved for residential uses within the old Wedgefield Industrial Area however residential uses are not permitted within the Transport Development area).
- To create a practical approach to land release and delivery, and meeting unmet demand for a range of undersupplied uses within Port Hedland.
- The Boodarie Industrial Estate is reserve for heavy industrial downstream processing opportunities and noxious industries requiring a buffer to sensitive land uses.

2 Site Description

2.1 LOCATION

The scheme amendment is limited to land within the 'Transport Development' zone. The Transport Development zone is applied to only to the "Transport Development Area" located to the east of the old Wedgefield Industrial Area as illustrated below.

FIGURE 1 – LOCATION PLAN



Source: Western Australian Planning Commission

FIGURE 2 – AERIAL PHOTOGRAPH (FLOWN AUGUST 2012)



Source: Western Australian Land Information Authority

2.2 LAND TENURE AND SITE DETAILS

There are approximately 20 lots within the Transport Development area, of which 16 are newly created industrial lots developed by LandCorp in 2011/2012, only 8 of these lots have sold. The remainder of the lots are under State Government ownership and available for sale. In total, the Transport Development area is approximately 196 hectares as illustrated below.

FIGURE 3 – TENURE PLAN



Source: Western Australian Planning Commission

3 Proposal

3.1 BACKGROUND

There is a lack of suitable land within the broader Port Hedland area for industrial uses that require licensing by the DEC. The Boodarie Estate is reserved to support downstream processing industries and noxious industries requiring buffers to sensitive uses, and is still some years away from providing development ready lots, creating issues associated with the expansion of the economy. It is critical that development of 'noxious' uses not requiring a buffer are provided for within Port Hedland.

The definition of noxious uses is defined as follows:

industry - noxious an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended).

There are a significant number of uses which are subject to licencing as 'Prescribed Premises' under the *Environmental Protection Regulations 1987* that are seeking to establish their business within Port Hedland, however, there is a lack of appropriately zoned land to cater for them.

The largest area of land that has been opened up by new development is the 'Wedgefield Transport Development Area'. However, this site does not permit the use of 'Industry – Noxious' by virtue of the zoning table.

The Port Hedland Land Use Master Plan identifies the TD Area as "General Industry/Transportation Uses". The current zoning of the land focuses on the Transportation Uses, however, limits industrial uses to 'Industry – Transport'. The general industry zoning permits noxious uses under the current provisions of the Town of Port Hedland's Town Planning Scheme No.5.

'Industry – Noxious' uses are not permitted within the TD zone as the Port Hedland Land Use Master Plan identifies noxious uses as being located within the Boodarie Industrial estate. However, this was a short-sighted approach, as there are a number of uses that are subject to licensing as 'Prescribed Premises' and do not require a buffer to other uses which are considered to be acceptable and compatible within the TD zone. Such uses include:

- Concrete batching plant;
- Sand Blasting;
- Spray Painting;
- Moulding of Plastics.

These uses are subject to licensing and condition imposed by the DEC, do not pose a specific hazard to adjoining land uses, and can contain the impacts of the use within its own site.

In recognition of the high level of demand, it is considered appropriate to expand the land use permissibility within the TD zone to allow a range of the noxious uses that can manage their impact within their own site and do not constitute a hazard to adjoining land uses.

The existing land use conflict of noxious and residential uses will not occur in the TD zone as no residential uses are permitted. The TD area will also offer existing noxious industries in old Wedgefield an appropriate alternative to serviced industrial land.

The scheme amendment makes no changes to the 'heavier' noxious uses that would not be appropriate within the TD area, and would need to locate within the Boodarie estate.

3.2 OBJECTIVE

There is growing demand for industrial land that permits 'noxious' uses, as well as general industry uses, with no ability to located within the Boodarie Industrial Estate - the designated strategic industrial area for Port Hedland. Accordingly, this scheme amendment proposed some changes to the provisions of TPS5 that enables noxious and general industry uses to be accommodated the TD zone in a manner that does not compromise the effective operation of the existing and future industrial uses.

3.3 KEY ISSUES

3.3.1 PRESCRIBED PREMISES

It has become apparent that a prescribed premises under the EPA Regs should not be restricted to within Boodarie Industrial Estate. There are a broad range of uses that fall in the definition of 'industry - noxious' that can manage their impacts on site, and are better located within the TD zone. A number of these businesses have expressed a desire to be located in TD area due to its central location, availability of services, and ability to be clustered with general and transport related businesses.

3.3.2 HEALTH AND SAFETY

Many of these uses have a high workforce requirement due to their labour intensive natures (e.g. sand blasting, spray painting, moulding of plastics) and are better located away from heavy industry that have potential health impacts.

There is also conflict within the existing Wedgefield Industrial area (old Wedgefield) where noxious and general industrial uses are permitted. Given the significant number of lawful residential premises within old Wedgefield, it is problematic to allow general and noxious uses. The TD area contains no residential uses, as all residential use classes, included caretakers residence, are prohibited in the TD zone. It is therefore considered that there is a logical opportunity to broaden the range of permissible industrial uses within the TD zone, facilitating the supply of development ready industrial land to cater for these uses.

3.3.3 LAND USE MIX

The Port Hedland Land Use Master Plan identified General Industry / Transportation Uses given the then anticipated timing of the Boodarie Industrial Estate and the lack of recognition of the benefits of co-locating compatible uses. The range of uses within the TD zone has however, proven to be too narrow, with a range of non-transport related uses seeking to locate within the TD area due to their interrelationship with the transport industry. Examples include a concrete batching plant, which has a high transport element and general industrial uses including spray painting and sand blasting.

There is a need to expand the permitted range of uses to facilitate the efficient clustering, symbiotic relationships and interdependences that occur across industrial areas.

3.3.4 BUFFERS

The introduction of 'noxious' uses does not mean that all uses that fall within this definition can automatically locate within the TD zone. These uses are all subject to licensing under the Department of Environment and Conservation (DEC), which will require the demonstration of adequate buffers associated with the use. As part of the licencing requirements, the DEC can ensure that the uses are appropriate in the proposed location and setting.

The proposed wording for the scheme amendment introduces stronger powers for the Town of Port Hedland to require detailed information pertaining to the proposed use such as the air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality. It also introduces the capacity for the Town to refer the application to the EPA for advice prior to making a decision.

It is apparent that the changes to the use class table coupled with the additional scheme provisions will ensure that any impacts from noxious industry will be adequately managed and ensure compatibility with the general industrial and transport related uses.

3.3.5 VISUAL AMENITY TO MAJOR ROADS

The introduction of 'noxious' and general industry uses creates the potential for 'unsightly' industrial uses to be introduced within the TD area. There are currently design guidelines in place that control the design of buildings and require appropriate screening to external area. Therefore the same level of design standard will apply no matter what the proposed use. The guidelines identified the key sites that are highly visible and form the gateway into the locality, and apply strict standards to the design of any development.

We note that the land within the TD area fronting Great Northern Highway is subject to the provisions of Control Area 2 under the Wedgefield Industrial Estate Development Plan. Control Area 2 addresses the key objective of presentation of the industrial estate to Great Northern Highway as the gateway to Port Hedland. Development within Control Area 2 requires higher levels of landscape and presentation to protect the interface of the development along Great Northern Highway.

The proposed text amendment will consequently not vary or impact on the visual amenity of the TD area.

3.3.6 LAND SUPPLY

The TD area was planned on the basis of an identified high level of need for land for transport related purposes. Since the TD area has been developed, only 8 lots have sold in two years and it has become apparent that the anticipated demand was overstated.

The TD area represents an effective doubling in size from the old Wedgefield area. This land is now believed to be far in excess of the needs for transport related uses alone. Conversely, there is an extremely short supply of land that permits general and noxious industry uses, and most of that is located within old Wedgefield where there are conflicts with the residential uses.

It is imperative for the Town to be able to respond to the changing market demand, particular when it has been demonstrated that the proposed changes will have minimal impact on the vision and character of the TD area. The scheme amendment will provide for the longer term needs, and correct the current land supply shortage to ensure all potential industrial land uses are catered for within Port Hedland.

4 Planning Assessment

4.1 STATE PLANNING FRAMEWORK

4.1.1 STATE PLANNING STRATEGY (DRAFT)

The State Government released a new draft State Planning Strategy in December 2012. The State Planning Strategy is the State's overarching planning document that provides the strategic framework that seeks to coordinate regional planning and development across WA, and thereby sets the foundation for all planning policies across the state.

The strategy anticipates an increase in the State's population from the current population of 2.4 million people to between 3.5 million and 5.4 million by 2056. The strategy is broad in nature, setting the following broad principles:

- **Community:** Enable diverse, affordable, accessible and safe communities;
- **Economy:** Facilitate trade, investment, innovation, employment and community betterment
- **Environment:** Conserve the State's natural assets through sustainable development
- **Infrastructure:** Ensure infrastructure supports development
- **Regional Development:** Build the competitive and collaborative advantages of the regions
- **Governance:** Build community confidence in development processes and practices

The State Planning Strategy acknowledges the critical role the Pilbara plays in economic development of the State, and the need to foster its growth and development. The State Planning Strategy also identifies the Pilbara Cities initiative, which seeks to develop Port Hedland and Karratha into cities where people choose to settle on a permanent basis, because these are places to raise families with access to high standards of education, health and diverse employment and career opportunities. As part of becoming a more complex urban settlement, there is a need to cater for a range of employment opportunities and land uses beyond a narrow focus on the resource industry.

4.1.2 STATE PLANNING POLICIES/DEVELOPMENT CONTROL POLICIES

The following State Planning Policies (SPP's) and Development Control (DC) Policies have been reviewed through the strategic planning process which has preceded the subject Scheme Amendment. The details of each Policy have already been addressed in the Wedgefield Industrial Estate Development Plan and will be further considered and responded to in the subsequent subdivision and development applications.

- SPP 2 – Environment and Natural Resources.
- SPP 3 – Urban Growth and Settlement.
- SPP 4.1 – State Industrial Buffer Policy.
- SPP 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.
- DC Policy 1.7 – General Road Planning.
- DC Policy 4.1 – Industrial Subdivision.

4.1.3 PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK

The Pilbara Planning and Infrastructure Framework identifies the physical development needs of the Pilbara and sets out a framework to assist in managing the opportunities and challenges facing the region.

A key objective identified is to:

'Provide for an adequate supply of industrial land in the region to meet the expanding demands of industry and its associated services and transport requirements'.

Specifically, there is an identified need to:

- Coordinate planning and development of strategic, general and light industrial areas to accommodate the needs of industry; and
- Ensure the planning of industrial areas makes provision for appropriate transport and ancillary support activities and facilities.

While the Transport Development Area has been created, it has become apparent that the range of land uses permitted does not adequately allow for the full range of 'support activities and facilities'. By limiting the composition of the estate to a narrow range of uses, it is impacting on the ability for the support uses to cluster around the larger transport uses and existing services.

4.1.4 PILBARA'S PORT CITY GROWTH PLAN

Pilbara's Port City Growth Plan (Growth Plan) provides a high level strategic blueprint to facilitate the sustained growth of Port Hedland into Pilbara's Port City with a population of 50,000 people.

The growth plan identifies the need for approximately 2,161ha of additional strategic industrial land and 450ha of additional general/light industrial land. The growth plan clearly identifies the importance of transport and logistics in the town, and the role of Port Hedland as a major port.

This scheme amendment seeks to redress the balance between the provision of Transport related industrial land and other industrial uses. The proposed scheme amendment does not seek to remove the focus or importance of the TD area on the logistics role, it simply acknowledges the oversupply of land for transport uses, and the fact that the support services associated with the TD requires a broader land use permissibility to enable the effective clustering of complementary uses.

4.2 LOCAL PLANNING FRAMEWORK

4.2.1 TOWN PLANNING SCHEME NO.5

The Transport Development Area is currently zoned 'Transport Development' TPS5. The Scheme Amendment proposes to broaden the range of uses permitted within this zone to allow for uses that are underprovided for elsewhere within Port Hedland.

The purpose of the 'Transport Development' zone are set out in Clause 6.7.15 TPS5:

The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.

The proposed amendment seeks to address the narrow focus of the Transport Development Area, acknowledging that it is not efficient or sustainable to create an industrial area with a limited range of industrial uses.

The area will continue to be focused towards the transport needs of Port Hedland, however, it will also seek to allow for other uses that are not appropriately catered for within Port Hedland and benefit from being located within close proximity to the transport hub.

4.2.2 WEDGEFIELD INDUSTRIAL ESTATE DEVELOPMENT PLAN

The Wedgefield Industrial Estate Development Plan (WIEDP) is intended to coordinate the strategic expansion of Wedgefield and provides for a range of light and transport related industrial purposes in accordance with the recommendations of the Town of Port Hedland's Land Use Master Plan.

The WIEDP was developed in response to the demand for additional industrial and transport development land to service the mining and export markets in Port Hedland and the broader Pilbara.

The WIEDP area comprises four distinct precincts:

1. Transport Development (TD) Area

The TD area is the largest precinct, and is located between the existing Wedgefield industrial area, Great Northern Highway and the Port Hedland Port Authority lease area.

2. Light Industrial Areas (LIA's) 3 and 4

Due to proximity to the existing industrial area, land use on LIA's 3 and 4 is restricted to small service and light industrial uses permitted under the scheme's 'Light Industry' zone, which are considered appropriate for location in close proximity to sensitive uses.

3. Light Industrial Area 5 (LIA 5)

Due to LIA 5's exposure to Great Northern Highway and Wallwork Road, it is intended that controls on land use and development standards (through the preparation of Design Guidelines) are to be more restrictive than for other precincts of the WIEDP area.

4. Industry Area

A small area of land previously zoned "Transient Workforce Accommodation (R20)" was recently rezoned to the "Industry" zone, to acknowledge the current use of this small area for Transient Workforce Accommodation (TWA) would be phased out following the expiration of the lease arrangement in 2014.

The WIEDP allows for the ongoing operation of the TWA in the short term by controlling (restricting) the permissibility of industrial uses within proximity to the TWA site, however, this has impacted on the capacity for new uses to located within the old Wedgefield area. Given the desire to limit the types of uses and the lack of vacant land within the old Wedgefield area, it is critical that new areas of industrial land are opened up to allow unfettered industrial uses.

5 Conclusion

The proposed scheme amendment will assist in improving the functionality and operational efficiency of the various industrial areas within Port Hedland. Specifically the proposed scheme amendment:

- Provides a supply of much needed serviced industrial land to accommodate low impact industrial uses requiring a DEC licence to operate
- Takes pressure off the introduction of general and noxious industrial uses within the old Wedgefield area (currently the only land available for these uses) and assist in minimum conflict with the residential uses
- Ensures that the residential land uses do not constrain the operation and development of legitimate industrial operation
- Allows for 'noxious' uses that can manage their impacts within their site boundaries to be co-located with general industrial uses and provide support services to the transport related uses
- Avoids the need for 'low impact' noxious uses that can have a high workforce from being forced out to Boodarie where with the proposed heavy industry uses with which they have no relationship
- Provides a good supply of industrial land for general industrial uses, which currently have no significant identified expansion areas
- Offers existing noxious industries in old Wedgefield an appropriate alternative to serviced industrial land to assist in the separation of noxious and residential uses
- Offers an alternative to the Boodarie Industrial Estate which is still some time away from being development ready
- Maintains the primary focus of the area for transport and logistics within the TD zone
- Is consistent with the Pilbara Planning and Infrastructure Planning Framework
- Supports the continued business growth in the Town of Port Hedland.

It is therefore, respectfully requested that the Town of Port Hedland initiate Scheme Amendment No.65 to enable referral to the Environmental Protection Authority and public advertising.

SCHEME AMENDMENTPLANNING AND DEVELOPMENT ACT 2005TOWN OF PORT HEDLAND

The Council of the Town of Port Hedland, under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends Town Planning Scheme No. 4, to:

- (a) Amending the Zoning Table of the Scheme by changing the permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';
- (b) Amending Table 1 – Zoning Table of the Scheme by changing the permissibility of 'Industry – Noxious' within the 'Transport Development' zone from '~' to 'SA';
- (c) Deleting Clauses 6.7.15 and 6.7.16 of the Scheme and replacing them with the following text:
 - 6.7.15 *The purpose of the Transport Development zone is to accommodate a range of industrial uses and in particular uses that support the transport, mining and construction industries.*
 - 6.7.16 *When considering applications for any use subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—*
 - (a) *may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;*
 - (b) *may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;*
 - (c) *may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) of this clause.*

Initiate Scheme Amendment

Adopted by resolution of the Council of the Town of Port Hedland at the Ordinary Meeting of the Council held on _____ 20_____.

PRESIDENT

CHIEF EXECUTIVE OFFICER

Final Approval

Adopted for final approval by resolution of the Town of Port Hedland at the Ordinary Meeting of the Council held on _____ 20_____.

The Common Seal of the Town of Port Hedland was hereunto affixed by authority of a resolution of the Council in the presence of:

PRESIDENT

CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED
FOR FINAL APPROVAL

DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT
2005

FINAL APPROVAL GRANTED

DATE

MINISTER FOR PLANNING

11.1.1.2 Proposed Placement of Two Entry Signs at Civic Centre, McGregor Street (File No.: 800500G)

Officer Kevin Keyes
Statutory Planner

Date of Report 7 June 2013

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland is proposing to place two (2) entry sign at the Civic Centre, McGregor Street, Port Hedland.

The application is supported by the Town's' Officers, and Council is requested to consider the application favourably.

Background

In September 2010 the Council approved the adoption of a new visual style for use in, "all aspects of the Town of Port Hedland's publicity activities, including media releases, productions, signage, communications and other mediums as required". This decision reflected a need for unified, cohesive and consistent branding of "Town" activities and facilities.

In 2010, the Town commenced a replacement program of existing park and facility entry signage. The aim of the program is to improve legibility, way finding and connection to place across the Town's operated facilities.

Consultation

Internally:

- Manager Technical Services – No Objections

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).

The development is subject to the provisions of the Town of Port Hedland's "*Signs, Hoardings and Bill Postings*" Local Law.

Policy Implications

Nil

Strategic Planning Implications

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

6.1	Community
6.1.2	Vibrant
	Provide access to recreational, cultural, entertainment facilities and opportunities.

Budget Implications

Immediate:

An application fee of \$139.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

In accordance with Council's Local Signage laws, the proposed signs are defined as a "Pylon Sign" which means:

"pylon sign" means a sign supported by one or more piers and not attached to a building and includes detached sign framework supported on one or more piers to which sign in-fills can be added;"

The development land is zoned "Community". It is proposed to replace the existing entry sign with the new proposed sign at the entrance to the Civic Centre.

The proposed location of the sign will be clearly visible to vehicles and pedestrians. The signage will not obstruct vehicular visibility. The proposed development is supported by the Town's Strategic Community Plan 2012 – 2022 and signage program.

The Town's signage Local Laws are very prescriptive and while the proposal does not fit within the tight definitions within the local laws it is consistent with current industry standards and is not seen to be problematic.

Attachments

1. Locality Plan
2. Site Photos

201213/408 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Hooper****That Council:**

Approves the application, to place two (2) entry signs at the Civic Centre, McGregor Street, Port Hedland, subject to the following conditions:

- 1. This approval relates only to the proposed placement of two (2) entry sign, as indicated on the approved plans (DRG2013/245/1 - DRG2013/245/3). 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 this approval, the approval shall lapse and be of no further effect.**
- 3. The proposed signs shall be maintained at all times to the satisfaction of the Manager Planning Services.**

Advice Notes:

- 1. 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.**
- 2. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.2

Development Application – Lot 1603; Installation of New Entry Signs at Civic Centre



New Signs will replace existing signs

ATTACHMENT 2 TO ITEM 11.1.1.2

DRG 2013/245/2

engraved logo

acrylic cut lettering

2400 mm

1380 mm

1200 mm

Town of Port Hedland

Civic & Administration Centre
Civic Centre Gardens
Gratwick Aquatic & Fitness Centre

x 1
non reflective
with posts & frame
as previous

Client: Town of Port Hedland				
Job No.: 45581				
Date: 6.3.2013				
Drawn By: RIM	Proof reader:			

Please proceed with this proof:

Name:

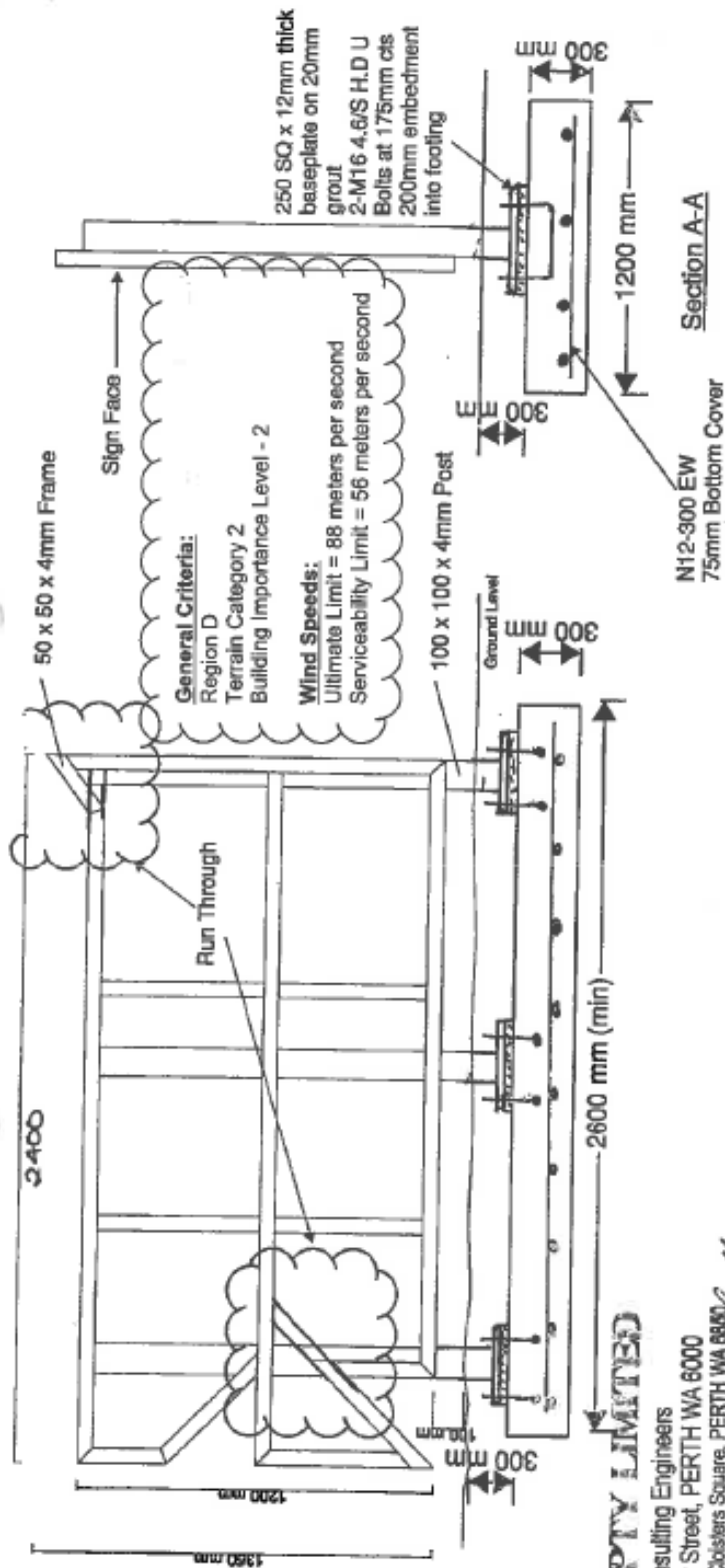
Date:

Signature:

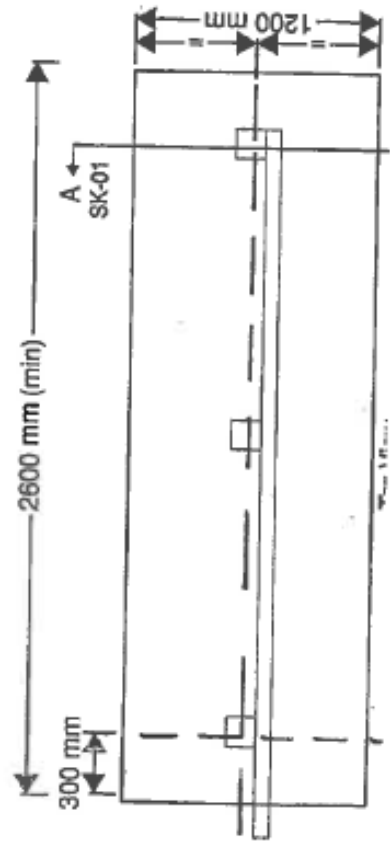
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Thank, let us know if you wish to: - make changes > please notify by return email or fax
- proof approved > please sign and return

1 McDowell St Welshpool WA 6106
Telephone: (08) 9458 7033
Facsimile: (08) 9458 8552
Email: jam@jam.net.au

DRC 2013/245/3



- NOTES**
- Foundations**
1. Compact soil beneath, adjacent and top of footing so that a minimum of 7 blows/300mm with a Perth sand penetrometer is achieved
- Concrete**
1. Concrete to be 32 MPa
- Steelwork**
1. All steelwork to be hot dipped galvanized
 2. All welds shall be E41XX, 6mm CFW
 3. Steel members shall be grade 350 in accordance with AS3678
 4. 4mm cover plates to all hollow sections
 5. Baseplate to be grade 300



SK - 01
BG&E
21/11/2011

BG&E PTY LIMITED
Consulting Engineers
484 Murray Street, PERTH WA 6000
GPO Box 2776, Cobblers Square, PERTH WA 6860
ROLAND DIAMELLO
BENG NIEAST C/ENG 1377790

Front View

11.1.1.3 Proposed Placement of Three (3) Park Signs on Parks & Recreation Reserve (File No.: 805098G)

Officer Kevin Keyes
Statutory Planner

Date of Report 7 June 2013

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland is proposing to place three (3) park signs at the Kevin Scott Oval in South Hedland.

The application is supported by the Town's Officers, and Council is requested to consider the application favourably.

Background

In September 2010 the Council approved the adoption of a new visual style for use in, "all aspects of the Town of Port Hedland's publicity activities, including media releases, productions, signage, communications and other mediums as required". This decision reflected a need for unified, cohesive and consistent branding of Town activities and facilities.

In 2010, the Town commenced a replacement program of existing park and facility entry signage. The aim of the program is to improve legibility, way finding and connection to place across the Town's operated facilities.

Consultation

Internally:

- Manager Technical Services – No Objections

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).

The development is subject to the provisions of the Town of Port Hedland's "*Signs, Hoardings and Bill Postings*" Local Law.

Policy Implications

Nil

Strategic Planning Implications

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

6.1	Community
6.1.2	Vibrant
	Provide access to recreational, cultural, entertainment facilities and opportunities.

Budget Implications

Immediate:

An application fee of \$139.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

In accordance with Council's Local Signage laws, the proposed signs are defined as a "Pylon Sign" which means:

"pylon sign" means a sign supported by one or more piers and not attached to a building and includes detached sign framework supported on one or more piers to which sign infills can be added;"

The development land is zoned "Reserve – Parks and Recreation". It is proposed to locate the 3 signs as follows;

- 1 No. sign at the "Kevin Scott Oval"
- 1 No. sign at the "Faye Gladstone Netball Courts"
- 1 No. sign at the "Marie Marland Reserve"

The proposed location of the signs will be clearly visible to vehicles and pedestrians. The signage will not obstruct vehicular visibility. The proposed development is supported by the "Town's" Strategic Community Plan 2012 – 2022 and signage programme.

The Town's Local Laws are very prescriptive and while the proposal does not fit within the tight definitions within the local laws it is consistent with current industry standards and is not seen to be problematic.

Attachments

1. Locality Plan
2. Site Photos

201213/409 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Hooper**

That Council approves the application, to place three (3) park signs at the Kevin Scott Oval subject to the following conditions:

- 1. This approval relates only to the proposed placement of three (3) parks signs, as indicated on the approved plans (DRG2013/253/1 - DRG2013/253/4). 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 this approval, the approval shall lapse and be of no further effect.**
- 3. The proposed signs shall be maintained at all times to the satisfaction of the Manager Planning Services.**

Advice Notes:

- 1. 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.**
- 2. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**
- 3. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.3

Development Application – Lot 602; Installation of Three Signs on Recreation Reserve
Locality Plan

Aerial view of Lot 602



ATTACHMENT 2 TO ITEM 11.1.1.3

DRG 2013/253/1

<p>2400 mm 1200 mm</p> <p>K1 see back only as previous</p>	<p>2400 mm 1200 mm</p> <p>K1 see back sign with back etc. as previous</p>	<p>2400 mm 1200 mm</p> <p>K1 see back sign with back etc. as previous</p>	<p>2400 mm 1200 mm</p> <p>K1 see back sign with back etc. as previous</p>	<p>Client: Town of Port Hedland</p> <p>Job No.: 44120</p> <p>Date: 16.1.2013</p> <p>Drawn By: RML Proof reader:</p>  <p>JASON SIGNMAKERS Signs & Light Engineering</p>	
<p>1 McDowell St Welshpool WA 6106 Telephone: (08) 9458 7033 Facsimile: (08) 9458 8552 Email: jsm@jarn.net.au</p>		<p>THIS ARTWORK IS COPYRIGHT AND REMAINS PROPERTY OF JASON SIGNMAKERS IT MUST NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION Please check all information is correct (including spelling, phone numbers, dimensions, etc). (Please be aware: colour displayed on screen may appear slightly different when reproduced. If you require a printed proof, contact us for further info.) Thank, let us know if you wish to: • make changes - please notify by return email or fax • proof approved - please sign and return</p>		<p>Please proceed with this proof:</p> <p>Name:</p> <p>Date:</p> <p>Signature:</p>	

ARC 2013/253/2

Location for Kevin Scott Oval sign



Note: - Facing path that circles the building. Position slightly elevated on rise.

DRG 2013/253/3

Location for Faye Gladstone Netball Courts sign



Note: Positioned on angle to suit incoming traffic

DRG 2013/253/4

Location for Marie Marland Reserve sign



Note: - Angled to face both turn off and through road. Not to block existing sign

7.21pm Councillor Hooper declared a financial interest in Item 11.1.1.4 'Proposed Revocation of Management Order on Reserve 50372 on Lot 3267 Hedditch Street, South Hedland on Deposited Plan 213762 (File No.: 130117G)' as he has a financial association with the applicant (FORM sells his paintings).

Councillor Hooper left the room.

11.1.1.4 *Proposed Revocation of Management Order on Reserve 50372 on Lot 3267 Hedditch Street, South Hedland on Deposited Plan 213762 (File No.: 130117G)*

Officer Katherine Press
Lands and Technical
Officer

Date of Report 5 June 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from the Pilbara Development Commission on behalf of FORM to revoke the Management Order on Reserve 50372 on Lot 3267 Hedditch Street, Hedland.

Should Council resolve to revoke the Management Order, the Management Order will be given directly to the Spinifex Art Studio's managing body, FORM for the purpose of "Community, Art and Recreation".

The proposal is supported by the Town's Officers and the Department of Regional Development and Lands.

Council is requested to consider the request favourably.

Background

Council resolved to approve a Planning Application for the development of an "Arts and Craft Centre (Two Artist Studios) and Caretakers Dwelling" (Spinifex Art Studio) at the Ordinary Meeting on 27 June 2012. A further report was presented to Council on 6 March 2013 to correct an administrative error.

The Town currently holds the Management Order over Reserve 50372 located on Lot 3267 Hedditch Street, South Hedland for the purpose of 'Community, Art and Recreation', with the power to lease.

Please refer to Attachment 1 – Locality Plan.

Consultation

The proposal was referred internally to the Community Development and Investment and Business Development Units, no objections were received.

Statutory Implications

Section 50 of the *Land Administration Act 1997* establishes the procedure to revoke a management order.

Policy Implications

Nil

Strategic Planning Implications

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

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

The revocation of the Management Order over Reserve 50372 would see the Town no longer being responsible for its continued maintenance.

The Town will lose the power to lease the Reserve and will surrender the opportunity for rental returns. However, FORM are a not for profit group and as such, a land lease would be negotiated on nominal rental terms and would provide minimal financial benefits to the Town.

Officer's Comment

The current proposal is for the Town to negotiate and provide a land lease to FORM in respect of the occupation of the Reserve as an Art Studio. In addition, any such lease would need to be managed by the Town, imposing an administrative cost to the Town's operating budget.

The lease would be negotiated on nominal rental terms and therefore, it is considered to be beneficial for the Town to revoke the Management Order over Reserve 50372 on Lot 3267 Hedditch Street, South Hedland.

Options

Council has the following options for responding to the request:

1. Support the request to revoke the Management Order on Reserve 50372 on Lot 3267 Hedditch Street, South Hedland.

This will see the Management Order over Reserve 50372 being granted to FORM for the purpose of "Community, Art and Recreation".

2. Refuse the request to revoke the Management Order on Reserve 50372 on Lot 3267 Hedditch Street, South Hedland.

Should the management order remain in control of the Town, a land lease would need to be negotiated with FORM.

Option 1 is recommended for approval.

Attachments

1. Locality plan.

201213/410 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Taylor

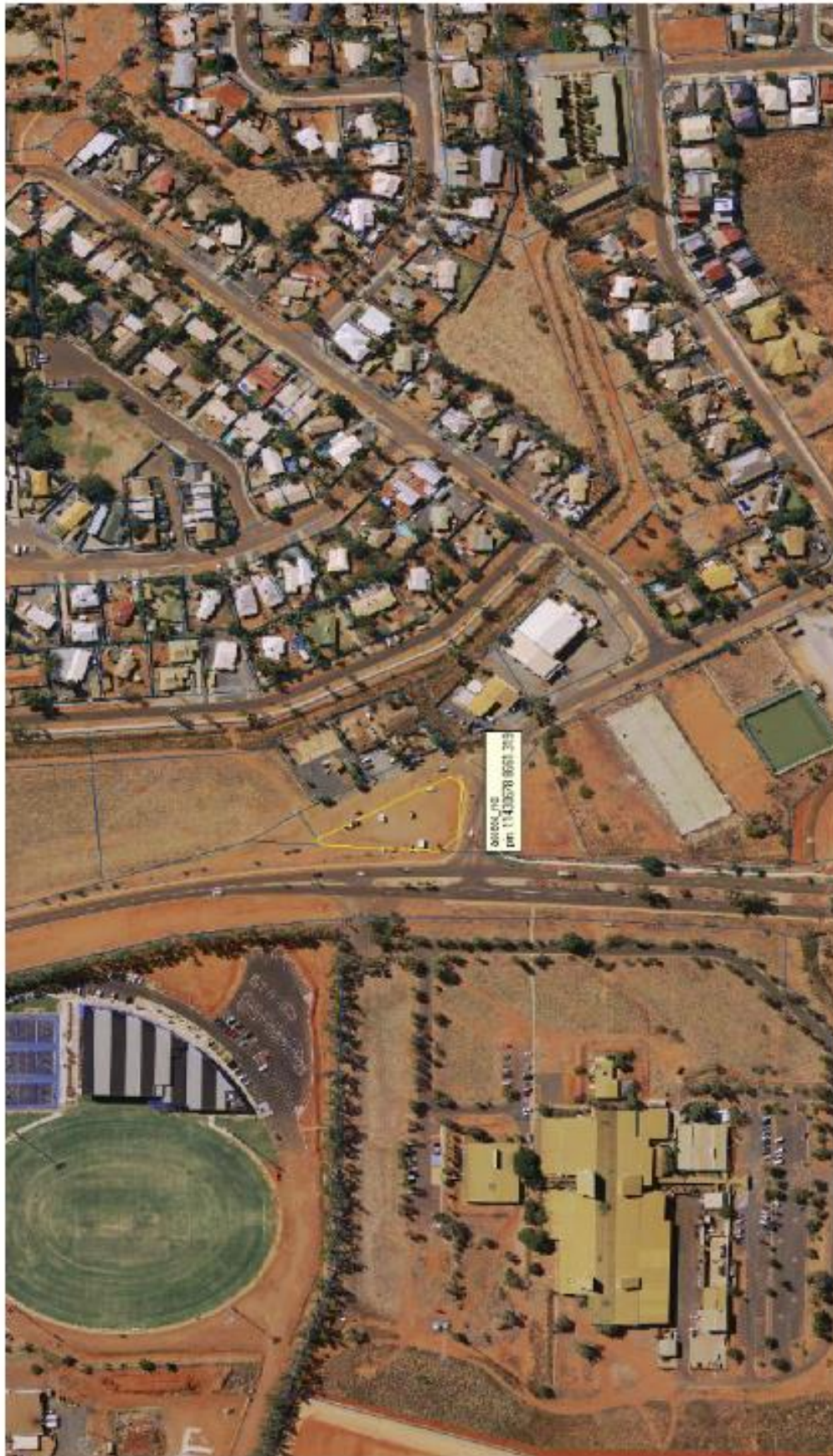
That Council:

1. **Support the request to revoke the Management Order on Reserve 50372 on Lot 3267 Hedditch Street, South Hedland on Deposited Plan 213762.**
2. **Requests the Chief Executive Officer, or his delegate under Delegation 38 (7) to submit the request to revoke the Management Order to the Department of Regional Development and Lands (State Lands Services).**

CARRIED 7/0

7.22pm Councillor Hooper re-entered the room and resumed his chair. Mayor Howlett advised Councillor Hooper of Council's decision.

ATTACHMENT 1 TO ITEM 11.1.1.4



11.1.1.5 Proposed Excision of Portion of Reserve 40088 (Lot 4000 on DP215416) and Amalgamation into Adjoining Reserve 40044 (Lot 4001 on DP 215416) (File No.: 802410G)

Officer Julie MacMile
Lands and Technical
Officer

Date of Report 31 May 2013

Disclosure of Interest by Officer Nil

Summary

Council is requested to support the proposed excision of portion of Reserve 40088 (Lot 4000 on DP215416) and amalgamation of the excised portion into the adjoining drainage Reserve.

Background

Lot 4000 has been identified for residential infill through the Lazy Lands process.

Reserve 40088 (Lot 4000) is currently vested to the Town for the purpose of "Park" and Reserve 40044 (Lot 4001) is vested for "Drainage" purposes.

Consultation

The Town's Recreation and Technical Services departments have been consulted and have no objection to the proposed excision and amalgamation.

Statutory Implications

The following section of the *Land Administration Act 1997* is relevant to the proposal:

46. Placing of care, control and management of reserves.

Policy Implications

Nil

Strategic Planning Implications

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.

Budget Implications

The Town will be responsible for all costs associated with the creation of new titles for the subject properties. The costs will be covered under the Economic and Development Services budget.

Officer's Comment

Lot 4000 has been identified for acquisition by Council via the Lazy Lands process. Currently Lot 4000 consists of a triangular portion of land with frontage to Egret Crescent with a long access leg of 132m fronting Osprey Drive (Refer Attachment 1). The access leg is not required for the future development of the property and it is proposed this portion be excised and amalgamated into the adjoining drainage reserve.

It is recommended that Council support the proposal to excise a portion of Reserve 40088 (Lot 4000) and amalgamation of the excised portion into Reserve 40044 (Lot 4001) as shown on Attachment 1.

Council has the following options for responding to the request:

1. support the excision of a portion of Reserve 40088 (Lot 4000) and amalgamation into Reserve 40044 (Lot 4001) as shown on Attachment 1.

This will ensure the site (when acquired by the Town) is not encumbered by a very long access leg that is of no benefit to the site.

2. Object to the excision of a portion of Reserve 40088 (Lot 4000) and amalgamation into Reserve 40044 (Lot 4001) as shown on Attachment 1.

The site will continue to be encumbered by a very long access leg that is of no benefit to the site.

Option 1 is recommended.

Attachments

1. Locality Plan.

201213/411 Officer's Recommendation / Council Decision

Moved: Cr Carter

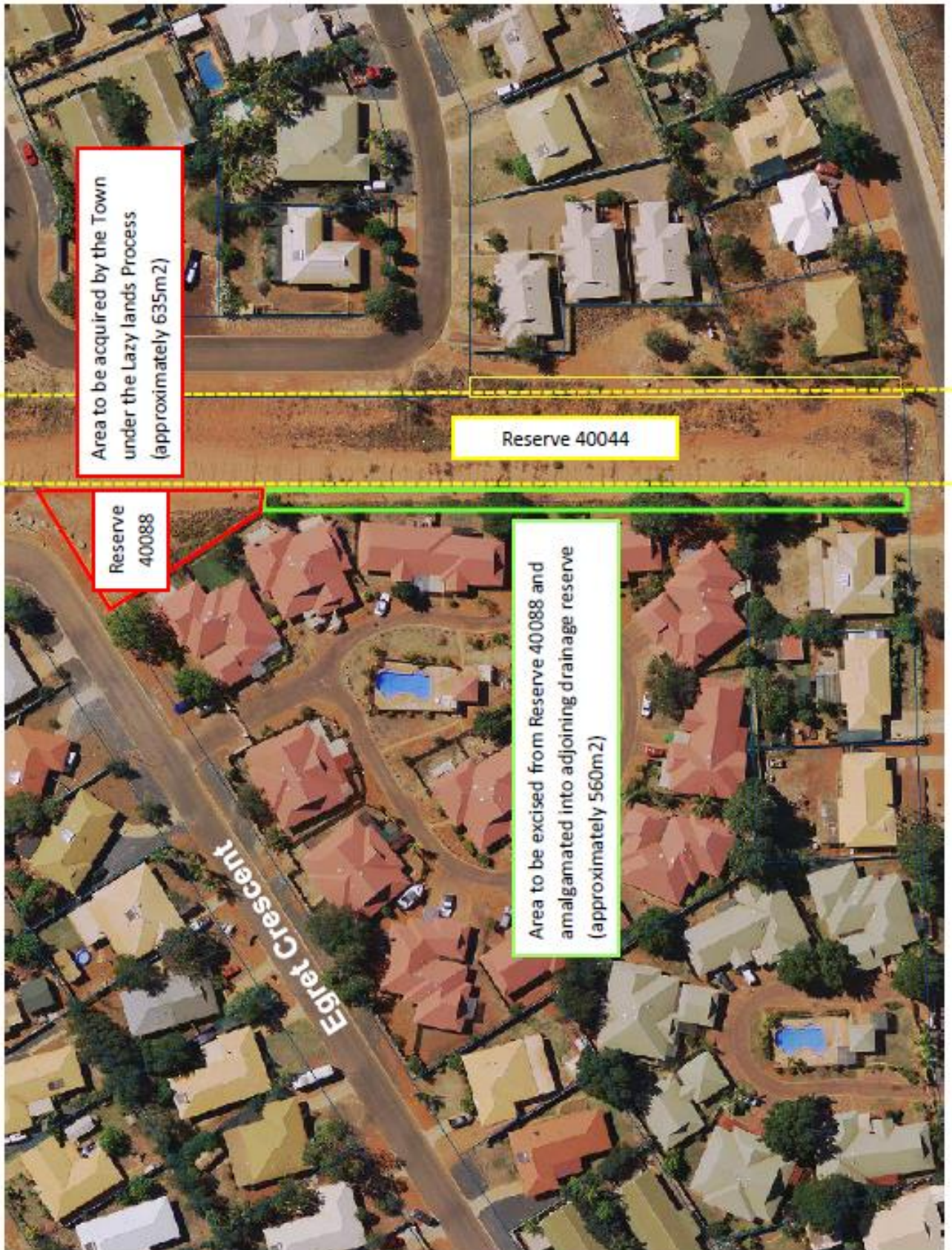
Seconded: Cr Dziombak

That Council:

- 1. Supports the excision of a portion of Reserve 40088 (Lot 4000) and amalgamation of the excised portion into Reserve 40044 (Lot 4001) as shown on Attachment 1.**
- 2. Advise the Department of Regional Development and Lands of 1 above.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.5



7.24pm Councillor Hooper declared an impartiality interest in 11.1.1.6 'Proposed Replacement of Non-conforming Use - "Single House", "Sea Container", "Outbuilding" and "Arts and Crafts Centre" on Lot 494 (23) Sutherland Street, Port Hedland (File No.: 128440G)' as he has an association with the applicant.

Councillor Hooper did not leave the room.

11.1.1.6 *Proposed Replacement of Non-conforming Use - "Single House", "Sea Container", "Outbuilding" and "Arts and Crafts Centre" on Lot 494 (23) Sutherland Street, Port Hedland (File No.: 128440G)*

Officer	Eber Butron Director Planning & Development
Date of Report	21 May 2013
Application No.	2013/257
Disclosure of Interest by Officer	Nil

Summary

Council received an application from Rodney and Elizabeth Brown to replace a Non-conforming Use – "Single House", Outbuilding, Sea Container and Arts and Crafts Centre on Lot 494 (23) Sutherland Street, Port Hedland (subject site).

The proposed development is located within the "West End Residential" zone". The proposal has been referred to Council to determine as the existing use "Single House" is a non-permitted use within the "West End Residential" zone. Existing "Single Houses" are considered to be a non-conforming land use.

The application is supported by the Town's Officers, Council is requested to consider the application favourably.

Background

Site Description (Attachment 1)

The subject site is generally rectangular in shape, achieves vehicular access via Sutherland Street and covers an area of 901.6m².

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential". With the gazettal of Scheme Amendment 22 on 27 April 2012, a "Single House" is a non-permitted use.

Previous Approvals

The site has always been used as a "Single House". At Ordinary Council Meeting of 26 May 2010, portion of the existing dwelling was as an "Arts and Crafts Centre".

Adoption of Scheme Amendment No. 22

At Council's previous Ordinary Meeting dated 22 June 2011, the Council resolved to adopt Scheme Amendment No. 22. As part of the resolution, Council added an additional resolution to the Officers recommendation which states:

That Council: ...

5. Supports retention of existing "Use Rights" for people residing in existing "Single Residential" Dwellings within the subject scheme amendment area.

The reason for the inclusion as stated in the Council Minutes, was Council believed it appropriate to support the retention of existing "Use Rights" for people residing in existing "Single Residential" dwellings within the subject scheme amendment area.

Proposal (Attachment 2)

The applicant has indicated due to damage caused over the past 47+ years by termites and vermin, it is necessary to rebuild the existing "Single House".

The replacement "Single House" will comprise of:

- A 4 bedroom Single House, including two rooms to be used as a showroom and studio for the Arts and Crafts Centre;
- A 72m² outbuilding; and
- A 14.4m² sea container.

The construction and removal of the existing structures will be completed in phases.

Consultation

The application was circulated to the following units / organisations:

Internally:

Manager Technical Services

Externally:

Department of Environment and Conservation (DEC)
Department of State Development – Dust Taskforce
Environmental Protection Authority

Department of Health

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. If the proposed development does not conform to the allowed land uses, or the design requirements of Scheme Amendment 22, the development application should be rejected.

Department of Environment & Conservation:

1. DEC understands the development is proposed to be constructed on land zoned “West End Residential” under the Town of Port Hedland Town Planning Scheme No. 5 and that within this zone the “Single House” is a prohibited use.

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).

In terms of the Port Hedland Town Planning Scheme No. 5, the development of a “Single House” is not permitted.

Part VIII of the TPS5, provides Council with the ability to consider the reconstruction of the existing “Single House” as a “Non-conforming” use.

Policy Implications

Policy No. 11 – Regional R-Code Variations Policy

Town of Port Hedland Shipping and/or Sea Container Policy 11/007

Strategic Planning Implications

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

5.6.1 Precinct 1 – West End

Summary of Influences

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

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

6.3 Environment

6.3.1 Housing

Attract and retain new residents to increase the population to 40,000 by 2025.

Budget Implications

Immediate:

An application fee of \$2,885.00 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

Nil

Officer's Comment

Non-conforming Use Rights

Section 8.1 of TPS5 "Non-conforming Use" rights states the following:

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

- a) continued use of any land or building for the purpose for which it was lawfully used at the time of coming into force of the Scheme, or*
- b) carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current."*

The subject site has always been used as a "Single House", a permitted use until the gazettal of Scheme Amendment 22 on 27 April 2012. Approval was also granted by Council to use portion of the "Single House" as an "Arts and Crafts Centre".

Section 8.2 of TPS 5 "Extension of Non-conforming Use" states:

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

Extensions to non-conforming uses cannot take place unless approved by Council and conforms to any other provisions and requirements contained in the Scheme.

Provisions of the West End Residential Zone

In addition to the requirements of the R-Codes, all development within the “West End Residential” zone is required to comply with Sections 6.3.8 to 6.3.12 of TPS 5. Residential developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels experienced and to discourage the development of housing for families with young children and the elderly.

In order to support the application as a Non-conforming use, it is recommended Council imposes a condition to require the landowner to have a suitably qualified Mechanical Engineer, certifying the design of the proposed development to ensure the reconstructed “Single House” will mitigate dust exposure and achieve the intent of the provisions of the “West End Residential” zone provisions.

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.

Attachments

1. Locality Plan
2. Development Plans
3. Justification letter from applicant

201213/412 Officer’s Recommendation / Council Decision

Moved: Cr Daccache

Seconded: Cr Hunt

That Council:

- A. Approves the application submitted by Rodney and Elizabeth Brown to re-construct a “Non-Conforming – Single House”, “Sea Container”, “Outbuilding” and “Arts and Crafts Centre”**

on Lot 494 (23) Sutherland Street, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed “Non-Conforming – Single House”, “Sea Container”, “Outbuilding” and “Arts and Crafts Centre”, as indicated on the approved plans (DRG2013/257/1 - DRG2013/257/13). 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 this approval, the approval shall lapse and be of no further effect.
3. A minimum of 5 car bays shall be provided as indicated on the approved site plan (DRG2013/257/1 - DRG2013/257/2).
4. No parking bays shall be obstructed in any way or used for any other purpose than parking.
5. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/257/7).
6. Roof mounted or freestanding plant or equipment such as air conditioning units or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services.
7. 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 Technical Services.

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

8. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:
 - a. 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.
9. Prior to the commencement of any works the landowner shall submit a Dust Management Assessment Report to demonstrate dust mitigation requirements in accordance with Section 6.3.9 of the Town Planning Scheme No. 5.
10. The landowner shall ensure erosion and sediment control is in accordance with the approved "Erosion Prevention and Sediment Control Plan." (DRG2013/257/8 - DRG2013/257/9)
11. The landowner shall ensure construction on the site is in accordance with the approved "Construction Site Management Plan" (DRG2013/257/10 - DRG2013/257/12). Any deviation of the approved "Construction Site Management Plan" shall require approval from the Manager Planning Services.

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

12. 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.
13. 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.
14. 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, the following uses are defined as follows:

“Single House”

“An independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act 1928 (as amended).”

“Outbuilding,”

“An enclosed non-habitable structure that is detached from any dwelling.”

“Arts and Craft Centre,”

“land or buildings used to create, display and/or sell works of art and craft.”

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. Waste receptacles shall be stored in a suitable enclosure, provided to the specifications of Council’s Health Local Laws 1999.
4. The development shall comply with the Environmental Protection (Noise) Regulations 1997, at all times.
5. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
6. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

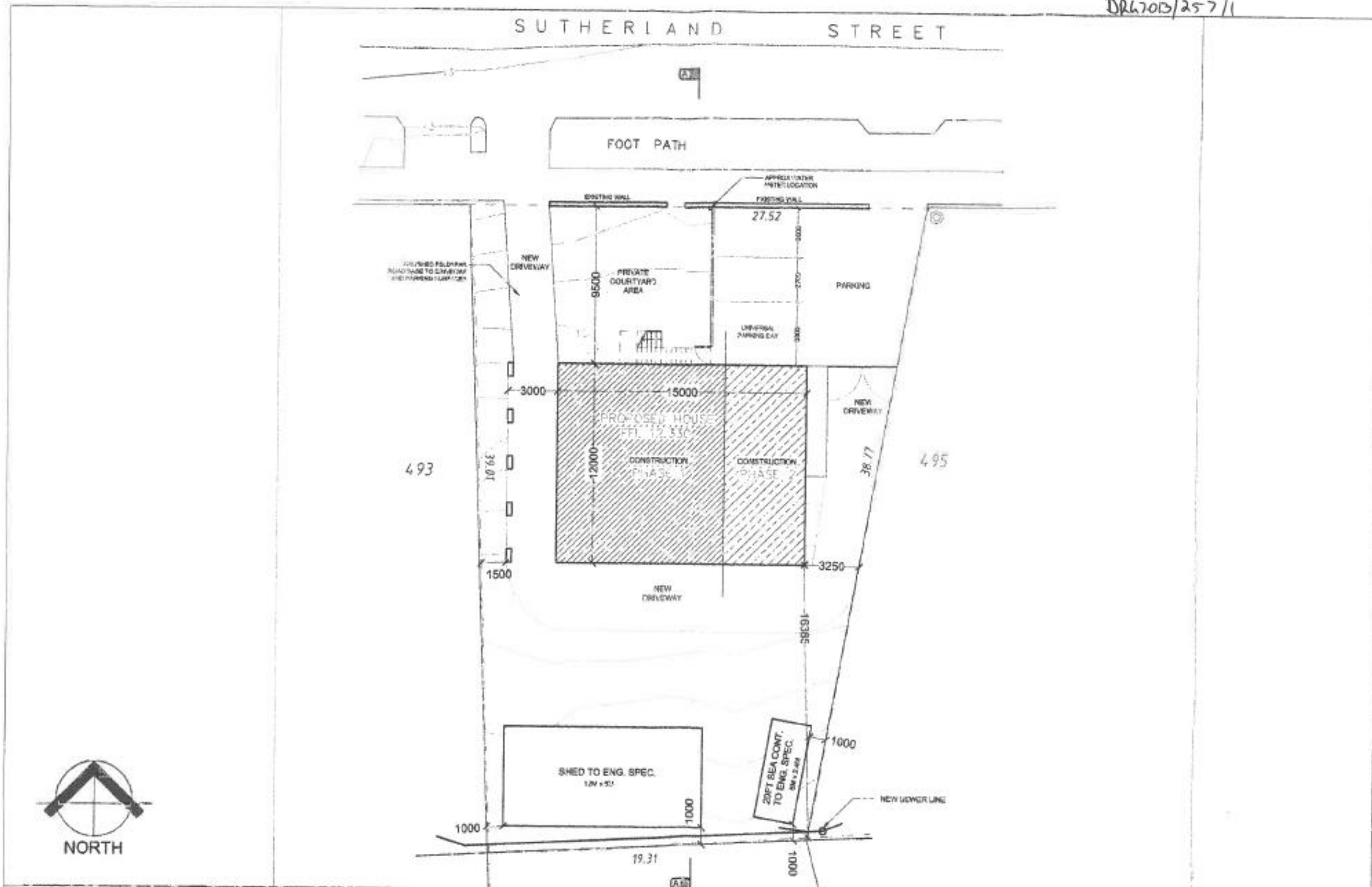
CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.6



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DRG 7013/257/1



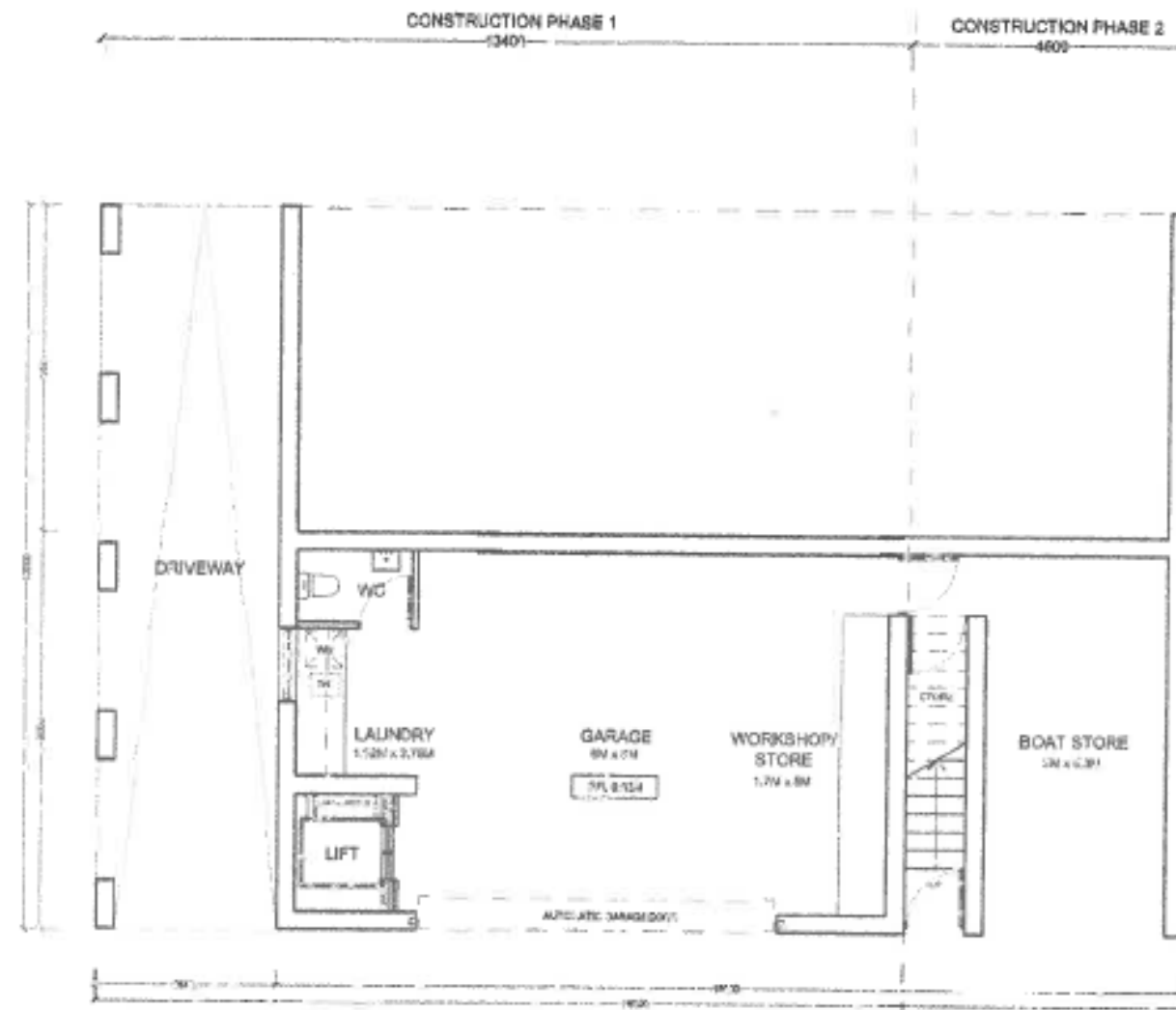
BROWN HOUSE, PORT HEDLAND

RAMTEC PTY LTD
RABBITED EARTH WALLS AND CONSTRUCTION
103 FORREST STREET GOSWELL, 8011 - P.O. BOX 84, CONTACT: 08 94 177

DEVELOPMENT APPLICATION
SCALE 1:200

DRAWING:		
02- PROPOSED SITE PLAN		
DRAWN:	REVISION:	DATE:
MD	E	APR 13

DR 62013/257/2



BROWN HOUSE, PORT HEDLAND

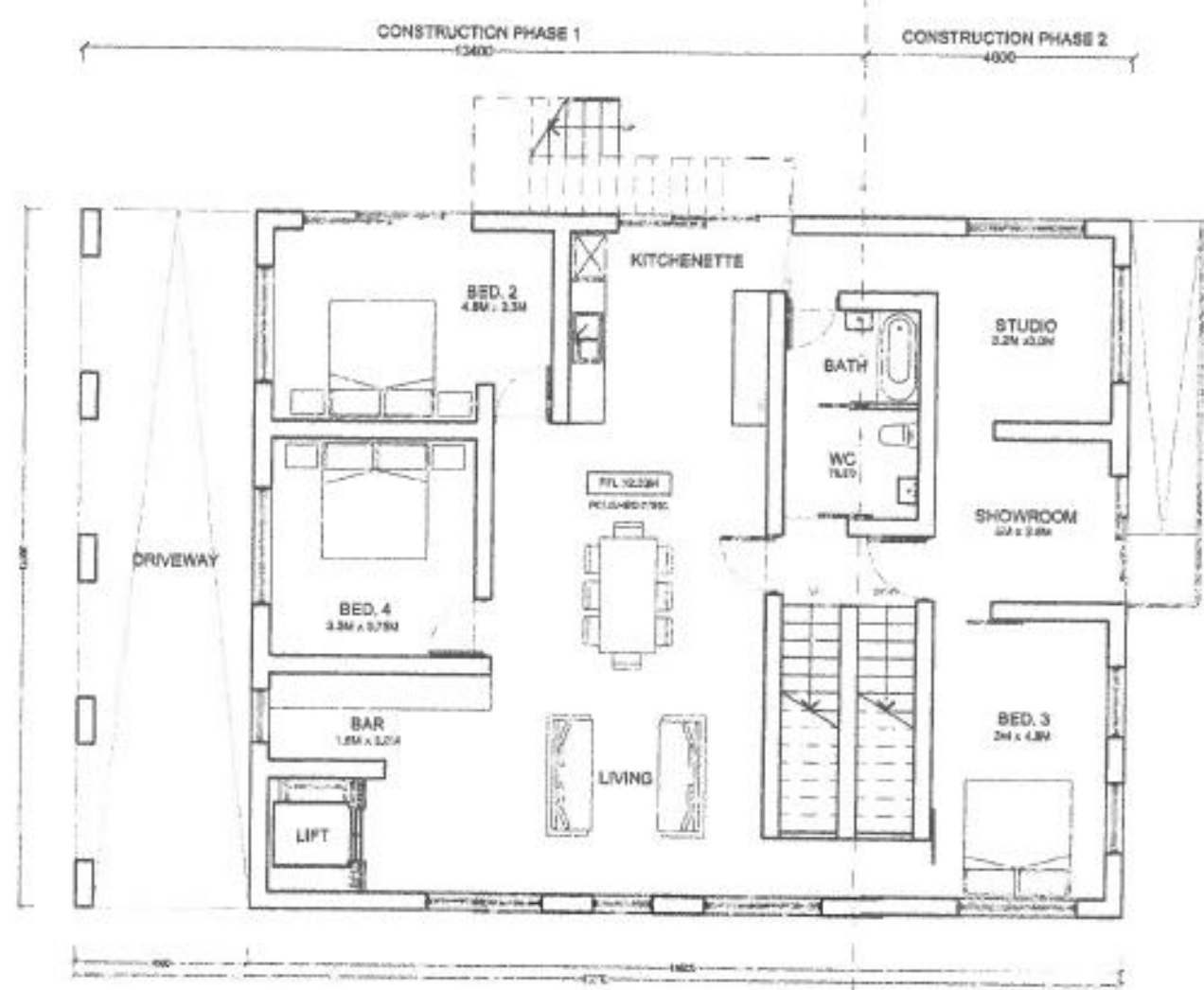
RAMTEC PTY LTD
 RAISED BATH WALLS AND CONSTRUCTION
 163 FORREST STREET COTTESLOE, 6021 - P.O. BOX 51, CONTACT: 08M 2777

DEVELOPMENT APPLICATION
SCALE 1:100

DRAWING:		
03- BASEMENT PLAN		
DRAWN:	REVISION:	DATE:
MD	D	APR 13

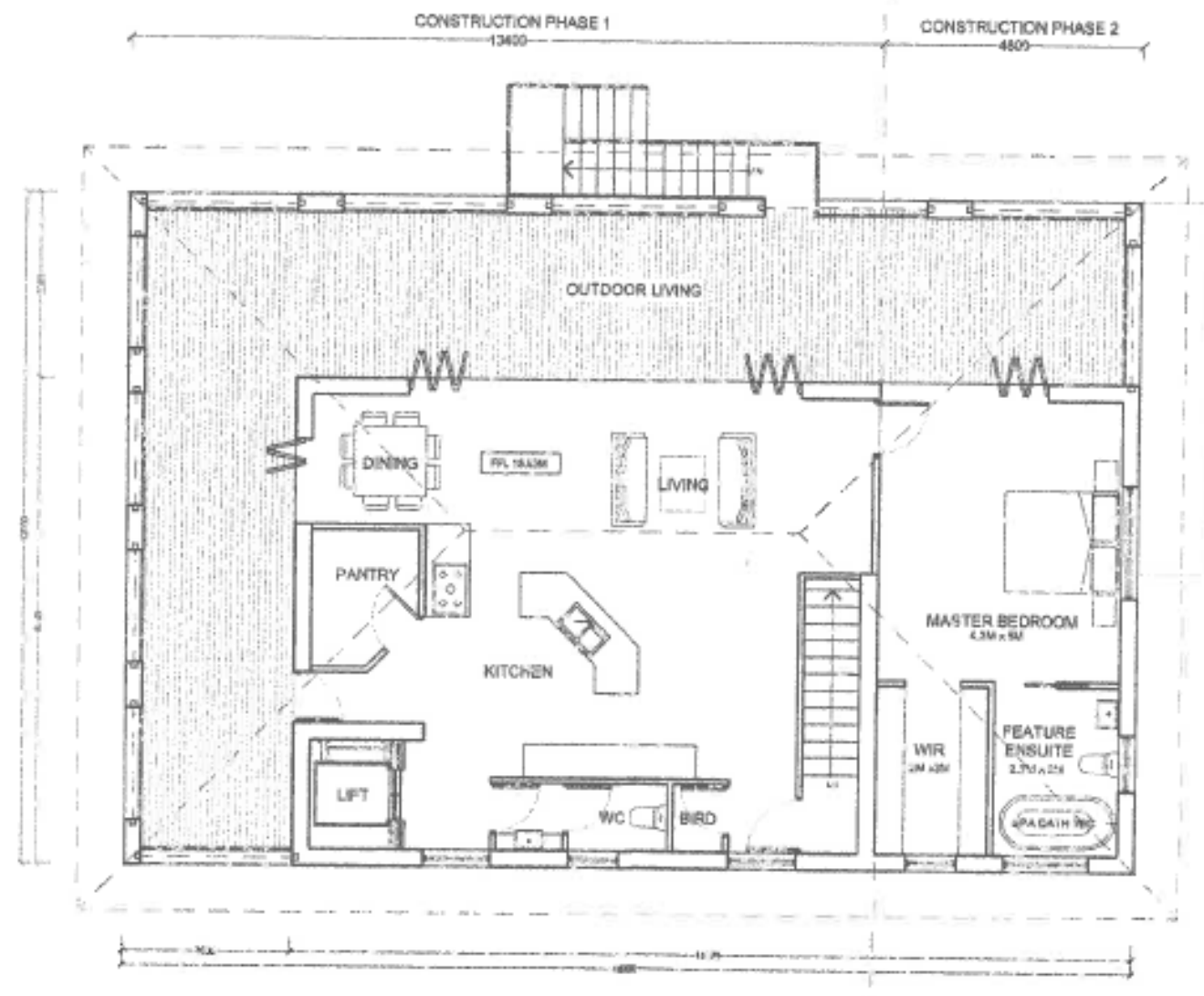
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DRW 2013/257/3



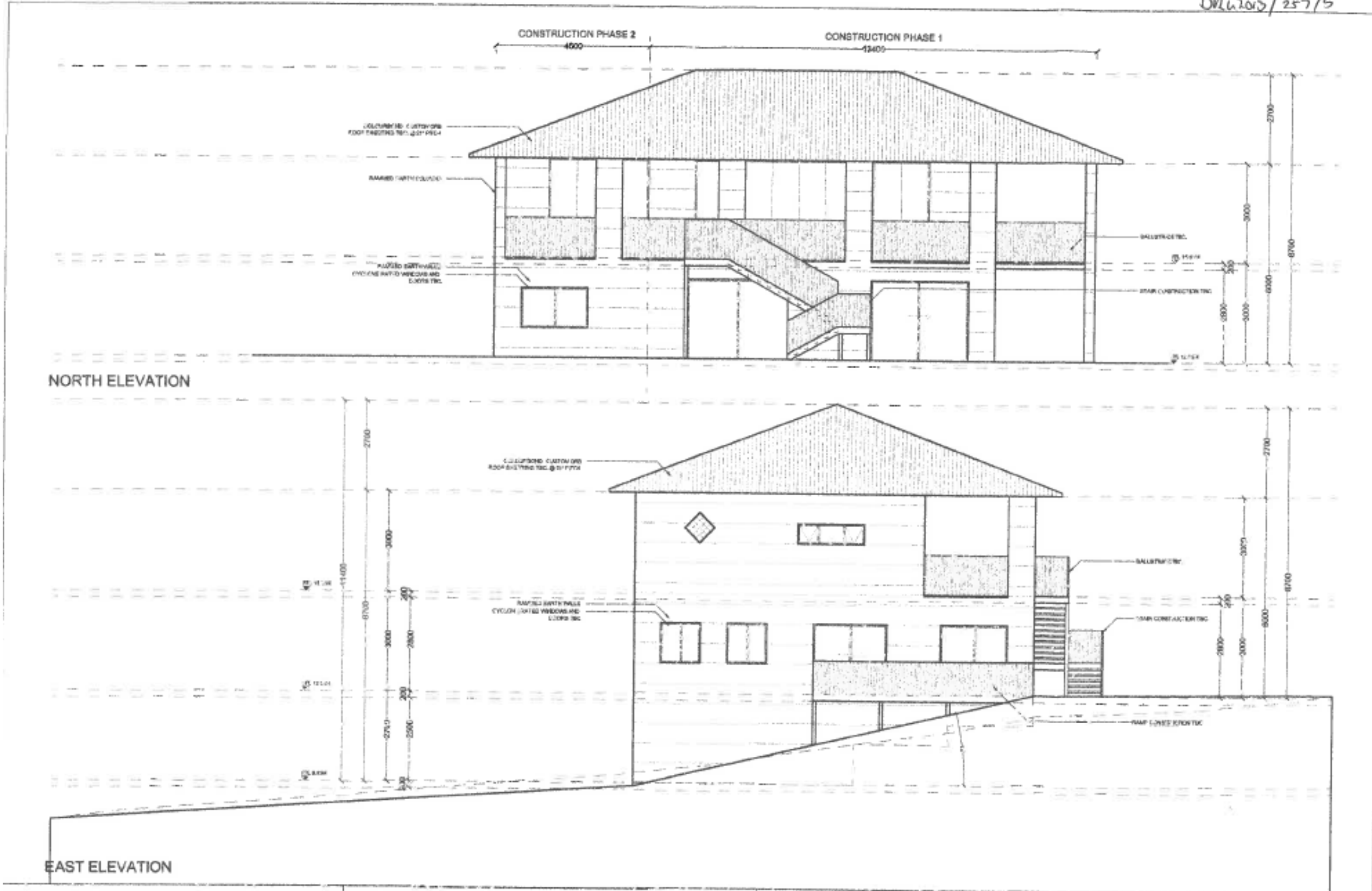
BROWN HOUSE, PORT HEDLAND	RAMTEC PTY LTD <small>RAMTEC EARTH WALLS AND CONSTRUCTION 174 FORBES STREET COORSELOE, 5011 - P.O. BOX 84, CONTACT: 08M 4777</small>	DEVELOPMENT APPLICATION SCALE 1:100	<small>DRAWING:</small> 04- GROUND FLOOR PLAN		
	<small>COPYRIGHT RAMTEC PTY LTD. THIS DRAWING IS FOR PRIVATE USE ONLY AND NOT FOR DISTRIBUTION. THE DRAWING IS RETURNED TO RAMTEC PTY LTD UPON REQUEST. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF RAMTEC PTY LTD.</small>		<small>DRAWN:</small> MD	<small>REVISION:</small> E	<small>DATE:</small> APR 13

DA 2013 / 257 / 4



BROWN HOUSE, PORT HEDLAND	RAMTEC PTY LTD RAINED EARTH WALLS AND CONSTRUCTION 123 FOREST STREET COTTESLOE, 9011 - P.O BOX 64, CONTACT: 0194 5777	DEVELOPMENT APPLICATION SCALE 1:100	DRAWING:		
			05- FIRST FLOOR OPTION		
			DRAWN:	REVISION:	DATE:
			MD	E	APR 13

DRW 2013/257/5



NORTH ELEVATION

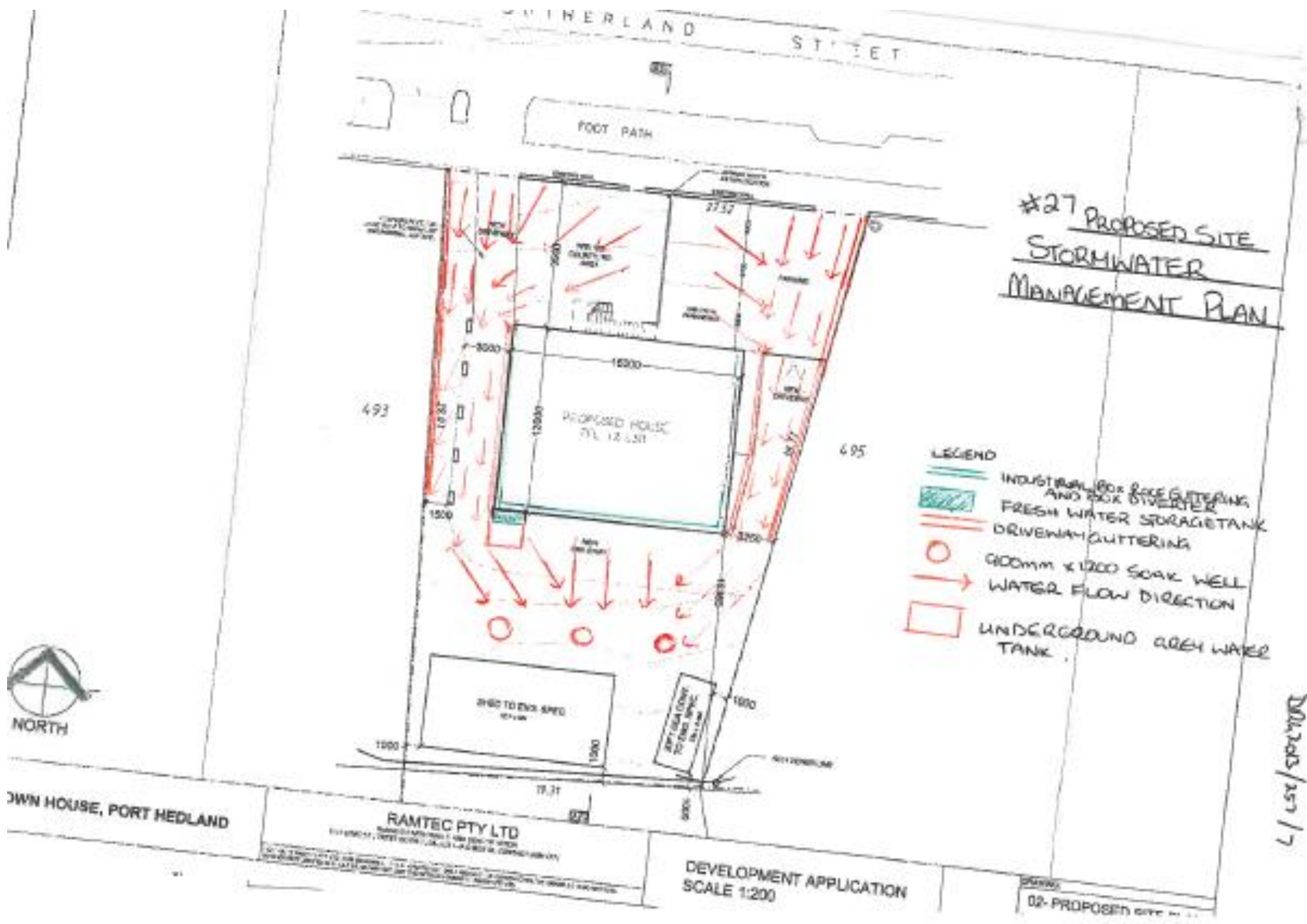
EAST ELEVATION

BROWN HOUSE, PORT HEDLAND	RAMTEC PTY LTD RAMMED EARTH WALLS AND CONSTRUCTION 101 FORREST STREET COOTEE HILL 8011 - P.O. BOX 84, CONTACT: 9204 5777	DEVELOPMENT APPLICATION SCALE 1:100	DRAWING: 06 - ELEVATIONS P2			
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			MD	D	APR 13	

DLH 2013/257/6



BROWN HOUSE, PORT HEDLAND	RAMTEC PTY LTD RAMMED EARTH WALLS AND CONSTRUCTION 108 FORRENT STREET COFFERLOE, 6011 - P.O. BOX 94, CONTACT: 9384 0777	DEVELOPMENT APPLICATION SCALE 1:100	DRAWING: 07 - ELEVATIONS		
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25
DRL 2013 1207/8

EROSION PREVENTION AND SEDIMENT CONTROL PLAN FOR
DEVELOPMENT AT 23 SUTHERLAND ST PORT HEDLAND 2013.

All driveways including the open space to the rear of the building in the proposed development will be made from compacted Pindan dirt with compacted Feldspar road base on top to control soil erosion from the top of the property. This will also ensure easy water flow and filtration in times of heavy rain.

The gardens will all be kerbed, reticulated and mulched to control soil erosion and assist in water filtration.

The front courtyard area will be paved or similar to finish with appropriately angled falls to enable water runoff.

The storm water is the responsibility of the owners and will be maintained within the property as per sheet # 27 attached.

A general soil description is attached to this report as per soil analysis undertaken by MAKJaP P/L / Galt Geotechnics. (See attachment to #27 Stormwater runoff plan also).

All building materials will be stored on site and retained in appropriate manner so as not to be affected by storm water.

As the property currently has no storm water runoff problems we are satisfied that this will not change during the building process. All rainwater is retained within property boundaries and no runoff into surrounding properties occurs.

DR 2013/257/10
26

DR 2013/257/14

CONSTRUCTION SITE MANAGEMENT PLAN FOR
DEVELOPMENT AT 23 SUTHERLAND ST PORT HEDLAND 2013.

Building will commence as soon as permitted to do so. It will begin with moving and fixing the sea container to allocated position as per plans. Then the shed will be built and the owners can move the rest of their belongings into the shed and sea container for storage during construction. (Approx 4 weeks)

The existing residence will then be demolished (Approx 2 Weeks).

Ground works will then begin, driveways will be put in place and the basement pad / plumbing will be laid. Rammed earth builders will then come and build walls to ground level height. (4-6 weeks)

Soil will be brought in to fill the retaining side of the basement wall and then the ground level floor pad will be laid along with associated plumbing and electricals. Required scaffolding will then be put into place and Rammed Earth builders will then return to site and build walls to roof height attaching associated steel roof struts into the top of the walls. (8 - 12 weeks)

Lift will then be installed. Roofing, first level flooring, plumbing and electrical will then be laid. Major construction is then complete

All external doors, windows, stairs, and balustrades are to be fitted to lockup stage within **28 weeks from start.**

All building goods will be stored on-site in the shed and sea container. A porta-loo will be placed on site for construction stage and located to the rear of the property. Rubbish disposal bins will be

supplied to site by Pilbara Waste Disposal for all on-site building rubbish and will be covered as required to prevent loss of rubbish due to strong winds. The location of building materials will be within the boundary dependent on where building is being carried out at the time. Feldspar will be delivered to site as required so no storage of bulk materials is relevant to this application.

All traffic will enter and leave via Sutherland Street and there will be ample room at the rear of the property to cater for tradesman's vehicles, if not there is a large verge area off the road on both sides of Sutherland St.

There will be no disruption to footpath access, and any of the adjoining neighbours at any time.



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18 Variations to The Residential Design Code

Apparently this whole application has to be a "Variation to the Residential Design Code". To clearly identify, describe and address each variation is impossible as the whole proposal does not comply.

Why we have lost the right to build our own home to live in on our own property, but are permitted to build 3 or more smaller dwellings, is yet to be explained to us.

We feel that our proposed new home will more than comply with any standards set before us in any chart or table relating to a single residence, but apparently as the scheme 5 states, gone is our right to build our single residence on our own property.

In the Council Decision passed down in relation to the Adoption of Amendment 22 of the Town Planning Scheme no.5 at the ordinary council meeting dated 22 June 2011 item 5.(page 22 of meeting minutes) it states : 5. Supports retention of existing "Use Rights " for people residing in existing "Single Residential" dwellings within the subject scheme amendment area.

Somehow the details set in item #5 have disappeared and is not in the current TOPH Scheme 5 and so has our right to do so.

If our home was blown down by cyclone Peta this week to more than 75% of its worth we would be homeless without the right to rebuild and replace our own home.

So in answer to this question number 18, maybe we could explain it better why our new home proposal does not comply without variations, when someone explains to us why we lost those rights to build it within the variations of the codes in the first place.

11.1.1.7 *Proposed Road Reserve Dedication and Closure of Reserve 44778 being Lot 5961 Cottier Drive, South Hedland (File No.: 802434G)*

Officer Katherine Press
Lands and Technical Officer

Date of Report 31 May 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Taylor Burrell Barnett on behalf of South Hedland New Living, to cancel Reserve 44778 on Lot 5961 Cottier Drive, South Hedland and to revoke the management order for the creation of a road reserve.

The Department of Regional Development and Lands (RDL) have requested on behalf of the Department of Housing that Council endorse the Unallocated Crown Land (UCL) on the corner of Cottier Drive and Port Way, including Reserve 34131 (Lot 500) being dedicated as road reserve.

The requests are supported by the Town's Officers, Council is requested to consider the request favourably.

Background

The West Australian Planning Commission conditionally approved a subdivision on 18 July 2012, for the creation of various lots located on Lot 2 Limpet Crescent, South Hedland. The approved subdivision indicates Reserve 44778 is to be dedicated as road reserve.

The Town currently has a management order over Reserve 44778 for the purpose of 'Park and Recreation'.

The Water Corporation has a management order over Reserve 34131 for the purpose of 'Sewer'. The Water Corporation has provided consent to RDL for the Reserve to be closed and the management order to be revoked.

Please refer to Attachment 1 for the existing locality plan and Attachment 2 for the proposed locality plan.

Consultation

The proposal was referred internally to Technical Services and Recreation Services, no objections were received.

Statutory Implications

The *Land Administration Act 1997*, Sections:

- 50. Revocation of a management order;
- 51. Cancellation, etc. of reserve generally;
- 56. Dedication of roads.

Policy Implications

Nil

Strategic Planning Implications

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

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

If Reserve 44778, Reserve 34131 and the subject UCL are dedicated as road reserve, the Town will become responsible for their care and control.

Officer's Comment

As part of the approved subdivision for Lot 2 Limpet Crescent, a number of new roads are to be constructed. In order to facilitate the establishment of the new roads, Reserve 44778 is required to be closed and dedicated as road reserve.

The UCL and Reserve 34131 is a small portion of unkempt land at the corner of Cottier Drive and Port Way. Dedicating this land as road reserve will see the land under the Town's care and control and being better maintained.

The sewer line located within Reserve 34131 will not require an easement to be created as infrastructures located within road reserves are protected.

Options

Council has the following options for responding to the request:

1. Support the request to cancel Reserve 44778 being Lot 5961 Cottier Drive, South Hedland and to revoke the management order for the dedication of road reserve and for the UCL and Reserve 34131 to be dedicated as road reserve, as per Attachment 1.

Endorsing the request will allow for new roads to be created, as part of the approved subdivision on Lot 2 Limpet Crescent, South Hedland.

2. Refuse the request to cancel Reserve 44778 being Lot 5961 Cottier Drive, South Hedland and to revoke the management order for the dedication of road reserve and for the UCL and Reserve 34131 to be dedicated as road reserve, as per Attachment 1.

Should Council choose not to support the request, the approved subdivision for Lot 2 Limpet Crescent, South Hedland will not progress.

Option 1 is recommended for approval.

Attachments

1. Existing locality plan.
2. Proposed locality plan.

201213/413 Officer's Recommendation / Council Decision

Moved: Cr Carter

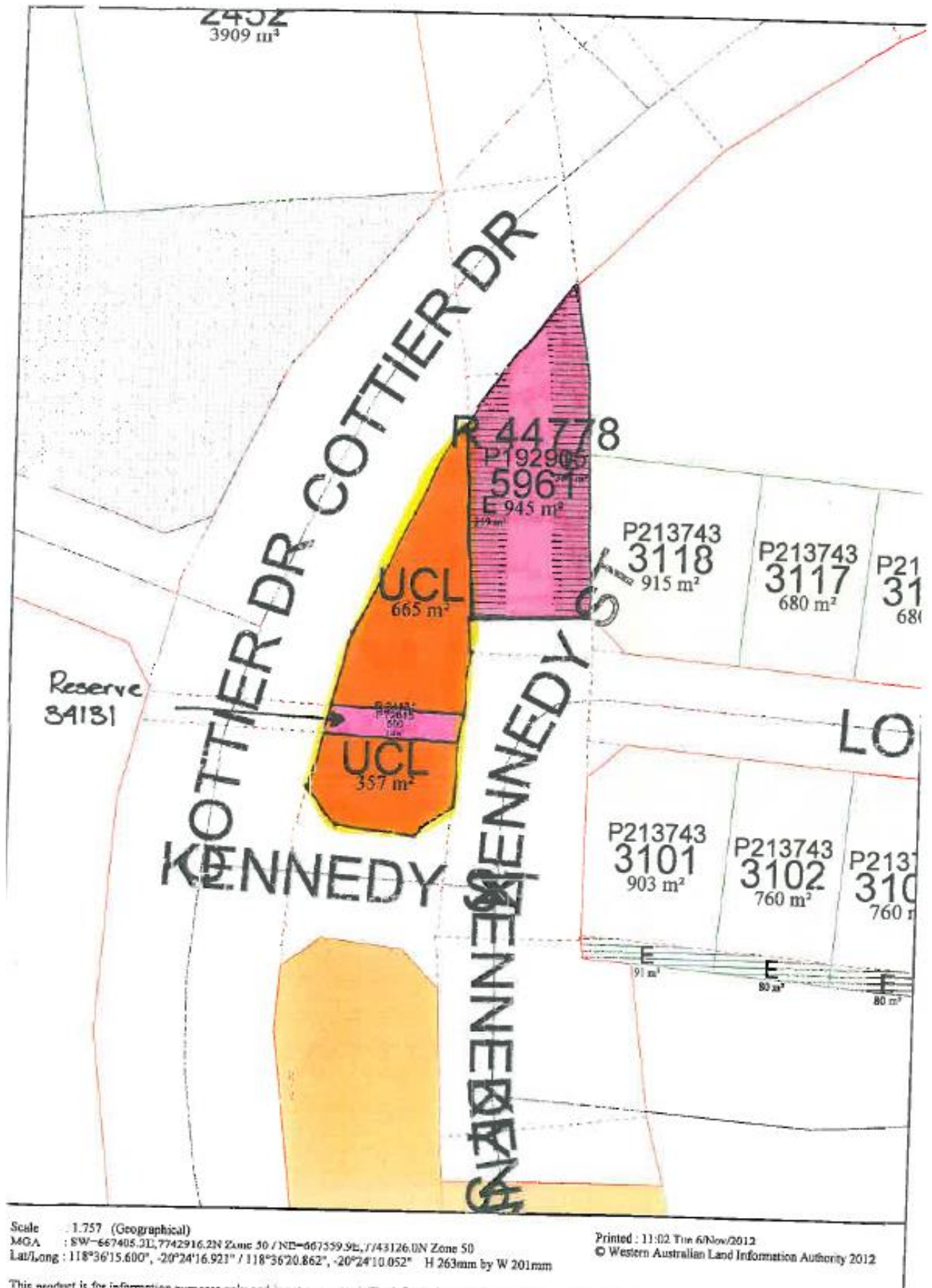
Seconded: Cr Dziombajk

That Council:

1. **Support the request to cancel Reserve 44778 being Lot 5961 Cottier Drive, South Hedland and to revoke the management order for the dedication of road reserve, as per Attachment 2;**
2. **Support the request from Department of Regional Development and Lands (RDL) on behalf of the Department of Housing to dedicate the UCL and Reserve 34131 as road reserve, as per Attachment 1; and**
3. **Delegate the Manager Planning Services to submit the reserve cancellation and road dedication requests to the Department of Regional Development and Lands (State Land Services).**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.7



ATTACHMENT 2 TO ITEM 11.1.1.7

Limpet Crescent approved road plan.



Attachment 2

11.1.1.8 *Proposed Sewer Easements to be Created Over Reserve 37564 (Lot 3544), Reserve 37547 (Lot 3581) on Deposited Plan 214186 and Reserve 40088 (Lot 4051) on Deposited Plan 215416, South Hedland (File No. 130059G, 130314G, 130061G)*

Officer Julie MacMile
Lands and Technical Officer

Date of Report 6 June 2013

Disclosure of Interest by Officer Nil

Summary

The subject land is currently owned by the State of WA and has been identified for acquisition by Council through the Lazy Lands process.

Council is requested to support the creation of easements over the properties to protect the existing sewer line running through the property.

Background

Lots 3544 and 3581 on Deposited Plan 214186 and Lot 4051 on Deposited Plan 215416 are reserved and owned by the State of WA. There are current "Vesting Orders" (Management Orders) to the Town for the purposes of "Parks and Recreation".

A Water Corporation sewer line (approximate location dashed yellow on Attachments 1 & 2) runs through the subject sites. An easement is required to be created over the land to protect the existing sewer line.

Consultation

The proposal was circulated internally the Town's Technical Services and Recreation Units, no objections were received.

Statutory Implications

The *Land Administration Act 1997* Part 8 – Easements, establishes the procedure of creating an easement within Crown Land.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Community 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.

Budget Implications

A land surveyor will need to be engaged to prepare the surveys in order to lodge the easements over the sites with Landgate. These costs will come from the Town's Economic Development budget.

The Department of Regional Development and Lands may take into account the costs incurred by the Town when determining the price of the land.

Officer's Comment

The Land is currently vested to the Town of Port Hedland, for the purposes of "Parks and Recreation".

The easements are required to be created within Lots 3544, 3581 and 4051 to protect the infrastructure (sewer line) of the Water Corporation.

Options

Council has the following options for responding to the request:

1. Approve the creation of the easements on Lots 3544 and 3581 on Deposited Plan 214186 and Lot 4051 on Deposited Plan 215416.

Supporting the creation to the easements will see the existing sewer line protected and clearly define the developable area.

2. Refuse the creation of the easements on Lots 3544 and 3581 on Deposited Plan 214186 and Lot 4051 on Deposited Plan 215416.

The easements will not be created and the existing sewer line will not be protected. This may compromise the development of the lots.

Option 1 is recommended.

Attachments

1. Approx. location of Sewer Line - Lots 3544 and 3581
2. Approx. location of Sewer Line – Lot 4051

201213/414 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

- 1. Approve the creation of the easements on Lots 3544 and 3581 on Deposited Plan 214186 and Lot 4051 on Deposited Plan 215416.**
- 2. Advise The Department of Regional Development and Lands of 1 above.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.8



ATTACHMENT 2 TO ITEM 11.1.1.8



ETLEBRUSH CRESCENT 28029
by C/- Foundation Housing 13025

**11.1.1.9 Notice of Intent to Prepare a New Local Planning Scheme
(File No.:18/09/0040)**

Officer Jorine Bothma
Senior Strategic Planner

Date of Report 26 June 2013

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland set aside funding to prepare a new local planning scheme to be known as the Town of Port Hedland Local Planning Scheme No. 6 (LPS 6). The Scheme will apply to all land contained within the Town's district boundary.

The *Town Planning Regulations 1967* (the Regulations) set out the procedure for preparation and approval of local planning schemes and general provisions which will have application as if part of a scheme.

The form of a local planning scheme is guided by the Model Scheme Text (MST), which is prescribed in the regulations as the form to be used unless otherwise required or agreed to by the Minister.

Regulation 4 of the Regulations requires that the Council resolves to prepare a local planning scheme and then give notice of this intent to relevant authorities including the Western Australian Planning Commission (WAPC).

Council is requested to approve the initiation of a new local planning scheme.

Background

The Town of Port Hedland's Town Planning Scheme No.5 (TPS 5) was gazetted on 31 August 2001. The Regulations requires that local planning schemes be reviewed on a five (5) yearly basis. TPS 5 has been in operation for a period of eleven (11) years without having been reviewed.

The Town of Port Hedland's Local Planning Strategy, the Pilbara's Port City Growth Plan, was endorsed by the WAPC in December 2012 and will form the basis for preparing the new local planning scheme.

The Town has appointed lead planning consultant TPG Town Planning, Urban Design and Heritage consultants to lead the preparation of a new local planning scheme.

Consultation

The Regulations require Council's notice of intention to prepare a new local planning scheme be referred to the WAPC, including a map depicting the Scheme Area to which the new local planning scheme will apply and a statement setting forth the objectives and intentions of the Scheme and the anticipated format of the Scheme.

After receiving notification from the WAPC, the Town is required to publish in the Government Gazette and also in a newspaper circulating in the district, a notice of the passing of the resolution to prepare a new local planning scheme. A copy of the notice is also referred to relevant government agencies.

Following preparation of the draft local planning scheme, the Consultant's methodology includes consultation with key stakeholders and the community at various points of the process.

Upon formal initiation of the local planning scheme by the Town, the local planning scheme will also be required to be publicly advertised for public comment for a period of not less than 90 days.

Statutory Implications

The Council is required to resolve to prepare a new local planning scheme pursuant to Regulation 4 of the Town Planning Regulations 1967.

The Town is required to advertise the resolution in the Government Gazette, a local newspaper and refer it to relevant authorities in accordance with Regulation 5 of the same regulations.

Policy Implications

Following the preparation of the new local planning Scheme for the District, the Town's local planning policies will be required to be reviewed to ensure consistency with the new Scheme.

Strategic Planning Implications

The new local planning scheme is required to implement the recommendations regarding strategic growth and land use allocation of the Town as contained within the Town's Local Planning Strategy (Pilbara's Port City Growth Plan).

Budget Implications

The Scheme review is accounted for in the budget. TPG consultants have been appointed in this respect to assist with the Scheme review.

Officer's Comment

This report relates to a procedural step required by the Town Planning Regulations 1967 in preparing a new local planning scheme for the entire district of Port Hedland. The primary intent of this report is to recommend that Council resolve to initiate a new local planning scheme after which the Town will be required to prepare a new scheme in accordance with the relevant regulations.

Preliminary investigation revealed that the Scheme Boundary and Local Government Boundary don't align in the Town's current Town Planning Scheme No.5. Ideally these boundaries need to align in the new Scheme to encompass the entire Town of Port Hedland district. Further investigation into this matter will need to be undertaken as the Scheme review process unfolds.

It must be acknowledged that the Local Planning Scheme Review Report only marks the beginning of the Scheme review procedure. Further knowledge will be gained during the Scheme Review process on the full extent of all key issues and emerging trends and possible solutions will be formulated.

Further consultation with the Council, key stakeholders and the community is proposed as part of the process of preparing the new Scheme.

A key requirement of the regulations at this point in the process is for the Town to provide the WAPC with a statement setting forth the objects (or aims) and intentions of the Scheme and the anticipated format of the Scheme.

The officer's recommendation relating to these is set out below. The intention and aims of the scheme will ultimately be reviewed as part of the process of preparing the new Scheme however these should be used as a guide to commence the process.

Options:

1. Endorse the initiation of a new Local Planning Scheme,
2. Endorse continuance of the existing Town Planning Scheme No.5.

Should Council resolve not to proceed with the Scheme review, a copy of the resolution will need to be forwarded to the Western Australian Planning Commission (WAPC) pursuant to the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. In such circumstances the Minister for Planning may then determine the necessity or otherwise of a Scheme review.

Option 1 is recommended.

Statement of Intent

To prepare a new local planning scheme to apply to all land defined within Attachment 1. The intent of the new Scheme is to implement the vision, objectives and recommendations as contained within the Town's local planning strategy (Pilbara's Port City Growth Plan).

Proposed Aims of the Scheme

The aims of the Scheme provided below are purposefully broad enough to deliver the vision and objectives of the Town's Local Planning Strategy (Pilbara's Port City Growth Plan).

The general aims of the new local planning scheme are to:

- (a) encourage an appropriate balance between economic and social development, conservation of the natural environment, provision of infrastructure and services, and improvements in lifestyle and amenity;
- (b) zone sufficient land for residential purposes to accommodate a population of 50,000 people and beyond and encourage diversity in housing choice;
- (c) provide sufficient zoned land for commercial, retail, industrial and civic uses, suitable to service the long term growth of the District;
- (d) implement strategic planning for the municipality, including the recommendations of the Town's local planning strategy and relevant State strategies;
- (e) reserve certain portions of land required for public purposes;
- (f) zone the balance of the land within the Scheme Area for purposes described in the Scheme as recommended by the Town's local planning strategy;
- (g) define the uses and types of development to be permitted on land within the Scheme Area; and
- (h) control and regulate the development and use of land throughout the District.

Format of the Scheme

The format of the new local planning scheme will be in accordance with the Model Scheme Text and is proposed to be a 'local planning scheme' applying to the whole District within the Town.

In consideration of the above, it is recommended that the Council endorse the statement of intent, aims and format of the Scheme and undertake notification and referral actions in accordance with the requirements of the Regulations.

Attachments

Attachment 1 – Scheme Area Map

Officer's Recommendation

That Council:

1. Resolve to prepare Local Planning Scheme No. 6 to apply to an area situated wholly within the Town of Port Hedland and as contained in Attachment 1;
2. Endorse the following Statement of Intent, Aims and Format of Local Planning Scheme No. 6:

"Statement of Intent

To prepare a new local planning scheme to apply to all land defined within Attachment 1. The intent of the new Scheme is to implement the vision, objectives and recommendations as contained within the Town's local planning strategy (Pilbara's Port City Growth Plan).

Proposed Aims of the Scheme

The aims of the Scheme provided below are purposefully broad enough to deliver the vision and objectives of the Town's Local Planning Strategy (Pilbara's Port City Growth Plan).

The general aims of the new local planning scheme are to:

- a) *encourage an appropriate balance between economic and social development, conservation of the natural environment, provision of infrastructure and services, and improvements in lifestyle and amenity;*
- b) *zone sufficient land for residential purposes to accommodate a population of 50,000 people and beyond and encourage diversity in housing choice;*
- c) *provide sufficient zoned land for commercial, retail, industrial and civic uses, suitable to service the long term growth of the District;*
- d) *implement strategic planning for the municipality, including the recommendations of the Town's local planning strategy and relevant State strategies;*
- e) *reserve certain portions of land required for public purposes;*
- f) *zone the balance of the land within the Scheme Area for purposes described in the Scheme as recommended by the Town's local planning strategy;*
- g) *define the uses and types of development to be permitted on land within the Scheme Area; and*
- h) *control and regulate the development and use of land throughout the District.*

Format of the Scheme

The format of the new local planning scheme will be in accordance with the Model Scheme Text and is proposed to be a 'local planning scheme' applying to the whole District within the Town."

3. Publish a notice in the Government Gazette in accordance with the format and requirements of Regulation 4(1) of the *Town Planning Regulations 1967*.
4. Forward a copy of the notice accompanied with Statement of Intent, Aims and Format of the Scheme to the Western Australian Planning Commission;
5. Following receipt of notice by the Western Australian Planning Commission, undertake any adjustments as required by the Western Australian Planning Commission and undertake advertisement and notice of the resolution pursuant to Regulation 5 of the *Town Planning Regulations 1967*.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

201213/415 Council Decision

Moved: Cr Taylor

Seconded: Cr Carter

That Council:

1. **Resolve to prepare Local Planning Scheme No. 6 to apply to an area situated wholly within the Town of Port Hedland and as contained in Attachment 1;**
2. **Endorse the following Statement of Intent, Aims and Format of Local Planning Scheme No. 6:**

“Statement of Intent

To prepare a new local planning scheme to apply to all land defined within Attachment 1. The intent of the new Scheme is to implement the vision, objectives and recommendations as contained within the Town's local planning strategy (Pilbara's Port City Growth Plan).

Proposed Aims of the Scheme

The aims of the Scheme provided below are purposefully broad enough to deliver the vision and objectives of the Town's Local Planning Strategy (Pilbara's Port City Growth Plan).

The general aims of the new local planning scheme are to:

- a) *encourage an appropriate balance between economic and social development, conservation of the natural environment, provision of infrastructure and services, and improvements in lifestyle and amenity;*
- b) *zone sufficient land for residential purposes to accommodate a population of 50,000 people and beyond and encourage diversity in housing choice;*
- c) *provide sufficient zoned land for commercial, retail, industrial and civic uses, suitable to service the long term growth of the District;*
- d) *implement strategic planning for the municipality, including the recommendations of the Town's local planning strategy and relevant State strategies;*
- e) *reserve certain portions of land required for public purposes;*
- f) *zone the balance of the land within the Scheme Area for purposes described in the Scheme as recommended by the Town's local planning strategy;*
- g) *define the uses and types of development to be permitted on land within the Scheme Area; and*
- h) *control and regulate the development and use of land throughout the District.*

Format of the Scheme

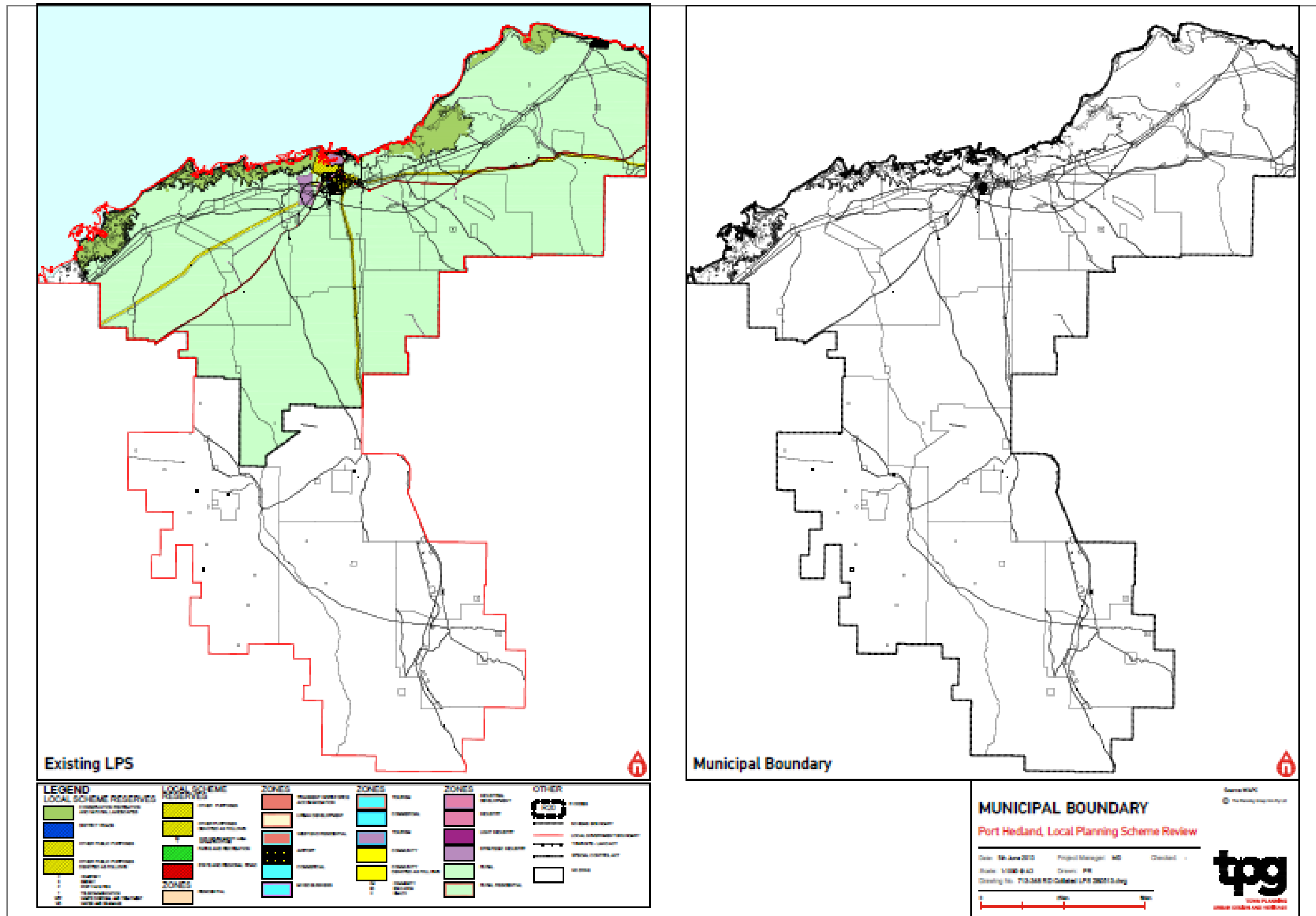
The format of the new local planning scheme will be in accordance with the Model Scheme Text and is proposed to be a 'local planning scheme' applying to the whole District within the Town."

3. **Publish a notice in the Government Gazette in accordance with the format and requirements of Regulation 4(1) of the *Town Planning Regulations 1967*.**
4. **Forward a copy of the notice accompanied with Statement of Intent, Aims and Format of the Scheme to the Western Australian Planning Commission;**
5. **Following receipt of notice by the Western Australian Planning Commission, undertake any adjustments as required by the Western Australian Planning Commission and undertake advertisement and notice of the resolution pursuant to Regulation 5 of the Town Planning Regulations 1967.**
6. **Requests the CEO or his delegate to review the following items as part of the current LPS 6 project being undertaken**
 - a) **Retention of existing use rights for single dwellings in the West End (the area identified by LPS Amendment 22)**

- b) **Review of the design provision pertaining to the West End, in particular for single dwellings**

CARRIED 8/0

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11.1.1.10 Proposed Sewer Easement to be created over Lot 3706 on Deposited Plan 214019, South Hedland (File No. 130065G)

Officer	Julie MacMile Lands and Technical Officer
Date of Report	22 May 2013
Disclosure of Interest by Officer	Nil

Summary

The Land is currently owned by the State of WA and has been identified for acquisition by the Town through the Lazy Lands process.

Council is requested to consider accepting an easement over the property to protect the existing sewer line situated at the rear of the property.

Background

The Land, being Lot 3706 on Deposited Plan 214019 is reserved and owned by the State of WA. There is a current "Vesting Order" (Management Order) to the Town for the purposes of "Parkland and Pedestrian Access Way".

Council at its Ordinary Meeting of 28 September 2012, resolved to excise the subject land (outlined in red on attachment 1) from Reserve 35321 in order for the Department of Regional Development and Lands to consider a request for acquisition by Council. The remaining portion of Lot 3706 (outlined in blue on Attachment 1) will be amalgamated into the adjoining drainage reserve).

A Water Corporation sewer line (approximate location dashed yellow on Attachment 1) currently runs inside and parallel to the rear boundary of the subject site. An easement is required to be created over the land to protect the existing sewer line.

Consultation

Internally

The proposal was circulated internally to the Town's Technical Services and Recreation Departments, no objections were received.

Externally

The Water Corporation have been requested to provide their requirements in relation to the correct size and location of the proposed easement. At this stage, the Town has not had a response.

Statutory Implications

The *Land Administration Act 1997* Part 8 – Easements, establishes the procedure of creating an easement within Crown Land.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Community 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.

Budget Implications

A land surveyor will need to be engaged to prepare the survey diagram in order to lodge the easement over the site. Initially, these costs will come from the Town's Economic Development budget.

The Department of Regional Development and Lands may take into account the costs incurred by the Town when determining the price of the land.

Officer's Comment

The land is currently vested to the Town of Port Hedland, for the purposes of "Parkland and Pedestrian Access Way".

The easement is proposed to be created within Lot 3706 and is required to protect the infrastructure (sewer line) of the Water Corporation.

Options

Council has the following options for responding to the request:

1. Support the creation of the easement on Lot 3706 on Deposited Plan 214019, as per attachment 1.

Supporting the creation to the easement will see the existing sewer line protected.

2. Refuse the creation of the easement on Lot 3706 on Deposited Plan 214019, as per attachment 1.

The easement will not be created and the existing sewer line will not be protected.

Option 1 is recommended.

Attachments

Attachment 1 - Plan showing location of sewer line.

201213/416 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That Council:

- 1. Approve the creation of the easement on Lot 3706 on Deposited Plan 214019.**
- 2. Advise the Department of Regional Development and Lands and the Water Corporation of 1 above.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.10



11.1.1.11 Proposed Road Closures and Road Widening Within the South Hedland Town Centre (File No.: 28/01/0017)

Officer Katherine Press
Lands and Technical
Officer

Date of Report 5 June 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from McMullen Nolan for road widenings and closure of various road reserves within the South Hedland Town Centre (SHTC).

The proposal forms part of the continued redevelopment of the South Hedland Town Centre, and is consistent with the South Hedland Town Centre Draft Development Plan.

Council is requested to support the request from McMullen Nolan.

Background

A Draft Development Plan for the South Hedland Town Centre was lodged with the Town on 6 December 2012. The Development Plan is currently being progressed and will be presented to Council for initiation in the near future.

The Towns Technical Services Unit have no objection to the proposed road closures and widenings. The following table and corresponding plan (Attachment 1) outlines the request from McMullen Nolan:

Proposal	Location	Specification
Road Widening 'B'	Throssell Road	10m ²
Road Closure 'C'	Corner Throssell and	
Road Widening 'D'	Corner of McLarty Blvd and Hamilton Road	3816m ²
Road Closure 'E'	McLarty Boulevard	1028m ²
Road Widening 'F'	Corner of McLarty Blvd and Hamilton Road	1197m ²
Road Widening 'G'	Corner of McLarty Blvd and Hamilton Road	448m ²
Road Closure 'H'	Colebatch Way	1619m ²
Road Closure 'I'	Corner Colebatch Way and Hamilton Road	48m ²
Road Widening 'J'	Colebatch Way	365m ²
Road Widening 'K'	Corner Colebatch Way and Hamilton Road	13m ²

Consultation

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

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

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

Internally:

The request was referred to the Towns Technical Services Unit and Strategic Planning Officers.

Technical Services raised no objections, subject to the following condition:

1. Any alterations or relocation of existing infrastructure shall be carried out and reinstated to the specification and satisfaction of the Manager Planning, at the developer's expense.

Externally:

The following public service providers were requested to provide comments on the proposal:

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

Telstra, Horizon Power and Optus have raised no objection to the proposal provided the following conditions are imposed:

1. Telstra has assets in the near vicinity and it is the contractor's / developers responsibility to anticipate and request the nominal location of Telstra plant via Dial Before You Dig "1100" number in advance of any construction activities in the vicinity of Telstra's assets.
2. Horizon Power has underground assets in all three streets, the contractor / developer is to liaise directly with Horizon Power to make sure the correct clearance is maintained at all times.
3. Optus has underground assets in the vicinity, a Dial Before You Dig is required.

Statutory Implications

Section 56 of the *Land Administration Act 1997* establishes the procedure for road widening.

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

Policy Implications

Nil

Strategic Planning Implications

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

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

The prescribed application fee of \$570 has been received.

Officer's Comment

The requested road closures and widenings are an integral part of the redevelopment of the South Hedland Town Centre, resulting in better traffic and pedestrian flow. In addition the closures and widenings allow for additional development which in turn improves the aesthetical appearance of the Town Centre.

Options

Council has the following options:

1. Support the request for the road closures and road widening's within the South Hedland Town Centre, as per Attachment 1.

The closure and widenings of the subject portions of road reserves will improve the streetscape, traffic movement and amenity of the surrounding area and will facilitate the on-going redevelopment of the SHTC.

2. Refuse the request for the road closures and road widening's within the South Hedland Town Centre, as per Attachment 1.

If the request is not supported by Council, the final road layout of the SHTC Draft Development Plan will need to be re-designed.

Option 1 is recommended for approval.

Attachments

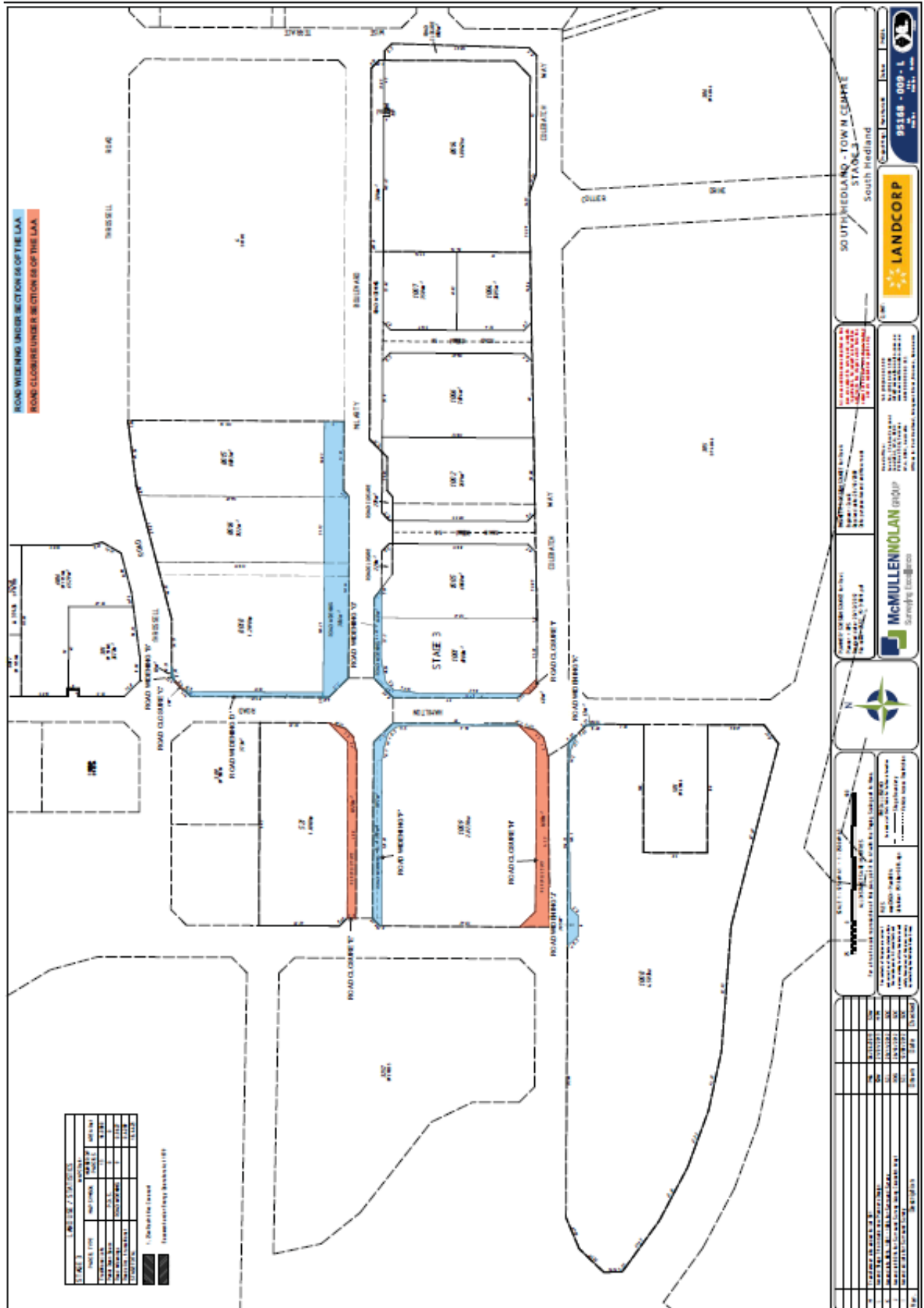
1. Proposed locality plan

201213/417 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Hooper****That Council:**

1. **Supports the request from McMullen Nolan for the road closures and road widening's within the South Hedland Town Centre, as per Attachment 1, subject to:**
 - a) **Any alterations or relocation of existing infrastructure shall be carried out and reinstated to the specification and satisfaction of the Manager Planning, at the Developer's expense.**
 - b) **A Dial Before You Dig is to be carried prior to any construction activities in the vicinity;**
 - c) **Horizon Power has underground assets in all three streets, the contractor / developer is to liaise directly with Horizon Power to ensure the correct clearance is maintained at all times;**
 - d) **Any costs associated with easements to be created over assets or the relocation of assets are to be at the cost of the contractor / developer.**
2. **Requests the Chief Executive Officer, or his delegate(s, under Delegation 38 (7) to submit the road closure request to the Department of Regional Development and Lands (State Lands Services).**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.11



11.1.1.12 Proposed Extension to a “Transport Depot” (Non – Conforming Use) at Lots 1675 (3) & 1690 (2) Harwell Way, Wedgefield (File No.: 405960G)

Officer Ryan Djanegara
Senior Statutory Planner

Date of Report 29 May 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Greg Rowe & Associates on behalf of Department of Regional Development and Lands to construct, modify and remove buildings associated with a “Transport Depot” use on Lots 1675 (3) & 1690 (2) Harwell Way, Wedgefield (site).

The use has been approved previously as a “Storage facility/depot/laydown area” which at the time permitted a “Transport Depot”. Scheme Amendment No. 24 (Amendment 24) was gazetted on 8 February 2011, resulting in the existing approved “Storage Facility/Depot/Laydown Area” excluding a “Transport Depot”, resulting in the “Non-conforming use”.

In terms of Section 8.2 “*Extension of non-confirming use*” of Town Planning Scheme No.5 (TPS5), a non-conforming use may not be extended or altered without first having applied for and obtained Council approval.

Council is requested to consider the application favourably.

Background

Site Description (Attachment 1)

The subject site comprises of two lots, both irregular in shape with frontage to Harwell Way. Lot 1690 also achieves access from Pinga Street. Lot 1675 and Lot 1690 cover an area of approximately 16,993m² and 13,955m² respectively.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned “Industry” and is located within the “Wedgefield Special Control Area”. The proposed use (extension) “Transport Depot” is in terms of the TPS 5, a non-permitted use.

Previous Approvals

On 3 February 2005, approval was granted under delegated authority for a “Storage Facility/Depot/Laydown Area (Transport Depot)” for Transportable Office and Ablutions on Lot 1690 (2) Harwell Way, Wedgefield.

On the 4 December 2011, retrospective approval was granted under delegated authority for sea containers, fuel tanks, wash-down bays, offices and shade structures on Lot 1675 (3) and Lot 1690 (2) Harwell Way, Wedgefield.

Proposal (Attachment 2)

The applicant is seeking to further expand the "Transport Depot" constructing additional dome shade structures (using sea containers), additional office and training rooms.

Consultation

The application was circulated to the following units:

Internally:

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

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

Immediate:

The prescribed fee \$2,462.00 has been received.

Long Term:

Nil

Whole of Life:

Nil

Officer's Comment

Non-Conforming Use Rights

The site has continually operated as a "Transport Depot" in accordance with the approved use. As such any further development on the site can be considered for approval through "Non-Conforming" use rights. Section 8.1 of TPS5 "Non-Conforming Use Rights" states:

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

- (a) continued use of any land or building for the purpose for which it was lawfully used at the time of coming into force of the Scheme, or*
- (b) carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current."*

At the time the original approval was issued it was assessed as a "Storage Facility/Depot/Laydown Area" and defined by TPS5 as:

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

Amendment No. 24

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

The "Transport Depot" is defined as follows:

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

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

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

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

Section 8.2 of TPS 5 “Extension of Non-Conforming Use” states:

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

Extensions to non-conforming uses cannot take place unless approved by Council and conforms to any other provisions and requirements contained in the Scheme.

Development Controls

The proposed development has been assessed and found to comply with the relevant development controls.

Options

Council has the following options when considering this matter:

1. Approve the application subject to conditions.

Approving the application would allow the applicant to continue using the “Transport Depot” site. This will improve safety, make effective use of the site and improve the amenity of both the site and its surrounds.

2. Refuse the application.

Should Council refuse the application, the existing development will remain as is.

Council is requested to consider the application favourably.

Attachments

1. Location Plan
2. Development Plans

201213/418 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Hooper****That Council:**

- A. Approve the application submitted by Greg Rowe & Associates on behalf of Department of Regional Development and Lands, to construct, modify and remove buildings associated with a Transport Depot – “Non-Conforming Use”, on Lots 1675 (3) & 1690 (2) Harwell Way, Wedgefield, subject to the following conditions:**
- 1. This approval relates only to the proposed Transport Depot – “Non-Conforming Use” extension, as indicated on the approved plans (DRG2013/207/1 - DRG2013/207/4). 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 this approval, the approval shall lapse and be of no further effect.**
 - 3. The office shall be incidental to the predominant use, being “Transport Depot”, and shall not be used for office activities unrelated thereto.**
 - 4. No human habitation shall be permitted on the lot.**
 - 5. A minimum of 33 car bays shall be provided as indicated on the approved site plan (DRG2013/207/1).**
 - 6. No parking bays shall be obstructed in any way or used for any other purpose than parking.**
 - 7. 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.**
 - 8. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services.**
 - 9. Dust and sand shall be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Environmental Health Services.**

10. 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 Technical Services.

The following conditions are to be cleared by Planning Services prior to the submission of a building permit being submitted to the local authority.

11. Prior to the submission 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:

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.

12. Prior to the submission 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.
13. Prior to the submission 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 to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
14. Prior to the submission of a building permit, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.
15. Prior to the submission of a building permit, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
 - a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;

- d. Impact on traffic movement;
- e. Operation times including delivery of materials; and
- f. Other matters likely to impact on the surrounding residents / businesses;

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

- 16. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 3)
- 17. 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.
- 18. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line-marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services.
- 19. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.
- 20. Prior to the occupation of the development a suitably screened bulk bin area shall be provided to the satisfaction of the Manager Planning Services.
- 21. Prior to the occupation of the development an overall signage strategy shall be submitted and approved by the Manager Planning Services.

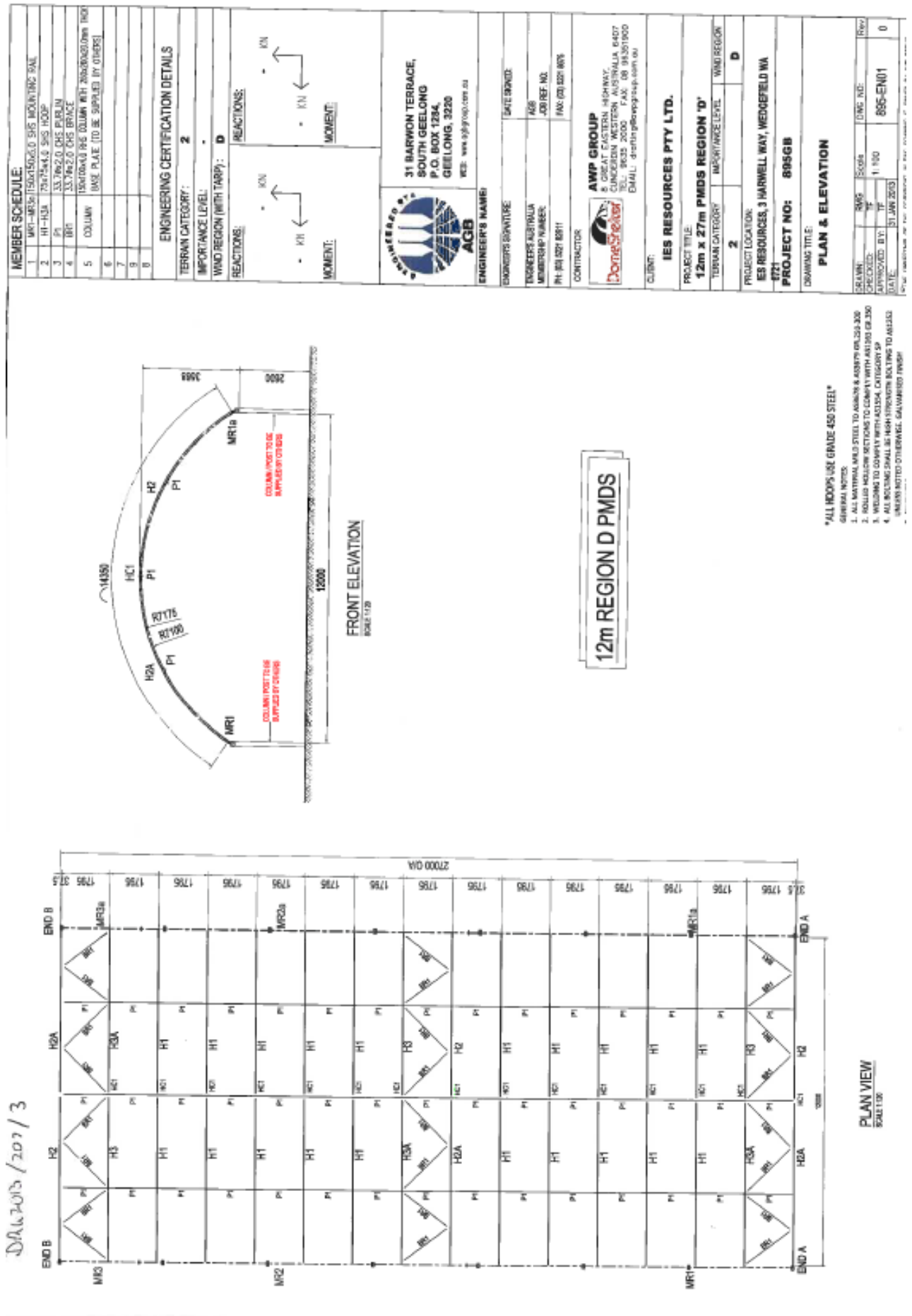
ADVICE NOTES:

- 1. In terms of the Port Hedland Town Planning Scheme No 5, "Transport Depot" is defined as follows:

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

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. The development shall comply with the Environmental Protection (Noise) Regulations 1997 at all times.
5. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
6. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

CARRIED 8/0



11.1.1.13 Proposed Nineteen (19) "Multiple Dwellings" on Lot 188 (49) Kingsmill Street, Port Hedland (File No.: 403200G)

Officer Ryan Djanegara
Senior Statutory Planner

Date of Report 23 May 2013

Disclosure of Interest by Officer Nil

Summary

The Town received an application from the RPS Group Pty Ltd on behalf of the registered landowners Canberra Estates Consortium No. 37 Pty Ltd, of care of the Village Building Co Limited, to construct nineteen (19) "Multiple Dwellings" on Lot 188 (49) Kingsmill Street, Port Hedland (subject site).

The proposed development is located within the "West End Residential" zone. The proposal has been referred to Council to determine as the design differs from what is required by clause 6.3.8 of the Town Planning Scheme.

The application is supported by the Town's Officers, Council is requested to consider the application favourably.

Background*Site Description (Attachment 1)*

The subject site is generally rectangular in shape, achieves vehicular access via Kingsmill Street and has an area of 1213m².

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 nineteen (19) "Multiple Dwellings" comprising of 11 single bedroom units and 8 two bedroom units.

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 and Conservation (DEC)
- 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 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 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 by the end of 2015.

Adjoining advertising

The application was advertised for a period of 21 days to adjoining landowners (indicated in red), as shown below:



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

Nil

Strategic Planning Implications

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

5.6.1 Precinct 1 – West End

Summary of Influences

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

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

6.3 Environment

6.3.1 Housing

Attract and retain new residents to increase the population to 40,000 by 2025.

Budget Implications

Immediate:

The prescribed application fee of \$11,821.60 has been received.

Long Term:

Nil

Whole of Life:

Nil

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 experienced within the locality. Section 6.3.9 of TPS5 states:

"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;*
- *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 Council adopted 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 clause. Consequently, legal advice was obtained from the Town's Solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to be accompanied by 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 & Young confirming the proposed design will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no comments being received

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.

Attachments

1. Locality Plan
2. Development Plans
3. Dust mitigation report
4. 3D Perspective

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

Should Council approve the application, the development will provide an alternative accommodation choice.

2. Refuse the application.

Refusal of the proposal will require the applicant to reconsider the development proposal, and may result in the property not being developed.

Council is requested to consider the application favourably.

201213/419 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Taylor****That Council:**

- A. Approve the application submitted by RPS Group Pty Ltd on behalf of the registered landowners Canberra Estates Consortium No. 37 Pty Ltd of care of the Village Building CO Limited, to construct nineteen (19) "Multiple Dwellings" on Lot 188 (49) Kingsmill Street, Port Hedland, subject to the following conditions:**
- 1. This approval relates only to the proposed Nineteen (19) "Multiple Dwellings", as indicated on the approved plans (DRG2013/199/1 - DRG2013/199/12). 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 24 car bays (19 bays for residents and 5 bays for visitors) and 10 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/199/1).**
 - 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. 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.**
 - 7. 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 Technical Services.**
 - 8. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/199/1).**

The following conditions are to be cleared by Planning Services prior to the submission of a building permit being submitted to the local authority.

9. Prior to the submission of a building permit, the landowner shall prepare a “Coastal Hazard Risk Management and Adaptation Management Plan” in accordance with Section 5.5 of Draft State Planning Policy 2.6 – State Coastal Planning, to the satisfaction of the Manager Planning Services.
10. Prior to the submission 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.
11. Prior to the submission of a building permit, the landowner shall submit a “Stormwater management plan” for approval by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan.
12. Prior to the submission of a building permit, the landowner shall submit a “Dust Management Plan” for approval by the Manager Planning Services.
13. Prior to the submission of a building permit, the landowner shall submit an “Erosion and Sediment Control Plan” for approval by the Manager Planning Services.
14. Prior to the submission 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.

15. 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 & Young Pty Ltd.
16. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan (DRG2013/199/9 - DRG2013/199/12) and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 5)
17. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer.
18. 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.
19. 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

20. 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.
21. 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 17, 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. the proposed stairs may conflict with less abled persons access ramps;
 - b. hydrant pressure and flow should be checked for fire fighting purposes.
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.

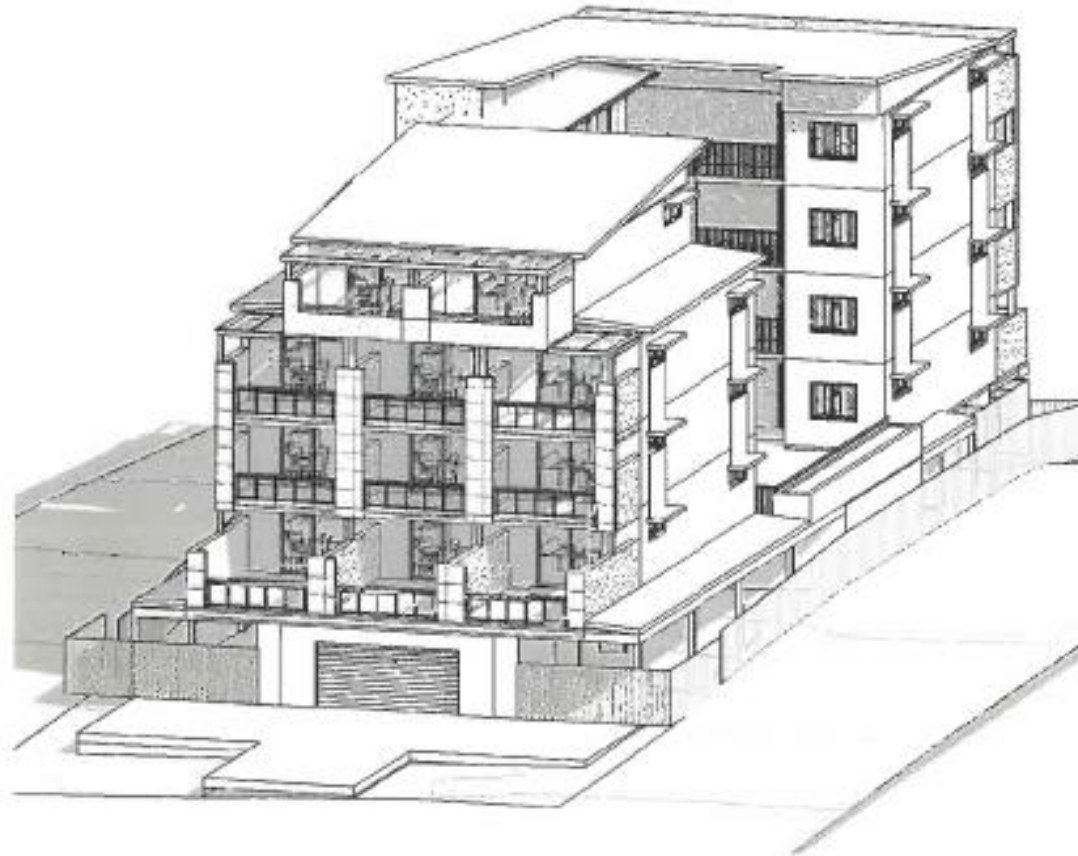
6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.
7. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
8. Be advised that the air handling system is to comply with the Health (Air-handling and Water Systems) Regulations 1994
9. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
10. Conditions 9 to 14 (inclusive) shall be complied with prior to the submission of a building permit. In this regard please note there is a clearance fee of \$310 per request. Please note it may take up to 28 days to clear conditions.

CARRIED 8/0

DRG 2013 / 199 / 1

NEW MULTI UNIT DEVELOPMENT

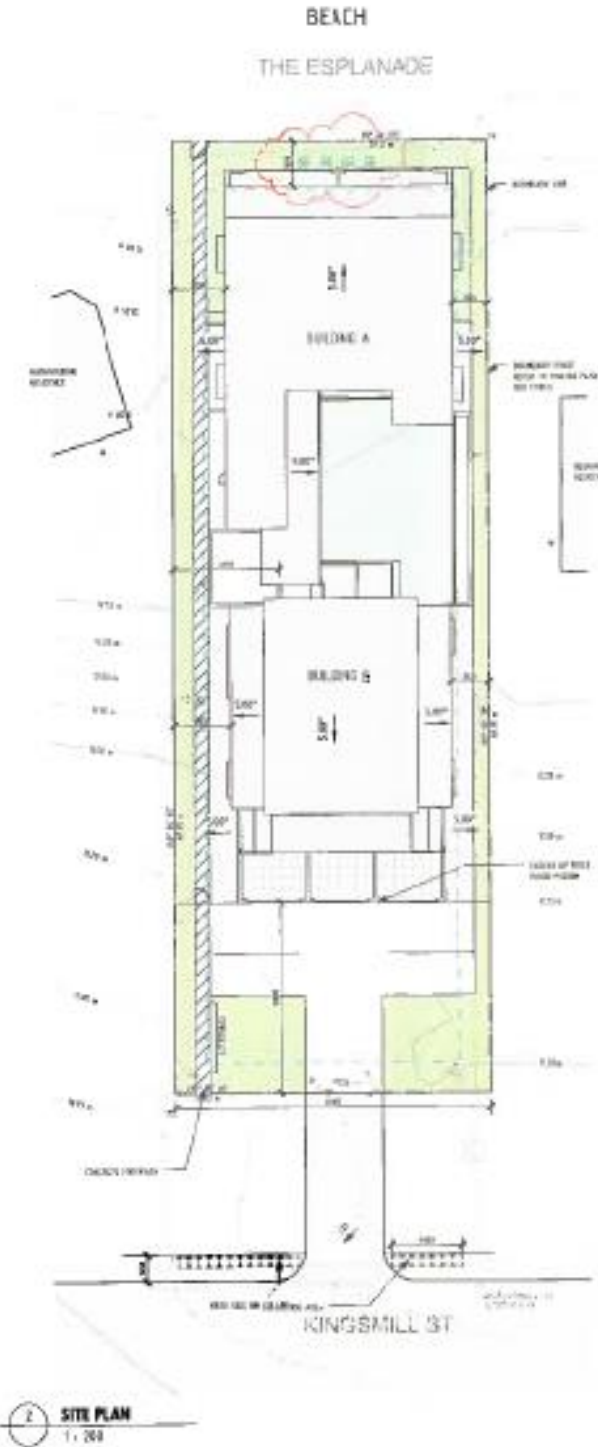
19 UNITS - SCHEME B



1 STREET PERSPECTIVE

DRAWING SCHEDULE

DA 01	TITLE PAGE / SITE PLAN	PROJ. STD. 2
DA 02	SITE ANALYSIS PLAN	PROJ. STD. 3
DA 03	GROUND AND FIRST FLOOR PLANS	PROJ. STD. 4
DA 04	SECOND FLOOR PLANS	PROJ. STD. 5
DA 05	ELEVATIONS 1	PROJ. STD. 6
DA 06	ELEVATIONS 2	PROJ. STD. 7
DA 07	SECTIONS	PROJ. STD. 8
DA 08	AREA ANALYSIS	PROJ. STD. 9
DA 09	FURNISHING PLAN	PROJ. STD. 10
DA 10	ACCESSIBILITY STATEMENT	PROJ. STD. 11
DA 11	COLOUR AND FINISHES	PROJ. STD. 12
DA 12	STREET PERSPECTIVES	PROJ. STD. 13



2 SITE PLAN
1:200

1. OWNER: [unreadable]
 2. ARCHITECT: [unreadable]
 3. DATE: [unreadable]
 4. SCALE: [unreadable]
 5. SHEET: [unreadable]

MULTI UNIT DEVELOPMENT

LOT 188 144th KINGSMILL ST, PERTH WESTLAND, WA

CANDERRA ESTATES CONSTRUCTION NO 37 P/L

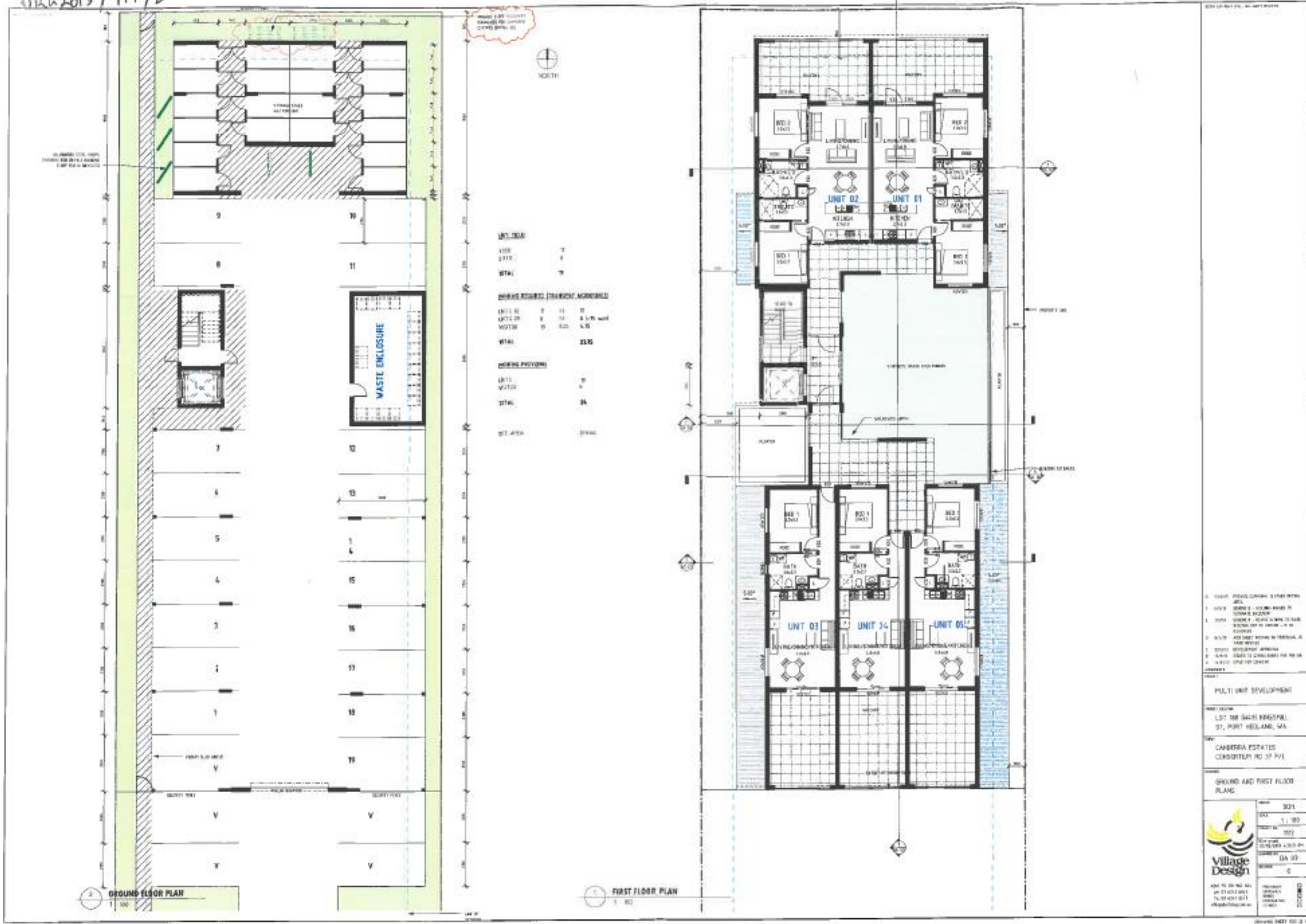
TITLE PAGE / SITE PLAN

DATE: 01/06/13
 SCALE: 1:200
 SHEET: 01
 TOTAL SHEETS: 04

Village Design

ARCH: [unreadable]
 CIVIL: [unreadable]
 STRUCTURAL: [unreadable]
 MECHANICAL/ELECTRICAL: [unreadable]
 LANDSCAPE: [unreadable]

DR 2013 / 199 / 2



1. PROVIDE CURBING & FINE FINISH
 2. PROVIDE CURBING & FINE FINISH
 3. PROVIDE CURBING & FINE FINISH
 4. PROVIDE CURBING & FINE FINISH
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 7. PROVIDE CURBING & FINE FINISH
 8. PROVIDE CURBING & FINE FINISH
 9. PROVIDE CURBING & FINE FINISH
 10. PROVIDE CURBING & FINE FINISH

MULTI UNIT DEVELOPMENT

LOT 108 (SOUTH KINGSPARK)
 ST. PORT HEDLAND, WA.

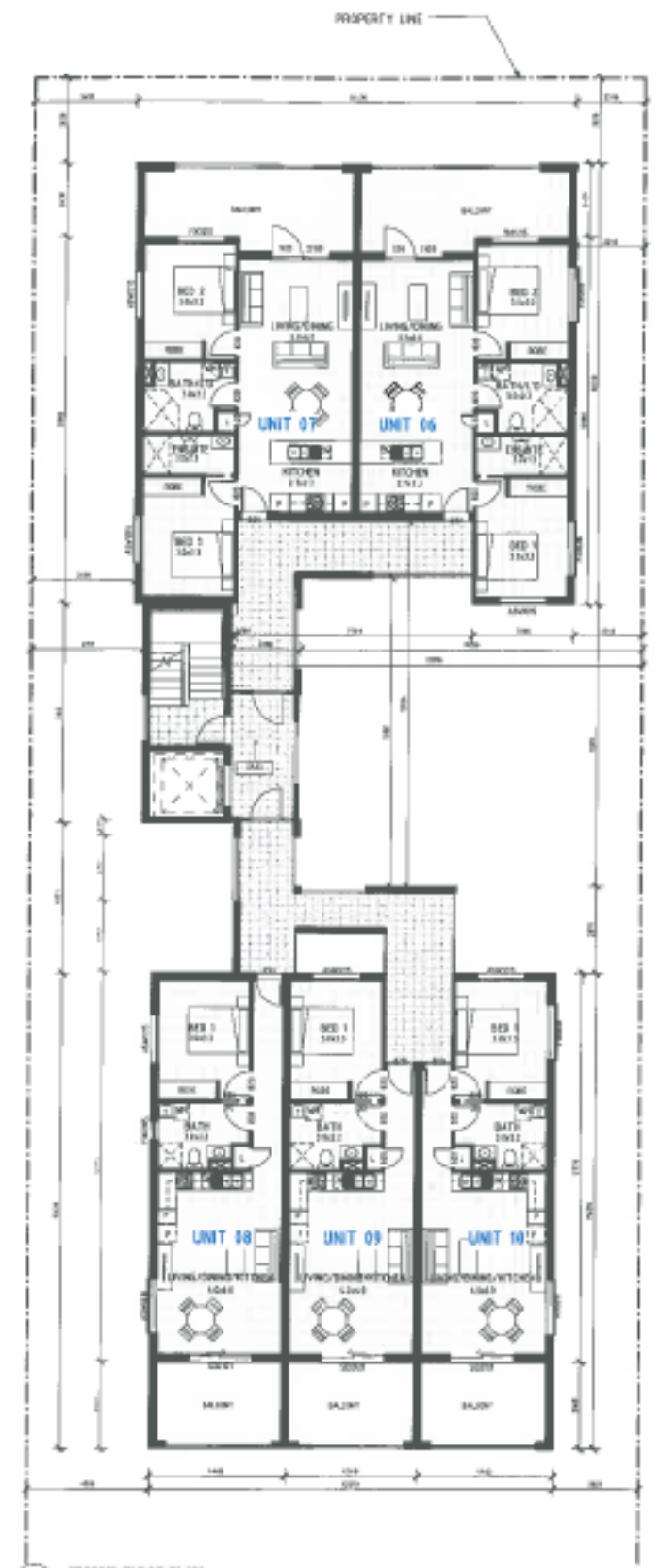
CARRERA ESTATES
 CONSORTIUM NO 57 (P/L)

GROUND AND FIRST FLOOR
PLAN

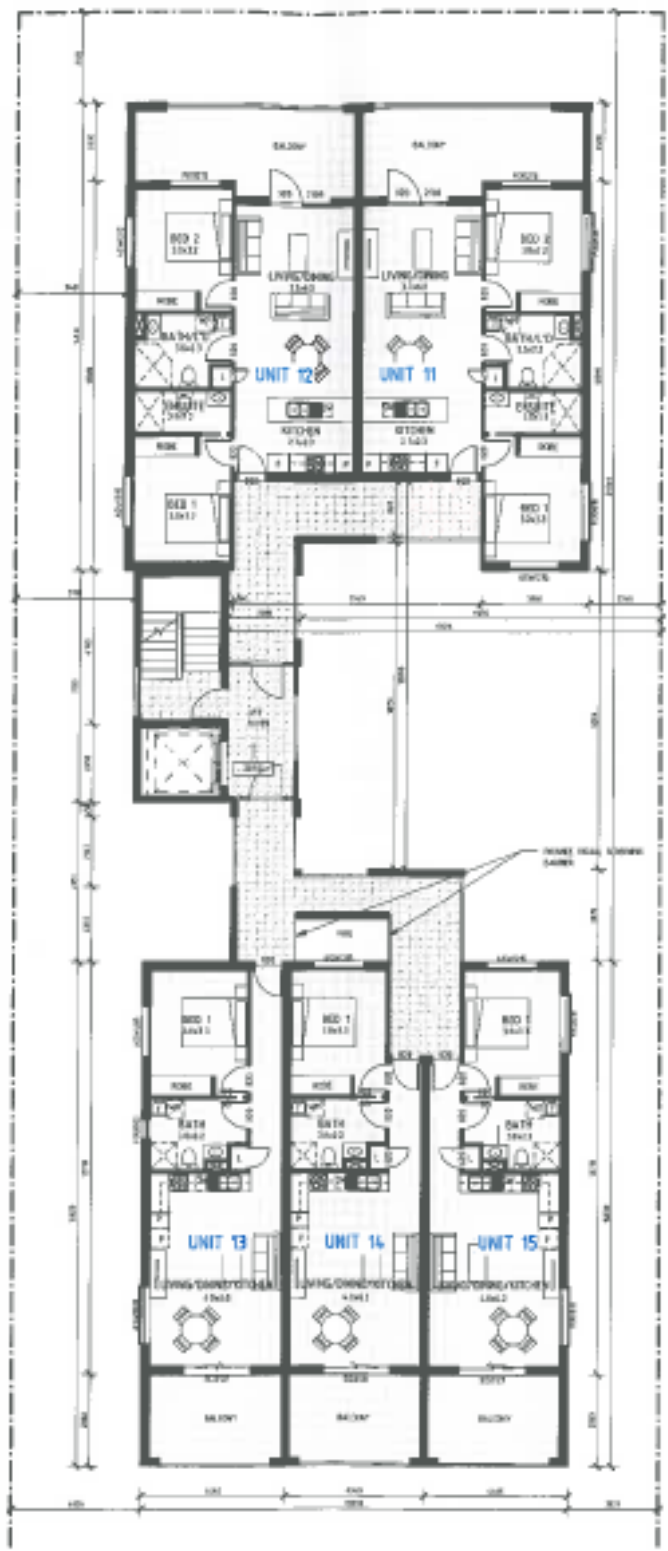
Village Design

DATE: 2013
 SCALE: 1:100
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 CHECKED: [Name]
 PROJECT: [Name]
 SHEET: 01A OF 02
 TOTAL SHEETS: 02

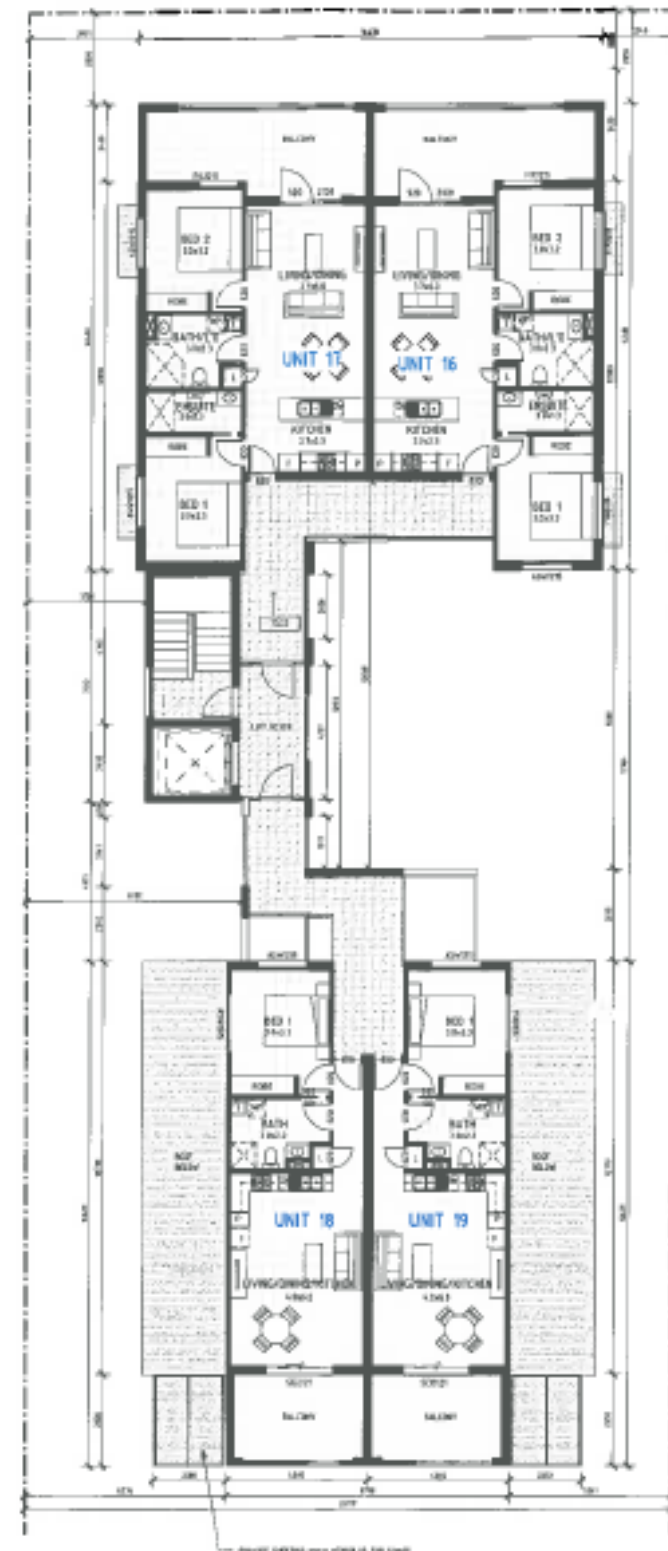
DB 2013/199/3



1 SECOND FLOOR PLAN
1:100



2 THIRD FLOOR PLAN
1:100



3 FOURTH FLOOR PLAN
1:100

- A. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- B. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- C. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- D. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- E. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- F. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- G. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- H. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- I. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT
- J. 10/10 - CONVEYANCE TO SUBMIT ARCHITECT

PROJECT NAME
MULTI UNIT DEVELOPMENT
 LOT 185 1845 WINDMILL ST. PORT HEDLAND, WA
 LANDSCAPE ARCHITECT
 LANDSCAPE ARCHITECT NO 27 P/L

UPPER FLOOR PLANS

SCALE	EDH
DATE	1 - 2013
PROJECT	TTD
CLIENT	LANDSCAPE ARCHITECT
PROJECT NO.	04 64
REVISION	P

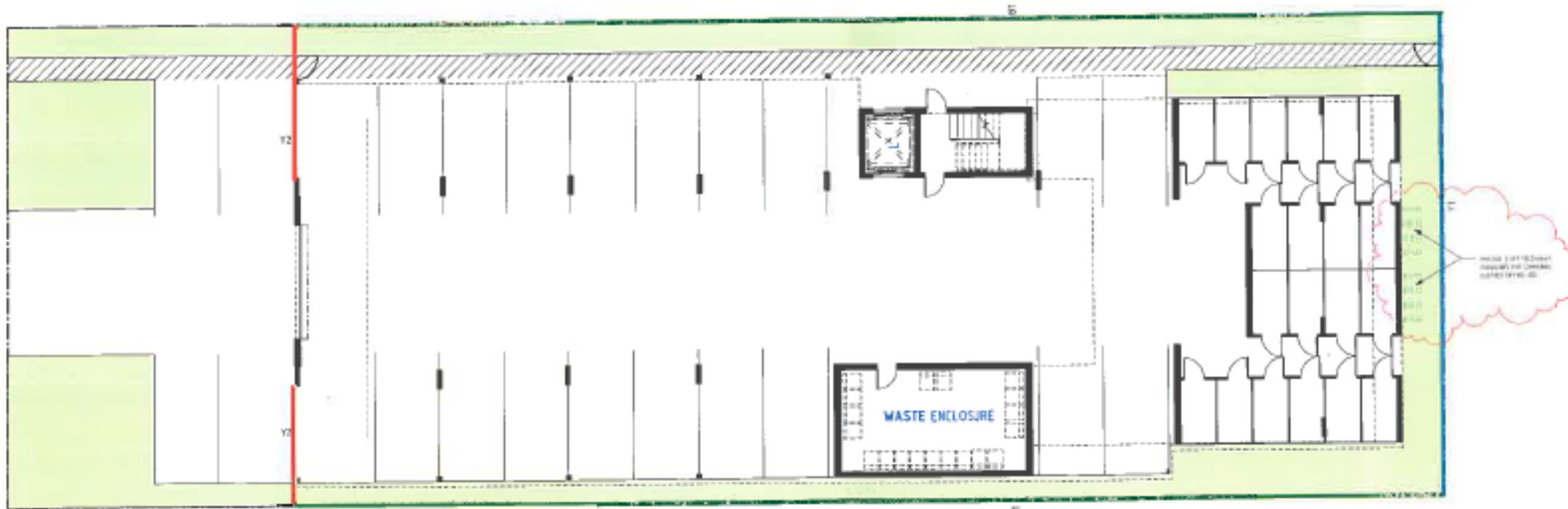
DR 2013/194/6

FENCING TYPES PROPOSED

TYPE	NAME	DESCRIPTION
Y1	Y1 FENCE	2000 ALUMINIUM SLAT FENCE 1000mm HIGH WITH 100mm SPACING
Y2	Y2 FENCE	2000 ALUMINIUM SLAT FENCE 1000mm HIGH WITH 100mm SPACING
Y3	Y3 FENCE	2000 ALUMINIUM SLAT FENCE 1000mm HIGH WITH 100mm SPACING



SAMPLE ALUMINIUM SLAT FENCING

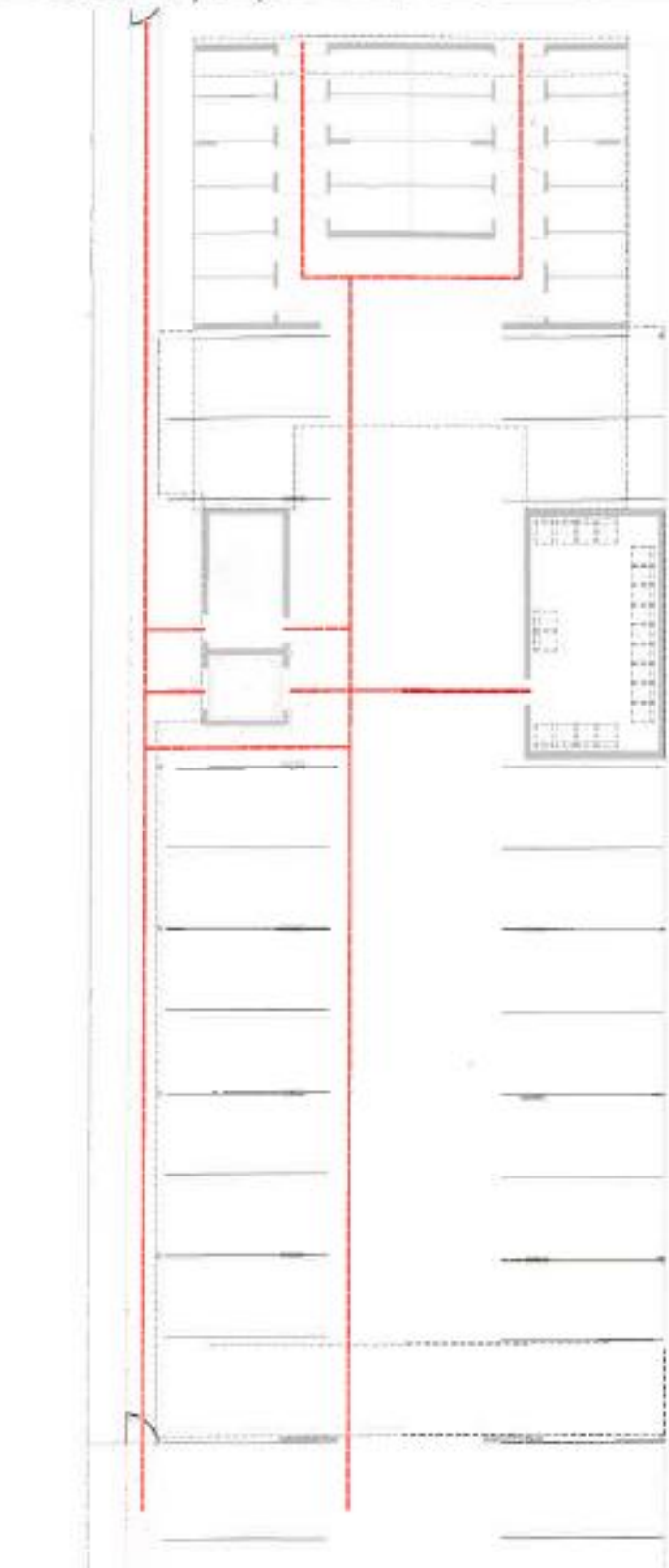


FENCING PLAN

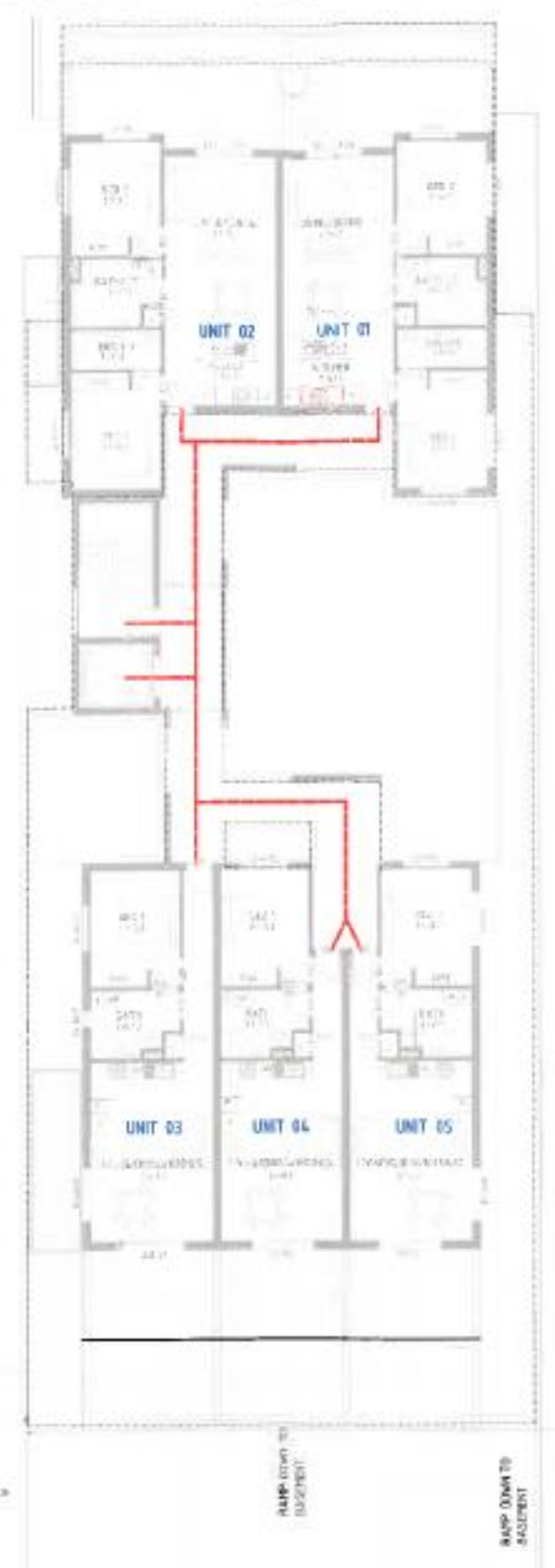
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 5. SITE: MULTI UNIT DEVELOPMENT

MULTI UNIT DEVELOPMENT
 LOT 200 18450 KINGSWILL ST, PORT HEDLAND, WA
 CAMBERRA ESTATES CONDOTUM NO 37 P/L
 FENCING PLAN
 DATE: 08/05/13
 DRAWN: [Name]
 CHECKED: [Name]
 APPROVED: [Name]
 PROJECT NO: [Number]
 SHEET NO: [Number]

DR2013/199/7



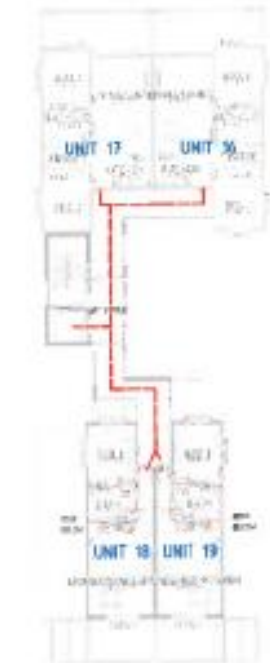
BASEMENT FLOOR PLAN
1:100



GROUND FLOOR PLAN
1:100



TYPICAL FLOOR PLAN
1:200



THIRD FLOOR PLAN
1:200

NOTES:
 PROVIDE 150mm HIGH THRESHOLDS TO ENTRY AND ENTRY TRANSITIONS TO UNITS
 PROVIDE AN ACCESSIBLE PATH OF TRAVEL FROM PROPERTY BOUNDARY TO ALL UNIT ENTRY DOORS
 ACCESSIBLE PATHS OF TRAVEL TO COMPLY WITH AS1428.1
 TACTILE GROUND SURFACE INDICATORS ARE TO BE PROVIDED IN ACCORDANCE WITH AS1428.1
 ACCESSIBLE PATHS OF TRAVEL TO HAVE 150mm HIGH TRIPS IN ACCORDANCE WITH AS4586
 FACILITIES ARE NOT TO INTERFERE WITH THE CONTINUOUS ACCESSIBLE PATHS OF TRAVEL

- 1. ARCH: 2013/199/7-01-000-0000
- 2. ARCH: 2013/199/7-01-000-0001
- 3. ARCH: 2013/199/7-01-000-0002
- 4. ARCH: 2013/199/7-01-000-0003

MULTI UNIT DEVELOPMENT

LOT 88 (24) KINGSTON ST, PINE RIDGE, WA

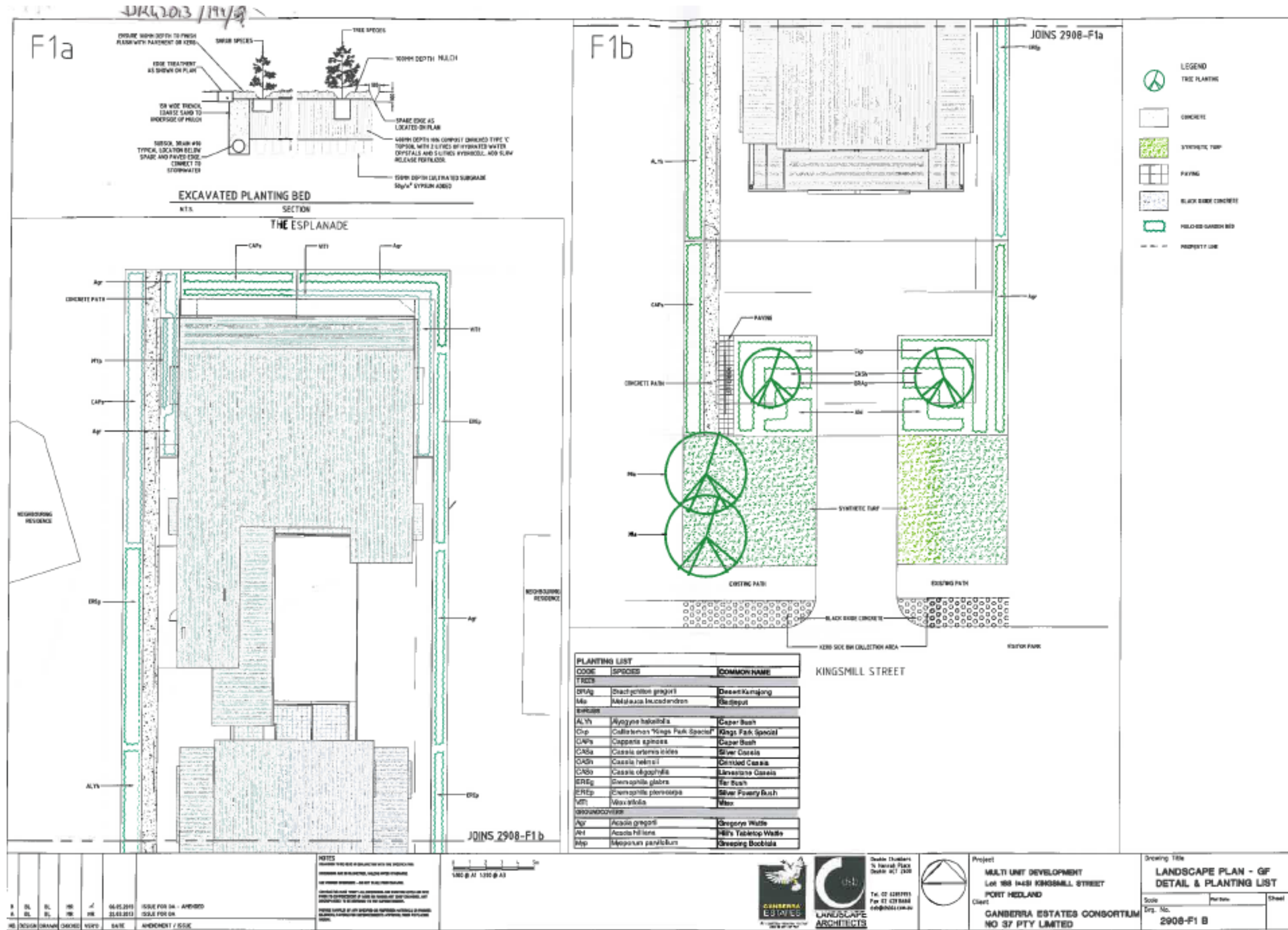
CARBERA ESTATES CONDOMINIUM NO 27 P/L

ACCESSIBILITY PATHS OF TRAVEL

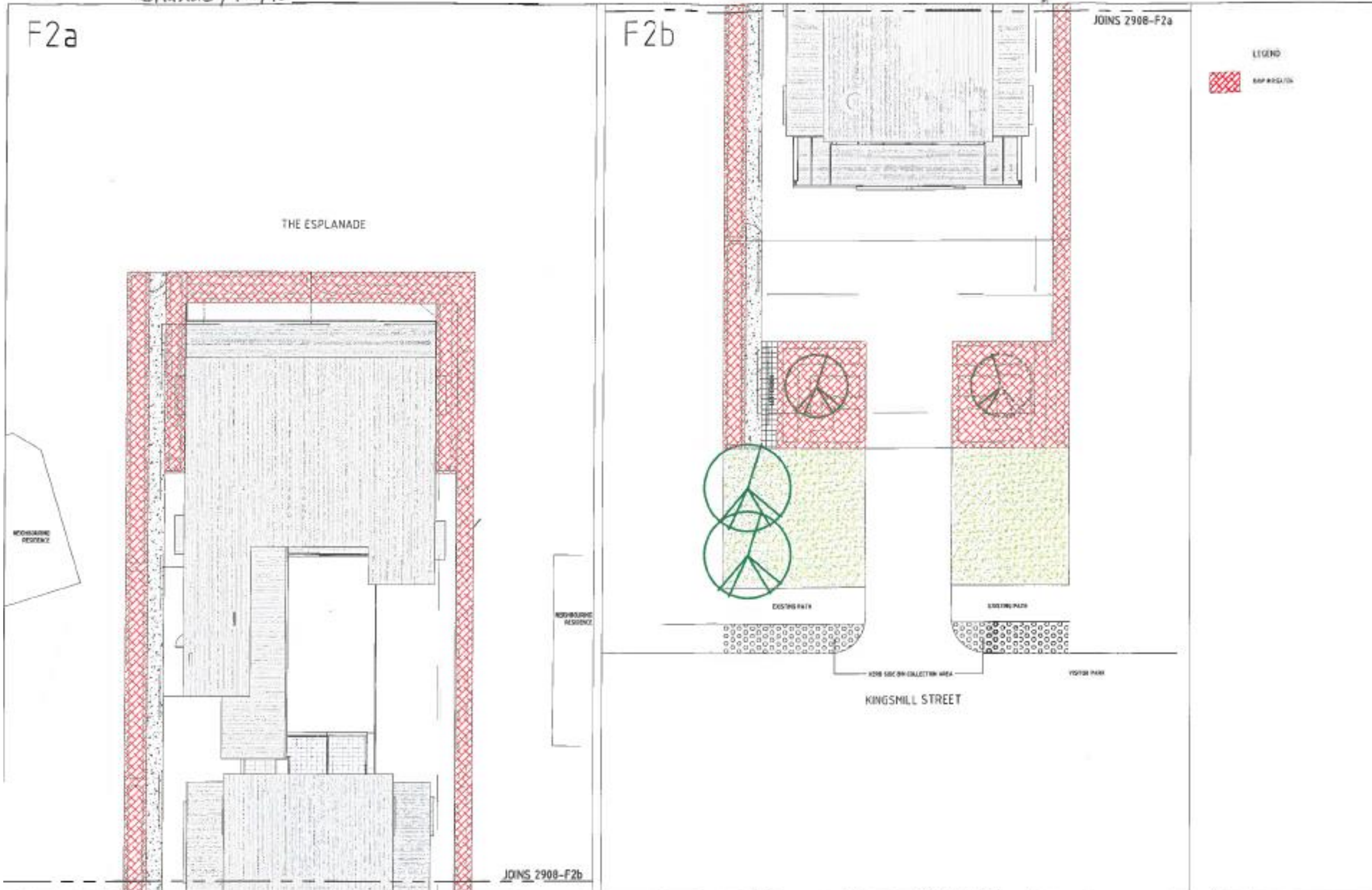
DATE	21/03
BY	F
FOR	As indicated
PROJECT	002
THE USER	2013/199/7-01-000-0000
LOCATION	01_03
SCALE	F
DESIGNED BY	
CHECKED BY	
DATE	
TIME	
SCALE	
PROJECT	



100/100 100/100
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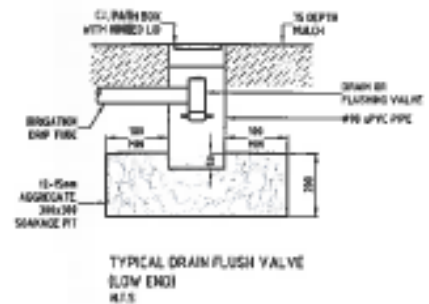
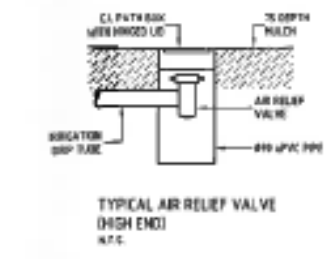
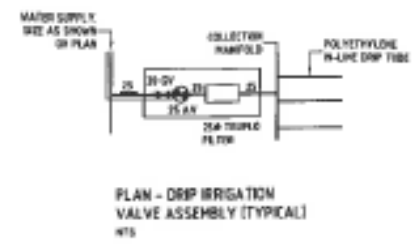
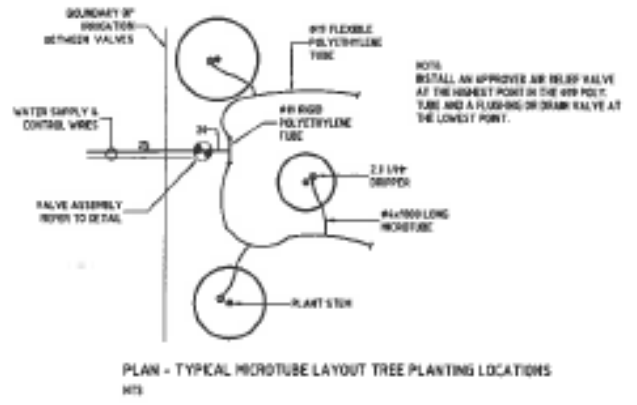
DRG 2013/199/10



LEGEND
 EXPANSION

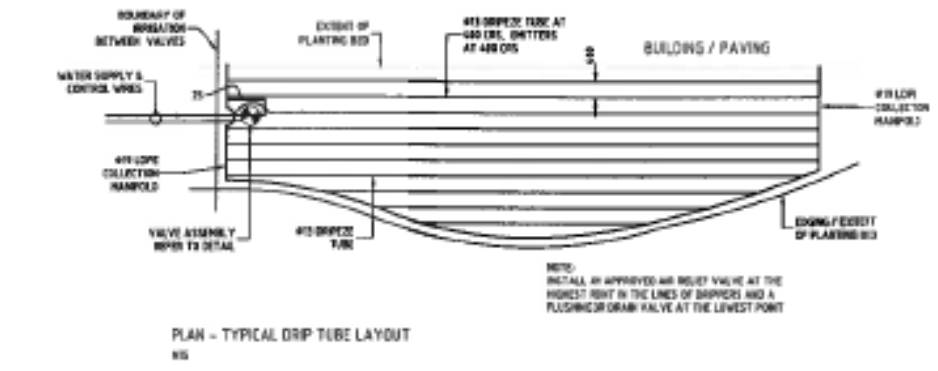
<p>NOTES</p> <p>1. THIS PLAN IS SUBMITTED WITH THE PROPOSAL FOR THE DEVELOPMENT OF THE FRIGATION PLAN - GF.</p> <p>2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES.</p> <p>3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES.</p> <p>4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES.</p>		<p>Scale</p> <p>1:100 @ A1 1:200 @ A3</p>	<p>Canberra Estates ARCHITECTS</p> <p>14/01/2013 14/01/2013 14/01/2013</p>	<p>Project</p> <p>MULTI UNIT DEVELOPMENT Lot 188 0-48 KINGSMILL STREET PORT HEDLAND</p> <p>Client</p> <p>CANBERRA ESTATES CONSORTIUM NO 37 PTY LIMITED</p>	<p>Drawing Title</p> <p>FRIGATION PLAN - GF</p> <p>Scale</p> <p>1:100 @ A1 1:200 @ A3</p> <p>Sheet No.</p> <p>2908-F2 B</p>
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DR 2013/141/11

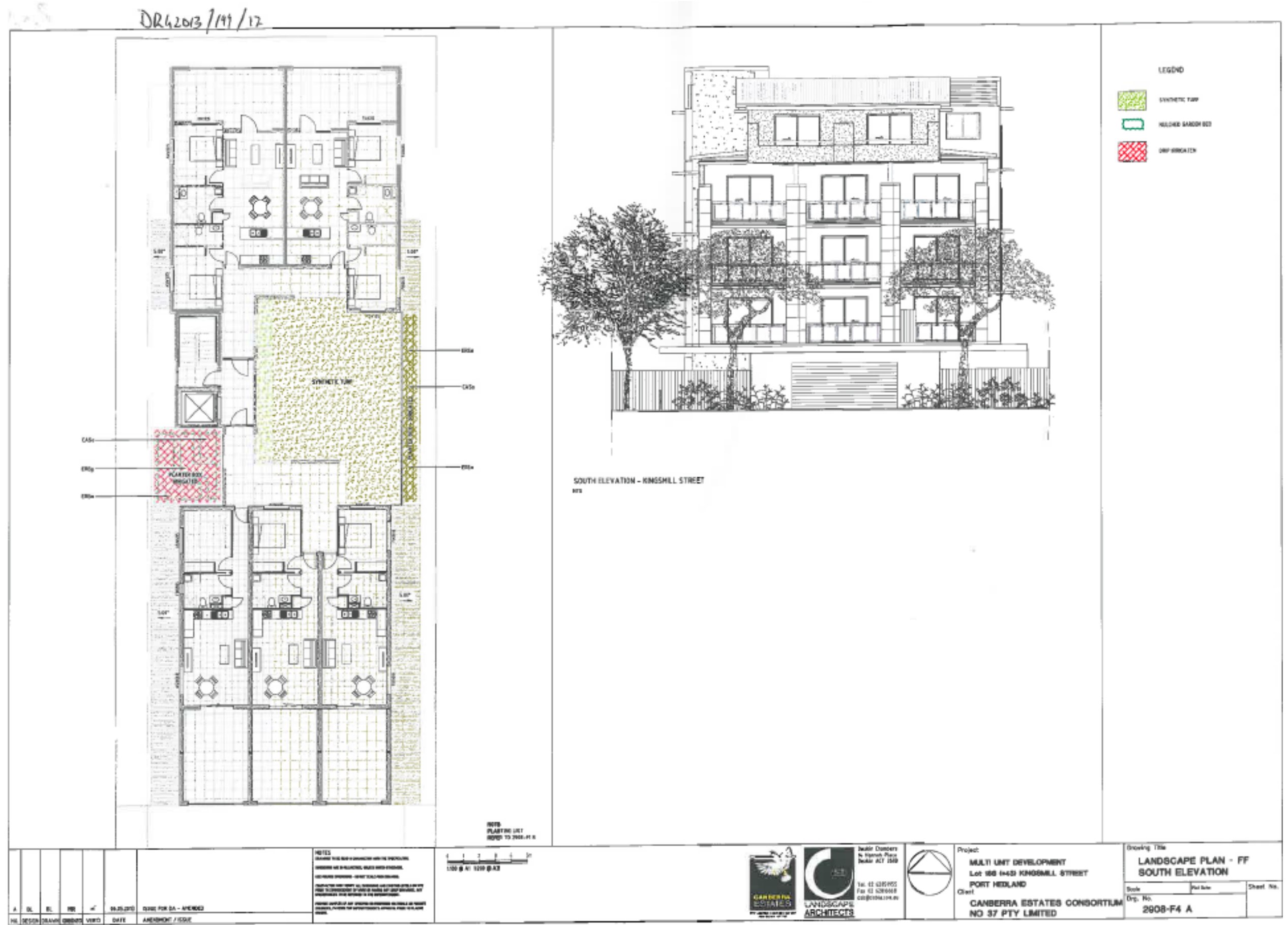


LEGEND & NOTES

- EXISTING SPRINKLER
- EXISTING IRRIGATION LINE, APPROXIMATE LOCATION ONLY
- GLASS 12 HOUR UPVC IRRIGATION PIPE SHOWS DIAMETER AND CONTAINS UP TO 10 AS 1525-1975 PARTS 1-4 AND AS 1525-1975, PIPES AND FITTINGS UP TO AND INCLUDING 20mm DIAMETER TO BE SOLVENT WELD JOINTED. ALL PVP WORK TO BE BEGGED ON AND THEN SURROUNDED WITH 150mm SAND PRIOR TO BACKFILLING.
- 20mm DIAMETER TO BE BEGGED AND JOINTED.
- ALL PIPES 20mm DIAMETER UNLESS OTHERWISE.
- BRASS VALVES (20mm, 25mm, 32mm) BRASS GATE VALVE, 20mm TRIPLE VALVE AND VALVE NUMBER, REFER TO DETAIL.
- ENCLOSE STOP VALVE AND AUTOMATIC VALVE IN A HEAVY DUTY CONCRETE VIBRE BOX, SET OUT TO FINISH FLOOR WITH POLICE.
- PART VALVE NUMBER ON UNDOORFACE OF VALVE LID.
- CONTROL WIRE MODEL / WATER EC 801 PL
- ELECTRICAL CONTROL WIRES AND THE NUMBER OF WIRES, CONNECT TO EXISTING CONTROLS.
- ELECTRICAL CONTROL WIRES TO AUTOMATIC VALVES SHOWING THE NUMBER OF WIRES, CONTROL WIRES TO BE IN ACCORDANCE WITH AUTOMATIC VALVE MANUFACTURER'S SPECIFICATIONS. EARTH WIRE TO BE BLACK COLOURED, HEAVY DUTY POLYETHYLENE COATED, ONE ONLY CONNECTOR PER JOINT.
- CONNECTING WIRE CONTROL WIRES ARE NOT IN A STRAIN WITH THE PIPE, ENCLOSE CONTROL WIRES IN 20mm ORANGE COLOUR HD ELECTRICAL CONDUIT.
- ALL 20V WIRE TO BE MINIMUM 1.5mm² 7/18 ELECTRICAL WIRE.
- 400 HD UPVC CONDUIT - WHERE IRRIGATION PIPE IS UNDER PAVEMENT
- COLLECTOR MANIFOLDS AND LINE SECTIONS OF PIPE TO BE 10mm LOW DENSITY POLYPPC.
- 10mm THICKET 10mm IN-LINE PRESSURE COMPENSATING COP TUBE, 1.2 LPM (ENGLISH RATE), SWITCHES SPACED AT 100 CENTRES, TUBES TO BE BEGGED AT 3-6m INTERVALS WITH APPROVED WIRE STAKE AND LOCATED BY THE SOL/MULCH INTERFACE.
- WITHIN ALL GARDEN BELTS, THE 10mm DRIPPER TUBE IS TO BE THREE CONNECTED TO THE 10mm LOPC COLLECTOR MANIFOLD AS TO FORM A CONTINUOUS LOOP. SINGLE CONNECTIONS AND 'HEAD END' TUBES TO BE AVOIDED WHERE POSSIBLE.
- COLLECTOR MANIFOLDS ARE TO BE POSITIONED SO THAT THE DRIPPER TUBES RUN PARALLEL TO THE LONG AXIS IN EACH AREA. ANY BEND SHAPED AREAS SHALL BE BEGGED BY 10mm TUBE CONNECTED TO AN AROUND 10mm TUBES TO MAINTAIN THE CONTINUOUS LOOP CONCEPT.
- ALL GARDEN BELTS - THE DRIP TUBE SHALL BE LINED AT 100 CENTRES OVER THE ENTIRE BELT.
- NOTE: LOCATION OF TUBING IS NOT SHOWN LAYOUT IN EACH PLANTING BED TO BE APPROVED BY THE SUPERINTENDENT
- PLANTING BED TO BE IRRIGATED WITH DRIP TUBE. FOR LAYOUT REFER TO DETAIL.



<p>NOTES</p> <p>1. REFER TO THE PROJECT SPECIFICATIONS FOR MATERIALS AND METHODS.</p> <p>2. REFER TO THE PROJECT SPECIFICATIONS FOR MATERIALS AND METHODS.</p> <p>3. REFER TO THE PROJECT SPECIFICATIONS FOR MATERIALS AND METHODS.</p> <p>4. REFER TO THE PROJECT SPECIFICATIONS FOR MATERIALS AND METHODS.</p> <p>5. REFER TO THE PROJECT SPECIFICATIONS FOR MATERIALS AND METHODS.</p>				<p>Design: CHAMBERLAIN GREEN VELO</p> <p>Date: 22/05/2013</p> <p>Issue: FOR SA</p> <p>Approved: J. HARRIS</p>		<p>Project: MULTI UNIT DEVELOPMENT</p> <p>Lot 186 1403 KINGSMILL STREET</p> <p>PORT HEDLAND</p> <p>Client: CANBERRA ESTATES CONSORTIUM NO 37 PTY LIMITED</p>		<p>Drawing Title: IRRIGATION PLAN & DETAILS</p> <p>Legend, Notes & Details</p> <p>Scale: 1:100</p> <p>Sheet No: 2908-F3 A</p>	
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ATTACHMENT 3 TO ITEM 11.1.1.13

Report



BUILDING SERVICES

Lot 188, 43 Kingsmill Street, Port Hedland - Dust Ingress Control
Canberra Estates Consortium No 37 Pty Limited

CONFIDENTIAL

Revision: 9.0 - DRAFT
Issued: 6 May 2013

NORMAN DISNEY & YOUNG

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UAE: Dubai
Malaysia: Kuala Lumpur

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Revision No: 9.0
Revision Date: 6 May 2013
Reason Description: DRAFT
File Location: W:\P665xx\IP66810\001\00\24_Reports
Filename: rp130312p0045

Authorisation By: Ian Harwood



Client Name: Canberra Estates Consortium No 37 Pty Limited
Client Contact: Tijana Tubic

Verification By: Paul McDonald

Project Co-ordinator: Ian Harwood
Editor: Ian Harwood





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TOWN OF PORT HEDLAND REQUIREMENTS

We understand that the residential development is within the West end residential zone and within the area to the East of Darlot Street and is on the beach side of Kingsmill St, Port Hedland. The development plan/design guideline adopted by the council detail the 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
- Location of openable windows and doors on the western and southern building facades only
- Use of eaves
- Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening

Recommendations to Reduce Dust Ingress

Therefore to maintain an energy efficient design to meet BCA section J requirements we offer the following solutions to mitigate and comply where possible to mitigate the dust issue.

1. Install non operable and operable windows and doors as per marked up drawings enclosed with report.
2. All units are fitted with ducted split air conditioning system. Outside air is filtered and mixed at the unit with return air which is then filtered and conditioned to meet the heating and cooling requirements of the spaces. See notes below on outside air units.
3. The quantity of outside air will be determined by meeting the exhaust air rates, BCA code requirements for mechanical ventilation as well as over supplying to provide a positive pressurisation of the units to stop uncontrolled outside air ingress.
4. The outside air will be provided at a sufficient quantity to pressurise the space to reduce dust being drawn into the building due to wind pressure on the building.
5. The internal and outside air will be filtered to the standards required by the Town development standards. Outside air shall be filter by a coarse filter and higher grade filter of G3, G4 and F5 type filters respectively. The internal air mixed with the filtered outside air will be filtered by a high grade F5 filter.
6. Entry door and balcony doors will be fitted with dust seals.
7. The toilet and bathroom would be fitted with exhaust systems.

We consider these measures demonstrate that the proposed design achieves the same intent as the provisions within Clause 6.3.9 of Town of Port Hedland Planning Scheme No. 5.

Filtration Ratings

The following air filter grade list is for BS EN779 and BS EN1822 tests. The tests apply to filters used for HVAC, controlled zones and other process control requirements.

BS EN 779 arrestance		Test type/application
G1	<65	Average value for collection of large particles using synthetic dust. Filters installed to prevent mechanical system fouling and as pre-filters to secondary and semi-HEPA range.
G2	65<80	
G3	80<90	
G4	>90	

BS EN 779 efficiency %		
F5	40<60	Average percentage value (for atmospheric dust spot efficiency) using atmospheric air. Filters installed to keep buildings and process spaces clean and free from airborne pollution.
F6	60<80	
F7	80<90	
F8	90<95	
F9	>95	

BS EN 1822 minimum MPPS* %		
H10	85	EN 1822 – Oil mist aerosol MPPS. Filters for specific (high efficiency) air quality control
H11	95	
H12	99.5	
H13	99.95	
H14	99.995	

Outside Air Unit

The outside air unit will provide approximately 300 litres a second filtered, pre conditioned outside air to pressurise the space and provide outside air to the areas which do not have openable windows. The unit would generally be located above the entry hall way. The fresh air intake would ideally be located on the east side of the apartments. However given this is not possible for all of the apartments, intakes on the southern facade are also acceptable. The air conditioning units are to be designed and selected to handle Port Hedland conditions and provide an air off condition which leads to a maximum internal humidity in the range of 55% RH \pm 5% under design conditions. The unit is also to be selected to handle the additional static pressure capacity required of the filters.

Design Changes – 06.05.2013

NDY confirm that this report applies to the following drawings;

Drawing Number	Title	Revision	Revision Date
DA 01	Title Page/Site Plan	F	6/5/13
DA 02	Site Analysis Plan	F	6/5/13
DA 03	Ground and First Floor Plans	F	6/5/13
DA 04	Upper Floor Plans	F	6/5/13
DA 05	Elevations 1	F	6/5/13
DA 06	Elevations 2	F	6/5/13
DA 07	Sections	F	6/5/13
DA 08	Area Analysis	F	6/5/13
DA 09	Fencing Plan	F	6/5/13
DA 10	Accessibility Paths of Travel	F	6/5/13
DA 11	Colours and Finishes	F	6/5/13

The content of this report applies to these mark-ups which supersede previous reports and mark-ups.



APPENDIX A

Marked Up Drawings Showing Positions of Dust Protection Measures



AIRY POINT LOCATION PLAN



SITE AREA



Handwritten signature
6/5/13

220998 3/13
13 13 1301-1304



VIEW OF SITE LOOKING NORTH FROM END KINGSMILL STREET



VIEW OF SITE LOOKING NORTH FROM THE END WARD / BEACH



VIEW FROM SITE LOOKING NORTH BEACH



EXISTING SITE
1:200





EAST ELEVATION
1:100

SOUTH ELEVATION - KINGSMILL STREET
1:100

NORTH ELEVATION
1:100

ELEVATIONS 1

PROJECT: MULTIPLE DEVELOPMENT
 101 BRUCE AVENUE
 ST. PETERSBURG, FL 34781
 CAMERON ESTATES
 CONSTRUCTION NO. 21 A-1

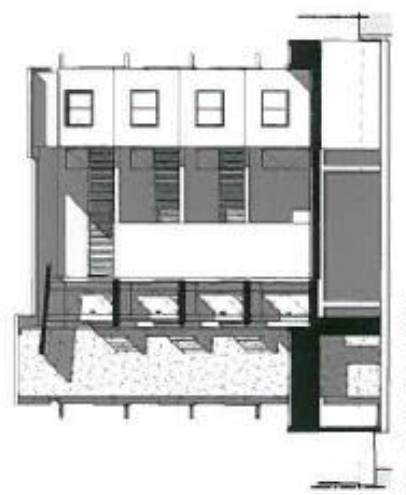
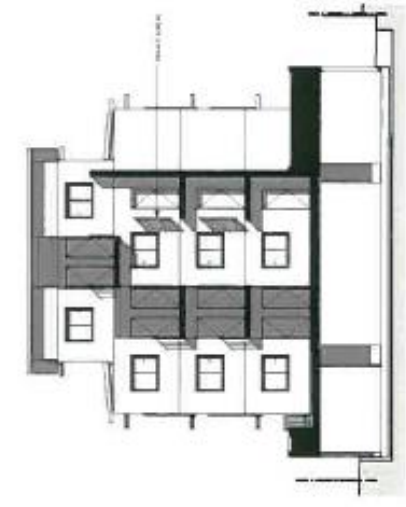
DATE: 6/15/13

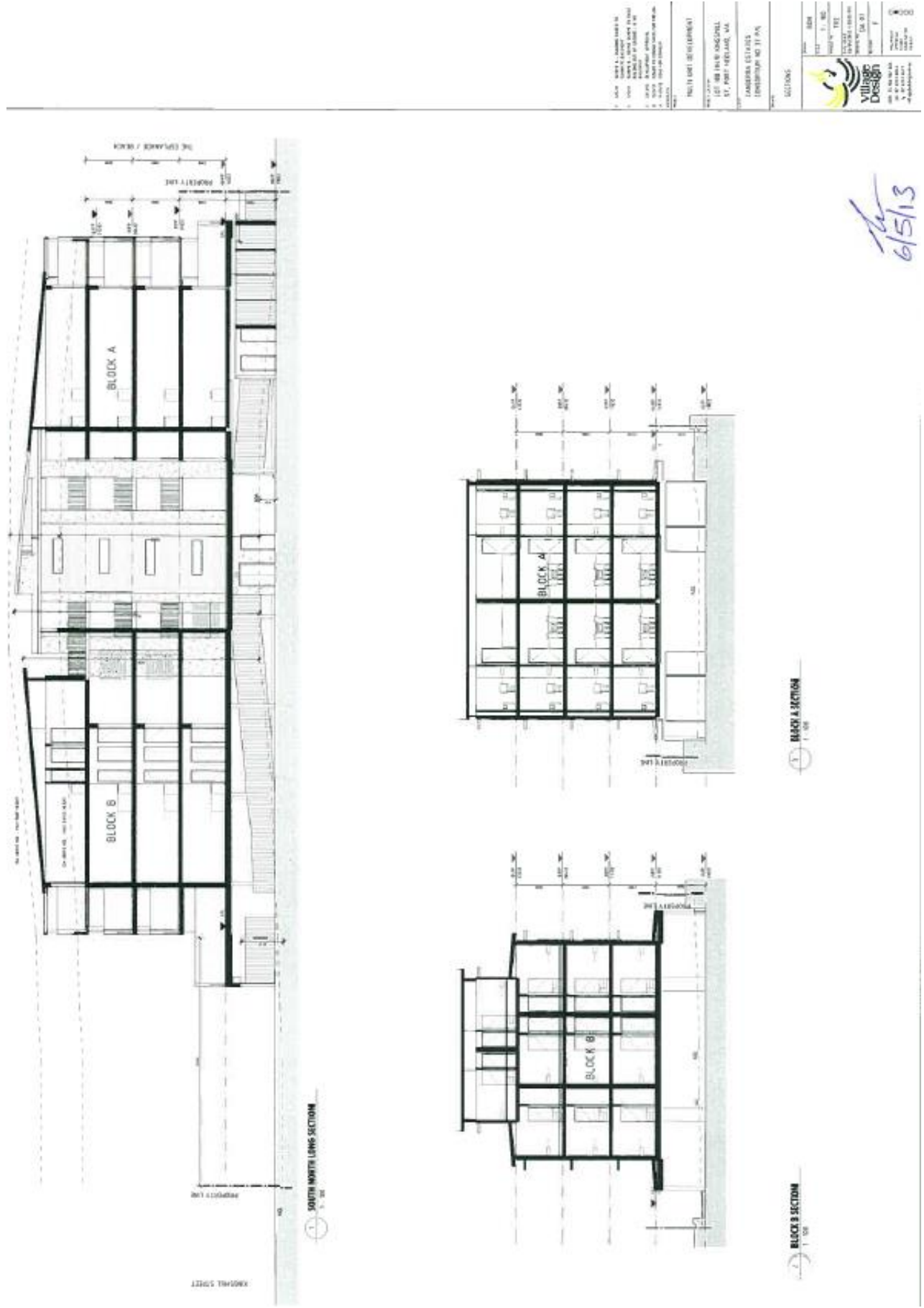
6/15/13

<p>PROJECT: LINDSEY, 2008/09/01 1. LINDSEY, 2008/09/01 2. LINDSEY, 2008/09/01 3. LINDSEY, 2008/09/01 4. LINDSEY, 2008/09/01</p>	<p>PROJECT: LINDSEY, 2008/09/01 1. LINDSEY, 2008/09/01 2. LINDSEY, 2008/09/01 3. LINDSEY, 2008/09/01 4. LINDSEY, 2008/09/01</p>	<p>PROJECT: LINDSEY, 2008/09/01 1. LINDSEY, 2008/09/01 2. LINDSEY, 2008/09/01 3. LINDSEY, 2008/09/01 4. LINDSEY, 2008/09/01</p>	<p>PROJECT: LINDSEY, 2008/09/01 1. LINDSEY, 2008/09/01 2. LINDSEY, 2008/09/01 3. LINDSEY, 2008/09/01 4. LINDSEY, 2008/09/01</p>	<p>PROJECT: LINDSEY, 2008/09/01 1. LINDSEY, 2008/09/01 2. LINDSEY, 2008/09/01 3. LINDSEY, 2008/09/01 4. LINDSEY, 2008/09/01</p>
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6/5/13





6/5/13



APPENDIX B

Extract from CA&MJ Lommers Pty Ltd

Report Pages 56-57.

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

ACN 053 135 318 • ABN 76 349 760 785

REF.: Z:\Projects\2007\2007.0106 L104 Dust Control v2.docx

Page: 4 of 8

The following figure 3 illustrates how air flows around rectangular buildings. It can be established from the streamlines, in the illustration, that wind velocities on the leeward side of the building are lower than the windward side due to the re-circulating of wind down-wind from the building.

This reduction in wind velocity may provide air-borne dust opportunity to settle out of the air and not be drawn into the building.

3. WINDOW AND DOOR ORIENTATION (cont.)

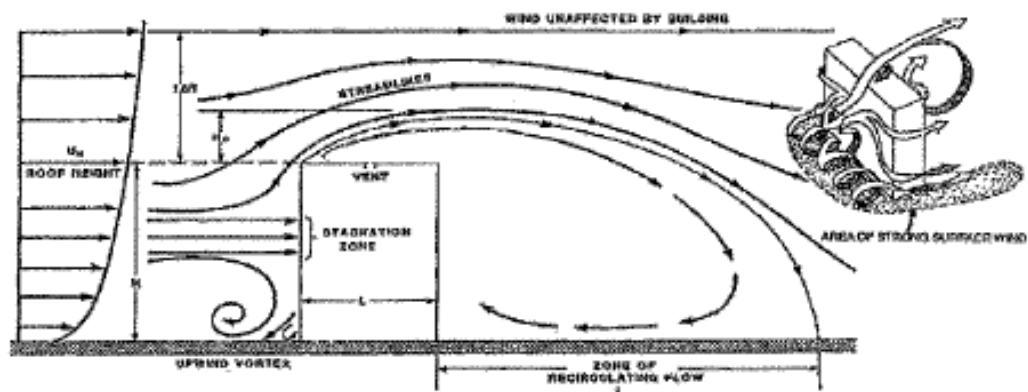


Figure 3 – Flow Patterns around a Rectangular Building (ASHRAE – Fundamentals 2001)

For this reason, openings should be limited to walls on the leeward side of the prevailing winds in Port Hedland.

We have assessed wind rose data for the area, provided by the Bureau of Meteorology, and as such it can be concluded that operable openings on Northern or Eastern facades should be avoided to reduce direct ingress of airborne dust particles.

The prevailing winds in the Northern Dry Season (May to September) indicate the vast majority of the time the wind comes from East-South-Easterly in the morning swinging around to North-Nor-Westerly in the afternoon.⁽⁵⁾

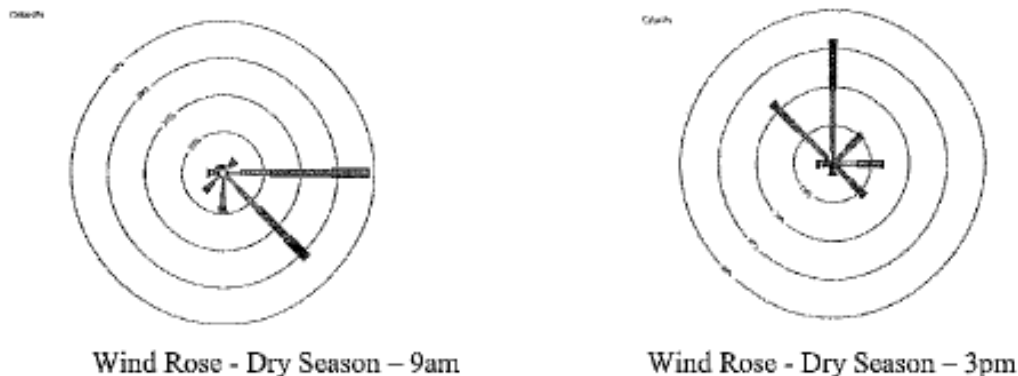


Figure 4a & 4b – Wind Rose Illustrations for Port Hedland (Bureau of Meteorology)

C.A. & M.J. LOMMERS PTY LTD
ACN 053 135 318 • ABN 76 349 760 785

REF.: Z:\Projects\2007\2007.0106 L104 Dust Control v2.docx
Page: 5 of 8

Protective screens or louvers may be implemented to reduce the direct impact of winds onto the windows and produce slow moving re-circulating air zones such as those depicted in Figure 3. In the same manner, eaves provided at roof level are expected to function in a similar way.

By reducing the localised wind velocity, it expected more dust will settle out from the air, lessening ingress into the dwelling.

3. WINDOW AND DOOR ORIENTATION (cont.)

Windows on the west facades should be protected on the left hand side of the opening, windows on the south facade should be protected on the right hand side of the opening.

These screens should be the full height of the windows and designed such that wind may be directed away from the window whilst still maintaining vision out of the window.

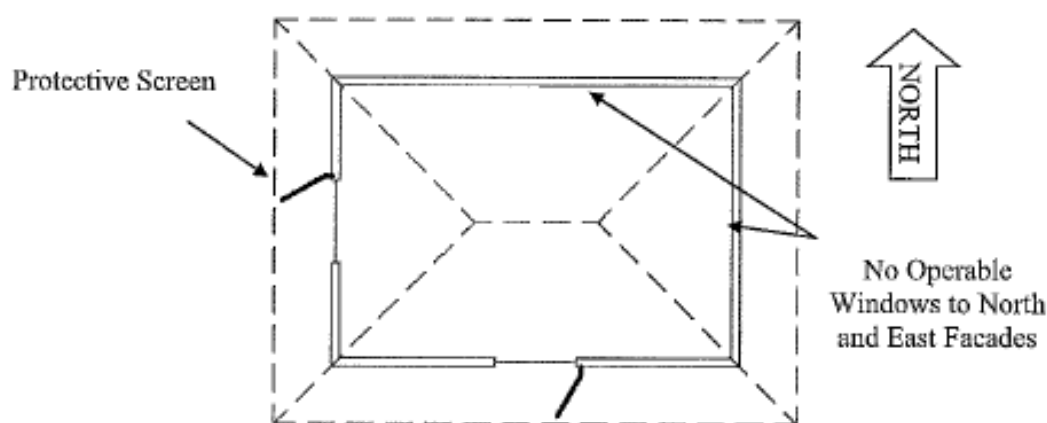


Figure 5 – Window and Deflection Screen Locations

High density developments and high roofs of buildings can be effective to create a building boundary layer that may reduce the direct air-flow into the building. ⁽⁴⁾

By grouping dwellings together atmospheric boundary layers are formed, reducing the local wind velocity in proportion to the height and density of building.

Orienting buildings such that wind-tunnelling effects of prevailing winds amplifying wind velocity should be avoided.

Protective screens and porticos in front of the main building entrance may be of assistance to reduce the direct impact of wind onto the opening.



APPENDIX C

Clause 6.3 Town of Port Hedland

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.

6.3.10 Notwithstanding anything contained within the Residential Design Codes, all residential development in the West End Residential Zone shall comply with the following—

- (a) Residential development must be between a minimum yield equivalent to the R30 density and a maximum yield equivalent to the R80 density for all land and/or any individual lot included within an application for planning approval.
- (b) The maximum internal floor area for all dwellings is 110 m².
- (c) No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms.

6.3.11 When considering an application for planning approval within the West End Residential Zone, Council shall consider the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health.

6.3.12 Notwithstanding Clause 6.1.1 of the Residential Design Codes of Western Australia 2008, Council shall not recommend approval for the creation of lots that are less than 600 m² unless the lots are already developed or it is demonstrated that the lots may be developed for grouped or multiple dwellings.

6.4 URBAN DEVELOPMENT ZONE

6.4.1 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 land. This planning should be documented in the form of a Development Plan. Although subdivision and development may take place prior to the Scheme maps being amended to reflect the details of Development Plans; the Scheme maps should be amended as soon as practicable following the creation of lots and Crown reserves.

6.4.2 Subject to the provisions of clause 5.2, the Council may require the preparation of a Development Plan for the whole or any part of the Urban Development zone.

6.4.3 The Development Plan shall address the matters outlined in Appendix 6.

6.4.4 A Development Plan may require additional conditions and these shall be outlined in Appendix 10. AMD 14 GG 22/8/08

Amendment 22 aims to:

- provide a mechanism to control the demographic for the area;
- create a new residential zone, the 'West End Residential Zone' with the intention of discouraging long term residency by families with children or elderly people;
- add vibrancy to both the West End and the nearby commercial area;
- maximise opportunities for workers in nearby employment nodes to reside close to work; and
- provide alternative opportunities, and commercial and entertainment facilities.

A summary of the mechanisms proposed to achieve these aims is shown in the table below.

Table 3 (c): Changes to West End Development

WEST END	Current Zoning	Proposed Zoning
Density	R30 or R50 <i>(depending on location)</i>	Minimum R30
Maximum Dwelling Size	No limit	110m ²
Maximum No. Bedrooms per dwelling	Not limited <i>Predominantly 3 to 4</i>	2
Potential Bedroom Yield	3,476 <i>Assuming all landowners developed their land with residential buildings to their maximum capacity</i>	2,312 <i>Assuming an average of R60 density is achieved with maximum of 2 bedrooms per dwelling</i>
Grouped Dwellings	Currently possible to create lots with development potential for only a single dwelling	Any new subdivision /amalgamation to be designed to permit development of grouped dwellings
Single Dwellings	Currently a permitted use. New development doesn't require planning approval subject to compliance with the R Codes	To become prohibited use <i>Existing dwellings to be listed as 'additional uses' to protect landowner rights</i>
Building Design Guidelines	None	Proposed
Aged or Young Persons Facilities Permitted	Yes	No
Notification of Potential Health Concerns on the Certificate of Title	This is Council's current practice	This will become a standard for new developments

The Taskforce sought advice on the effectiveness of the measures proposed in Amendment 22. To this end, a report was commissioned from CA and MJ Lommers Pty Ltd on potential modification measures to building design. A full copy of the Lommers Report is provided at Appendix 4.



APPENDIX D

Location of the Site in the context of Wind Direction



ATTACHMENT 4 TO ITEM 11.1.1.13

<p>© 2013 ARCHITECTS ASSOCIATION OF AUSTRALIA</p> <p>ARTISTS' PREVISIONS ONLY</p>	
<p>1. SITE: 1000-1001 KINGSMILL ST, PORT PHILLIP, VIC 3207</p> <p>2. CLIENT: MURDOCH UNIVERSITY</p> <p>3. PROJECT: MURDOCH UNIVERSITY PORT PHILLIP CAMPUS</p>	<p>MULTI UNIT DEVELOPMENT</p>
<p>4. ARCHITECT: MURDOCH UNIVERSITY ARCHITECTURE</p> <p>5. DATE: 2013</p>	<p>ST 100 JAMES HARGRELL ST, PORT PHILLIP, VIC 3207</p> <p>CAMERON ESCALTES</p> <p>CONSORTIUM NO 23 P/L</p>
<p>6. DRAWING NO: 1000-1001 KINGSMILL ST</p> <p>7. DATE: 2013</p>	<p>STREET SUBSCRIPTIONS</p>
<p>8. DRAWING NO: 1000-1001 KINGSMILL ST</p> <p>9. DATE: 2013</p>	<p>DATE: 2013</p> <p>SCALE: 1:500</p> <p>PROJECT NO: 1000-1001 KINGSMILL ST</p> <p>CLIENT: MURDOCH UNIVERSITY</p> <p>ARCHITECT: MURDOCH UNIVERSITY ARCHITECTURE</p> <p>DATE: 2013</p>



KINGSMILL STREET ELEVATION LOOKING NORTH



THE ESPLANADE ELEVATION LOOKING SOUTH (FROM BEACH)

11.1.1.14 Proposed Additional Street Names – Kingsford Business Park (formally Precinct 3) (File No.: 28/17/0001)

Officer Julie MacMile
Lands and Technical Officer

Date of Report 22 May 2013

Disclosure of Interest by Officer Nil

Summary

A previous resolution of Council (6 March 2013) required officers to research names that relate to historical and significant aviation in the Pilbara and, in particular, Port Hedland.

Further research has been undertaken and Council is requested to approve the additional road names (contained within Table 1) for use within the Kingsford Business Park (formally Precinct 3).

Background

Council, at its Ordinary Meeting held on 6 March 2013 resolved to approve a number of Road Names for use within the Kingsford Business Park (formally Precinct 3). As part of this resolution, officers were requested to further research names that relate to aeronautics and aviation with reference to the long history and significance of aviation to the Pilbara and in particular Port Hedland.

Consultation

The Port Hedland Historical Society has been consulted on the list of proposed names. At this stage, a response has not been received from the Society. The Town's Library Officer – Local History has also been consulted.

Statutory Implications

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

Policy Implications

Council Policy 12/004 relates to the naming of roads.

Strategic Planning Implications

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

6.1	Community
6.1.3	Rich in Culture
	Strengthen local communities, history and culture.

Budget Implications

Nil

Officer's Comment

Officers have researched names that are historically significant to aeronautics and aviation in the Pilbara (in particular Port Hedland).

Provided below is a selection of names and their meanings for inclusion in the Town's Reserve Road Name Register for roads within or affiliated with the Kingsford Business Park (formally Precinct 3)

Table 1:

Name	Meaning
Loreto	The name of the Tiger Moth plane that Father Bryan used to service Marble Bar and Roebourne
Quininup	Name of the MacRobertson Miller Airlines (MMA) Viscount 700 plane that crashed at Indee Station on 31 December 1968
Bayley	Brian Bayley was the flight captain of the "Quininup", the MMA Viscount 700 plane that crashed at Indee Station in 1968. There were no survivors.
Indee	Indee Station is significant as the site of one of the worst aviation disasters in Australian History.
Wallareenya	Wallareenya Station was one of the first stages of departure during Port Hedland's evacuation from the threat of Japanese Bombing in 1942.
Vickers	Dr Allen Vickers established WA's first flying doctor base (initially called the Australian Aerial Medical Service) at Port Hedland and flew the first service from Port Hedland to Marble Bar on 30 th October 1935. Dr Vicker's died on 30 October 1967.
Hull	Fred Hull (VK6FH) was the Radio Operator at the Port Hedland flying doctor base from 1935 – 1955.
John Flynn	The <i>John Flynn</i> was the first aerial ambulance used by the Australian Aerial Medical Service (AAMS) in Port Hedland. The De Havilland DH83 Fox Moth VH-USJ <i>John Flynn</i> was based in Port Hedland and operated by

Name	Meaning
	<p>MMA as a reserve aircraft for its north-western services, and for the AAMS. The resident doctor, initially Dr Allan Vickers, was carried as a passenger and the aircraft flown by an MMA pilot.</p> <p>The Rev. John Flynn (who the <i>John Flynn</i> aircraft was named after) fought for and won the establishment of an aerial medical service, Australia-wide. WA's first Flying Doctor Service was established in Port Hedland in 1935. Dr Flynn died in 1951.</p>
Campbell	Max Campbell was engaged as the first pilot and engineer for the De Havilland DH83 Fox Moth <i>John Flynn</i> aerial ambulance for the AAMS in Port Hedland in 1935.
Fawcett	Bob Fawcett was one of Sir Norman Brearley's original intake of pilots (for Western Australia Airways) for the airmail and passenger service from Geraldton to Derby in 1921. Unfortunately, Bob Fawcett was killed while trying to land at Murchison House Station during the inaugural flight in 1921 and he never made it to Port Hedland.
Abbot	Val Abbot was one of Sir Norman Brearley's original intake of pilots (for Western Australia Airways) for the airmail and passenger service from Geraldton to Derby in 1921. Val Abbot died in 1975.

These names have not previously been utilised within the Town and Council is requested to approve them for use within the Kingsford Business Park.

The following names have historical aviation significance but have previously been approved for use within the Town. At this time they are still available and can be made available for use within the Kingsford Business Park.

Name	Meaning
Bryan	Father Edward Bryan was Australia's only flying Parish Priest and Port Hedland's first Parish Priest (appointed in 1941). Father Bryan serviced both Marble bar and Roebourne from Port Hedland using his Tiger Moth plane.
Corunna	<p>Corunna Downs was the location of the secret air force base during WW2.</p> <p>American and Australian Air Force units operated out of Corunna Downs airfield during WW2. They included 25 Squadron (City of Perth) RAAF and the 380th Bomb Group of the American 5th Air Force. They carried out numerous bombing raids on Japanese bases and shipping.</p>

Council has the following options:

1. Approve the use of the names contained within Table 1 for any proposed new roads within or affiliated with the Kingsford Business Park (formally Precinct 3)

The addition of these roads names to the Reserve Road Name Register will result in the names being available for future use within or affiliated with the Kingsford Business Park.

2. Refuse the use of the names contained within Table 1 for any proposed new roads within or affiliated with the Kingsford Business Park (formally Precinct 3)

Refusal will require Council to provide further guidance to the preferred street names.

Option 1 is recommended.

Attachments

Nil

201213/420 Officer's Recommendation / Council Decision

Moved: Cr Gillingham

Seconded: Cr Dziombak

That Council:

1. **Approve the use of the names contained within table 1 for any proposed new roads within the Kingsford Business Park (formally Precinct 3); with the addition of Miller**
2. **Requests the Chief Executive Officer, or his delegate(s), to forward the approved road names and their meanings to the Geographic Names Committee for final approval and inclusion in the Geonoma Adhoc Report (Reserve Road Name Register) for the Town of Port Hedland.**

CARRIED 8/0

11.1.1.15 *Delegated Planning, Building & Environmental Health Approvals and Orders for April and May 2013 (File No.: 18/07/0002 & 07/02/0003)*

Officer Carly Thompson
Executive Assistant
Planning &
Development

Date of Report 13 June 2013

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the months of April and May 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 months of April and May 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

1. Delegated Planning, Building and Environmental Health approvals and orders for April and May 2013.

201213/421 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the months of April and May 2013 be received.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.15

DELEGATED PLANNING APPROVALS FOR APRIL 2013

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2012/669	SINGLE HOUSE - ANCILLARY ACCOMMODATION	274	2 BRIDGE STREET SOUTH HEDLAND 6722	22/04/2013	QUESTUS	\$ 481,920.00
2013/10	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	282	31 MASTERS WAY SOUTH HEDLAND 6722	22/04/2013	QUESTUS	\$ 431,818.18
2013/21	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	88	7 LEEWARD STREET SOUTH HEDLAND 6722	26/04/2013	QUESTUS	\$ 485,702.77
2013/114	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	84	18 KANGAROO PLACE SOUTH HEDLAND 6722	22/04/2013	QUESTUS	\$ 378,360.00
2013/155	RETAINING WALL	568	16 MOORING LOOP SOUTH HEDLAND 6722	22/04/2013	HELEN MARGARET FARRELL	\$ 18,500.00
2013/161	HOME BUSINESS - PLANNING CONSULTANT	61	147-151 GREENFIELD STREET BOODARIE 6722	29/04/2013	WHELANS	\$ 0.00
2013/204	INFRASTRUCTURE - REPLACING WATER PIPELINES	500	203 GREAT NORTHERN HIGHWAY BOODARIE 6722	23/04/2013	ROY HILL HOLDINGS PTY LTD	\$ 700,000.00
2013/233	SHADE SHELTER & SIGN TO EXISTING INFORMATION BAY	11	LOT 11 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721	23/04/2013	NS PROJECTS	\$ 163,608.00

DELEGATED PLANNING APPROVALS FOR MAY 2013

APPLICATION NO	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPLIC APPRVD.	APPLICANTS NAME.	DEVELOPMENT VALUE
2013/25	ANCILLARY ACCOMMODATION	1	209 ATHOL STREET PORT HEDLAND 6721	6/05/2013	LEIMAC BUILDING PTY LTD	\$ 154,080.00
2012/648	ANCILLARY ACCOMMODATION	22	22 CAPTAINS WAY SOUTH HEDLAND 6722	7/05/2013	LEIMAC BUILDING PTY LTD	\$ 185,560.00
2013/126	ADDITIONAL COVERED AWNING TO EXISTING BUILDING	2510	8 MOORAMBINE STREET WEDGEFIELD 6724	7/05/2013	HIGHTOWER PLANNING & DEVELOPMENT	\$ 80,000.00
2013/151	WASTE WATER (TREATED) CONTINGENCY DISPOSAL	4508	L6067 SHOATA ROAD SOUTH HEDLAND 6721	7/05/2013	TPG TOWN PLANNING & URBAN DESIGN	\$ 1,850,000.00
2013/153	SINGLE HOUSE AND ANCILLARY ACCOMMODATION	1206	5 HAIG STREET SOUTH HEDLAND 6722	7/05/2013	QUESTUS	\$ 375,500.00
2013/168	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	1204	1 HUXTABLE CRESCENT SOUTH HEDLAND 6722	7/05/2013	QUESTUS	\$ 493,100.00
2012/640	ELEVEN (11) MULTIPLE DWELLINGS	290	10 GREENE PLACE SOUTH HEDLAND 6722	15/05/2013	AZTEC ARCHITECTS	\$ 1,500,000.00
2013/182	STORAGE FACILITY / DEPOT/LAYDOWN AREA	322	L203 BOODARIE DRIVE BOODARIE 6722	15/05/2013	ROY HILL INFRASTRUCTURE PTY LTD	\$ 1,800,000.00
2013/191	INFRASTRUCTURE - WASTEWATER PUMP STATION AND ASSOCIATED PIPELINES	5157	LOT 5157 FORREST CIRCLE SOUTH HEDLAND 6722	15/05/2013	TPG TOWN PLANNING & URBAN DESIGN	\$ 5,157,000.00
2013/159	INFRASTRUCTURE - WASTEWATER PUMP STATION AND ASSOCIATED PIPELINES	3257	L3257 SCADDEN ROAD SOUTH HEDLAND 6722	17/05/2013	WATER CORPORATION	\$ 5,152,343.00
2013/157	PROPOSED WAREHOUSE AND OFFICE	213	5 STEEL LOOP WEDGEFIELD 6721	22/05/2013	NORTHWEST SHEDMASTERS PTY LTD	\$ 636,418.18
2013/181	CHANGE OF USE - SHOWROOM TO TAKEAWAY FOOD OUTLET	51	18 A MURRENA STREET WEDGEFIELD 6721	22/05/2013	GREG ROWE AND ASSOCIATES	\$ -
2013/189	MULTIPLE DWELLING - ROOF STRUCTURE ADDITION TO EXISTING DECK	676	44 COUNIHAN CRESCENT PORT HEDLAND 6721	22/05/2013	HIGHTOWER PLANNING & DEVELOPMENT	\$ 40,000.00
2013/221	SINGLE HOUSE - OUTBUILDING	5	17-21 GREENFIELD STREET BOODARIE 6722	22/05/2013	ANDREW OLDING	\$ 200,000.00
2013/203	SINGLE HOUSE - OUTBUILDING	101	54 REDBANK ROAD REDBANK 6721	27/05/2013	ANDREW OLDING	\$ 200,000.00
2013/279	SHOPPING CENTRE - INTERNAL TAKEAWAY FOOD OUTLET	1003	9-31 THROSSELL ROAD SOUTH HEDLAND 6722	28/05/2013	DHANSHREE PTY LTD	\$ 100,000.00
2013/196	HOME BUSINESS - BEEF JERKY PREPARATION	137	UNIT 8062 13 JOHN WAY SOUTH HEDLAND 6722	30/05/2013	LEONIE FULLER	\$ -
2013/202	DOUBLE STOREY ADDITION TO SINGLE DWELLING	5661	24 MATHESON DRIVE PORT HEDLAND 6721	30/05/2013	IT CONSTRUCTIONS PTY LTD	\$ 250,000.00

COUNCIL APPROVALS FOR APRIL 2013

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2012/461	INDUSTRY- NOXIOUS - UPGRADE EXISTING CONCRETE BATCHING PLANT	987	7 PEAWAH STREET WEDGEFIELD 6724	24/04/2013	RSA	\$ 800,000.00
2012/544	LIGHT INDUSTRY - DEVELOPMENT SIGN (SEA CONTAINER) & PYLON	9000	L9000 PINGA STREET WEDGEFIELD 6721	24/04/2013	SIGN STRATEGY	\$ 10,000.00
2012/649	FOUR (4) GROUPED DWELLINGS	742	103 ANDERSON STREET PORT HEDLAND 6721	24/04/2013	BASEMARK ENTERPRISES PTY LTD	\$ 1,500,000.00
2013/115	SINGLE HOUSE (RECTORY)	500	181 WILSON STREET PORT HEDLAND 6721	24/04/2013	T & R HOMES WA	\$ 262,169.00
2013/122	23 MULTIPLE DWELLINGS	509	30 SUTHERLAND STREET PORT HEDLAND 6721	30/04/2013	MEGARA SIX PTY LTD	\$ 6,500,000.00

COUNCIL APPROVALS FOR MAY 2013

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2013/101	TEN (10) SINGLE BEDROOM DWELLINGS	1	65 KINGSMILL STREET PORT HEDLAND 6721	22/05/2013	OWEN HIGHTOWER	\$ 2,700,000.00
2013/170	THIRTEEN (13) MULTIPLE DWELLINGS	733	60 MOORE STREET PORT HEDLAND 6721	22/05/2013	MEGARA FIVE PTY LTD	\$ 3,700,000.00
2013/187	FOURTEEN (14) MULTIPLE DWELLINGS	507	28 SUTHERLAND STREET PORT HEDLAND 6721	22/05/2013	SUSTAINABLE PROPERTY DEVELOPERS PTY LTD	\$ 3,500,000.00

DAP APPROVALS FOR APRIL 2013

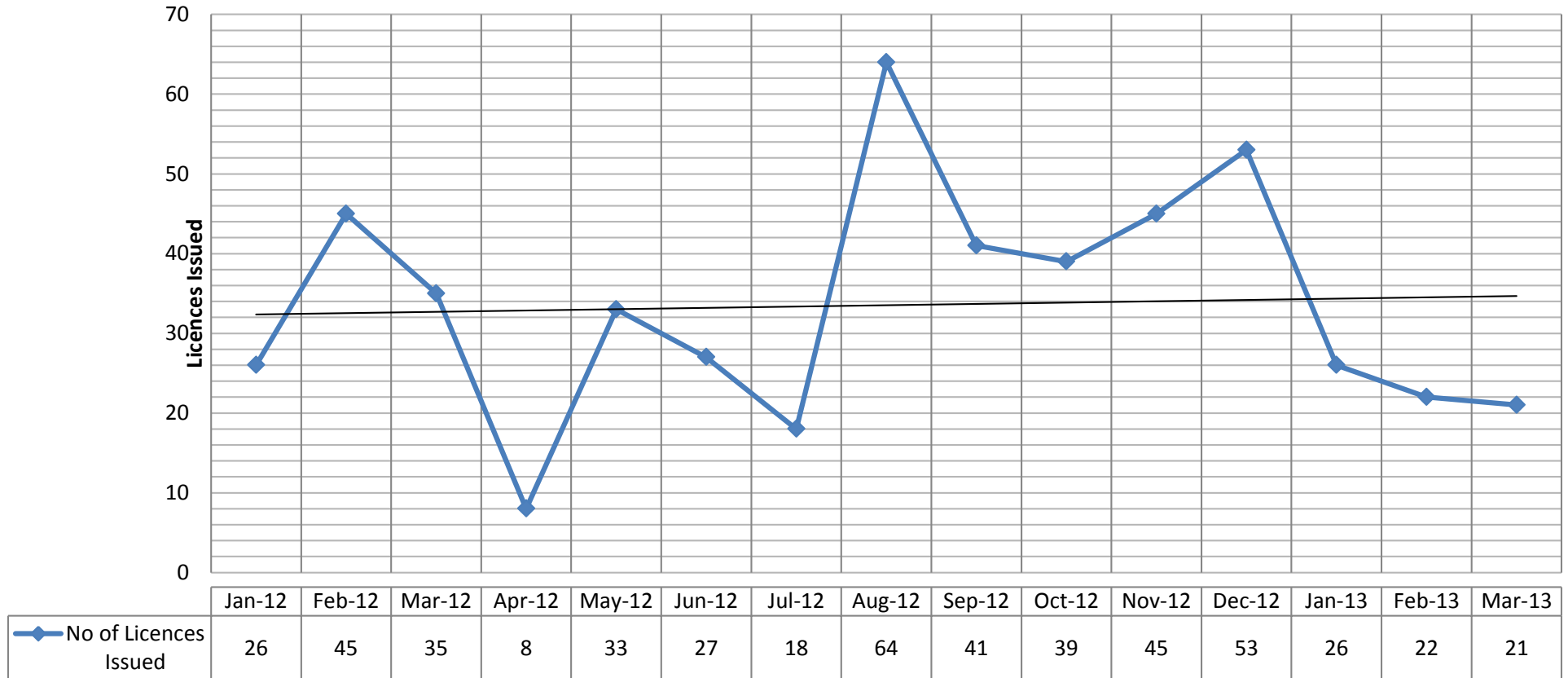
APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2013/3	REDEVELOPMENT OF WALKABOUT HOTEL - CONSTRUCTION FLY CAMP AND ASSOCIATED CAR PARKING, HOTEL DEVELOPMENT AND ASSOCIATED CAR PARKING	1611	LOT 944 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721	24/04/2013	TPG TOWN PLANNING & URBAN DESIGN	\$ 25,000,000.00

DAP APPROVALS FOR MAY 2013

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2013/183	TWELVE (12) MULTIPLE DWELLINGS	737	113 ANDERSON STREET PORT HEDLAND 6721	30/05/2013	HODGE COLLARD PRESTON ARCHITECTS	\$3,025,000.00

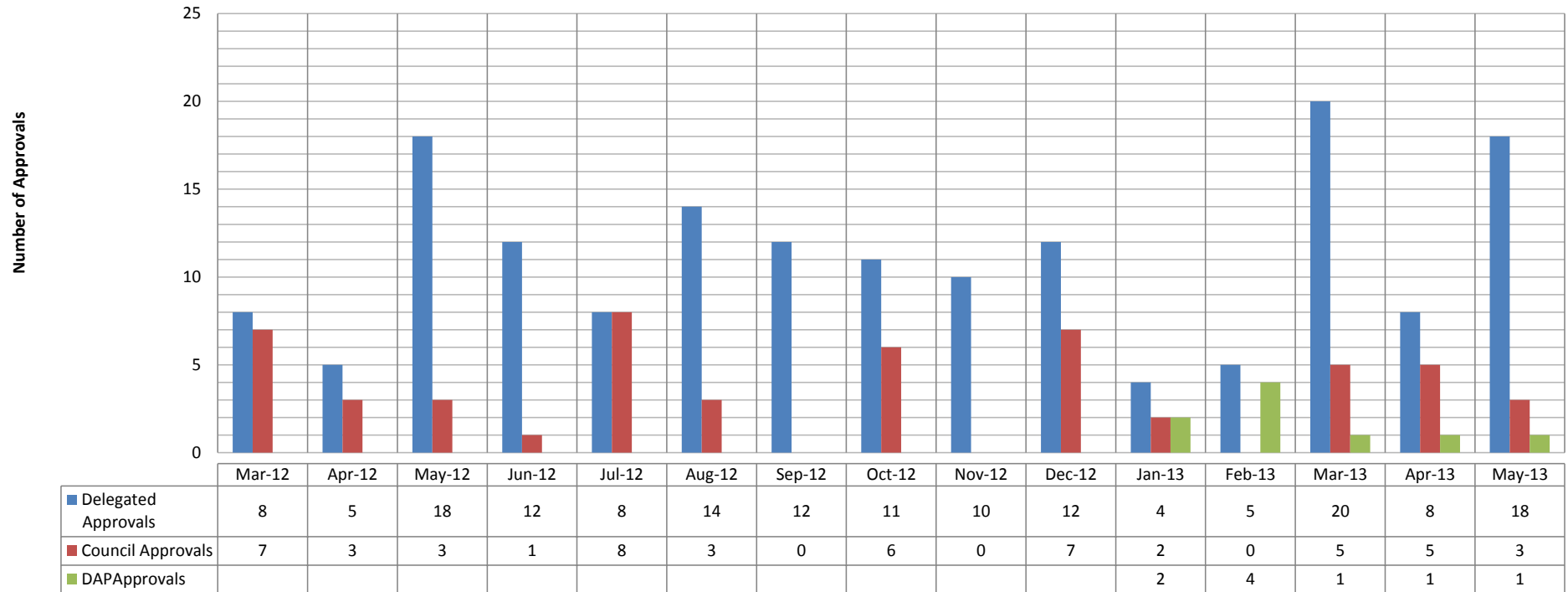
DELEGATED PLANNING APPROVALS FOR MARCH 2013

Summary & Trendline for Building Licence Approvals



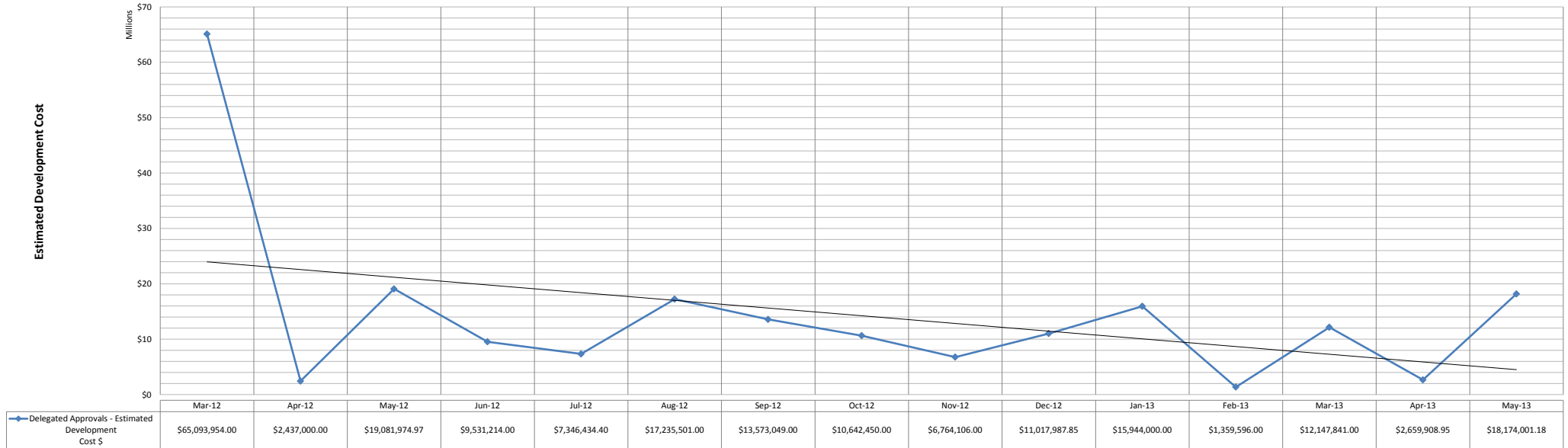
COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR APRIL & MAY 2013

Summary & Trendline of
Town Planning Council, Delegated & DAP Approvals



DELEGATED PLANNING APPROVALS FOR APRIL & MAY 2013

Summary & Trendline of
Town Planning Delegated Approvals
Estimated Development Costs



DELEGATED BUILDING APPROVALS FOR MARCH 2013

Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
13-069	25.03.2013	SOUTH HEDLAND	UNAUTHORISED WORK - PATIO & CARPORT	\$ 18,360.00	24	Class 10a
13-059	13.03.2013	SOUTH HEDLAND	ABOVE GROUND POOL	\$ 2,200.00	17	Class 10b
13-075	25.03.2013	PORT HEDLAND	ABOVE GROUND POOL	\$ 2,000.00	12	Class 10b
13-042	01.03.2013	BOODARIE	NEW DWELLING	\$ 562,606.00	270	Class 1a
13-044	01.03.2013	BOODARIE	NEW DWELLING	\$ 562,606.00	270	Class 1a
13-031	12.03.2013	PORT HEDLAND	2x RESIDENTIAL HOUSES	\$ 1,111,826.00	454	Class 1a
13-067	19.03.2013	PORT HEDLAND	2 X UNITS (4 BED 3 BATHROOM)	\$ 982,107.00	315	Class 1a
13-051	19.03.2013	PORT HEDLAND	ANCILLARY ACCOMODATION	\$ 105,000.00	50	Class 1a
13-058	20.03.2013	PORT HEDLAND	EXTENSION TO SECOND STORY OF EXISTING SINGLE DWELLING	\$ 135,000.00	33	Class 1a
13-050	26.03.2013	PORT HEDLAND	3 x Two Storey Grouped Dwellings	\$ 2,667,060.00	294	Class 1a
13-048	27.03.2013	PORT HEDLAND	Ground floor addition to Dwelling	\$ 12,000.00	25	Class 1a
13-070	25.03.2013	SOUTH HEDLAND	FORWARD WORKS ONLY	\$ 300,000.00	0	Class 2
13-053	15.03.2013	PORT HEDLAND	STAGE ONE - STRUCTURAL WORKS UP TO LEVEL 1 SLAB FOR 21 APARTMENTS, CAR PARK & COMMERCIAL TENANCIES	\$ 2,300,000.00	2753	Class 2 3 5 6 7a
13-043	01.03.2013		44 UNITS - STAGE ONE	\$ 17,176,387.00	3645	Class 2 and 10a
12-216	06.03.2013	WEDGEFIELD	1 x Warehouse with office mezzanine	\$ 565,800.00	215	Class 5 and 7b
13-056	11.03.2013	WEDGEFIELD	WAREHOUSE WITH OFFICE/MEZZANINE	\$ 565,800.00	215	Class 5 and 7b
13-060	21.03.2013	WEDGEFIELD	STOREROOM FITOUT	\$ 75,000.00	61	Class 7b and 10b
TOTAL	17			\$ 27,143,752.00		

DEMOLITION LICENCES FOR MARCH 2013

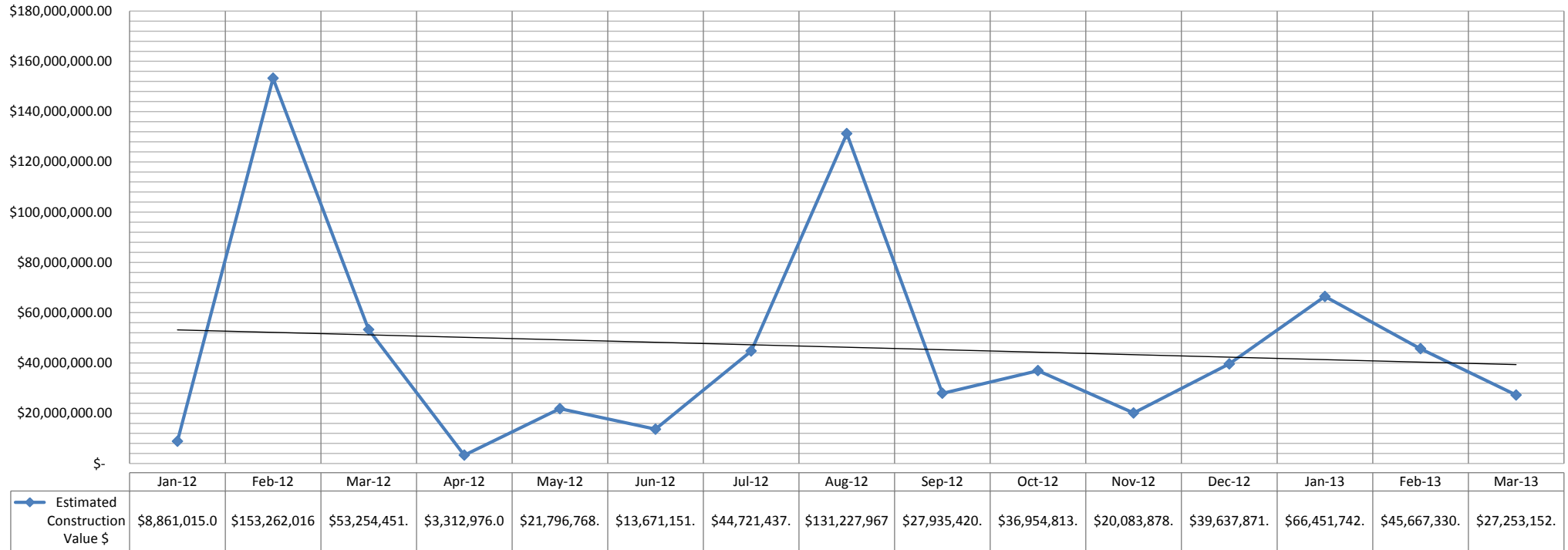
DEMOLITION PERMIT						
Permit Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)	Classification	Floor Area
13-046	07.03.2013	PORT HEDLAND	PARTIAL DEMOLITION	\$ 30,000.00	Class 10a	50
13-061	12.03.2013	PORT HEDLAND	DEMOLITION OF HOUSE	\$ 32,000.00	Class 1a	176
13-066	20.03.2013	SOUTH HEDLAND	DEMOLITION OF SINGLE DWELLING AND CARPORT	\$ 32,400.00	Class 1a & 10a	36
13-040	15.03.2013	WEDGEFIELD	DEMOLITION - WAREHOUSE/SHED	\$ 15,000.00	Class 8	234
Total	4	Demolition Licences Issued		\$ 109,400.00		446

OVERVIEW SUMMARY FOR MARCH 2013

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
4	Demolitions	\$109,400	446	\$245.29
8	Dwellings	\$6,138,205	1,711	\$3,587
1	Class 10a	\$18,360	24	\$765
2	Class 10b	\$4,200	29	\$145
6	Commercial	\$20,982,987	6,889	\$3,046
	Other			
21		\$27,253,152	9,099	\$7,788

DELEGATED BUILDING APPROVALS FOR MARCH 2013

Summary & Trendline of
Estimated Construction Value of Building Licences Issued



CURRENT LEGAL MATTERS FOR MARCH 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 1/10/2013 to allow for sealing of the properties to occur.	BM
125950G	Lot 2060 Yanana Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorneys - Court proceedings in progress	BM
121110G	Lot 12 Schillaman Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorneys - Court proceedings in progress	BM
805069G	Lot 23, #5 Quartz Quarry road, South Hedland rural estate	Human habitation of an outbuilding	Handed over to the attorneys - Court proceedings in progress	BM
154462G	Lot 82, # 2 Councillor road, South Hedland rural estate	Unauthorised storage of residential structures	Handed over to the attorneys - Court proceedings in progress	BM

CURRENT HEALTH ORDERS AS OF MARCH 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 received by Town of Port Hedland, as such no approval has been granted for use as a temporary spectator stand ~ Town has notified Turf Club of issue	

Direction under Foreshore & Reserves Local Law			
File No.	Address	Issue	Current Status
130510G	Lot 5873 # 17 Schillaman Street, Wedgefield	A direction has been issued to remove several caravans, buses, shipping containers & transportable dwellings	The occupiers of The site have been given until Friday 5th July to comply with direction.

11.1.2 Environmental Health Services**11.1.2.1 *Determination of Proposed Food Vans for 2013-2015 and the Proposed Inclusion of Marquee Park as an Approved Trading Location (File No.: 19/04/0001)***

Officer	Michael Cuvalo
	Coordinator Environmental Health Services
Date of Report	14 June 2013
Disclosure of Interest by Officer	Nil

Summary

As approved by Council (please refer to 26 September 2012 Ordinary Council Meeting Minutes item 11.1.7) the Town's Environmental Health Department are to submit to Council a report in June of each year listing each of the applications for a Trading in Public Places Permit for Category 2 and 3 street side vending.

This report will provide a brief description of each proposed food van, requested locations and times of operation for Council approval.

Further to this, it has been requested that an amendment be made to the Towns Trading in Public Places Policy 13/013 to include Marquee Park as a trading location for a drinks/pre-packaged food van to trade on a limited term until the kiosk commences operation.

Background

In September 2012 Council approved an amendment to the Towns Trading in Streets and Public Places Policy 13/013 which now requires all applications for Street Trading permits for category 2 and 3 food vans to be submitted to the Town for review by May 31st each year.

These applications are assessed by the Town's Environmental Health Department against the *Australia New Zealand Food Safety Standards, Western Australian Food Act 2008 and Food Regulations 2009*. Those applications found to be in compliance with the previously mentioned standards and legislation will then be submitted to Council for final approval based on what Council believes will best serve the community.

This amendment also saw the establishment of specific locations where food vans can operate and a maximum number permitted to operate in each location at any given time. This was to ensure that the Town is best catered for by food vendors and to prevent the establishment of 'Food Courts' at each location.

Marquee Park 'Splash and Play' officially opened to the public in April 2013. Since opening, the park has proved to be very popular with local residents, particularly young families and children.

The existing kiosk facility at Marquee Park 'Splash and Play' has not been fitted out with furniture and equipment and is currently not operational. The primary reason for not opening the kiosk is that the Town and FMG have a signed funding agreement to redevelop the kiosk area into a training café. Project timeframes for this work have not been finalised, however it is anticipated that construction will commence in the 2013/2014 financial year.

The Town recognises the importance of offering food and beverage services to residents utilising the park in the short term. Therefore it is proposed that as an interim measure Council amend policy - Trading in Public Places 13/013 to include Marquee Park 'Splash and Play' as a nominated trading location for Category 2 low risk food vendors e.g. coffee and ice cream vans.

Recreation Services and Engineering Services have identified a number of suitable locations for approved food vendors to operate from within Marquee Park 'Splash and Play'. These locations will continue to be monitored to ensure the food vendors do not impact residents using the park.

Once the new training café is completed and operational an agenda item will be presented to Council to remove Marquee Park 'Splash and Play' from the approved trading locations.

Consultation

Consultation has been undertaken in the form of complaints/concerns from the public in relation to the manner of which food vans have operated in the past. Each complaint/concern has been investigated and at this stage no investigations have led to findings that would result in the revocation of a Trading Permit or breaches of food legislation that would lead to a recommended prosecution.

Statutory Implications

Each food van is now treated in the same manner that a fixed food premises would be. Each van undergoes full audits for compliance with the *Australia New Zealand Food Safety Standards, Food Act 2008* and *Food Regulations 2009*.

Policy Implications

If approved by Council, this report will see the inclusion of Marquee Park as a nominated location for food van trading. This will result in the list of approved sites, included in section 3 of the Trading in Public Places Policy 13/013, reflecting Marquee Park's inclusion.

Strategic Planning Implications

Nil

Budget Implications

Applications for a yearly Trading in Streets and Public Places Permit currently have a set fee of \$589.00 plus an application fee of \$52. The Town also now requires all applicants to submit a Food Act Notification/Registration form which currently has a fee of \$53.

If Council resolves to approve the current applicants, Council will receive a total of \$7,634.00 in fees.

If Marquee Park is approved as a trading location then further fees will be received. The amount of fees generated from a food van approved to operate at this site is unclear as the term of operation will cease once the kiosk eventually opens. This restriction will be set on the licence.

Officer's Comment

Below is a list of each proposed food van with details of where the operator wishes trade from and any other relevant information.

The Town's Environmental Team has undertaken detailed review of each application and has completed thorough inspections on ten of the eleven vans. An inspection is pending due to one van still being under construction. Please note that if approved for operation the inspection will be undertaken when the van is available and if it is found not to meet minimum food safety standards a permit will not be issued.

As established in the Trading in Public Places Policy 13/013 there are clear requirements that no more than three vans can operate at a location simultaneously. This will be the responsibility of the operators to manage. The Town's Environmental Health Department have warned all food van operators that if more than three vans are found at a site or if a dispute arises regarding locations or times, the Town will suspend all permits of people involved until a resolution, acceptable to the Town of Port Hedland, is achieved.

On each of the applications submitted, the applicants have listed the desired times during the day they would like trade, some of which are 24hrs or into the early hours of the morning. As established in the Trading in Public Places Policy 13/013, food vans will be approved to trade between the hours of 5am to 10pm. To this end all approved vans will be issued permits stating trading times between 5am and 10pm. No trade will be permitted outside of these hours.

Applicant 1 – Pilbara Flavours

Proposed Location	Wedgefield Wheelbarrow.
Type of foods	Gourmet burgers, pies, sausage- rolls, sandwiches and rolls, pizza and drinks. All prepared fresh in the van each day.
Comments	This van has been successfully operating from this location since 2011. No complaints have been received.

Applicant 2 – Caffeine Cart

Proposed Location	Wedgefield Wheelbarrow and Airport Information Bay (Great Northern Highway).
Types of food	Coffee, tea, hot chocolate, chai, smoothies, frappes and milkshakes.
Comments	Now operated by the owners of Pilbara Flavours. No complaints have been received.

Applicant 3 – The Daily Grind

Proposed Location	Dreamers Corner (Cnr of Hamilton Road and North Circular Road), Don Rhodes Museum Park, and Airport Information Bay.
Types of food	Gourmet coffee/tea, milkshakes, iced/hot chocolate, water, soft drinks, bottled juice, pre-packaged cookies, cakes, muffins and pies.
Comments	No complaints have been received.

Applicant 4 – Robkins Coffee

Proposed Location	Don Rhodes Museum Park
Types of food	Coffee based beverages and pre-packaged cakes, muffins and biscuits.
Comments	No complaints have been received.

Applicant 5 – Las Patronas Mexicana

Proposed Location	Don Rhodes Museum Park, Port Hedland Boat Ramp, Airport Information Bay, Wedgefield Wheelbarrow, Dreamers Corner.
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Types of food	Burritos, Nachos, Tacos, cold drinks and Mexican drinking chocolate.
Comments	No complaints have been received.

Applicant 6 – Ando’s Kebab Hut

Proposed location	Dreamers Corner, Port Hedland Boat Ramp, Don Rhodes Museum Park.
Type of food	Kebabs, soft drinks and chips.
Comments	No complaints have been received.

Applicant 7 – MG Kailis

Proposed location	Don Rhodes Museum Park, Dreamers Corner.
Type of food	Frozen fish, prawns and other seafood.
Comments	No complaints have been received.

Applicant 8 – Sues Place Coffee Van

Proposed location	Wedgefield Wheelbarrow, Dreamers Corner, Airport Information Bay, Don Rhodes Museum Park.
Type of food	Coffee, cakes, pies and cold drinks.
Comments	No complaints have been received.

Applicant 9 – Sues Place Kebab Van

Proposed location	Wedgefield Wheelbarrow, Dreamers Corner, Airport Information Bay, Don Rhodes Museum Park.
Type of food	Fish and chips, kebabs, salad and other assorted food prepared and Sues Place
Comments	Some complaints received but issues resolved after inspection and directions given by the Town’s Environmental Health Department.

Applicant 10 – Robkins Juice

Proposed location	Don Rhodes Museum Park
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Type of food	Fresh juice, smoothies, coffee based drinks, wraps and bagels, toasties.
Comments	No complaints have been received.

Applicant 11 – Proposed Food Van - Stephen Westfield

Proposed location	Don Rhodes Museum Park, Port Hedland Boat Ramp, Airport Information Bay, Wedgefield Wheelbarrow, Dreamers Corner.
Type of food	Thai and Mexican food prepared off site in a commercial kitchen
Comments	This is currently just a proposal. Van is not constructed yet. If approved a full audit will be undertaken and non-compliance will result in no permit being issued.

All food vans are subject to regular food safety inspections and non-compliance will result in fines and potential prohibition orders which will prevent the van from operating.

As stated it will be the responsibility of the food van operators to ensure that only three vans operate at each site. If this is not complied with all food van operators involved will have their permits suspended until the issue is resolved.

Though the changes made to the Trading in Public Places Policy 13/013 in 2012 were in response to a significant increase in proposals and applications for food vans, at the end of this year's application period the Town is in receipt of only 11 applications. As such it will be recommend that Council grant approval to the eleven food vans to operate for two (2) years.

A review will be undertaken after twelve (12) months. This review will result in a report being supplied to Council detailing any complaints or non-compliances that occurred and will allow Council to cancel a permit if it is in the best interest of the Town.

Attachments

1. Trading in Public Places Policy 13/013

Officer's Recommendation

That Council:

1. Grant approval to Pilbara Flavours, Caffeine Cart, The Daily Grind, Robkins Coffee, Ando's Kebab Hut, MG Kailis, Sues Place Coffee Van, Sues Place Kebab Van, Robkins Juice, and Stephen Westfield to operate for a period of two (2) years in accordance with Towns Trading in Public Places Policy 13/013.
2. Approve the amendment to the Town's Trading in Public Places Policy 13/013 to include Marquee Park as an approved location for the trading of a Category 2 food van until the kiosk is operational.

201213/422 Alternative Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

1. **Grant approval to Pilbara Flavours, Caffeine Cart, The Daily Grind, Robkins Coffee, Las Patronas Mexicana, Ando's Kebab Hut, MG Kailis, Sues Place Coffee Van, Sues Place Kebab Van, Robkins Juice, and Stephen Westfield to operate for a period of one (1) year in accordance with Towns Trading in Public Places Policy 13/014.**
2. **Approve the amendment to the Town's Trading in Public Places Policy 13/014 to include Marquee Park as an approved location for the trading of a Category 2 food van until the kiosk is operational.**

CARRIED 8/0



Town of Port Hedland Policy Manual

13/014 TRADING IN PUBLIC PLACES POLICY

1. Exemption for Community Events

That private stallholders be exempt from applicable Council fees for Trading in Public Places Permits where it can be demonstrated that they are operating under a blanket permit held by a Community Association for that event.

The Community Association, in applying for its blanket permit must:

- Supply all relevant details of proposed stallholders working at the event in the prescribed manner for the purpose of assessment and approval;
- Supply a copy of public risk insurance certificates held for the event;
- Pay the applicable fee or seek exemptions under Clause 15 of the Local Law

2. Procedure When Objections Are Received To An Application

Trading in Public Places applications are assessed as per the requirements of the Town of Port Hedland Trading in Public Places Local Law 1999.

Where complaints are received regarding the operation of a Trading in Public Places Applicant the Town's Environmental Health Services team will investigate the matter and take any required action to resolve any problems in accordance with the Town of Port Hedland Trading in Public Places Local Law 1999.

If objections to a proposed or current permit are received or complaints have been raised in the past concerning a Trading In Public Places permit that is due for renewal the matter will be referred to the Chief Executive Officer for resolution. If the matter cannot be resolved by the CEO the matter will then be referred to Council, in the form of a detailed report, for determination.

3. Approval / Administration Procedure for Trading in Public Places Applications

Categorisation of Traders

All Traders will be considered in three (3) categories

Category 1 – Very Low Risk Food Premises

Traders that offer a specialized service that have no food preparation and have minimal impact on existing businesses.

- Vegetable Sales
- Low risk packaged food sales

Other vendors such as sheep skin products vendors; flowers, etc are included in this category for expedience of applications.

Category 2 - Low Risk – (Limited Food Preparation)



Town of Port Hedland Policy Manual

These sell frozen or chilled pre-packed food that has minimal impact on existing business and offer a service to the region and Port Hedland on a regular timetable.

These include the following:-

- The Fish Van.
- Outback Butcher.
- Muka Meats.
- Itinerant Ice Cream Vendors
- Coffee Vans.

Category 3 - Medium Risk Food Premises (Food Preparation)

These Traders prepare medium risk takeaway food in their vans.

- Take away food vans.

High Risk Food Preparation Activities

High Risk food activities premises, as determined by the *Food Act 2008*, cannot be undertaken from a non- approved premise.

Maximum Approvals Period

Category 3 traders will only be approved for the maximum period of 2 years to operate in the Town of Port Hedland to give them time to establish a permanent business.

Re-application will be required after 12 months which will incorporate an assessment based on compliance, any complaints received and service to the community with the final decision to renew the permit resting with Council. Priority will be given to compliant vendors wishing to complete the 2 year license term.

Limiting the number of Vendors at one Site at any one Time

There is to be no more than 3 vendors at any one time at any of the nominated sites and the "first come first served" statement will apply.

Each food van will be required to be removed from the site after the designated hours of operation expire.

If disputes arise that cannot be resolved by vendors and the Town is called in to adjudicate a report will go to Council recommending cessation of all licenses involved in the dispute until the matter is resolved.

Nominated Locations and times of Operation

Category 3 traders vendors can only locate their vans on the sites listed below between 5.00am to 10.00pm.

- The Big Wheelbarrow site in Wedgefield
- Adjacent to Wanangkura Stadium Site South Hedland
- The Don Rhodes Museum Site in Port Hedland
- Airport Information Bay
- Port Hedland boat ramp



Town of Port Hedland Policy Manual

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Town of Port Hedland Policy Manual

Period of Approvals

Yearly licenses will only be approved from the 1st July – 30th June each year.

Approval Procedure

Category 1 & 2 Traders can be processed at officer level with due consideration to the policy.

Category 3 vendors seeking yearly approvals must submit an application before the 31st of May each year. Applications to Trade in a Public Place and application to be registered as a food van under the Food Act 2008 are required.

Applications will be compiled into a report which will be included for Council consideration in June of each year. Council can then make the determination on which food vans are to be approved. This process should take into consideration which vans can provide the best service to community, performance, compliance and any recommendations made by the reporting officer.

Council Adoption Date and Resolution No.	<i>OCM 26 September 2012 – 201213/107</i>
Date of adoption of amendment and Resolution Number <i>Do not delete previous dates</i>	
Relevant Legislation	<i>Food Act 2008</i>
Delegated Authority	
Directorate	<i>Planning and Development</i>
Review Frequency	<i>Annual</i>

11.1.3 Economic Development**11.1.3.1 *Review of Public Submission on the Proposed Property Disposition of Catamore Court to Megara Construction Pty Ltd (File No. 800240G)***

Officer **Brie Holland**
Coordinator of Economic
Development and Strategy

Date of Report **19 June 2013**

Disclosure of Interest by Officer **Nil**

Summary

On 6 March 2013 Council approved the preparation of Business Plan outlining the proposed property disposition of the development of its freehold Lot 581 Catamore Court, South Hedland property.

In summary the proposal involves the development of eight dwellings to be built by Megara Construction Pty Ltd ("Megara") on proposed Lot 23 which upon completion, will be owned by the Town of Port Hedland ("the Town") and in lieu of payment for this development Megara would be responsible for the development, marketing and retention of all sales revenue of the remaining 10 proposed Lots 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 ("13–22").

The Business Plan was prepared and advertised for public comment for six weeks from 7 May 2013 until 18 June 2013. No public comment was received during this period.

This item recommends that Council by a means of Absolute Majority proceed with the current Business Plan and enter into a Multiple Dwelling, Building Specification and Pre-Sales contract for its proposed development of eight dwellings with Megara.

Background

The Town undertook a Request for Proposal (RFP) process to seek a property disposition for the development of housing on its property at Catamore Court. The Town received two responses to the RFP and resolved to appoint Megara Construction Pty Ltd ("Megara") as the preferred developer and approved the preparation of a Business Plan on 6 March 2013. The proposal entails the development of Lots 13-23 of the approved subdivision of Lot 581. The development involves eight dwellings to be built by Megara on Lot 23 which upon completion, will be owned by The Town. Megara would be responsible for the development, marketing and retention of all sales revenue of the remaining 10 residential Lots.

On 27 March 2013 Council supported a revision to the original financial method proposed by Megara to fund the construction of the Town's proposed 8 dwellings on Lot 23 once the funds from the pre-sales of the proposed Lots 13-22, held in a joint trust account have reached an agreed limit to cover the construction costs. Separately, the subject proposed Lots are to be fully serviced with site civil/works complete and Certificate of Title available for land settlement, through a joint venture agreement between the Town and the Department of Housing. The Business Plan was prepared and advertised for public comment for six weeks from 7 May 2013 until 18 June 2013.

Advertising for public comment on the business plan was in printed in the Local Government Notices sections of the West Australian on 7 May 2013 the North West Telegraph on 19 May 2013 and for the entire period of six weeks on the Town's website.

The Town has received no comments in favour or objection to the proposed property disposition.

Consultation

Internal

- Planning and Development
- Manager Investment and Business Development

External

- McLeod's Barristers & Solicitors, Fiona Grgich

A public consultation process was carried out in accordance with section 3.59 (4) of the *Local Government Act 1995* with a total of zero (0) submissions being received.

Statutory Implications

Local Government Act 1995 (WA) Section 3.57 – Tendering for providing goods or services

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property

Local Government Act 1995 (WA) Section 3.58 (3)

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government*

before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

Local Government Act 1995 (WA) Section 3.59 (4) and (5) – Commercial enterprises by local governments

- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the Business Plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *make a copy of the Business Plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

* *Absolute majority*

required.

As the value of the proposed property disposition via an RFP process is above \$2,000,000, thus the transaction will constitute a “Major Land Transaction”. As such a Business Plan was prepared in accordance with sections 3.58 and 3.59 of the *Local Government Act 1995*. The Business Plan was reviewed by WALGA and the Town’s solicitors McLeod’s Barristers & Solicitors and then advertised for the regulatory 6 weeks, prior to a formal determination by Council and no public comment was received.

Policy Implications

Nil

Strategic Planning Implications

Council’s Strategic Community Plans 2012 - 2022

6.3.1 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.

Budget Implications

If Council chooses to proceed with the proposal as outlined in the Business Plan in its current form \$6,110,000 (valuation of the eight group housing dwelling early January 2013) will be added to Council's housing asset stock.

There is no cash component to this specific transaction between the Town and Megara. Megara will provide dwellings to The Town as compensation for the land.

If Council chooses to proceed with the proposal as outlined in the Business Plan in its current form the property disposition is subject to the cost of legal representation in relation to all contracts and a cost sharing portion of the appointment of an independent Quantity Surveyor to quantify construction milestones, estimated cost to be \$15,000.

Officer's Comments

The main objective of the RFP for Catamore Court for the property development was predicated on the objectives of the Town's Staff Housing Strategy, which identifies that the provision of housing for employees with the Town is central to attracting and retaining high quality staff. The proposed development by Megara will offer the Town eight multiple dwellings located on Lot 23 for occupation. The development will contain six (6) two bedroom two bathroom dwellings for couples, small families, singles or shared accommodation and two (2) three bedroom two bathroom dwellings, which can accommodate a family or shared housing. As payment for undertaking the construction of the multiple dwellings on Lot 23, Megara will be granted the right to market the agreed remaining 10 residential Lots of 13–22 (nine single and one group site with two proposed dwellings).

This Business Plan was prepared in accordance with the requirements of Section 3.58 and 3.59 of the *Local Government Act 1995* which applies where a Local Government intends to dispose property and enter into a major land transaction respectively. The purpose of the Business Plan is to provide members of the public with the opportunity to consider the proposal and provide comment to The Town during the six week public consultation period, prior to formal determination by The Town. There were no comments received by the public, through the Town's records system during this period.

If Council chooses to proceed with the property disposition proposal as outlined in the current Business Plan, as a consequence a total of three separate contracts will be entered into with Megara, as outlined below.

- 1. Agreement for the Multiple Dwelling Development with Megara Constructions Pty Ltd*

The Town will enter into an agreement for the development of its eight multiple dwellings on Lot 23.

2. Agreement on the Building Contract Specifications with Megara Constructions Pty Ltd

The Town will enter into an agreement signing off on the building specifications of its eight multiple dwellings on Lot 23, including but not limited to the internal and external fixtures.

3. Agreement on the Pre-Sales arrangement for the remaining 10 proposed Lots 13 – 22 with Megara Constructions Pty Ltd

The Town will enter into an agreement for the remaining 10 proposed Lots for the development, marketing and retention of all sales revenue of the remaining 10 residential Lots.

Marketing of Sale Lots

It should be noted that Megara Constructions Pty Ltd has previously confirmed that it must acknowledge and agree that prior to the sale of any of its own sale Lots being 13-22, the Town must comply with the requirements of section 3.58(3) of the *Local Government Act 1995*.

Conclusion

The Town has been informed from consultants related to the professional groups of Western Australian Local Government Association and the Town's Solicitors that even though the process is of land disposal seem quite complex; the process has been termed exciting and innovative for a Local Government making history by simply transacting land in lieu of the payment for its own development.

Council has the option of rejecting the current Business Plan. This is not recommended.

Attachments

Nil

Officer's Recommendation

That Council:

- 1) Notes that no submissions that were received during the six week Public Consultation period regarding the Business Plan, Proposal by the Town of Port Hedland to dispose property and enter into a major land transaction with Megara Constructions Pty Ltd, via a Request for Proposal for the development of housing at Lot 581 on Plan 70111 Catamore Court, South Hedland;

- 2) Proceed with the property disposition as proposed in the Business Plan in its current form and formally accepts Megara Constructions Pty Ltd property disposition in accordance with satisfying sections 3.58 and 3.59 of the *Local Government Act 1995*;
- 3) Authorises the CEO or his delegate to enter into an Agreement for the Multiple Dwelling Development with Megara Constructions Pty Ltd for eight multiple dwellings on Lot 23;
- 4) Authorises the CEO or his delegate to enter into an Agreement on the Building Contract Specifications with Megara Constructions Pty Ltd for eight multiple dwellings on Lot 23;
- 5) Authorises the CEO or his delegate to enter into an Agreement on the Pre-Sales arrangement for the remaining 10 proposed Lots 13 – 22 with Megara Constructions Pty Ltd; and
- 6) Notes that once the Agreement on the Pre-Sales arrangement has been signed off Megara Constructions Pty Ltd will be granted permission to sell the Lots 13-22. As a consequence of satisfying section 3.58(3), the Town must advertise each sale of Lots 13 – 22 for a 14 day period. Given no public submissions are received during this period, Council then authorises the CEO or his delegate to approve of each pre-sale as initiated by Megara Constructions Pty Ltd and to sign any contracts for the sale of those Lots.

201213/423 Council Decision

Moved: Cr Carter

Seconded: Cr Dziombajk

That Council:

- 1) **Notes that no submissions that were received during the six week Public Consultation period regarding the Business Plan, Proposal by the Town of Port Hedland to dispose property and enter into a major land transaction with Megara Constructions Pty Ltd, via a Request for Proposal for the development of housing at Lot 581 on Plan 70111 Catamore Court, South Hedland;**
- 2) **Proceed with the property disposition;**
 - a) **as proposed in the Business Plan in its current form and formally accepts Megara Constructions Pty Ltd property disposition in accordance with satisfying sections 3.58 and 3.59 of the *Local Government Act 1995*; and**

- b) subject to the joint trust account provisions contained in the Council resolution of Ordinary Council Meeting 27 March 2013 relating to this matter;
- 3) Authorises the CEO or his delegate to enter into an Agreement for the Multiple Dwelling Development with Megara Constructions Pty Ltd for eight multiple dwellings on Lot 23;
- 4) Authorises the CEO or his delegate to enter into an Agreement on the Building Contract Specifications with Megara Constructions Pty Ltd for eight multiple dwellings on Lot 23;
- 5) Authorises the CEO or his delegate to enter into an Agreement on the Pre-Sales arrangement for the remaining 10 proposed Lots 13 – 22 with Megara Constructions Pty Ltd; and
- 6) Notes that once the Agreement on the Pre-Sales arrangement has been signed off Megara Constructions Pty Ltd will be granted permission to sell the Lots 13-22. As a consequence of satisfying section 3.58(3), the Town must advertise each sale of Lots 13 – 22 for a 14 day period. Given no public submissions are received during this period, Council then authorises the CEO or his delegate to approve of each pre-sale as initiated by Megara Constructions Pty Ltd and to sign any contracts for the sale of those Lots.

CARRIED BY ABSOLUTE MAJORITY 8/0

11.2 Engineering Services**11.2.1 Infrastructure Development****11.2.1.1 *JD Hardie Youth Zone: Budget Request (File No.: 26/05/0008)***

Officer Jenella Voitkevich
Manager Infrastructure Development

Date of Report 14 June 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to obtain Council approval for a budget allocation towards the installation of security screens and roof remediation works at the JD Hardie Youth Zone. The allocation has been proposed in the 2013/14 budget however delaying the works until the budget is adopted will risk the integrity of the building as a welfare centre during the upcoming cyclone season.

Background

The JD Hardie Youth Zone (JDYZ) is the Town of Port Hedland's leading youth precinct. The facility underwent a redevelopment in 2010/11, which included an expansion of the west wing. The new building features a commercial kitchen, performance room, music recording studio, indoor court, meeting rooms and offices which are occupied by a number of local youth agencies.

The construction of the redevelopment was undertaken by Broad Constructions and completed on 11 May 2011. The building was then reoccupied and activated as a youth precinct. The facility also serves as South Hedland's welfare centre during cyclonic events.

The JDYZ building has experienced problems with the roof leaking for many years. This was further exacerbated by the additions completed in 2011 as a larger surface area is now impacting on an already poorly performing roof. Unfortunately the deficiencies in the existing roof were not addressed during the design of the extensions.

The facility is subjected to regular attacks of vandalism, often resulting in broken glazing. This is not only costing the Town a significant amount of money in repairs, but also regularly leaves the facility in a state of disrepair until works can be authorized and actioned.

The purpose of this report is to seek approval for a budget allocation to address the issues with the roof and window security.

Consultation

The following officers have been involved in discussing the objectives of the proposed work and requirement for an immediate budget allocation.

- Executive Group
- Manager Environmental Health
- Manager Community Development
- Community Development Officer
- Co-ordinator Building Management

Statutory Implications

The following section of the Local Government Act 1995 is relevant to the approval of a budget allocation separate to the adoption of the annual budget.

Part 6 Financial management

Division 4 General financial provisions

6.8. Expenditure from municipal fund not included in annual budget

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

** Absolute majority required.*

- (1a) *In subsection (1) —*

additional purpose *means a purpose for which no expenditure estimate is included in the local government's annual budget.*

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

[Section 6.8 amended by No. 1 of 1998 s. 19.]

The Town is responsible for certain provisions under the Emergency Management Act:

37. Local emergency coordinators

- (4) *The local emergency coordinator for a local government district has the following functions —*
- (b) *to assist hazard management agencies in the provision of a coordinated response during an emergency in the district;*

41. *Emergency management arrangements in local government district*
- (1) *A local government is to ensure that arrangements (**local emergency management arrangements**) for emergency management in the local government's district are prepared.*

Policy Implications

Nil

Strategic Planning Implications

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

6.4	Local Leadership
6.4.1	Strategic
	Deliver responsible management of infrastructure, assets, resources and technology.

Budget Implications

The 2013/14 budget proposal has an allocation of \$300,000 for capital works at the JD Hardie Youth Zone. This is for the installation of security screens to all windows (\$50,000) and interim roof remediation works (\$250,000).

The purpose of this report is to seek approval for a budget allocation prior to the adoption of the 2013/14 annual budget. This will ensure that roof remediation works are completed prior to the commencement of the cyclone season.

Funds will be allocated to GL 1104411 (JD Facility Upgrade) and will be available for expenditure from 1 July 2013. External funding is not available for this project.

Funding for long term roof remediation works is not immediately required and will be sourced in future years.

Officer's Comment

Roof Remediation Works

Due to the ongoing roof issues the Town commissioned an investigation and report from Pilbara Supervision & Consulting Services. The purpose of this report was to identify the causes of the problems and make recommendations on solutions. The outcomes of the report are summarized below:

- The majority of the roof surfaces over the older portion of the building are nearly flat (1-2 degrees pitch), resulting in the inability of the roof surface to direct water away.

- Additional roof surfaces have been added, with stormwater directed onto already deficient surfaces and gutters.
- Gutters, flashings and overhangs are inadequate.
- Inappropriate material (silicone) has been used over several years to seal sections of the roof.

The report recommends 2 key courses of action, based on budget availability and timeframes:

1. Short term solution (2-5 years):
 - Extend and/or install gutters and downpipes where minimal roof modification is required.
 - Replace/extend all cowlings and flashings to roof vents and other fixtures installed on the roof.
 - Remove all silicone and replace with Sikamastic type sealant purpose built for external roof conditions.
 - Remove skylights and replace with metal sheeting.
 - Adequately fix barge ends.
 - Replace flashing between old roof and new section of roof.
2. Long term solution:
 - Engage an architect and structural engineer to redesign roof sections that have inadequate pitch to approximately 10 degrees.
 - Reconstruct roof based on approved designs.

It has been estimated that the long term solution will cost approximately \$1.6M. This solution could not be completed prior to the next cyclone season, therefore this report seeks approval for the budget allocation for the short term solution only.

Window Security

Historically, damaged windows have been a recurring event at the JD Hardie Youth Zone. In the past 2 years approximately \$30,000 has been spent on repairs to glazing caused by vandalism. In most cases, insurance has not been claimed to recover these costs as the insurance excess exceeds the repair cost of individual events.

The installation of security screens will significantly reduce the costs associated with repairing windows, plus should contribute to the reduction of anti-social behavior in the area as the JDYZ will become a less attractive target.

The installation of screens will also further enhance the safety of the building as it's used as a welfare centre during a cyclonic event.

Impact on Usage as a Welfare Centre

During the last cyclone season the Wanangkura Stadium was used as a welfare centre due to the on-going roof issues at the JDYZ. The JDYZ is the preferred centre by Department of Child Protection (DCP), who manages the facility during these events, mainly due to the favourable floor layout which allows easier monitoring of evacuees, toilets and kitchen. Emergency power is also easier to connect. The roof remediation works at the JDYZ building must commence as soon as possible to ensure the Town can provide a suitable welfare centre during the next cyclone season.

Attachments

Nil.

201213/424 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Daccache

That Council approve the allocation of \$300,000 for the facility upgrade, effective 1 July 2013, for the purpose of short term roof remediation works and installation of security screens at the JD Hardie Youth Zone building.

CARRIED 8/0

11.2.2 Investment and Business Development

7.42pm Councillor Carter declared an impartiality interest in 11.2.2.1 'Extension of Pretty Pool Stables leases located Part Reserve 31462 being lot 5770 Johnson Lane (File No's: 05/05/0001, 05/05/0002, 05/05/0003, 05/05/0004, 05/05/0005 and 05/05/0006)' as he has an association with the applicant.

Councillor Carter did not leave the room.

11.2.2.1 *Extension of Pretty Pool Stables leases located Part Reserve 31462 being lot 5770 Johnson Lane (File No's: 05/05/0001, 05/05/0002, 05/05/0003, 05/05/0004, 05/05/0005 and 05/05/0006)*

Officer **Jessica Melia**
Leasing Officer

Date of Report **13 June 2013**

Disclosure of Interest by Officer **Nil**

Summary

This item seeks Council approval to renew the second term of the existing lease arrangements between the Town of Port Hedland (ToPH) and the occupants of 29 Johnson Lane Pretty Pool, commonly known as the Pretty Pool Stables.

Background

The Town of Port Hedland has lease arrangements in place with four (4) leaseholders occupying seven (7) stables located on a portion of Reserve 31462, Lot 5770 Johnson Lane Pretty Pool. The reserve is currently vested to the Town of Port Hedland for equestrian purposes. See breakdown of individual areas and lessee details below:

Lessee	Leased Area	Lease Start Date	Lease Expiry Date	Second Option Commencement Date	Option Expiry Date
Mr Michael Hopkinson	Area 3	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Mr Leonard Healey & Mrs Leanne Healey	Area 1	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Mr Gary & Mr William Brooks	Area 4	1/12/2006	30/11/2011	1/12/2011	30/11/2016

Lessee	Leased Area	Lease Start Date	Lease Expiry Date	Second Option Commencement Date	Option Expiry Date
Port Hedland Turf Club	Area 2	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Port Hedland Turf Club	Area 1A	23/01/2008	22/01/2012	23/01/2012	22/01/2016
Port Hedland Turf Club	Area 6	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Port Hedland Turf Club	Area 5	13/07/2011	30/11/2014	1/12/2014	30/11/2016

As indicated within the table, five (5) of the lease agreements expired simultaneously as of 30 November 2011. Area 1A expired on the 22 January 2012 and Area 5 will expire on 30 November 2014.

In 2011 the Town engaged with A Balanced View Leisure Consultancy to develop a Master Plan for equine sport in Port Hedland. The master plan document will provide long term vision for all equestrian activities.

The extensions of the lease terms were not actioned at the time the lease arrangements expired due to the pending outcome of the study by A Balanced View Leisure Consultancy.

The study is nearing completion and it is envisaged that this reserve will remain as is for the period of the extended terms set to expire in November 2016.

Officers are now seeking Councils consent to grant the respective second term to formalise these arrangements.

Consultation

External

- Port Hedland Turf Club
- Mr Leonard and Mrs Leanne Healey
- Mr Gary and Mr William Brooks
- Mr Michael Hopkinson
- Landcorp

Internal

- Engineering Services
- Community Development
- Planning and Development

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

6.1 Community

6.1.1 Unified

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

Increase in the number of physical, cultural and social facilities in Port Hedland.

Wider range of community groups using the Town's facilities regularly.

Members of the community have access to the Town's services and facilities.

6.1.2 Vibrant

The Town's wide range of recreation, entertainment and event facilities are well used and attended by residents and visitors.

Higher utilisation of Port Hedland facilities (sporting ovals & buildings) by residents and visitors.

Increased number of recreational facilities available

6.4 Local Leadership

6.4.1 Strategic

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

Investment and business opportunities are optimised from Council owned assets

Budget Implications

Currently the existing leaseholders are paying an annual base rental fee. The rental fee increases by Perth CPI annually as published by the Australian Bureau of Statistics.

In extending the second terms of the leases, assuming an annual increase of 2.5% to the expiry date of November 2016, an amount of \$41,306 will be attributed to GL account 1303357.

As per the existing arrangement the leaseholders are to pay for all outgoing associated with the occupation of the property, including but not limited to utility consumption and general maintenance.

Officer's Comment

Consultation with the lessees has confirmed unanimous desire to continue leasing the premises from the Town for the extended term.

Since the expiry of the initial term in November 2011, the leaseholders have continued to occupy the area under the 'holding over' provision of the lease agreements. Under this provision, the lessees are a week to week tenant of the lessor, operating on the same terms governing the official occupation of the leased area. During this period the lessees have continued to satisfy the terms of lease including payment of lease fees and operational costs.

In administrative terms, all leaseholders are aware that this action is retrospective and entering into the second term of the lease will effectively commence on 1 December 2011 and expire 30 November 2016.

Area 1A occupied by the Port Hedland Turf Club will effectively commence on 23 January 2012 and in accordance with the other lease arrangements, expire on 30 November 2016.

Upon the approval from Council to renew the second term of the existing leases the responsible officer will formalise the process by way of letter. The letter will advise leaseholders the proposal to enter into the extended term. It will be further provided that the terms and conditions of the lease shall continue during the extended term.

Pilbara's Port Growth City Plan

The Town's Planning Department has identified the Pretty Pool Stables, located on Reserve 31462 as a potential area available for a future residential development.

Notwithstanding the above, the Town is not considering any major changes to the existing area until 2016, therefore it would be reasonable to enter into the second term of the lease and formalise each of the existing arrangements.

On consultation with LandCorp, Officers were advised that they have recently applied for funding to complete environmental and planning investigations over Lot 5770 and the adjoining land to the west with a view to having it rezoned to Urban consistent with the Growth Plan. At this stage, there are no direct implications relating to the granting of the extended terms of the agreements for the Pretty Pool Stables, however liaison with LandCorp in relation to this project will continue in parallel with any progress on this proposal.

Attachments

Nil

201213/425 Officer’s Recommendation / Council Decision

Moved: Cr Hunt

Seconded Cr Dacacche

That Council:

- 1. Note that Reserve 31462, Lot 5770, Johnson Lane, Pretty Pool will remain a valid location for the Pretty Pool Stables leases up to the date of 30 November 2016; and**
- 2. Approve the extension of the second terms of the Pretty Pool Stables leases on Reserve 31462, Lot 5770 Johnson Lane Pretty Pool in accordance with the details shown in the table below:**

Lessee	Leased Area	Lease Start Date	Lease Expiry Date	Second Option Commencement Date	Option Expiry Date
Mr Michael Hopkinson	Area 3	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Mr Leonard Healey and Mrs Leanne Healey	Area 1	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Mr Gary & Mr William Brooks	Area 4	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Port Hedland Turf Club	Area 2	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Port Hedland Turf Club	Area 1A	23/01/2008	22/01/2012	23/01/2012	30/11/2016
Port Hedland Turf Club	Area 6	1/12/2006	30/11/2011	1/12/2011	30/11/2016
Port Hedland Turf Club	Area 5	13/07/2011	30/11/2014	1/12/2014	30/11/2016

CARRIED 8/0

11.2.3 Engineering Operations**11.2.3.1 *Extension of Contract 10/06 – Specialised Turf Care and Vegetation Management Services (21/07/0009)***

Officer Gavin Pollock
Manager Engineering Operations

Date of Report 16 May 2013

Disclosure of Interest by Officer Nil

Summary

Contract 10/06 – Specialised Turf Care and Vegetation Management Services is due to expire on 30 June 2013. This report requests approval from Council to extend the term of the contract for a further three (3) year period in accordance with contract conditions.

Background

The Town relies on expert consultant advice for specialised turf care and vegetation management to maintain its high standards and overall professional look of all the recreational reserves in the Town.

This specialised service includes:

- Verti-Mowing and sweep
- Verti-Draining (hollow tines) and sweep
- Verti-Draining (solid tines)
- Sweeping only
- Contractor loads and transports all debris to locations as selected within the Town's boundary ensuring no debris to leave the truck whilst transporting and shall bear all costs associated with the disposal except the tipping fees
- Field Line Marking
- The supply and installation of Instant Turf
- The supply and application of fertiliser including nutrient analysis
- Mowing services as required
- Pesticide and growth suppression applications for all parks, reserves, footpaths, kerbs, traffic islands and drains

At the Ordinary Council Meeting on 12 May 2010 Council awarded a contract for these services as per the following decision:

“200910/405 Council Decision/Officer’s Recommendation:

That council awards Tender 10/06 Specialised Turf Care & Vegetation Management Services to Turfmaster, as per the submitted schedule of rates, for the period 1 July 2010 to 30 June 2013 subject to Turfmaster providing proof of ownership / lease of property in Port Hedland.”

The contract is not specific to a project or particular scope of works. The consultants are available to meet any requirements the Town has in relation to specialised turf care and vegetation management services.

Consultation

External

Turfmaster Facility Management

Internal

Engineering Directorate

Statutory Implications

Nil

Policy Implications

The original tender was called in accordance with Council’s Procurement Policy 2/015.

Extension of the current contract would have no impact on any other council policies, and would comply with the Town’s procurement policy and procedures 2/0007.

Strategic Planning Implications

Nil

Budget Implications

The allocation of funding for the provision of specialised turf care and vegetation management services has been allowed for in current operational budgets and will be allocated in future budget processes.

The requirement for specialised turf care and vegetation management services will vary from year to year depending on the works program.

The budget allocations for engaging a professional for Specialised Turf Care and Vegetation Management Services are within the Parks & Reserves and Landscape & Irrigation budgets. The existing contractor "Turfmaster" has indicated, should they be successful in obtaining an extension of the current contract, they will offer no change to the terms and conditions or the current schedule of rates.

Extending the current contract will have no impact on budget allocations.

Officer's Comment

Turfmaster have provided a high quality level of service since the contract commenced in July 2010.

Their staff plays a valuable active role in ensuring a high standard of works is achieved and carried out in the time frames allocated to performing turf renovations.

Steve Few, the director of Turfmaster has made himself available for all enquiries, problems and solutions regarding turf in order to maintain a consistent program for renovations.

It is recommended to extend the contract 10/06 – Specialised Turf Care & Vegetation Services with Turfmaster, for a further three (3) year period.

Attachments

1. Letter from Turfmaster requesting an extension to their existing contract

201213/426 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded Cr Daccache

That Council authorises the extension of Contract 10/06 – specialised Turf Care and Vegetation Management Services, for the period 1 July 2013 to 30 June 2016 in accordance with existing contract conditions.

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.2.3.1



Winner –

*Parks & Leisure Australia
2000 National Awards for
Innovation & Best Practice
(Corporate)*

19 April 2013

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

Attention: Gavin Pollock

Dear Sir

**TENDER 10/06 – SPECIALISED TURF CARE AND VEGETATION
MANAGEMENT SERVICES**

We write in reference to the above tender and specifically clause 1 of the "Invitation to Tender".

In line with this clause, we seek to extend the current contract from 1 July 2013 to 30 June 2016. In seeking this extension, we offer no change to the terms and conditions or the current schedule of rates.

We look forward to continuing our business and contractual relationship with the Town of Port Hedland and ask that you contact the undersigned should you require further information.

Yours sincerely

STEVEN FEW
Director
Turfmaster Facility Management

Tel: (08) 9371 9700
Fax: (08) 9371 9001
P.O. Box 1093, Morley,
Western Australia 6943
www.turfmaster.com.au

Turf Master Pty Ltd
ACN 090 458 857
ABN 54 572 112 610
As Trustee for the
Turfmaster Unit Trust
T/as Turfmaster
Facility Management



11.3 Community Development**11.3.1 Community Development****11.3.1.1 *Final Adoption of Percent for Public Art Policy (File No.: 26/08/1008)***

Officer	Lorna Secrett Manager Community Development
	Mark Davis Community Development Officer
Date of Report	16 June 2013
Disclosure of Interest by Officers	Nil

Summary

The Ordinary Council Meeting in November 2012 resolved to adopt the draft Percent for Public Art Policy (the Policy) and associated documents, being Percent for Public Art Guidelines (the Guidelines) and Interim Public Art Strategy (the Strategy).

The Port Hedland Town Planning Scheme No 5 requires the proposal to be advertised and the community afforded the opportunity to provide comment on the proposed policy.

Following the completion of the statutory advertising and comment period, Council is requested to adopt the (final) Percent for Art Local Planning Policy, Strategy and Guidelines.

Background

The aim of the Policy is to improve the quality of the Town's built environment, to increase the social, cultural and economic value, to develop and promote community identity and to enhance a sense of place.

The Policy requires a contribution of one percent of the value of development proposals be set aside for public art on a relevant development site, or a cash-in-lieu contribution to the Town of Port Hedland for a public art project. Contributions would be required for developments of multiple dwellings, mixed use, commercial, civic or institutions of a value greater than \$5,000,000 (five million dollars).

To further strengthen and to provide clear guidance on the application of the Policy, the Strategy and Guidelines documents were developed and advertised for comment.

It is proposed that the Strategy be reviewed within 12 months of final adoption.

The OCM on 28 November 2012 adopted the draft Percent for Public Art Local Planning Policy, Strategy and Guidelines for community and stakeholder consultation pursuant to Clauses 5.1.4 of The Town of Port Hedland Town Planning Scheme No.5.

Consultation

The Port Hedland Town Planning Scheme No 5 requirements have been followed with community consultation as follows:

External

Newspaper advertisements in the North West Telegraph allowing for an extended period of 42 days for comments to be submitted:

- 12 December 2012
- 19 December 2012
- 09 January 2013.

Several local business and cultural organisations were contacted directly and offered an individual presentation on the Policy.

A total of six submissions were received from the community consultation. These are included in Attachment 5a to 5f of this report.

Internal

- Executive Group
- Manager Planning Services
- Manager Building Services
- Manager Technical Services
- Manager Infrastructure Development
- Manager Recreation and Facilities
- Manager Business Investment and Development
- Manager Economic Development.

Internal consultation has also included two presentations and workshops with the Town's Development Assessment Group. Specific comments by relevant officers have also been sought and addressed, through an internal referral system.

A concept briefing was held with Elected Members on 24 October 2012 on the (draft) Percent for Art Policy.

Summary of Submissions / Officer Response

A summary of external submissions and officer's response is included at Attachment 4.

Statutory Implications

Local Government Act 1995

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

Local Government Financial Management Regulations 1996

17. Reserve accounts, title of etc.

(1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.

(2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —

(a) in the information required by regulations 27(g) and 38, by its full title; and

(b) otherwise, by its full title or by an abbreviation of that title.

[Regulation 17 amended in Gazette 20 Jun 1997 p. 2839.]

The Port Hedland Town Planning Scheme No 5, clause 5.1.6 applies as follows:

“If Council resolves to adopt the Policy, it shall:

- a. Publish notice of the Policy once in a newspaper circulating in the Scheme Area*
- b. If, in the opinion of Council, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.”*

Policy Implications

The aim of the Policy is to improve the quality of the Town’s built environment, to increase the social, cultural and economic value, to develop and promote community identity and to enhance a sense of place. The adoption of the Policy as proposed will ensure that these aims are realised in a proper and orderly planning process.

Strategic Planning Implications

The successful application of the Policy and resultant art projects will address several elements of Council’s Strategic Community Plan 2012 – 2022.

6.1	Community
6.1.2	Vibrant
	Commit to improving the quality of life and wellbeing of residents

6.1.3 Rich in Culture

Strengthen local communities, history and culture
 Promote the arts and culture

6.4 Local Leadership

6.4.2 Community Focused

Local leaders in the community who provide transparent and accountable civic leadership which advocates for community needs and aspirations.

Budget Implications

The rate of one percent applied on eligible developments with total project cost over \$5,000,000 will result in minimum artwork projects of \$50,000.

The Town’s capital works will also be subject to this policy requiring a portion of any allocated budget for eligible projects to be set aside for public art works.

Should this Policy be adopted, it is recommended that a Public Art Reserve fund will be created for the deposit of cash-in-lieu contributions. Establishment and usage of the funds would be in accordance with Local Government Act 1995 section 6.11 Reserve Accounts. Public Art that is created via a cash-in-lieu contribution will be included in and managed through the Town’s Asset Management program.

Officer’s Comment

Principles of contemporary cultural planning and urban design support the incorporation of art in public spaces as an expression of community identity and values in addition to promoting a sense of place.

It is generally accepted that public art contributes to the attractiveness of a place to residents, businesses and tourism, encouraging and underpinning sustainable economic, social and environmental values. Public art can add to the marketability of developments through vibrant, diverse and interesting public spaces.

Therefore, as Port Hedland continues to grow towards a regionally significant city, the Percent for Public Art Policy reflects key themes articulated in the Town’s Strategic Community Plan 2012 – 2022.

This Policy will allow public art to be funded within large-scale development and provides Council with a mechanism to ensure a high quality of built form, which enhances the visual amenity, and vibrancy of the Town. These are key aspects in enriching the lives of residents and visitors to Port Hedland.

A Percent for Public Art Policy requires a percentage of eligible development proposals of projects over a pre-determined threshold being allocated to public art. The threshold amount (\$5,000,000) and applicable zonings will ensure that appropriate developments, with the potential to offer the greatest benefit to the community through incorporation of public art, will be required to comply with the Policy.

Percent for Public Art policies have been implemented on an international scale, and throughout Australia at state and local government levels.

The Western Australian State Government Percent for Public Art Scheme had been operating since 1989, and is recognised as a best practice model both locally and nationally. Since the first pilot program in 1991, more than \$38 million has been allocated to 448 artwork projects. Other local governments to implement similar policies include the Town of Vincent, Shire of Busselton, Shire of Roebourne, Town of Bassendean and City of Swan.

Associated documents have been developed and designed to work in concert for the benefit of this Policy. The Policy outlines a clear and concise statement, the Strategy underpins the Policy with clear direction and desired outcomes and the Guidelines inform the application of the Policy.

In response to community comment on the Policy, the following amendments have been made:

Introduction of a capped contribution

Several respondents suggested the worth of a capped or tiered contribution. Officers agree with this approach and have accordingly set the maximum contribution under the Policy at \$250,000, with any contribution above this amount to be considered as voluntary. This amount will enable significant public art projects, without negatively impacting on those developments that may greatly exceed this contribution without a capped amount. Owner/applicants may still choose to deliver a public art component or project that exceeds \$250,000 on a voluntary basis.

Removal of 'Urban Development' as an applicable zone

One respondent suggested that the 'Urban Development' zone be excluded from the Policy, as this zoning is used to provide a preliminary flexible statutory framework for the subsequent development of land into a new residential estate. Officers agree with this proposition and have deleted the 'Urban Development' zone from the Policy.

Clarification and strengthening of Policy intent

One respondent sought clarification that public art projects under the Policy were intended to be situated within the relevant development.

Section 3.b of the Policy states that 'The Town encourages Owners/Applicants to situate the Public Art on private property and within the relevant development.'

Officers agree that this intent could be clarified and strengthened within the Policy and have recommended replacing the word 'encourages' with 'requires'.

Clarification of Asset Management Responsibility

This policy is designed to enable the production of public art which enhances the visual amenity of the town, but is also robust and safe – therefore requiring minimal maintenance. Prior to approval of any artwork, consideration is made of the maintenance schedule for the work – which includes identification of design life, on-going upkeep and removal costs.

Ownership, and therefore maintenance, of Public Art commissioned under this Policy will generally depend upon the location of the Public Art:

- Where situated on private property, the public art is owned and maintained by the Owner
- Where situated on public property, the public art is owned and maintained by the Town, regardless of who commissioned the art

The Town's clear preference will be for public art to be incorporate within developments and located on private property. Asset management of the public art under these circumstances would be the responsibility of the property owner.

Feedback received from other local governments that have administered a percent for art program for some time is that approximately 5% of the public art has been directed towards cash-in-lieu contributions. The overwhelming proportion of public art has been included in private developments and remains outside of the local government's asset management responsibility.

Minor amendments have been made to the Guidelines and Strategy that in the opinion of Officers offer clarification only and do not change the intent or application of the Policy. These amendments are noted in the above Summary of Submissions.

Attachments

1. Percent for Public Art Policy
2. Percent for Public Art Guidelines
3. Interim Public Art Strategy
4. Summary of Submissions
5. a) Whelan's Town Planning - Submission
b) BHP Billiton Iron Ore - Submission

- c) Art Source - Submission
- d) Taylor Burrell Barnett Town Planning Design - Submission
- e) Department of Housing - Submission
- f) Hightower Planning and Development – Submission.

201213/427 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded Cr Gillingham****That Council:**

- 1. Adopt Local Planning Policy 'Percent for Public Art Policy', as at Attachment 1**
- 2. Adopt the Percent for Public Art Guidelines and Interim Public Art Strategy, as at Attachments 2 and 3**
- 3. In accordance with clause 5.1.6 of the Town of Port Hedland Town Planning Scheme No 5, publish notice of the adoption of Local Planning Policy– "Percent for Public Art Policy" once (1) in a newspaper circulating in the area**
- 4. Resolve to establish a Percent for Art Reserve Account as part of the 2013/14 budget process, and**
- 5. Note that the Interim Public Art Strategy will be reviewed in May 2014 and reported to Council should any major amendments be required.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.3.1.1

Percent for Public Art (2012)**Local Planning Policy****Preliminary**

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

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

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

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

Objective

The Town of Port Hedland considers there is a need to protect and enhance the utility, amenity and identity of the public spaces such as town centres, commercial nodes, main streets, entry points, squares, foreshores and parks within the municipality.

The purpose of this Policy is to assist in achieving the following objectives:

- a) Improve the quality of the Town's built environment through the use of high quality public artworks
- b) Increase the social, cultural and economic value of the Town
- c) Develop and promote community identity within the Town
- d) Enhance a sense of place by encouraging public art forms which reinforce and highlight Early Settler and Indigenous history, cultural heritage and contemporary traditions.

Definitions

Applicant—means the person or entity who submitted the Application for Approval to commence development to the Town for the relevant development.

Owner—means the owner of the land upon which the relevant development is proposed to be built. The owner may also be the Applicant.

Public Art -For the purposes of this policy 'Public Art' is defined as being site-related and place-responsive art created and located for public accessibility, either within or readily visible from the public space. Public Art should enhance the built and natural environments and add value to character and cultural identity through the use of a diverse range of art forms and design applications. Items which cannot be considered Public Art are set out later in this Policy.

Public Artist – means a regular exhibitor of artwork, offering work for sale, or selling work; having been awarded or eligible for a government grant; selected for public exhibition, awards or prizes; having secured work or consultancies on the basis of professional expertise, having had work acquired for public or private collections; being a member of a professional association on the basis of his/her status as a professional artist.

Public Space – means a space that is open and accessible to all.

Total Project Cost – The cost of a development for the purposes of this Policy is the cost of the equipment, financing, services, utilities, materials and construction necessary to carry out the development, but does not include the cost of the acquisition of land or architectural, design or consultant's fees. The Town will generally accept the cost of the development to be the same as the approximate cost of the proposed development stated by the applicant on the Scheme Application for Planning Approval form.

Policy Statement

1. Policy Intent

Proposals for eligible development proposals or improvements over the value of \$5,000,000 (five million dollars) are to set aside a minimum of 1% (one percent) of the Total Project Cost for the development of Public Art which reflects the place, locality or community, up to a maximum contribution of \$250,000. Any contribution in excess of \$250,000 is to be considered as a voluntary contribution by the Owner/Applicant.

This Policy applies to those development proposals or improvements for built form where they are situated within the Town Centre, Commercial, Tourism, Mixed Business and Airport zones of the Town of Port Hedland. This policy does not apply to subdivision applications.

This policy shall apply to all proponents, with the exception of those exempt from obtaining Local Authority planning approval under other legislation.

Where a development is exempt from the requirement to obtain planning approval under the Scheme but would otherwise be an eligible proposal under this Policy, the proponent of the development should use this Policy as a guide to the implementation of their State Percent for Art Scheme obligation if applicable

Where this Policy applies, this requirement will be stipulated in a condition of Planning Approval.

2. General Provisions

a) Where this policy applies, the applicant shall either:

- i. Coordinate a Public Art project themselves
- ii. Satisfy the contribution through a cash-in-lieu payment towards a precinct public artwork, at the rate prescribed under this Policy.

b) For the purpose of calculating the value of a contribution to Public Art, the following costs associated with the production of an art project may be included:

- i. professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable
- ii. Fabrication and installation of artwork
- iii. Site preparation
- iv. Structures enabling the artist to display the artwork
- v. Documentation of the artwork
- vi. Acknowledgment plaque identifying the artist, artwork and development(s) from which funding was obtained.

c) Public Art projects may include:

- i. Building features and enhancements such as bicycle racks, gates, benches, fountains, playground structures or shade structures which are unique and produced by a professional artist
- ii. Landscape art enhancements such as walkways, bridges or art features within a garden
- iii. Murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials
- iv. Sculpture which can be freestanding or wall supported in durable materials suitable for the site
- v. Fibreworks, neon or glass art works, photographs, prints and any combination of media including sounds, film and video systems.

d) Public Art projects cannot include:

- i. Commercial promotions in any form
- ii. Directional elements such as supergraphics, signage or colour coding
- iii. 'Art objects' which are mass produced such as fountains, statuary or playground equipment
- iv. most art reproductions
- v. landscaping or generic hardscaping elements which would normally be associated with the project.

e) Public artists are to be commissioned to produce the Public Art.

f) While the Public Art must not be mass produced, the Town is open to a unique pre-existing artwork developed by a Public Artist being purchased and installed as the Public Art.

3. Owner/Applicant Project Option

a) Procedure

Where an owner applicant chooses to co-ordinate the Public Art project themselves, the following procedure applies:

- i. The Owner/Applicant reviews the Town's Precent for Art Guidelines, and consults with the Town's Community Development Officers as required under the Guidelines
- ii. The Owner/Applicant provides a Public Art Proposal for consideration by the Town
- iii. If satisfied with the proposal, the Town provides approval in principle for the Public Art Project
- iv. The Owner/Applicant enters into a contract with their chosen artist, submits an Application for Art Work Design and obtains full project approval
- v. The artist undertakes the Public Art project
- vi. The Public Art is completely installed prior to occupation of the development and/or issue of Permit to Use.

b) Location of Public Art

The Town requires Owners/Applicants to situate the Public Art on private property within the relevant development. However, the Town may also consider proposals to install Public Art on public land abutting or adjacent to the site, such as in the road reserve or in another public place.

4. Cash-in-Lieu Option

a) The public art contribution may be satisfied by cash-in-lieu based on the rate described in the Town's Percent for Art Policy. Such cash-in-lieu payments are to be:

- i. Formally agreed with the Town
- ii. Paid to the Town of Port Hedland Public Arts Fund (Percent for Public Art) prior to occupation of the development
- iii. Expended in accordance with a precinct public art project as prescribed by the Town of Port Hedland or any applicable Cultural and Arts Strategy, in the area within which the proposal is situated
- iv. Refunded to the Owner/Applicant if the development does not proceed

b) Individual funds contributed within an area may be accrued for more comprehensive or detailed public art projects as determined by the Town

c) Any Public Art commissioned as a cash-in-lieu option will be owned and maintained by the Town.

5) Ownership, Copyright and Moral Rights

a) Ownership of Public Art commissioned under this Policy will generally depend upon the location of the Public Art:

- i. Where situated on private property, the Public Art is owned and maintained by the Owner
- ii. Where situated on public property, the Public Art is owned and maintained by the Town, regardless of who commissioned the art

b) The Town will have the right to reproduce photographic images of the Public Art for non – commercial purposes, such as annual reports, information brochures, and information on the Town's website

c) The Town recognises that artists have moral rights under copyright legislation, which are the right of their work, the right against false attribution to someone else, and the right of the artist to object against treatment of an art work that demeans their reputation.

In line with the moral rights legislation, the Owner/Applicant or, where the Owner/Applicant chooses the Cash-in-lieu option, the Town:

- i. Will install a plaque or plate near a Public Art work, acknowledging the name of the artist, and where appropriate, the name of the person or company who funded the Public Art
- ii. Will consult with the artist if the Public Art work is to be changed in any way (including by removing or re-locating the Public Art) except in cases of emergency.

ATTACHMENT 2 TO ITEM 11.3.1.1

Town of Port Hedland

Percent for Public Art Guidelines

June 2013

The Purpose of These Guidelines

These Guidelines have been created to assist the Owner or Applicant proposing to commence development, to incorporate Public Art into the development, as required by the Town of Port Hedland's Percent for Public Art Policy.

Under that Policy, proposals for Urban, Town Centre, Commercial, Tourism, Mixed Business and Airport Developments over the value of \$5,000,000 (five million dollars) are to set aside a minimum of 1% (one percent) of the Total Project Cost for the development of Public Art which reflects the place, locality or community.

Applicants have the option of coordinating the Public Art project (in liaison with the Town) or providing a cash-in-lieu contribution to the Town, in which case the Town will coordinate a future public art project within one of the identified public arts precincts.

Where applicants choose to coordinate the Public Art project, the proposed Public Art needs to be approved by the Town before a Building License will issued.

Designs for the Public Art, including drawings, location, materials, name and résumé of artist must be submitted to the Town, using the form attached to these Guidelines.

These Guidelines explain the different ways applicants can work with artists, the Town and the design team. Applicants can choose the method that most suits their circumstances.

What is the Percent for Public Art Policy?

The Town of Port Hedland's Percent for Public Art Policy requires commissioned Public Art as part of certain public and private development projects within the Town.

The Policy, and this document, is based on similar models from around Western Australia – including those developed by the City of Vincent and Artsource.

1. **The Town's Percent for Public Art Policy** is attached to these Guidelines for reference.
2. **The Town's Standard Planning Approval Condition states:**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Port Hedland Percent for Public Art Policy and the Percent for Public Art Guidelines, including:

- a) obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$<<insert contribution amount>> (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$<<insert development cost>>)
- b) prior to occupation of the development, fully complete the installation of the public art

What is Public Art?

The primary purpose of the Town's Percent for Public Art Policy is to facilitate the provision of art works that are pleasing and accessible to the public as well as to users of the development, and which will last for the life of the development.

Art works which are accessible to the public contribute to the overall feeling of community wellbeing and enrich the texture of civic life. Art works are a creative and modern way to improve on the visual aspects of a development and its surrounds, and often provide a talking point and opportunity for wonder, reflection and enjoyment above and beyond the art involved in building design.

Public Art can take many forms, and can be incorporated into the building's fabric or can be separate objects located in or near the building.

Art works incorporated into the building's fabric could include stained glass window treatments, mural or mosaic treatments to walls, floors or ceilings, special inserts into the floor, shade structures, lighting design or electronic installations.

If the art work is of an abstract nature that it cannot be incorporated into the building elements such as gates etc it must be presented in such a fashion to be seen as a stand-alone work. Public Art separate from the building could include sculptural works in long-lasting materials such as bronze, steel or concrete, artist-designed public seating, or pavement art.

Where the development involves the demolition of an old building, the Town encourages Public Art that reflects the history of the site and its former use; for example, by incorporating some of the demolished building's materials as elements of the art work.

Steps to Coordinate a Public Art Project

The following details the steps applicants need to follow if choosing to coordinate a Public Art project (Option 1 above) rather than paying a cash-in-lieu contribution to the Town.

1. Talk to the Community Development Officer

Before applying for a Building License, contact the Town of Port Hedland's Community Development Officer or Manager Community Development to discuss the project. Contact details are listed at the end of these Guidelines.

The Town's staff will be able to give advice relevant to the particular development and will liaise with other Townofficers to help the project run smoothly.

Town officers will be able to in detail about finding an artist, implementing the project and obtaining more information than is provided in these Guidelines if needed.

Applicants will need to submit a preliminary Public Art proposal for consideration by the Town's Community Development Officer, who will provide approval in principle if satisfied with the proposal.

2. How to find an artist

The next step is to decide if whether to self-administer the art project or engage a public-art consultant.

Public-Art Consultant

A public-art consultant will discuss the project and advise how to proceed. They will manage the project, including choosing an artist, drawing up a contract, liaising with the Town and design contractors such as architects, monitoring progress and overseeing fabrication and installation of the artwork. Bear in mind that fees for an external public-art consultant should be included in the Public Art budget depending upon other staffing demands and expertise.

If an external consultant is contracted for the purpose of the project, **no more than ten per cent (10%) of the contribution may be deducted** from the minimum one per cent of the development cost set aside for the Public Art. If the applicant chooses not to use an external art consultant, the applicant cannot deduct a fee for management of the project.

Do-It-Yourself Project Management

If the applicant decides to manage the project, then the next step is to find an artist or artists to design and create the Public Art in consultation with Town staff. The applicant can either contact artists personally or go through an agency such as Artsource.

Artsource

Artsource are not for profit visual artist membership associations which can help developers choose a suitable artist. Artsource have online databases and can be contacted for assistance with artists contact details.

How to choose an artist?

The applicants can make a shortlist of about three artists that might be suitable based on the types of materials they are familiar with using, the style of their art works and their experience with Public Art projects.

Artists should be requested to submit a design proposal based on a brief. Items that could be included in the brief are listed below.

It is industry practice to pay a fee for the design proposal.

If the design is acceptable, the artist can then be contracted to complete the project.

The artist's brief

Contact the shortlisted artists and ask them to submit a design concept, based on a written brief that gives them parameters such as:

- style, size and purpose of the building
- preferred location of the proposed work
- the theme, to reflect those in the Town of Port Hedland Interim Public Art Strategy (2013)
- reference to any historical material which is to be included
- range of preferred materials (if necessary)
- time schedule
- budget
- safety and industrial issues
- legal and insurance requirements (such as copyright, ownership and evidence of public liability insurance)
- requirements to liaise with staff and the Town.

The artist may want to visit the site and discuss the project before creating the design concept.

The design concept will need to adhere to the format detailed in the Application for Art Work Design Approval form attached to this document. It is industry practice to pay a fee to artists for a design concept. The applicant's publicart consultant or the Town's Community Development Officer or Manager Community Development can advise on what might be an appropriate amount.

Once design concepts have been received, the applicant should arrange to meet with the architect and the Community Development Officer or Manager Community Development to discuss the proposals and choose an artist.

Once the applicant has gained approval in principle for the project from Community Development, the applicant must enter into a contract with the artist for full approval to be achieved.

3. Drawing up a contract

Applicants can either create their own contract or obtain a template from ArtsLaw.

If deciding to create a contract with the artist, the applicant should consider addressing the following areas:

- reference to the intent of the design as the basis for the completed work
- time schedule
- budget, including a payment schedule
- supervision and reporting requirements
- insurance and workers' compensation
- use of third parties
- safety and industrial issues
- maintenance responsibility
- ownership of the work
- copyright matters
- conflict resolution mechanism.

4. Formal Project Approval

- After choosing an artist and entering into a contract, if necessary, the artist will complete a final design for approval by the project manager/architect and the Community Development Officer or Manager Community Development.
- The applicant will then need to submit an Application for Art Work Design to the Town, using the form attached to these Guidelines. Included should be a contract between the developer and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget.
- If the Town is satisfied with the Application, the Town will grant full approval for the Public Art project, and if the application has satisfied the other conditions of the Building License, the Town will then approve and issue the Building License.

5. Final design, fabrication and installation

During the design, fabrication and installation phase, a collaborative approach and liaison between design professionals and the contracted artist will result in optimum outcomes for the artwork project.

Note: The art work must be installed prior to the first occupation of the building, and/or permit to use.

Once the project is completed

When the Public Art is installed, a launch or opening helps to create a sense of importance and occasion and also provides mutually pleasing publicity and good public relations for the company and artist.

A launch can take the shape of a short ceremony with brief speeches by people involved in the project and a VIP or media personality, followed by some refreshments. It could also include special events such as musicians and other entertainers and incorporate the opening of the building, especially if the artist has been involved from the early drawing stages and included art works in the overall design of the building.

For further information:

Town of Port Hedland	PO Box 41 Port Hedland WA 6721	(08) 9158 9600
	Manager Community Development	(08) 9158 9622 mgrcs@porthedland.wa.gov.au
	Community Development Officer	(08) 9158 9687 cdo@porthedland.wa.gov.au
Department of Culture and the Arts(WA)	Gordon Stephenson House 140 William Street Perth WA 6000 http://www.dca.wa.gov.au/	(08) 6552 7300 info@dca.wa.gov.au The DCA lists their current and previous Percent for Art projects in promotional material, which includes the artists who have worked on specific projects, and Arts Coordinators who select artists and commission the work: http://www.dca.wa.gov.au/DCA-Initiatives/spaces-and-places/public-art/242/
Artsource (selection of artists)	<i>Perth</i> King Street Arts Centre Level 1, 357 Murray St Perth, WA, 6000 http://www.artsource.net.au/	9226 2122 consultancy@artsource.net.au
	<i>Fremantle</i> Level 1, 8 Phillimore St, Fremantle, WA, 6160	9335 8366
ArtsLaw	Arts Law Centre of Australia The Gunnery, 43-51 Cowper Wharf Road Woolloomooloo NSW 2011	http://www.artslaw.com.au/ (02) 9356 2566 1800 221 457 (toll-free)

ATTACHMENT 1:

**Town of Port Hedland
Percent for Public Art Scheme**

Application for Art Work Design Approval

**Address of
Development** _____

Approval to Commence Development Serial No.

Name of Owner

Owner's Address

Telephone _____

Fax _____

Email _____

Name of Applicant

**Applicant's
Address** _____

Telephone _____

Fax _____

E-mail

Name of Architect/Designer

Architect/Designer's Address

Telephone _____

Fax _____

E-mail

Name of Artist

Artist's Address

Telephone _____

Fax _____

E-mail

2. Art Work Documentation

Please attach three (3) sets of documentation which include drawings of the proposed art work that show colours, materials and dimensions.

3. Location of Proposed Art Work

Please attach three (3) sets of plans that show the proposed art work's location in relation to the building.

4. Contract between the Developer and Artist

Please attach three (3) copies of the contract between the Developer and the Artist.

5. Art Work Budget

Please attach three (3) copies of a detailed Art Work Budget.

6. Completion and Installation of Art Work

When will the art work be completed and installed?

It will be a condition of the art work approval that the art work is to be installed prior to the first occupation of the development.

Should an extension of time for installation of the approved art work be required, please contact the Town's Community Development Officer or the Manager Community Development in writing before the deadline. A written response will be provided in due course. Once the art work has been installed, the Owner/Applicant must notify the Town's Community Development Officer in writing, by completing the attached '*Notification of Art Work Completion*' form. This will allow the Community Development Officer to conduct a site inspection to ensure compliance with the art work approval.

How Will This Art Work Proposal Be Assessed?

Town of Port Hedland staff will assess the application based on the following criteria:

- Durability of materials
- Legality and safety
- Accessibility by the public
- Adherence to any special conditions applied by the Town
- Suitability of the work in the context of the development and surrounding areas.

Assistance in completing this application can be obtained by contacting either the Community Development Officer (9158 9687) or the Manager Community Development (9158 9622).

ATTACHMENT 2:

NOTIFICATION OF ART WORK COMPLETION

I,

of

Company name:

Address:

Contact E-mail/Phone

and Facsimile details:

advise that in accordance with the Approval to Commence Development (Serial No.

.....) and subsequent art work project approval dated

.....; the art work has been installed and completed.

Accordingly, I hereby advise that the Town may inspect the site to ensure the art work complies as approved.

Development Address Details:

.....

.....

Please complete this section if wishing to be present at the site inspection and a meeting will be arranged between the applicant and the Community Development Officer accordingly.

Name:

Postal Address:

Email Address:

Contact (Home) (Work)
Numbers:

(Mobile) (Fax)
.....

Signature:

Owner/Applicant

Signature:.....

Date of Notification:

.....

*Please return the completed form to the Community Development Officer,
Community Development at the Town of Port Hedland on Fax. (08) 9158 9399 or
to PO Box 41, PORT HEDLAND 6721*

Town of Port Hedland

Interim Public Art Strategy

June 2013

Introduction

A clear vision and a well thought out public art strategy is one way to ensure public art projects are delivered in a strategic manner which will provide maximum community benefit.

This public art strategy reflects the role of public art in place making and provides a clear direction for commissioning public art within the Town.

The strategy underpins the Percent for Public Art Policy being investigated by Council at this strategy's inception.

It is recommended that this Interim Public Art Strategy be reviewed within 12 months of adoption.

Purpose

The Interim Public Art Strategy is the foundation for the Town of Port Hedland's commitment to enhance the built environment through public art installations. Public artwork is a means to reflect on the local identity, culture, unique history, people, events and future aspirations through the appropriate placement of quality, relevant and meaningful works.

Vision

The Town of Port Hedland considers there is a need to protect and enhance the utility, amenity and identity of the public spaces such as town centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality.

This strategy will assist in achieving the following objectives:

- Improve the quality of the Town's built environment through the use of high quality public artworks
- Increase the social, cultural and economic value of the Town
- Develop and promote community identity within the Town
- Enhance a sense of place by encouraging public art forms which reinforce and highlight early settler and Indigenous history, cultural heritage and contemporary traditions.

Relationship to Town of Port Hedland Strategic Community Plan 2012 – 2022

The successful application of the Interim Public Art Strategy and resultant art works will address several elements of Council's Strategic Community Plan 2012 – 2022. These are:

Strategic Theme 1: Community

1.2 Vibrant

- Commit to improving the quality of life and wellbeing of residents

1.3 Rich in Culture

- Strengthen local communities, history and culture
- Promote the arts and culture

Strategic Theme 4: Local Leadership

4.2 Community Focused

- Local leaders In the community who provide transparent and accountable civic leadership which advocates for community needs and aspirations

Definition of Public Art

Public Art - For the purposes of this strategy, 'Public Art' is defined as being site-related and place-responsive art in the public domain which includes the process of engaging artists' ideas, enhances the built and natural environments and adds value to character and cultural identity through the use of a diverse range of art forms and design applications. Public Art is to be developed by a public artist.

Public (Professional) Artist – means a regular exhibitor of artwork, offering work for sale, or selling work; having been awarded or eligible for a government grant; selected for public exhibition, awards or prizes; having secured work or consultancies on the basis of professional expertise, having had work acquired for public or private collections; being a member of a professional association on the basis of his/her status as a professional artist.

Public Art projects include:

- Building features and enhancements such as bicycle racks, gates, benches, fountains, playground structures or shade structures which are unique and produced by a professional artist
- Landscape art enhancements such as walkways, bridges or art features within a garden
- Murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials
- Sculpture which can be freestanding or wall supported in durable materials suitable for the site
- Fibreworks, neon or glass art works, photographs, prints and any combination of media including sounds, film and video systems.

Public Art projects do not include:

- Commercial promotions in any form
- Directional elements such as supergraphics, signage or colour coding
- 'Art objects' which are mass produced such as fountains, statuary or playground equipment,
- Most art reproductions
- Landscaping or generic hardscaping elements which would normally be associated with the project
- Services or utilities necessary to operate or maintain artworks.

Key Themes for Public Art

Public art in the Town of Port Hedland is expected to consider the following elements:

- Historical interpretation – reflect the shared history of the Town
- Contemporary representation – abstract interpretation of the Town's identity
- Environmental interpretation – reflection of the Town's natural, social and built environment
- Cultural interpretation – recognition of the multi-cultural history of the Town, including its rich Indigenous culture
- Function and form – contribution to Town's sense of place.

Selection of Public Art

Percent for Public Art Policy projects and art works will be selected as per the adopted Percent for Public Art Policy and Guideline documents.

Any further works and projects will be selected using the description and criteria below.

Selection of artists and artworks will be carried out by a panel with a range of design and planning expertise. It is recommended that selection of artworks valued at less than \$50,000 be carried out in-house by the Shire and that community representatives and/or specialists be co-opted for artworks of greater value, and may include Council representation in some cases.

The criteria for public art selection are as follows:

- Adherence to objectives, and key themes set out in this Interim Strategy
- Degree of excellence and innovation of the work
- Ability and skills of the artist to undertake the work
- Durability of materials
- Accessibility by the public
- Legality and safety
- Community involvement in the creative process and community support for the work
- Development of partnerships with the private sector, arts and community groups, local artists and government, ability to attract external funding for the project
- Suitability of the work in the context of the site and surrounding areas.

Project Implementation

It is recommended that the specialist agreement formulated by the national body 'Arts Law' for the design and commissioning of public artwork be used generally when engaging artists.

An Art Consultant, Project Manager or external Public Art Coordinator can be required to oversee larger scale commissions. The role of the coordinator is to manage and facilitate the commissioning process and to achieve the best possible artistic outcome for the client, the community and the site and to support the client and the artists throughout the commissioning process.

All projects, whether they are managed by internal or external stakeholders, will give due regard to planning and building policies and procedures.

Placement of Public Art

This strategy encourages all future public art works to be placed in public spaces, in order to achieve community benefit by way of engagement, site activation and sense of place. The term 'sense of place' captures the identity of places. It embraces natural and cultural features, the distinctive sights, sounds and experiences rooted to that place, its atmosphere and people. Places with a strong 'sense of place' have a clear identity and character that is recognisable by inhabitants and visitors alike.

The inclusion of public art has been included in significant strategic planning for key projects including the development of the Old Port Hedland Cemetery, Cemetery Beach Park, proposed development of the Foreshore Master Plan, Integrated South Hedland Community Facilities and Trails Master Plan.

For the purpose of the Percent for Public Art Policy, the Town has identified a number of Precincts for the installation of public art. These precincts inform the placement of Public Art Projects funded by cash-in-lieu contributions as prescribed by Section 3 of the Policy Statement.

These locations, and others, will be re-assessed upon the review of this Interim Public Art Strategy.

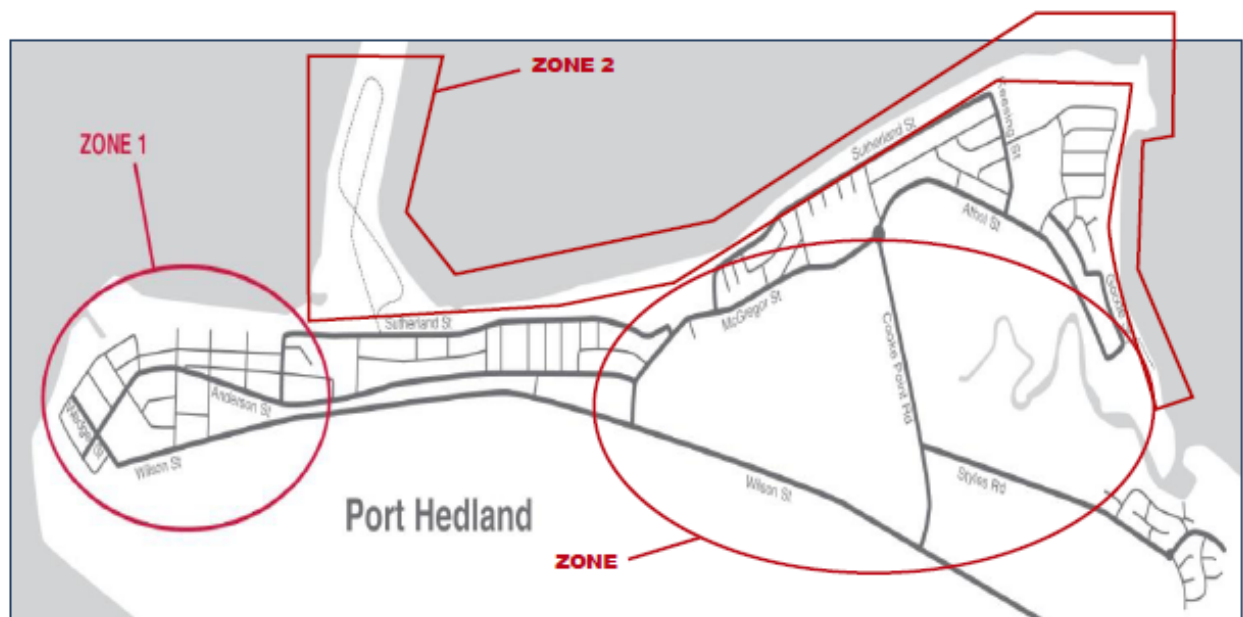


Figure 1: Port Hedland – Zones 1, 2 and 3

1. Zone 1 - West End Cultural Precinct

The West End is known as the cultural hub of Port Hedland. Centred around Wedge Street and the iconic port with its industrial function, this area boasts significant cultural heritage links to Hedland's past. It is the commercial centre of Port Hedland.

2. Zone 2 - Marina and Foreshore Precinct

The heart of the Port Hedland Foreshore and entrance to the Port, the Marina and the broader Foreshore Precinct is a mixing pot of industrial, coastal, cultural and natural heritage themes. This area represents a hub for community recreational and lifestyle opportunities.

3. Zone 3 – East End, Port Hedland

Significant natural heritage values are reflected in upcoming development in this Precinct, with a focus on the Pretty Pool Creek and its connection to the ocean. The mangrove eco-system offers a link to natural flora and fauna. This Precinct also includes the heritage site of the Aboriginal strike of the 1940's and other significant cultural heritage values.

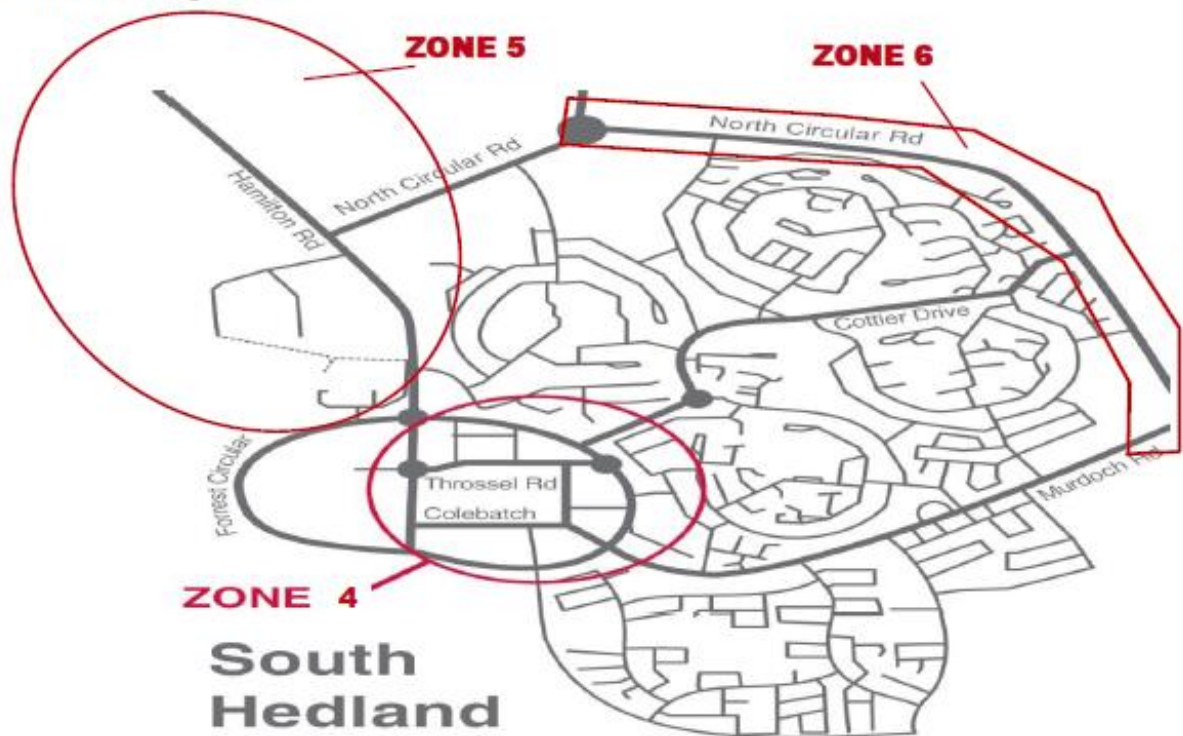


Figure 2: South Hedland - Zones 4, 5 and 6

4. Zone 4 - South Hedland Town Centre

The largest activity centre of the region, the newly redeveloped town centre supports the significant concentration of development and investment. It is a focus for present, and future, community and cultural facilities.

5. Zone 5 – Hamilton Western Entrance

Forming the western entrance to South Hedland, this Precinct frames the first impressions of the Town. Iconic art in this Precinct should reflect the culture of the South Hedland community – vibrant, welcoming and multicultural.

6. Zone 6 – Eastern Entrance

Forming the eastern entrance to South Hedland, this Precinct frames the first impressions of the Town. Iconic art in this Precinct should reflect the culture of the South Hedland community – vibrant, welcoming and multicultural.

7. Zone 7 – Wedgefield Precinct

As Hedland's light industrial area, Wedgefield supports a variety of light and service industry premises as well as a small residential component. Bounded by the Great Northern Highway to the south, and soon to be constructed bypass to the north, this area has had a key role to play in servicing the town's growth. This precinct encompasses the entirety of the Wedgefield precinct, and extends along the Great Northern Highway to Redbank Bridge, and westwards to the BHP Billiton Rail Crossing.

Funding

Percent for Public Art Policy

At the time of development of this Strategy, the Town was investigating the adoption of a Percent for Public Art Policy which will apply a Percent for Public Art approach to development proposals or improvements for built form. Under this policy, where cash in lieu of the provision of public artwork is provided by developers, the funds will be pooled in a Public Art Fund and contribute to a major work generally within identified precincts.

Town Funding

In order to raise awareness of cultural heritage and history through public art and interpretation in public places, it is recommended that Council consider a funding program that provides public art in key projects, cultural spaces and other places that would not otherwise benefit from outcomes provided by existing policy mechanisms.

External Funding

External funding for public artwork can also be sought from various organisations including:

- Local industry partners
- Local organisations and businesses
- LotteryWest
- Department of Culture and the Arts
- Healthway
- Australian Arts and Business Cultural Fund
- Australia Council.

Ongoing Management

Commissioned artists will provide a maintenance schedule with cost estimates. At the time of commissioning, this schedule will be aligned and budget with annual site landscaping and public open space works. The artist will be invited to conduct or oversee repairs on the work, for a fee, wherever possible.

The Town may decide to remove or decommission an artwork because it is in an advanced state of disrepair or damage, no longer considered suitable for the location or for other reasons such as a safety risk. In such instances, the Town will consult with the artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal.

The Town will enter all public artworks that it has commissioned and those on Crown land on the Asset Register and these works will be managed through the Asset Management Plan.

ATTACHMENT 4 TO ITEM 11.3.1.1

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
Whelan's Town Planning	1. 'Public (professional) Artist' should be removed due to restrictions	Definition of Public Artist to be retained within the Policy as this provides an assessable criteria for approval of the artwork design. An architectural element that provides artistic expression will conform to the Policy, so long as it is designed by a Public Artist, as defined by the Policy. This provision allows for work by non-professional artists, students and indigenous (non-professional) artists, in collaboration with a professional Public Artist as defined by the Policy.	Noted - no change to Policy
	2. Policy should be changed to incorporate tiered payment method	Policy changed to include capped contribution of \$250,000.	Amendment to Policy as follows: Section 1 Policy Intent - add to first sentence, 'up to a maximum contribution of \$250,000. Any contribution in excess of \$250,000 is to be considered as a voluntary contribution by the Owner/Applicant.'
	3. Guidelines should be changed so approval does not delay building license	Approval process provides clear points of decision making and action and will not delay approval of Building License if provisions are adhered to.	Noted - no change to Policy

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
BHP Billiton Iron Ore	1. Developer Contribution Policy will add significant cost and risk to developers - should be negotiated on a case by case basis	The Percent for Public Art Policy is different to a Developer Contribution Policy, which the Town is considering separately. The Percent for Public Art Policy seeks to ensure a reasonable contribution to Public Art in a transparent and equitable way, rather than on a case by case basis.	Noted - no change to Policy
	2. Policy does not explain how thresholds have been decided upon	Thresholds are an established method for determining a trigger point for planning policies. A recent SAT decision 'Lavenda vs. Town of Vincent' accepted a \$500,000 threshold to be reasonable; however, the ToPH has made an allowance for the high cost of development in the Pilbara in applying a \$5,000,000 threshold in the Percent for Public Art Policy.	Noted - no change to Policy
	3. ToPH should consider past and current community investments to offset any mandatory requirements	The application of a Local Planning Policy is required to be transparent and equitable. Community investment by industry therefore needs to be considered as separate from a commercial development proposal.	Noted - no change to Policy
	4. DA approval payment of contributions - remove word 'minimum'	The Policy has been amended to include capping of the contribution at \$250,000. Removal of word 'minimum' not supported, as stipulation of a minimum contribution is necessary for the application of the Policy.	Amendment to Policy as follows: Section 1 Policy Intent - add to first sentence, 'up to a maximum contribution of \$250,000. Any contribution in excess of \$250,000 is to be considered as a voluntary contribution by the Owner/Applicant.'

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
	<p>5. West End art themes should reflect on Port Hedland Dust Taskforce (port/industry precinct)</p>	<p>Themes identified for West End Precinct are: 'cultural hub', 'iconic port', 'significant cultural heritage links to Hedland's past', 'commercial centre of Port Hedland' - agreed that these themes should be augmented by reference to industrial function and history.</p>	<p>Amendment to Interim Public Art Strategy as follows: Placement of Public Art - Zone 1 - 'Centered around Wedge Street and the iconic port with the industrial function, this area boasts significant cultural heritage links to Hedland's past.'</p>
<p>BHP Billiton Iron Ore</p>	<p>6. ToPH planning scheme has no head of power to seek financial contributions for public art</p>	<p>Advice received is that it is 'open to the Council to adopt a Policy which requires the provision of public art as condition of development approval in appropriate cases'. This and other Local Planning Policies are developed on the basis of Clause 5.1.1 of The Scheme which provides a broad prescription for the preparation of a Local Planning Policy</p>	<p>Noted - no change to Policy</p>

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
	<p>1. Public Art Strategy - Suggest reference to using local or regional artist where possible</p>	<p>Criteria for public art selection in Public Art Strategy include 'Community involvement in the creative process and community support for the work' and 'Development of a partnership with the private sector, community groups and government' - these statements can be strengthened to support local artists.</p>	<p>Amendment to Interim Public Art Strategy as follows: 'Development of partnerships with the private sector, arts and community groups, local artists and government'</p>
<p>Artsource</p>	<p>2. Not mentioned in Percent for Art Policy - (a) Inclusion of consultants fees as an allowable expense (b) suggest the Town grant in principle approval prior to contract of artist (c) address of copyright</p>	<p>(a) Section 2.b.i of the Policy states that 'For the purposes of calculating the value of a contribution to Public Art, the following costs associated with the production of an art project may be included:.... art consultants fees if these are necessary and reasonable...'</p> <p>(b) Section 3.a of the Policy states that '(iii) If satisfied with the proposal, the Town provides approval in principle for the Public Art Project. (iv) The Owner/Applicant enters into a contract with their chosen artist, submits an Application for Art Work Design and obtains full project approval from the Town through the Development Approval Process.'</p> <p>(c) Section 5 c of the Policy states that 'The Town recognises that artists have moral rights under copyright legislation, which are the right of their work, the right against false attribution to someone else, and the right of the artist to object against treatment of an art work that demeans their reputation.'</p>	<p>(a) Noted - addressed in Policy</p> <p>(b) Noted - addressed in Policy</p> <p>(c) Noted - addressed in Policy</p>

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
Artsource	<p>3. Percent for Art Guidelines - clarification of Paragraph 2 on Page 3 - 'If the art work is of an abstract nature it cannot be incorporated into the building elements such as gates etc. but must be presented in such a fashion to be seen as a stand-alone work.'</p>	<p>This paragraph provides differentiation on artworks which are incorporated into the fabric of the building and those of a stand-alone nature. Policy changed to provide clarification.</p>	<p>Amendment to Guidelines as follows: 'If the art work is of an abstract nature that it cannot be incorporated into the building elements such as gates etc. it must be presented in such a fashion to be seen as a stand-alone work.'</p>
	<p>4. Percent for Art Guidelines - Final paragraph on Page 3 - suggest changes to outline key roles for art consultant.</p>	<p>Guidelines changed to provide clarification on this point.</p>	<p>Amendment to Guidelines as follows: 'They will manage the project for you, including choosing an artist, drawing up a contract, liaising with the Town and design contractors such as architects, monitoring progress and overseeing fabrication and installation of the artwork.'</p>
	<p>5. Percent for Art Guidelines - Page 4 - Request modification of Artsource information</p>	<p>Guidelines changed to provide clarification on this point.</p>	<p>Amendment to Guidelines as follows: 'Artsource is a not for profit visual artist membership association which can help developers choose a suitable artist. Artsource has an online database and you can contact Artsource for assistance with artists contact details.'</p>

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
Artsource	6. Percent for Art Guidelines - Suggest that a good artwork brief will make reference to Public Art Strategy and associated themes.	Guidelines changed to provide clarification on this point.	Amendment to Guidelines as follows: Final paragraph on Page 4 - 'the theme, to reflect those in the Public Art Strategy'
	7. Percent for Art Guidelines - Page 5 is the template supplied by ToPH based on Artslaw template?	Guidelines changed to provide clarification on this point.	Amendment to Guidelines as follows: 'You can either create your own contract or obtain a template from ArtsLaw.' ArtsLaw contact details included in 'For Further Information' section.
	8. Percent for Art Guidelines - Existing statement under Point 5 'assistance to artist' has potential to create disputes -amend wording to reflect collaborative approach.	Guidelines changed to provide clarification on this point.	Amendment to Guidelines as follows: 'During the design, fabrication and installation phase, a collaborative approach and liaison between design professionals and the contracted artist will result in optimum outcomes for the artwork project.'
	9. Percent for Art Guidelines - Confirming that Artsource contact details are correct.	Noted	Noted - no change to Policy

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
<p>Taylor Burrell Burnett – Town Planning and Design</p>	<p>1. Recent rezoning - exclude Trumpet Subdivision from the policy. It would have been zoned 'residential' if policy was put in place prior to final adoption of project</p>	<p>Agreed that Urban Development Zones be excluded from the Policy, as this Zoning is used to provide a preliminary flexible statutory framework for the subsequent development of land into a new residential estate.</p>	<p>Amendment to Policy as follows: Section 1 Policy Intent - delete 'Urban Development' from 2nd sentence.</p>
	<p>2. SHNL community infrastructure contribution, already 10% POS contributions. Additional cost would reduce ability for SHNL to make further contributions</p>	<p>The Percent for Public Art Policy applies to development proposals or improvement to built form, rather than at subdivision stage, and is separate to the Town's requirement for POS.</p>	<p>Noted - no change to Policy</p>
	<p>3. Government Agencies to be exempt - Exclude government agencies from this Local Planning Policy as well as the 'Urban Development' zoned areas.</p>	<p>Section 1 of the Policy states that 'This policy shall apply to all proponents with the exception of those exempt from obtaining Local Authority Planning approval under other legislation.' Government agencies are exempted by legislation. Agreed that Urban Development Zones be excluded from the Policy, as this Zoning is used to provide a preliminary flexible statutory framework for the subsequent development of land into a new residential estate.</p>	<p>Amendment to Policy as follows: Section 1 Policy Intent - delete 'Urban Development' from 2nd sentence.</p>
<p>Department for Housing</p>	<p>Department for Housing is exempt from obtaining Local Authority Planning Approval - will use the policy as a guide to implement their state % for Art Scheme obligations.</p>	<p>Noted</p>	<p>Noted - no change to Policy</p>

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
Hightower Planning and Development	<p>1. Public Art Zones are too restricted in South Hedland. Public art should be encouraged in brownfield and greenfield areas to encourage a sense of place for current residents.</p>	<p>The Public Art Strategy states that 'For the purpose of the Percent for Public Art Policy, the Town has identified a number of Precincts for the installation of public art. These precincts inform the placement of Public Art Projects funded by cash-in-lieu contributions as prescribed by Section 3 of the Policy statement.' The Zones prescribed in the Strategy do not restrict the Town or any other parties from developing public art projects in other areas, but guide the expenditure of cash-in-lieu contributions into these prescribed Zones.</p>	<p>Noted - no change to Policy</p>
	<p>2. The Town should push for public art to be incorporated in large scale subdivision projects</p>	<p>Agreed, the Town encourages developers to incorporate public art projects in subdivisions. This approach has been successful to date in subdivisions such as the South Hedland Town Centre, which features a range of locally designed artworks. The Percent for Public Art Policy applies to development proposals or improvement to built form, rather than at subdivision stage.</p>	<p>Noted - no change in Policy</p>
	<p>3. The Policy should clarify whether public art can be incorporated into a private development site</p>	<p>Section 3.b of the Policy states that 'The Town encourages Owners/Applicants to situate the Public Art on private property within the relevant development.' It is agreed that this intent should be strengthened within the Policy.</p>	<p>Amendment to Policy as follows: Section 3.b delete 'encourages' and replace with 'requires'.</p>

Attachment 4 – Summary of External Submission (Percent for Art Policy)

Respondent	Comment	Response	Action
Hightower Planning and Development	<p>4. Where cash-in-lieu option is proposed, the Town should clearly specify a project to which the contribution will be expended. Alternatively, applicants should be able to choose a project on which the contribution should be expended and receive recognition on the completed artwork.</p>	<p>The intent of the Policy is for developers to situate the public art on private property within the relevant development. The cash-in-lieu option is offered to satisfy the provisions of the Policy, in the event that the applicant does not wish to undertake a public art project on the relevant development. Should this option be taken, the contribution is expended at the discretion of the Town, as prescribed in Section 4 of the Policy 'in accordance with a precinct public art project as prescribed by the Town of Port Hedland or any applicable cultural and arts strategy, in the area within which the proposal is situated.' and 'Individual funds contributed within an area may be accrued for more comprehensive or detailed public art projects as determined by the Town.' Once the cash-in-lieu option is taken by the developer the contribution is not regarded as a sponsorship or donation and no further conditions are required by the Town in regards to the developer.</p>	Noted - no change in Policy
	<p>5. A minimum \$50,000 project is not significant when considering cyclone structural rating requirements and may result in a minimal outcome. Refer to costs of stand-alone projects such as those recently installed at Don Rhodes Museum and Dampier Highway.</p>	<p>Section 2.c of the Policy prescribes a range of allowable public art projects that can be incorporated within the fabric of the building, at a lower cost than a stand-alone sculpture. These can include mosaic work, bas relief treatments, glass or concrete etching and murals.</p>	Noted - no change to Policy

ATTACHMENT 5A TO ITEM 11.3.1.1



Our Ref: 15802
30 January 2013

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

Dear Sir/Madam

RE: PROPOSED PERCENT FOR ART POLICY, STRATEGY & GUIDELINES

Whelans Town Planning are pleased to lodge a submission on behalf of Centurion Accommodation (Australia) Pty Ltd, the landowners of Lots 465, 466, 470, and 471 Anderson Street, Port Hedland in response to the request for submissions on the abovementioned Strategy, Policy and Guidelines.

It is understood that the reason for the Strategy, Policy and Guidelines is to encourage the installation of Public Art as a means of enhancing the quality of the built environment and to ensure that Public Art projects are delivered in a strategic manner.

We wish to advise our support of this initiative however request that some of the provisions of the proposed Strategy, Policy and Guidelines be changed to ensure development is not inhibited. The suggested changes are considered to still be in keeping with the objectives of the Strategy.

Firstly, it is recommended that the definition of 'Public (Professional) Artist' be removed from the Strategy as it restricts who can produce the Public Art. This will have implications on the type of mediums that can be employed. For example an architectural element of a building or other built environment element that provides artistic expression. The current definition also disallows the use of art done by students, indigenous persons and other non-professional artists. Restrictions on who can produce the Public Art will also have time and cost implications. It is considered that the definition of Public Art and selection by the Panel will be sufficient to determine if a proposal is suitable.

Secondly, it is recommended that the Policy be changed so that the cost of the cash in lieu Percent for Public Art Contribution or Public Art Project is calculated using a tiered method similar to that used by the City of Subiaco. Please refer to Table 1 below.

Value of construction	Value of contribution
\$1,000,001 > \$1.5 Million	\$10,000
\$1,500,001 > \$2 Million	\$15,000
\$2,000,001 > \$2,499,999	\$20,000
\$2.5 million +	One percent of total construction costs
\$15 million	Contribution cap negotiated (no less than \$250,000)

Table 1: Private Developer Contributions Source: City of Subiaco Public Art Policy and Guidelines

HEAD OFFICE:
Suite 4, First Floor, 40 Healer Road, Osborne Park WA 6017
PO Box 99, MOUNT HAWTHORN WA 6915
T: 08 6241 3333 F: 08 6241 3300
E: whelans@whelans.com.au W: www.whelans.com.au

PERTH | KARRATHA | BROOME | KUNUNURRA | KALGOOLIE
WHELANS (WA) PTY LTD ACN 074 363 741





We believe that this method of calculation is preferable as it will encourage not only the provision of more Public Art in more dispersed locations, but also a wider variety of Public Art, as cost is likely to be reflected in the size of the installations. We also believe that the contribution should be capped at \$250,000 as any required contribution larger than this amount will negatively impact the feasibility of a development and would also increase the difficulty of providing Public Art with regards to commissioning and management. It is considered a more equitable approach to require contributions as part of developments with constructions costs of one million and above.

Thirdly, it is recommended that the Guidelines be changed so that approval of a proposed Public Art project does not delay the issue of the building licence. Further, it is suggested that rather than have a requirement to submit an application for approval of the Public Art after receiving planning approval that application be permitted in conjunction with the application for planning approval. There should also be a maximum time period specified within the Guidelines for the Public Art approval process.

Thank you for the opportunity to comment on this matter. If you wish to discuss any of the above further, please do not hesitate to contact the undersigned on 6241 3305.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Melinda Marshall', written in a cursive style.

Melinda Marshall
Town Planner

ATTACHMENT 5B TO ITEM 11.3.1.1

Iron Ore



BHP Billiton Iron Ore Pty Ltd
ABN 46 008 700 981
125 St Georges Terrace
Perth WA 6000 Australia
PO Box 7122 Clusters Square
Perth WA 6850 Australia
Tel +61 8 6321 0000 Fax +61 8 6322 9978
bhpbilliton.com

14 February 2013

Lorna Secrett
Manager Community Development
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Lorna

Proposed Percent Public Art Policy 2012

Thank you for the opportunity to comment on the Town of Port Hedland's Percent Public Art Policy.

BHP Billiton Iron Ore (BHPBIO) is supportive of the towns stated strategy vision to "protect and enhance the utility, amenity and identity of the public spaces such as town centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality".

BHPBIO, has invested over \$23.5M over the past 5 years into art related projects and initiatives through its Community Development Program. The broader program has expended significantly more money into key areas of health, education, recreation and township amenity and infrastructure. The list of investments into art related initiatives is attached for your information.

While we agree that public art enhances the overall amenity of the township and is a desirable element of our growing city, BHPBIO would like to make the following comments about the Proposed Percent for Public Art Policy:

Comment 1

As members of the PH Chamber of Commerce and Industry, BHPBIO is aware of the significant challenges facing developers in Port Hedland. Any mandated policies such as the percent of public art policy or the proposed 'developer contributions' policy that will add to the significant costs and risks already faced by developers, may act as a disincentive for investment into Port Hedland. These initiatives therefore seem counterproductive to attracting investment into the region. BHPBIO believes that contributions of this kind should be negotiated on a case by case basis depending on the project and made voluntarily rather than through a mandated policy.

Comment 2

The Policy does not explain how the thresholds for application of the policy have been decided upon, for example why a development of \$5,000,000 does generate a need for public art, but a development of \$4,950,000 does not.

Comment 3

In consideration of the significant community investments outlined above, BHPBIO believes that the ToPH, in applying this policy should consider past and current investments into art as offsets to any mandated requirement to make further investment into public art as stipulated through the Policy.

Comment 4

The draft Policy proposes, as a condition on a DA approval, to require the payment of contributions for public art to a minimum of 1% of the cost of development. BHPBIO suggests the deletion of the word 'minimum' as it may leave the proponent exposed to being asked for more than the 1%. Alternatively the policy should clarify the circumstances in which the Town may require more than 1% so that this is clear.

Comment 5

Any art in the West End should reflect the Port Hedland Dust Taskforce's identification of the land west of Taplin Street as a 'Port/Industry Precinct' and therefore be themed appropriately to give the area the distinct look and feel of a working port and industrial area.

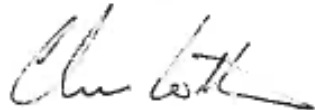
Comment 6

At present the Town of Port Hedland (ToPH) Town Planning Scheme (which is statute) does not provide any head of power that enables the Town to seek financial contributions for public art as a condition of planning approval. Given this, there is a reasonable argument that any condition requiring contributions would be ultra vires and susceptible to be challenged. Even if a head power were attempted to be provided, there is an argument that the contribution would be found to be a tax and invalid as contrary to the Australian Constitution. Even if these issues were overcome, the Town can only impose conditions that are reasonably related to the development. It is very difficult to see how a condition formulated from the Policy with its emphasis on individual projects in public spaces and, failing one of those, a requirement to pay into a general fund, could be said to be reasonably related to a particular development.

Again thank you for the opportunity to comment. We would be pleased to discuss our position with you as required.

Please contact me on 08 6321 3482 or Chris Cottier on 08 173 6838 in order to organise a suitable time to discuss this matter.

Yours sincerely



Chris Cottier
Manager Pilbara Communities

ATTACHMENT 5C TO ITEM 11.3.1.1

De Meillon Steve

From: Davis Mark
Sent: Tuesday, 5 February 2013 9:51 AM
To: De Meillon Steve
Cc: Secrett Lorna
Subject: FW: Proposed Town of Port Hedland Percent for Public Art Policy

Categories: Red Category

For your % for Art folder

Regards

Mark

**Mark Davis**

Community Development Officer
 PO Box 41 Port Hedland WA 6721
 Ph: (08) 9158 9687 Fax: (08) 9158 9399
 Mb: +61 408 933 077
 Email: cdo@porthedland.wa.gov.au
 Web: www.porthedland.wa.gov.au

Save a tree. Don't print this e-mail unless it's really necessary

From: Beverley Iles [mailto:Bev@artsource.net.au]
Sent: Monday, 4 February 2013 5:01 PM
To: Davis Mark
Subject: RE: Proposed Town of Port Hedland Percent for Public Art Policy

Hi Mark

Thank you for giving us the opportunity to respond to these documents and congratulations for getting some structures in place preceding some of the major projects you have planned. Artsource are included as public art consultants in TPGs response to tender for the old Port Hedland cemetery upgrade so we are aware of some of the works in the pipeline.

- Interim public art strategy: Looks pretty good - comprehensive. No comments except to wonder if you would like to make reference to using local or regional artists where possible? Not sure if you can build in a preferential tendering or whether talking about understanding the culture and sense of place of Port Hedland might help weight an advantage to local artists who also have the other skills needed to work in public art. You get pretty close on page 4 when talking about criteria for selection – would rephrasing this as “development of partnership with local artists or art groups, ...” also help with this?
- Percent for Art policy:
 - Consultants fees as part of allowable expense for a public art project is pretty standard but not mentioned here;
 - Good to have an in principle approval before the developer contracts the artist – some policies ask for the contract up front before approval and this can prove difficult;
 - Doesn't actually address copyright. We would propose that copyright remains with the artist in all cases. This could be put in at a new point 5C and the moral rights be shuffled down a clause.
- Percent for Art guidelines:

- Para 2 on page 3 – not sure what is meant here. Can developers commission functional art works such as gates, screens etc with the artwork percentage being on top of a standard gate or screen?
- Last para page 3 – not many public art consultants will organise PR and an opening, in my experience. Might be good to mention about liaison between design people and overseeing project fabrication and installation as these are key roles;
- Can you please modify the section on Artsource to read "Artsource is a not for profit visual artists membership association who can help people choose a suitable artist. Artsource has an on line data base of artists images and you can contact Artsource for assistance with artists contact details." We currently don't charge for this service as we are happy when some of our 900 members get work!
- A good artwork brief will make reference to your public art strategy and the themes within;
- Section 3 page 5 – is the template supplied by the Town an ArtsLaw based one?
- Design documentation – nearly every public art project we are consultants for contain a design documentation stage. This is where all details of materials, size, shape, fabrication, installation, proof of insurances, details of subcontractors etc are spelt out. This gives the developer some surety about the finished artwork which should adhere to this documentation. So, concepts first, artist chosen and contracted, concepts developed and detailed into design documentation, then fabrication starts. It does sometimes happen that artists deliver works which fall short of what was planned; this stage gives some backup in this circumstance.
- Not sure that I would put in statement under point 5 about giving help to the artist. I have seen more disputes over lack of clarity about who is responsible for what, including purchase of materials etc, than anything else. Perhaps might be good to say something about a cooperative or collaborative approach between all parties giving a better outcome.
- Page 7 – Artsource's contact details are all correct. Website for browsing (post March 2013) is www.artsource.net.au. As well as public art consultants being sourced through DCA's State Government Percent for Art Scheme, Artsource also act as public art consultants and can work with developers to project manage public art projects.

Thanks again for the opportunity to comment.

Kind regards

Beverley Iles
(+61 8) 9226 2122
www.artsource.net.au

Disclaimer: This email is intended only for the use of the individual or entity named above and may contain information that is confidential or privileged. If you have received this email in error, please notify us immediately by return email or telephone +61(0)8 9335 6366 and destroy the original message. Thank you.

From: Davis Mark [<mailto:cdo@porthedland.wa.gov.au>]
Sent: Friday, 14 December 2012 12:30 PM
To: undisclosed-recipients:
Subject: Proposed Town of Port Hedland Percent for Public Art Policy

Good afternoon

Proposed Town of Port Hedland Percent for Public Art Policy

In regard to the above draft policy (attached) you are kindly invited to provide submissions / comments. Submissions / comments can be made in writing and must be lodged with the Town of Port Hedland on or before the close of business on 6 February 2013.

The aim of the proposed Percent for Public Art Policy is to improve the quality of the Town's built environment; to increase the social, cultural and economic value; to develop and promote community identity; and to enhance a sense of place.

The proposed Percent for Public Art Policy set out a requirement for a contribution of one percent of the value of development proposals for multiple dwellings, mixed use, commercial, civic or institutional of a value greater than \$5,000,000 (five million dollars) to be allocated for the development of public art, or a cash-in-lieu contribution to the Town of Port Hedland for a public art project.

Should you have any queries please do not hesitate to contact the Community Development Team on 9158 9643.

Yours sincerely

Mark Davis



Mark Davis

Community Development Officer

PO Box 41 Port Hedland WA 6721

Ph: (08) 9158 9687 Fax: (08) 9158 9399

Mb: +61 408 933 077

Email: cdo@porthedland.wa.gov.au

Web: www.porthedland.wa.gov.au

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ATTACHMENT 5D TO ITEM 11.3.1.1

Our Ref: 05/087 AP:lv

107 Roberts Road Subiaco PO Box 8180 Subiaco East Western Australia 6008

30 January 2013

Attention: Leonard Long

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

Document #: IPA35360
Date: 04.02.2013
Officer: LEONARD LONG
File: [REDACTED]



18/01/007
Please Ref to Leonard
04/02/13
Telephone (08) 9382 2911 Fax (08) 9382 2912

Taylor Burrell Barnett Town Planning & Design



Toddlin Prospecting Pty Ltd ABN 74 83 437 923

Dear Sir

SUBMISSION – PROPOSED PERCENT FOR PUBLIC ART LOCAL PLANNING POLICY, STRATEGY AND GUIDELINES

On behalf of our Client Jaxon, we present this submission on the proposed Percent for Public Art Local Planning Policy, and associated Strategy and Guidelines. This submission is prepared to address the impact of this draft policy on the recently commenced Trumpet subdivision being developed by Jaxon as part of the South Hedland New Living Project (SHNL).

As the largest developer of residential land in South Hedland, the SHNL has collaborated with the Town and other government and private stakeholders to develop underutilised Crown land for predominantly residential purposes in a manner that improves the road network legibility, increases passive and active surveillance to public spaces, and has contributed to the construction of new public open space (POS) and the improvement of existing community assets. In achieving these outcomes, the SHNL often sacrifices maximum potential lot yield in order to create new road linkages and activate otherwise neglected edges to open, public spaces.

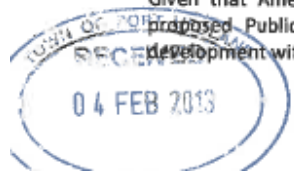
We welcome this planning initiative by the Town to encourage the provision of public art throughout the Town through the introduction of a levy on private developments in certain zones, and draw Council's attention to a number of matters we believe should be considered in the application of this Policy to the Trumpet subdivision:

1. Recent Rezoning

The recently Gazetted Scheme Amendment 42 rezoned the subject land from predominantly 'Parks and Recreation' reserve and 'Urban Development' zone to a uniform 'Urban Development' zone with an applied density coding of R30. This zoning was selected on the basis that it provided the most flexible statutory framework for the subsequent subdivision and development of the land into a new residential estate.

While the 'Urban Development' zone was selected as the most appropriate in this instance, the scheme amendment has inadvertently placed the subsequent land owners and developers in an exposed position by exposing developments of value greater than \$5M to an additional development cost. Should this Draft Local Planning policy been advertised or otherwise anticipated prior to the final adoption of Amendment 42, we would have sought to rezone the land to 'Residential' in order to avoid this situation.

Given that Amendment 42 was proposed in good faith, without the knowledge of the Town's proposed Public Art Contribution Policy, we submit that it is fair and reasonable to exclude development within this subdivision from the Policy.



.../2



2. SHNL Community Infrastructure Contributions

As Council is aware, a key component to the SHNL Project is the contribution to improving existing POS and constructing new, appropriately located POS in new subdivisions. These contributions, both financial and in-kind exceed the 10% POS contribution required at subdivision. In recognition of this ongoing contribution, we note that the WAPC does not impose a 10% POS contribution on SHNL subdivision as standard practice.

Should the lots created from the Trumpet subdivision be liable to the public art contribution levy, this additional cost to development would effectively add to the purchase price for any significant grouped housing lot, thereby reducing the financial return for the land. As the SHNL is not a profit-generating project, this additional cost will reduce the ability of the SHNL to make further contributions to the South Hedland social infrastructure.

3. Government agencies to be exempt

While we support Council in its endeavour to levy a contribution to public art on larger developers, we request that Council consider excluding government agencies from this Local Planning Policy.

As a land developer, the Department of Housing undertakes a variety of projects in providing a range of housing products for government employees and low income tenants. Given that these projects are not undertaken under the same commercial provisions as a private development in that they do not generate profit for the developer, this Local Planning Policy has the potential to adversely impact the delivery of valuable community assets. As such, we would request that Council consider excluding government developments from the public art levy on the basis that such developments are fundamentally providing a valuable community benefit.

Further to this argument, we would request that Council consider excluding the 'Urban Development' zone completely from the Percent for Public Art Local Planning Policy. Given the historic pressure on housing costs in the Pilbara, and the pressure from government and non-government organisations to reduce these costs to a more acceptable level, it would appear at face value that imposing an additional levy on larger projects is counter-productive to the prevailing opinion regarding housing cost.

As an alternative, Council could consider restricting this local planning policy to non-residential projects, thereby avoiding adding to the cost of larger residential developments.

CONCLUSION

Based on the above justification, we request that in considering the Town's Percent for Public Art Local Planning Policy that it:

1. Excludes developments within the Trumpet subdivision;
2. Considers excluding government projects with a legitimate community benefit; and
3. Considers excluding residential development from the contribution levy.

As stated, we generally support this policy initiative and the positive contribution it offers to the Town of Port Hedland, and we believe that these proposed modifications will have little impact on the overall benefit offered to public amenity.

.../3

Should you have any queries regarding this submission, or if you require elaboration of any points, please do not hesitate to contact the undersigned on 9382 2911.

Yours faithfully
TAYLOR BURRELL BARNETT



ANDREW PATTERSON
SENIOR PLANNER

CC: Jaxon



ATTACHMENT 5E TO ITEM 11.3.1.1



Government of Western Australia
Department of Housing

Our Ref: 1999/10820-03

19 December 2012

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



Document #: IPA34387
Date: 24.12.2012
Officer: LEONARD LONG
File: 18/01/0017



Dear Sir/Madam,

PROPOSED LOCAL PLANNING POLICY – Percent for Art Policy

Thank you for the opportunity to comment on the proposed Local Planning Policy – Percent for Art Policy within the Town of Port Hedland.

The Department acknowledges the Town's initiative to promote public art to protect and enhance the utility, amenity and identity of public spaces and the built environment within the local community. Furthermore, the Department recognises that although it may be exempt from obtaining Local Authority planning approval under other legislation, the Department shall endeavor to use this Policy as a guide to the implementation of their State Percent for Art Scheme obligation.

Thank you for the opportunity to provide comment. Should you require any further information, please contact me on 9440 2547.

Yours sincerely

Kimberly McKay
Planning Officer

ATTACHMENT 5F TO ITEM 11.3.1.1

De Meillon Steve

From: Owen Hightower [owen@hpd.net.au]
Sent: Thursday, 13 December 2012 8:42 AM
To: De Meillon Steve
Subject: RE: Town of Port Hedland | Proposed Local Planning Policy - Percent for Art Policy

Hi Steve,

Thanks for the opportunity to comment:

1. Public Art Zones/ areas are too restricted in South Hedland. Public Art should be encouraged throughout brownfield and greenfield areas in South Hedland in order to encourage a sense of place for current residents. This may help in terms of community pride/ population retention. An airport zone would also seem reasonable in terms of welcoming visitors or people returning home. This could also extend to areas along great northern highway (i.e. Newman Turn off) where visitors the region start to receive an understanding of the sense of place of the LGA they have just entered.
2. Investigate the ability to impose the public art policy in relation to larger scale subdivision projects.
3. Where cash-in-lieu is proposed, the Town of Port Hedland should be required to specify the specific project where the money will be spent. Alternatively, the Public Art Strategy should identify projects and applicants should be able to request their contribution be directed towards that specific project. Recognition of the applicants contribution to the project should be clearly shown on the completed artwork.
4. The Public Art Strategy should clearly identify projects for which applicants can complete. Allowing a developer to identify/ deliver their own project is too ambiguous and would take much greater time period than the 28-days permitted by the condition to liaise with Council, identify a project, engage an artist and have a design completed for approval.
5. The policy should clarify whether public art can be incorporated into a private development site.
6. A \$50,000 project (based on \$5 million) is not significant when issues associated with BCA/ Cyclone Rating structural requirements are considered. Such small projects could result in very minimalist artwork being delivered if this money can't be pooled to deliver larger, targeted projects identified through the Public Art Strategy. In this regard, I would strongly recommend speaking to RPS/ BHP regarding the artwork recently installed at Rhodes Museum to properly understand costs. Speaking with the Shire of Roebourne regarding their Dampier Highway Public Art Policy may also help.

Cheers



Owen Hightower Director

Hightower Planning and Development

E-Mail: Owen@hpd.net.au

Mobile: 0407 564 337

11.4 Corporate Services**11.4.1 Organisational Development****11.4.1.1 *Regional Price Preference Policy 2/015 (File No.: .../...)***

Officer Debra Summers
Manager Organisational Development

Date of Report 10 June 2013

Disclosure of Interest by Officer Nil

Summary

This report presents to the Council a Draft Regional Price Preference Policy for advertising and suggests a resulting amendment to the existing Tender Policy should the draft policy subsequently be adopted.

Background

As a local government outside the metropolitan area, the Town of Port Hedland has the opportunity to develop a Regional Price Preference Policy in accordance with the Local Government (Functions and General) Regulations 1996. The intent behind such a policy is to maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Town.

There is a statutory requirement specifically related to a local government's intention to adopt such a policy that requires a draft policy to be advertised to allow public submissions on the proposed content of the policy prior to adoption.

As the tender Policy 2/011 contains content regarding the regional Price Preference, this will need to be removed irrespective of whether the draft Regional Price Preference Policy as it is currently non-compliant with the Local Government (Functions and General) Regulations 1996.

Consultation

Elected Members at a Concept Forum
Executive team
Other local government authorities
Western Australian Local Government Association
Department of Local Government

Statutory Implications

Section 3.57 of the Local Government Act 1995 states:

“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 states:

Part 4A — Regional price preference

[Heading inserted in Gazette 25 Feb 2000 p. 971.]

24A. Application of this Part

The provisions of Part 4 may be varied in accordance with this Part, if the local government is located outside the metropolitan area and intends to give a regional price preference in accordance with this Part.

[Regulation 24A inserted in Gazette 25 Feb 2000 p. 971.]

24B. Terms used in this Part —

regional price preference, in relation to a tender submitted by a regional tenderer, involves assessing the tender as if the proposed tender price were discounted in accordance with regulation 24D;

regional tenderer means a supplier of goods or services who satisfies the criteria in subregulation (2).

(2)A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —

(a)that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or

(b)some or all of the goods or services are to be supplied from regional sources.

[Regulation 24B inserted in Gazette 25 Feb 2000 p. 971.]

24C. Regional price preference may be given

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.

[Regulation 24C inserted in Gazette 25 Feb 2000 p. 971.]

24D. Discounts permitted for regional price preferences

(1)A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by —

(a)up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or

(b)up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or

(c)up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

(2)Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be —

(a)wholly supplied from regional sources; or

(b)partly supplied from regional sources, and partly supplied from non-regional sources,

only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.

(3)Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).

[Regulation 24D inserted in Gazette 25 Feb 2000 p. 972.]

24E. Regional price preference policies for local governments

(1)Where a local government intends to give a regional price preference in relation to a process, the local government is to —

(a)prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and

(b)give Statewide public notice of the intention to have a regional price preference policy and include in that notice —

(i)the region to which the policy is to relate; and

(ii)details of where a complete copy of the proposed policy may be obtained; and

(iii)a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions;

and

(c)make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.

(2)A regional price preference policy may be expressed to be —

(a)for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;

(b)for different goods or services within a single contract or various contracts;

(c)for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D), or for any combination of those factors.

(3)A region specified under this Part —

(a)must be (or include) the entire district of the local government; and

(b)cannot include a part of the metropolitan area.

(4)A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.

[Regulation 24E inserted in Gazette 25 Feb 2000 p. 972-3; amended in Gazette 31 Mar 2005 p. 1055.]

24F. Adoption and notice of regional price preference policy

(1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.

(2) An adopted policy must state —

(a) the region or regions within which each aspect of it is to be applied; and

(b) the types and nature of businesses that may be considered for each type of preference; and

(c) whether the policy applies to —

(i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;

(ii) different goods or services within a single contract or various contracts;

(iii) different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders,

or to any combination of those factors.

(3) An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.

(4) The local government is to ensure that a copy of an adopted regional price preference policy is —

(a) included with any specifications for tenders to which the policy applies; and

(b) made available in accordance with regulation 29 of the Local Government (Administration) Regulations 1996.

[Regulation 24F inserted in Gazette 25 Feb 2000 p. 973-4; amended in Gazette 31 Mar 2005 p. 1055.]

24G. Adopted regional price preference policy, effect of

A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

[Regulation 24G inserted in Gazette 25 Feb 2000 p. 974.]

Policy Implications

This item proposes that the draft Regional Price Preference Policy 2/015 be advertised in accordance with Section 24F of the Local Government (Functions and General) Regulations 1996. Following this advertising period, public submissions need to be considered by the Council prior to formal adoption of the policy. As the Tender Policy 2/011 contains content regarding the Regional Price Preference, this will need to be removed irrespective of whether the draft Regional Price Preference Policy is adopted as it is currently non-compliant with the Local Government (Functions and General) Regulations 1996.

Strategic Planning Implications

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

-
- 6 2: Economic: Our Economy is resilient and provides choice and opportunity
-
- 6 2.1: Diverse Economy
-
- Facilitate commercial, industry and town growth
Create local employment and investment and diversify the economy.

Budget Implications

Costs of actions required as a result of these policy changes will be factored into future project budgets. Costs associated with the advertising of the Regional Price Preference Policy are within operating expenditure in the current budget.

If the Council adopts a Regional Price Preference Policy, it must be noted that implementing the Policy has the potential to increase the costs of undertaking related activities associated with the tenders required by the Town of Port Hedland.

Officer's Comment

In adopting a Regional Price Preference Policy, there are guidelines around various aspects of the policy content that are at the discretion of the individual local government. A presentation was made to Elected Members at a Concept Forum in May 2013 outlining these choices and direction was taken from the discussion leading to the formulation of the draft Regional Price Preference Policy 2/015. This draft is being presented to the Council and if the Officer's recommendation is adopted the draft Policy (Attachment One) will be advertised for a period of four weeks inviting public submissions on the content. During this period of advertising it is proposed to make a copy of the draft policy available on the Town's website and hard copies available at the Civic Centre and the South Hedland public Library.

A further report will be presented to the Council on any public submissions received with possible suggested changes to the draft policy as a consequence of these submissions, if required or deemed appropriate.

The draft policy has some impact on the current Tender Policy 2/011 and a revised policy has been drafted and will be presented to the Council following the public submission period pertaining to the Regional Price Preference Policy

Attachments

1. Draft Regional Price Preference Policy 2/015

Officer's Recommendation

That Council:

1. Endorse the Regional Price Preference Policy 2/015 to be advertised for four weeks in accordance with Section 24F Local Government (Functions and General) Regulations 1996 inviting public submissions.
2. Request the CEO to provide a report back to the Council on the outcome of the submission period for consideration prior to adopting the Policy

201213/428 Council Decision

Moved: Cr Carter

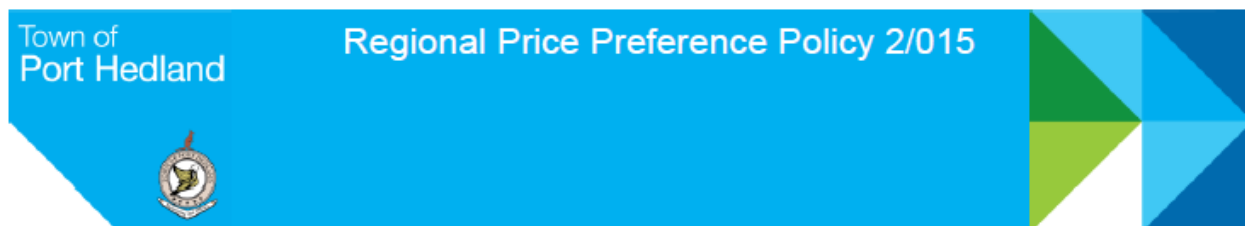
Seconded Cr Daccache

That Council:

1. **Endorse the Regional Price Preference Policy 2/015 to be advertised for four weeks in accordance with Section 24F Local Government (Functions and General) Regulations 1996 inviting public submissions including but not limited to:**
 - a) **Information workshops with Port Hedland Chamber of Commerce and Industry, South Hedland Business Association, and Wedgefield Association; and**
2. **Request the CEO to provide a report back to the Council on the outcome of the submission period for consideration prior to adopting the Policy.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.4.1.1



Directorate	CORPORATE SERVICES
Status	Draft
Business Unit	Organisation Development
Application	A price preference will apply to all tenders and requests for proposals invited by the Town of Port Hedland for the supply of goods and services and construction (building) services unless Council resolves that this policy not apply to a particular procurement episode.
Objective	To maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Town

Context

When a regional price preference is applied to tenders and requests for proposals, in accordance with the Local Government (Functions and General) Regulations (1996) the following levels of preference will be applied:

Goods and Services to a maximum price reduction of \$50,000

- A 10 % price preference to an eligible business, contractor or supplier as defined in this policy.

Construction (building) services up to a maximum price reduction of \$50,000

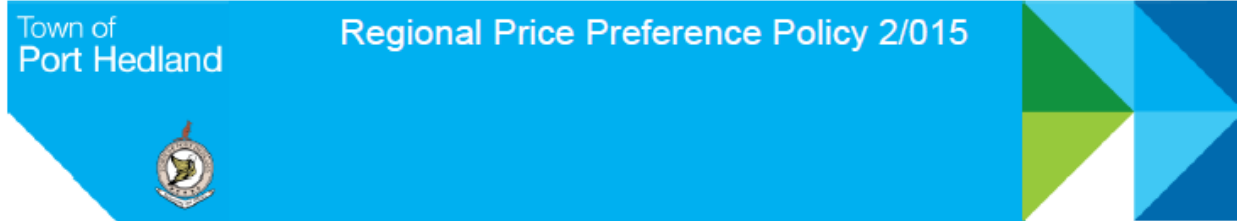
- A 5% price preference to an eligible business, contractor or supplier, as defined in this policy.

Competitive Tendering

- A 10% price preference to an eligible business, contractor or supplier as defined in this policy, applies where the contract is for goods and services (including construction (building) services) up to a maximum price reduction of \$500,000, if the Town is seeking tenders for the provision of goods or services for the first time, due to those goods or services having been, until then, undertaken by the Town.

Application of the levels of preference in accordance with this Policy

The prices for goods and services submitted by an eligible business, contractor or supplier as defined in this policy may be either wholly supplied from within the prescribed area as the region or partly supplied from within the prescribed area as the region. However, only those goods or services supplied from within the prescribed area as the region will be included in the discounted calculations that form part of the assessment of a tender or proposal when this policy is in operation.



Definitions

Prescribed Area as the Region: All business located within the municipal boundary of the Town of Port Hedland. Only business located within the Shire of East Pilbara, Shire of Roebourne, and Shire of Ashburton if these local governments have a reciprocal arrangement associated with a regional price preference will be able to receive consideration under this policy.

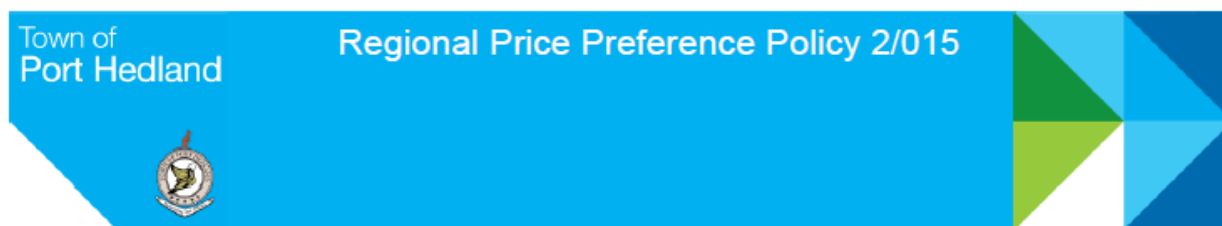
Goods: includes tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by the Town.

Services or Provision of Services: means any task, consultancy, work or advice to be performed or provided that is procured by the Town and includes services such as management consultancies, outsourcing, maintenance contract / agreement, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector provider for the Town.

Construction (including works): performing any improvement on or over any areas of land, lake, river or ocean and any services related to that activity in the prescribed area, including the construction of buildings, housing and other public infrastructure as well as related services such as architectural and surveying on the basis that it forms part of the overall construction contract.

Regional Contractor / Supplier: must fulfil the following conditions:

- a. Have had a permanent office and permanent staff in the prescribed area for a period of up to 12 months prior to bids being sought, and
- b. Be either registered or licensed in Western Australia and
- c. Demonstrate a majority or all of the goods or services are to be supplied from regional sources.
- d. If not located within the municipal boundary of the Town of Port Hedland, be located in or source goods and services from within the municipal boundary of a local government within the Pilbara with a reciprocal Price Preference Policy under which business within the Town of Port Hedland may receive consideration under.



Examples of the Application of the Regional Price Preference Policy

Example 1- A scenario when the following 3 tenders to supply goods and services are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area
2. Tender 2 is from a respondent from outside the prescribed area using goods and services sourced from outside the prescribe area.
3. Tender 3 is from a respondent from outside the prescribed area but proposing to use \$50,000 worth of goods and services from within the prescribed area.

Tenders Received	Price of Tender	Price reduction at 10% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$100,000	\$10,000 (10% of \$100,000)	\$90,000 (\$100,000 less \$10,000)
Tender 2	\$100,000	No preference applicable	\$100,000
Tender 3	\$100,000	\$5,000 (10% of \$50,000)	\$95,000 (\$100,000 less \$5,000)

As can be seen from the table, in terms of price, the tender from the respondent from within the prescribed area (Tender 1) is the most advantageous once the preference has been applied.

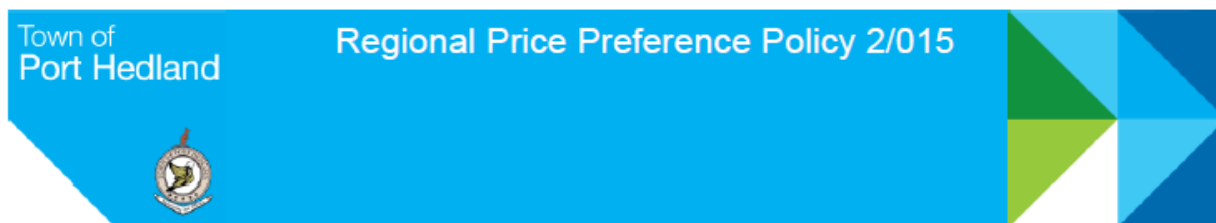
However, it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.

Example 2- A scenario when the following 2 tenders to supply construction (building) services are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area.
2. Tender 2 is from a respondent from outside the prescribed area proposing to source materials from outside the prescribed area.

Tenders received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$1.2m	Less 5% of \$1.2m=\$60,000 however max price reduction is limited to \$50,000	\$1.150m (\$1.2m less \$50,000)
Tender 2	\$1.145m	No preference applicable	\$1.145m

In this case, in terms of price alone, Tender 2 is the most advantageous. However, again it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.



Example 2- A scenario when the following 2 tenders to supply a service that has previously been provided by the Town are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area.
2. Tender 2 is from a respondent from outside the prescribed area proposing to source materials from outside the prescribed area.

Tenders received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$6m	Less 10% of \$6m=\$600,000 however max price reduction is limited to \$500,000	\$5.5m (\$6m less \$500,000)
Tender 2	\$5.75m	No preference applicable	\$5.75m

In this case, in terms of price alone, Tender 2 is the most advantageous. However, again it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.

Relevant Legislation	<i>Local Government Act 1995, Local Government (Functions and general) Regulations (1996)</i>
Related Policy	<i>Town of Port Hedland Procurement Policy 2/007 and Tender Policy 2/011.</i>
Last Date of Review	<i>May 2013</i>
Review Frequency	<i>Annually</i>
Responsible Directorate	<i>Corporate Services</i>

Document Control Statement – *The electronic reference copy of this procedure is maintained by the Organisational Development Business Unit. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/> to ensure that you have the current version. Alternatively, you may contact the Organisational Development Business Unit on extension 318.*

11.4.1.2 WA Regional Cities Alliance Membership (File No.: ...)

Officer	Debra Summers Manager Organisational Development
Date of Report	10 June 2013
Disclosure of Interest by Officer	Nil

Summary

This item requests the Council to include funds in the draft Town of Port Hedland 2013/2014 budget to continue its involvement with the WA Regional Cities Alliance (WARCA).

Background

The Western Australia Regional Centres Alliance (WARCA or “the Alliance”) was established in 2010 under the Memorandum of Understanding with four members; namely the City of Albany, the City of Bunbury, the City of Greater Geraldton and the City of Kalgoorlie-Boulder. In late 2011, at the suggestion of the Premier, the Shire of Broome, Town of Port Hedland and the Shire of Roebourne were invited to join the Alliance. The Alliance was set up with the aim to encourage more State planning in regional centres and to facilitate strong economic and population growth in regional cities as an alternative to Perth.

At its meeting on the 19 October 2012 Council resolved the following:

*201112/176 Officer’s Recommendation / Council Decision**The Council:*

- 1. Commits to being a “full member” of the Western Australian Regional Cities Alliance (WARCA);*
- 2. Accepts the conditions associated with this membership of the WARCA being financial support to the value of \$50,000 per annum for the WARCA-UWA partnership and a contribution towards the secretariat (if this should occur).*
- 3. Endorses the Mayor and Chief Executive Officer to sign the Cooperation Agreement with the UWA on behalf of Council.*
- 4. Allocates \$50,000 towards the WARCA in the 2011/12 financial year as part of the first quarter budget review process.*
- 5. Requests the CEO to provide regular reports to Council on the outcomes of the meetings of the WARCA.*

A budget allocation for membership to the WARCA for the 2012/13 financial year was included in the original budget endorsed by Council.

Consultation

Nil

Statutory Implications

Local Government Act 1995 applies:

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

Policy Implications

Nil

Strategic Planning Implications

2	Economic
2.3	Nationally recognized
	Port Hedland has a powerful voice and is an influential partner with Federal and State Governments for the development of the town.

Budget Implications

If the Officer’s recommendation is adopted, the funds to facilitate the \$50,000 required for membership to the WARCA will be included in the draft Town of Port Hedland 2013/14 budget.

Officer’s Comment

It is the Officer’s opinion that membership to the WARCA ensures that the Town of Port Hedland continues to remain recognised as a regional centre at a State and Federal level.

Further work on the WARCA priorities continues to be undertaken. Representation at the National Regional Capitals Alliance has been continuous with Mayor Carpenter and CEO Tony Brun (City of Greater Geraldton-Greenough) representing the WARCA at these forums. Mayor Howlett and the Chief Executive Officer have continued to represent the Town of Port Hedland at WARCA meetings.

Additionally, research work is being carried out on behalf of WARCA by the University of Western Australia with interim reports being received at the June WARCA meeting held in Broome.

The rationale for continuing membership of WARCA has not changed since the Town of Port Hedland became a member Council of the Alliance. The benefit of working collaboratively with other Regional Capitals and having a voice at a unified gathering of the key regional centres from Western Australia should not be overlooked.

For the information of Elected members, the purpose, priorities and key activities of the WARCA have been reproduced below.

Purpose of WARCA:

WARCA will enable the 7 member regional capital communities to evolve into fully fledged alternatives to the Perth metropolitan area with populations of at least 50,000 by 2026.

Priorities

The agreed priorities of the 2012 initiatives are tabled below.

Initiative	Priority
1. Establish common platform to seek support from the State Government.	1
This initiative is already progressing and should continue to build on the momentum by seeking agreement with State Government.	
2. Drive results from the UWA Partnership.	2
The cooperation Agreement with UWA was executed in December 2011 and should be driven to deliver results in the immediate future.	
3. Develop regional growth plans for each member.	3
To ensure consistency across the regional cities, a framework for the development of regional growth plans needs to be established.	

The key activities for each initiative and milestones have been agreed as follows:

Key Activities	Milestone
1. Establish common platform to seek support from the State Government: a. Agreed position on funding for regional cultural centre; and, b. Obtain funding commitment.	Within 6 months Within 12 months
2. Drive results from the UWA Partnership: a. UWA to publish regular policy papers in the short term;and, b. In the longer term, UWA should deliver its research outcomes.	Immediate Longer term
3. Develop regional growth plans for each member: a. Identify building blocks to reach the goal of 50,000 population (to deliver over 3 horizons); b. Source funding; c. Develop growth plans; and, d. Agreed statutory framework.	Within 6 months Within 6 months Within 18 months Within 3 years

Officer’s Recommendation

Moved: Cr Hooper

Seconded:Cr Taylor

That Council Include \$50,000 in the draft Town of Port Hedland 2013/2014 budget to facilitate the Town of Port Hedland’s continued membership to the WA Regional Cities Alliance (WARCA).

LOST 3/5

For	Against
Cr Hooper	Cr Carter
Cr Taylor	Cr Dziombak
Cr Daccache	Cr Gillingham
	Cr Hunt
	Mayor Howlett

201213/429 Council Decision

Moved: Cr Carter

Seconded Cr Dziombak

That Council suspends its membership in the WA Regional Cities Alliance and advises the Alliance that it wishes to reconsider its paid membership prior to the 2014/15 financial year, and seeks to have observer status for the 2013/14 year.

CARRIED 5/3

7.37pm Councillor Gillingham declared an impartiality interest in agenda item 11.4.1.3 'Nomination of Town of Port Hedland Representative on DeGrey Land Conservation District Committee' as she has an association with the DeGrey Station landowners.

Cr Gillingham did not leave the room.

11.4.1.3 *Nomination of Town of Port Hedland Representative on DeGrey Land Conservation District Committee*

Officer Debra Summers
Manager Organisational
Development

Date of Report 10 June 2013

Disclosure of Interest by Officer Nil

Summary

This report requests the Council to seek nominations for a Town of Port Hedland representative, (following the approval of the Commissioner), to sit on the DeGrey Land Conservation District Committee for a term of three years.

Background

The Soil and Land Conservation Act (1945) makes provision for the establishment of a land conservation district committee to undertake the following on behalf on each district under the jurisdiction of the act:

(a) on behalf of, and in accordance with any direction, approval or authorisation given by, the Commissioner —

(i) to manage projects; and

(ii) to carry out or cause to be carried out works or practices, for preventing, remedying or mitigating land degradation and for promoting soil conservation and reclamation;

(b) to review, assess and report to the Commissioner on the effects of land use or land management on the condition of the land within its land conservation district;

(c) to develop, promote and, in accordance with any direction, approval or authorisation given by the Commissioner, implement programmes of soil and land conservation within its land conservation district;

(d) if any matter relating to land use, land degradation or soil conservation is referred to it by the Minister or the Commissioner, to consider and report on that matter to the Commissioner or the Minister, as the case requires;

(e) to make recommendations to, and to consult with, the Commissioner concerning any works, research, experimental or educational programmes which may be necessary or desirable within its land conservation district;

(f) to make recommendations to the Minister for the purposes of section 25A(1) or (1a);

(g) to make recommendations to the Minister or the Commissioner, as the case requires, for the purposes of section 25C(4); and

(h) to perform such functions relating to land degradation and soil conservation as may be agreed between the Council and the Commissioner.

An approach has been made to the Town from the Secretary of the DeGrey Land Conservation District Committee, established in accordance with this Legislation, requesting the nomination of a Town of Port Hedland representative, who following appointment by the Commissioner, would sit on this Committee for a term of three years.

The Town of Port Hedland representative on the Committee is included in accordance with the Soil and Land Conservation Act, Section 23 (2(b)(d) which describes the attributes of this nomination as follows:

'such number of other persons appointed by the Commissioner as is necessary to complete the membership of the committee as determined under subsection (2a)(c), being persons actively engaged in, or affected by or associated with, land use, or representing organizations, or Government departments, instrumentalities or agencies actively engaged in, or affected by or associated with, land use, in the land conservation district.'

The Constitution of the committee allows for sixteen members being as follows:

- One Commissioner's nominee
- One Shire of East Pilbara representative
- One Town of Port Hedland representative
- One WA Farmers Federation (Inc.) representative
- Two Pastoralists and Graziers Association representatives
- Ten land owner representatives

Consultation

Nil

Statutory Implications

Soil and Land Conservation Act (1945) applies:

23. *Constitution and membership of district committees*

(1) In this section **the producer organizations** means the bodies known, respectively, as the Western Australian Farmers Federation (Inc.) and the Pastoralists and Graziers Association of Western Australia.

(2) On or after the constitution of a land conservation district the Governor may by Order in Council, establish a land conservation district committee for that land conservation district.

(2a) In an Order establishing a district committee the Governor shall —

(a) in accordance with subsection (2b); and

(b) on the recommendation of the Minister made after consultation by the Minister with the local government of each district that is wholly or in part comprised within the conservation district and with the producer organizations, determine —

(c) the number of members who shall constitute the committee being not less than 5; and

(d) the manner in which the committee shall be constituted.

(2b) The constitution of a district committee shall be determined under subsection (2a)(d) so as to provide for the following persons to be members of the committee —

(a) the Commissioner, *ex officio* or his nominee;

(b) one or more persons appointed by the Commissioner on the nomination of the local government of each district that is wholly or in part comprised within the land conservation district;

(c) if, in the opinion of the Minister, agricultural or pastoral activities, or both, are a major land use within the land conservation district, 3 persons appointed by the Commissioner to represent one of the producer organizations or 2 persons to represent one of the producer organizations and one person representing the other producer organization; and

(d) such number of other persons appointed by the Commissioner as is necessary to complete the membership of the committee as determined under subsection (2a)(c), being persons actively engaged in, or affected by or associated with, land use, or representing organizations, or Government departments, instrumentalities or agencies actively engaged in, or affected by or associated with, land use, in the land conservation district.

(2c) Where an Order made under this section provides for a person or persons to be appointed as a member or members of a district committee to represent one of the producer organizations the Order shall make provision for the producer organization to submit to the Commissioner a panel containing the names of persons willing to be so appointed and shall provide that where such a panel is submitted in accordance with the Order one or more, as the case requires, of the persons whose names appear on the panel shall be appointed.

(2d) The Governor may make an Order in Council amending, varying or revoking, or in substitution, for, any previous Order made under this section.

(3) Members of a district committee (other than the Commissioner or his nominee) shall hold office for a period not exceeding 3 years, and shall be eligible for re-appointment.

(4) The members of the committee shall elect one of their number

(other than the Commissioner or his nominee) to be the chairperson thereof.

[Section 23 amended by No. 42 of 1982 s. 25; No. 46 of 1988 s. 8, 20 and 21; No. 47 of 1994 s. 11; No. 14 of 1996 s. 4.]

24. Functions of district committees

(1) The functions of a district committee are —

(a) on behalf of, and in accordance with any direction, approval or authorisation given by, the Commissioner —

(i) to manage projects; and

(ii) to carry out or cause to be carried out works or practices, for preventing, remedying or mitigating land degradation and for promoting soil conservation and reclamation;

(b) to review, assess and report to the Commissioner on the effects of land use or land management on the condition of the land within its land conservation district;

(c) to develop, promote and, in accordance with any direction, approval or authorisation given by the Commissioner, implement programmes of soil and land conservation within its land conservation district;

(d) if any matter relating to land use, land degradation or soil conservation is referred to it by the Minister or the Commissioner, to consider and report on that matter to the Commissioner or the Minister, as the case requires;

(e) to make recommendations to, and to consult with, the Commissioner concerning any works, research, experimental or educational programmes which may be necessary or desirable within its land conservation district;

(f) to make recommendations to the Minister for the purposes of section 25A(1) or (1a);

(g) to make recommendations to the Minister or the Commissioner, as the case requires, for the purposes of section 25C(4); and

(h) to perform such functions relating to land degradation and soil conservation as may be agreed between the Council and the Commissioner.

(2) A district committee has all such powers as are reasonably necessary to enable it to perform the functions set out in subsection (1) including the power to employ persons to assist in the performance by that committee of those functions.

[Section 24 inserted by No. 46 of 1988 s. 9; amended by No. 91 of 1990 s. 16; No. 47 of 1994 s. 12; No. 4 of 1999 s. 6.]

Policy Implications

Nil

Strategic Planning Implications

6.3 Environment

6.3.4 Environment – a city in which we live in balance with our unique surrounds

Increased partnerships with industry and community to manage natural and built resources sustainably.

6.4 Leadership

6.4.2 Community Focused

Effective, open communication and engagement processes are in place with the community

Budget Implications

There are no budgetary implications associated with the Officer’s recommendation.

Officer’s Comment

After a period of some years of inactivity, the DeGrey Land Conservation District Committee is re-establishing its membership; hence the recent approach to the Town for its nomination. With regards to the nomination of a representative to the DeGrey Land Conservation District Committee, in accordance with related legislation plus following precedence, the Town of Port Hedland can nominate either a community member or an Elected Member to represent the Town on this Committee.

As the Council can only nominate one representative to this Committee it is recommended that expressions of interest be called. This would need to be supported by information about the Committee and its sphere of influence to ensure perspective nominees have a full understanding of who they are representing, how that interest must be presented to the Committee and their responsibility to keep the Council informed about the activities of the Committee.

Officer’s Recommendation

That Council requests the CEO to call for Expressions of Interest for nominations to represent the Town of Port Hedland as a member of the DeGrey Land Conservation District Committee for three years and subsequently report back to the Council with a recommended nomination.

201213/431 Council decision

Moved: Cr Carter

Seconded Cr Daccache

That Council nominate Mayor Kelly Howlett as the member on the DeGrey Land Conservation Discript Committee for three years.

CARRIED 8/0

Reason: it is considered appropriate that the Mayor represent the Town of Port Hedland on this Committee which will impact on the future of the Town.

11.4.2 Governance**11.4.2.1 Annual Western Australian Local Government Convention and Exhibition 2013 and Appointment of Delegates for the WALGA Annual General Meeting (File No.: .../...)**

Officer Grace Waugh
Administration Officer
Governance

Date of Report 4 June 2013

Disclosure of Interest by Officer Nil

Summary

This report seeks to appoint two voting delegates to the 2013 Annual General Meeting (AGM) for the Western Australian Local Government Association (WALGA) to be held on Wednesday 7 August 2013 and confirm which Elected Members will be attending the Annual Western Australian Local Government Convention.

Background

The 2013 AGM for WALGA is being held during the Western Australian Local Government Convention and Exhibition on Wednesday 7 August 2013. The WA Local Government Convention and Exhibition is held annually in Perth and comprises of formal presentations, seminars and workshops relevant to the business of local governments.

WALGA also offers the opportunity for Elected Members to attend professional development usually in the days before and/or after the Convention.

Pursuant to the WALGA Constitution, all Member Councils are entitled to be represented at the AGM with two voting delegates. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Voting delegates may be Elected Members or serving officers.

Consultation*Internal*

Executive Assistant to CEO
Coordinator, Governance

External

WALGA

Statutory Implications

Western Australian Local Government Association Constitution:

24. Representation and Voting at General Meetings

(1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) delegates.

Policy Implications

Policy 4/005 ‘Members Professional Development and Associated Travel and Accommodation’.

Strategic Planning Implications

Strategic Community Plan 2012 – 2022:

6.2 Economic

6.2.3 Nationally Recognised

Port Hedland has a powerful voice and is an influential partner with Federal and State governments for the development of the Town.

Budget Implications

The total cost per person to attend the 3 day convention is \$1,708 this includes:

Registration Fee	\$1,375
Convention Breakfast	\$88
ALGWA Breakfast	\$55
Convention Gala Dinner	\$190
TOTAL	\$1,708

A standard room is approximately \$320 per night and return economy flights cost approximately \$1,000. Elected Members will receive a meal allowance of up to \$108.65 per day and be provided with Cabcharge vouchers for transportation purposes.

The above costs do not include associated costs of Elected Members who wish to attend the WALGA Professional Development Modules. The Town has a Professional Development budget allocation for individual Elected Members to attend those.

Costs associated with attendance at this conference are included in the 2012/13 budget.

Officer's Comment

This year's event is being held at the Perth Convention and Exhibition Centre from Wednesday 7 August to Friday 9 August 2013.

The 2013 AGM is being held during the WA Local Government Convention and Exhibition at the Perth Convention and Exhibition Centre on Wednesday 7 August 2013 at 1:30pm. Council is required to appoint two Elected Members as the Town of Port Hedland voting delegates to attend the AGM.

Attachments

Nil

201213/432 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded Cr Daccache

That Council:

- 1. Appoint Mayor Kelly Howlett and Deputy Mayor George Daccache to represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, to be held on Wednesday 7 August 2013 at 1:30pm;**
- 2. Appoint Cr Hunt as proxy voting delegate for the Western Australian Local Government Association's Annual General Meeting, to be held on Wednesday 7 August 2013 at 1:30pm; and**
- 3. Notes that the following Elected Members will be attending the Annual Western Australian Local Government Convention and Exhibition 2013:**

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

CARRIED 8/0

11.4.2.2 Annual Statutory Review of Town of Port Hedland Delegation Register (File No.: .../...)

Officer	Josephine Bianchi Governance Coordinator
Date of Report	11 June 2013
Disclosure of Interest by Officer	Nil

Summary

This report seeks Council's adoption of the 2013/14 Delegation Register.

Background

Council is statutorily required to review its Delegated Authority Register at least once every financial year.

Council reviewed the Town's 2012/13 Delegation Register on 27 June 2012 and is therefore required to review it again by 30 June 2013.

Consultation

External

- Department Local Government
- Western Australia Local Government Association (WALGA)
- Other WA local governments

Internal

- Chief Executive Officer and Executive
- All Managers

Statutory Implications

"5.42. Delegation of some powers and duties to CEO

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation. [Section 5.42 amended by No. 1 of 1998 s. 13.]*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*

- (c) *appointing an auditor;*
 - (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
 - (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
 - (f) *borrowing money on behalf of the local government;*
 - (g) *hearing or determining an objection of a kind referred to in section 9.5;*
 - (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
 - (h) *any power or duty that requires the approval of the Minister or the Governor;*
 - (i) *such other powers or duties as may be prescribed.*
- [Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.] “*

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
 - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.”*

Policy Implications

Town of Port Hedland Policy Manual and Local Laws apply.

Strategic Planning Implications

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

Budget Implications

Nil

Officer's Comment

An annual review of the Delegation Register is required to be undertaken as per the Local Government Act 1995.

For ease of reference the Town's Delegation Register lists delegations under the LG Act 1995 and also other legislation that the local government various business units have to abide by.

Meetings and communication with internal and external stakeholders have highlighted changes to delegated powers under the Local Government Act 1995, the Building Act 2011, the Town Planning Scheme No. 5 (TPS5) and the Food Act.

These have all been incorporated into the revised document (Attachment 1).

Specific changes to delegations have been highlighted in the table listed as Attachment 2 and are summarised here below.

Changes to delegations under the Local Government Act are considered to be minor as a comprehensive review took place in 2012. The changes proposed this year are mainly of an administrative nature; a few delegations have been renamed and reworded to make them more user-friendly and clear to all stakeholders involved. One additional delegated power related to impounding vehicles and goods has been requested to align current practices within the Town with best practice across local government.

Changes to delegations under the Building Act 2011 have taken place following the introduction of the new legislation in April 2012. The recommendations in this area predominantly arise due to the Building Services Unit familiarising itself with the new legislation over the course of the year, during which it has become apparent that a number of functions are required to be delegated to complement the previous delegations. Changes in the position title of delegates reflect changes in the organisational structure.

Changes to delegations under the TPS5 have been requested to enable officers within the Planning Unit to effectively enact all provisions currently listed under the Scheme.

Changes to delegations under the Food Act are considered to be minor and of an administrative nature, to clarify positions of officers which require delegation and to remove a delegated power that is now obsolete.

In December 2012 Council was also requested to delegate to the Chief Executive Officer the power to authorise and remove officers for the administration of the following Acts and all of the Town's Local Laws in order to expedite administrative processes:

- Dog Act 1976
- Cat Act 2011
- Control of Vehicles (Off Road Areas) Act 1978
- Litter Act 1979
- Bush Fires Act
- Local Government Act (Miscellaneous Provisions) 1960
- Caravan Parks and Camping Grounds Act 1995
- Town of Port Hedland Local Laws

Advice from the Department of Local Government and WALGA has since clarified that authority to exercise a duty and/or power under all of the above legislation (exclusive of the Litter Act 1979, the Caravan Parks and Camping Grounds Act 1995, the Local Government Act Miscellaneous Provisions 1960 and the Cat Local Law) can only be granted from Council to local government employees.

In view of the above it is now proposed to request Council to directly appoint the following categories of officers to administer the following Acts:

- Dog Act 1976 (all Rangers)
- Dog Act 1976 – for the purpose of registering dogs only (all administration and library officers).
- Cat Act 2011 (all Rangers)
- Cat Local Law (all Rangers)
- Control of Vehicles (Off Road Areas) Act 1978 (all Rangers)
- Bush Fires Act (all Rangers)

As to the advertisement of authorisations in a local newspaper, each authorisation instrument may have its own statutory requirement which needs to be followed in the first instance.

Attachments

1. 2013/14 Delegated Authority Register – Attached under separate cover
2. Table of changes to delegations

Officers Recommendation

That Council:

1. Adopts the attached 2013/14 Delegated Authority Register; and
2. Appoints the following categories of officers to administer the following Acts and Local Law:
 - Dog Act 1976 (all Rangers)
 - Dog Act 1976 – for the purpose of registering dogs only (all - administration and library officers).
 - Cat Act 2011 (all Rangers)
 - Cat Local Law (all Rangers)
 - Control of Vehicles (Off Road Areas) Act 1978 (all Rangers)
 - Bush Fires Act (all Rangers)

201213/433 Council Decision

Moved: Cr Carter

Seconded Cr Dziombak

That Council:

1. **Adopts the attached 2013/14 Delegated Authority Register with the following amendments:**
 - a) **Page 15, of investments of \$1 million and above to include the written approval and the signature of the Mayor**
 - b) **Page 22, that CEO has delegated authority to accept a tender that does not exceed \$100,000; and**
2. **Appoints the following categories of officers to administer the following Acts and Local Law:**
 - **Dog Act 1976 (all Rangers)**
 - **Dog Act 1976 – for the purpose of registering dogs only (all - administration and library officers).**
 - **Cat Act 2011 (all Rangers)**
 - **Cat Local Law (all Rangers)**
 - **Control of Vehicles (Off Road Areas) Act 1978 (all Rangers)**
 - **Bush Fires Act (all Rangers).**

CARRIED BY ABSOLUTE MAJORITY 5/3

ATTACHMENT 2 TO ITEM 11.4.2.2

Delegations under Building Act 2011 to be amended	New Title	Reason for Amendments	Power/function delegated to
Approval of Building Permits	Building Permits and Certificates of Design Compliance	Section 18 has been added, This Section allows requests for further documents or information required to determine an application for a building permit. It has become apparent since the Council Meeting of 13 June 2013 that the relevant officers require delegated authority as this function is habitually used in the assessment and determination of matters.	Manager Building Services Coordinator Building Services Building Surveyor(s)
Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate	Occupancy Permit, Building Approval Certificate, Certificate of Building Compliance, Certificate of Construction compliance with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate & Notice of decision to not grant an Occupancy Permit or grant Building Approval Certificate	Sections 55 and 60 have been added. Section 55 allows requests for further documents or information required to determine an application for occupancy permits or building approval certificates. Section 60 allow officers to give notice of a decision not to grant an occupancy permit or building approval certificate, for instance, where an application is incapable of approval.	Manager Building Services Coordinator Building Services Building Surveyor(s)
Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance	Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Historical and/or Cultural Significance	Authority is required to be delegated under Section 18 to allow requests for further documents or information required to determine an application for a building permit. Powers with respect to demolition permits have <i>not</i> been delegated where a building has been identified with heritage value, given the importance of protecting heritage buildings within the Town. As the power has not been delegated, this may lead to an increase in deemed refusals, given Council meetings may not fall within the 21 day determination period. The practical effect of a deemed refusal of a demolition permit is that the application fee of \$90 must be refunded. However, the application may still be determined at a later date. Accordingly, it was concluded that the powers in respect of demolition permits should not be delegated to officers where the building was identified as having heritage value on the basis that infrequently forgoing a \$90 application fee did not outweigh the importance of protecting heritage buildings.	Manager Building Services Coordinator Building Services Building Surveyor(s)
Issue Building Orders	Issue Notices and/or Building Orders	<p>Delegated power is now also required for the functions under Sections 114, 117 and 118, namely:</p> <ul style="list-style-type: none"> ▪ To serve those notices and orders; ▪ to revoke a building order and to decide whether a building order has been complied with after service; and ▪ to give effect to building orders where there has been a non-compliance, including commencing or completing work in the order or taking steps to require the action to cease, and recovering those costs as a debt due. <p>A condition has been included on the delegated power restricting the issuing of building orders to circumstances where there has been a failure to comply with a building notice. The condition ensures building notices are issued as a last resort and only in serious circumstances.</p>	Director Planning Services Manager Building Services Coordinator Building Services Building Surveyor(s) Compliance Officer (Building)

Delegations under Building Act 2011 to be amended	New Title	Reason for Amendments	Power/function delegated to
Issue Licence to Deposit Material on Street	Issue Licence to obstruct a public thoroughfare, make and excavation on or adjoining a public thoroughfare, construct a thing on, over or under a public thoroughfare	Change in legislation. The powers and functions under the above provisions were previously under delegated under Regulation 64 of the <i>Building Regulations 2011</i> . Those powers are now in the above provisions of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .	Manager Building Services Coordinator Building Services Building Surveyor(s) Director Engineering Services Manager Technical Services Manager Infrastructure Development
Appoint Authorised Persons (Swimming Pool Inspectors)	Inspection of Private Swimming Pool Enclosures	Change in wording to reflect exact provision of the Building Regulations and addition of Compliance Officer Building to delegation list.	Manager Building Services Coordinator Building Services Building Surveyor(s) Compliance Officer (Building)
Recover the Charge Imposed for Private Swimming Pool Inspection	No change in title	Director Corporate Services has been added as delegate.	Chief Executive Officer Director Corporate Services
New delegation title	Function to be performed under Building Act 2011	Reason for addition	Power/function delegated to
Approve the use of battery powered smoke alarms	Officers are delegated authority to grant or refuse to approve applications for the use in the dwelling or part of the dwelling of a battery powered smoke alarm.	To allow officers within the Building unit to carry out this function.	Manager Building Services Coordinator Building Services Building Surveyor(s)
Authorised persons	<p>A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 Section 5.36, as an authorised person for the purposes of the Building Act 2011 in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government. The powers of authorized persons being:</p> <ul style="list-style-type: none"> • s100 - Entry Powers; • s101 - Powers after entry for compliance; • s102 - Obtaining information and documents; • s103 - Use of force and assistance; and • s106 - Apply for an entry warrant. • s109 – Execution of Warrant 	Council already approved these delegated powers in June 2012, however these were incorporated under Delegation Number 1 which deals with delegated powers under the LG Act 1995. In order to separate the two heads of power a separate delegation for 'Authorised Persons' has now been created under the Building Act 2011. An additional power has been incorporated this year, this being 'Execution of Warrant' under Section 109 of the Building Act.	Manager Building Services Coordinator Building Services Building Surveyor(s) Compliance Officer(s) (Planning and Building) Manager Planning

Delegations under TPS5 to be amended	Sections to be amended	Reason for amendment	Power/function delegated to
Town Planning Scheme No. 5	Uses	Changes in wording for clarification purposes: <ul style="list-style-type: none"> the word 'Refuse' has been changed to 'Determine' 	Director Planning and Development Manager Planning Services
Town Planning Scheme No. 5	Road Closure Actions	Changes in wording for clarification purposes: <ul style="list-style-type: none"> The word 'Road Dedication' has been inserted. Reference to no 'comment' being received has changed to no 'objection' being received. Reasoning: this is due to the positive nature of "Comments" they may serve little benefit to refer it to Council (except for noting purposes) and no further actioning is required. Objections on the other hand does need to be referred to Council and does require further actioning. Reference to 'the proposal being of an uncontentious nature' has been deleted. Reasoning: if the proposal is uncontentious it is positive in nature and requires no further actioning. 	
Town Planning Scheme No. 5	Infringement Notices	Changes in wording for clarification purposes: <ul style="list-style-type: none"> Reference to an 'extended period of 28 days within which a modified penalty may be paid (s.230) has been deleted. Reasoning: the intent is not to extend the period of the infringement notice further but to proceed in a timely manner to address the transgression of the Scheme. 	Senior Statutory Planning Officers(s) Senior Strategic Planning Officers(s) Compliance Officer(s)
Power of Entry to Perform Functions Related to Compliance with the Port Hedland Town Planning Scheme No. 5	Function to be performed	Additional officers are requested to be authorised by Council to enter any building or land as per Section 9.1c) of the TPS5	Director Planning and Development Manager Planning Services Senior Statutory Planning Officers(s) Senior Strategic Planning Officers(s) Compliance Officer(s)
New delegated power under TPS5	Function to be performed under LG Act 1995	Reason for addition	Power/function delegated to
Easement Registration /Cancellation Actions	To determine (Approve / Refuse) all requests for the Registration / Cancellation of easements on Council owned and / or managed property.	This delegation provides the opportunity for officers to consider this matter under delegated authority rather than having to present a report to Council.	The Director Planning and Development Manager Planning Services
Revoke/Accept 'Vesting'/Management Orders'	To determine (Approve / Refuse) all requests to revoke / accept "Vesting" / "Management Orders".	This delegation provides the opportunity for officers to consider this matter under delegated authority rather than having to present a report to Council.	Director Planning and Development Manager Planning Services
Signs and Hoardings	To determine (Approve / Refuse) all signage / hoarding applications that comply with the Local Laws and policies of the Council.	This delegation provides the opportunity for officers to consider this matter under delegated authority rather than having to present a report to Council.	Director Planning and Development Manager Planning Services

New delegation title	Function to be performed under LG Act 1995	Reason for addition	Power/function delegated to
Impounding Abandoned Vehicle Wrecks and Goods Involved in Certain Contraventions	The Chief Executive Officer has delegated authority to undertake the functions and duties required under Part 3, Division, 3, Subdivision 4 of the Local Government Act 1995 in respect of: <ol style="list-style-type: none"> 1. Section 3.39 – Power to remove and impound 2. Section 3.40 - Vehicle may be removed if goods to be impounded are in or on vehicle 3. Section 3.40A – Abandoned vehicle wreck may be taken 4. Section 3.41 – Impounded perishables goods, notice to collect 5. Section 3.42 – Impounded non-perishable goods 6. Section 3.46 – Goods may be withheld until costs paid 7. Section 3.47 – Confiscated or uncollected goods, disposal of 8. Section 3.47A – Sick or injured animals, disposal of 9. Section 3.48 – Impounding expenses, recovery of 	To be in line with best practice approach in Local Government.	CEO (who in turn can subdelegate to ToPH officers)
Delegations under LG Act 1995 to be deleted	New Title	Reason for deletion	Power/function delegated to
Appointment of Authorised Persons	Enforcement and Infringement Notices and Powers of Entry	Administrative reasons – the intent of these delegation remains the same, however they have now been separated from one delegation into two delegation to clarify the two separate intents.	CEO (who in turn can subdelegate to ToPH officers)
Delegations under LG Act 1995 to be amended	Function to be performed under LG Act 1995	Reason for amendment	Power/function delegated to
Certain Provisions about Land	The Chief Executive Officer be delegated authority as an Authorised Person in accordance with Section 3.24 and 3.25 of the Act for the purposes of exercising those powers as defined in Sub Division 2 'Certain Provisions About Land' of the Local Government Act 1995 and as prescribed in Schedule 3.1 'Powers under notices to owners or occupiers of land'.	This delegation was already in place last year. Schedule 3.1 from the LG Act 1995 has been inserted to better clarify to stakeholders the intent of this delegation.	CEO (who in turn can subdelegate to ToPH officers)
Execution of Documents and Application of the Common Seal	Addition of all Directors as delegate	To expedite administrative processes as and when required	CEO and all Directors

Delegations under Food Act to be deleted	Reason for deletion
Home Occupation – Preparation of Food for Sale	This delegation can be removed as this matter is now handled completely under the Food Act with all food premises, at home or in a commercial premises, being licenced in the same manner under the Food Act delegation.
Delegations under Food Act to be amended	Reason for amendment
Food Act 2008	Names of delegated officers have been clearly listed against each delegated power

11.4.3 Finance**11.4.3.1 *Financial Reports to Council for Period Ended 31 May 2013 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Laura Delaney
Finance Officer
Financial Management

Date of Report 31 May 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 to 31 May 2013, in comparison to the year-to-date budget. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2011/12.

Background**1. *Financial Statements***

The following financial reports are attached for the period ended 31 May 2013:

- Statement of Financial Activity (Attachment 1 – see Schedules 2 to 14);
- Statement of 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 2012/13 monthly water, power and fuel costs compared with 2011/12 (Attachment 1 – Note 11).

3. *Schedule of Accounts Paid – Attachment 2*

The Schedule of Accounts paid under delegated authority which is submitted to Council on 26 June 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

Additional to 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

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

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Fiscal accountability - Reporting is carried out as required on the Council's legislative and organisational performance.

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

Responsible and transparent management of financial resources.

Budget Implications

At the Special Meeting held on 30 August 2012, Council resolved to adopt item 6.1.1.1 '2012/2013 Budget Adoption' en block, which included Recommendation 16 as follows:

“Recommendation 16

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 2012/13 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 Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

Attachments

1. Monthly Statement of Business Activity – under separate cover
 - 1.1 Schedule 2, a Statement of Financial Activity. Pages 2 to 4
 - 1.2 Notes 3 to 11 which form part of the Statement of Financial Activity. Pages 5 to 18
 - 1.3 Detailed Financial Activity by Program. Pages 19 to 65
 - 1.4 Comparison of Utility & Fuel Costs (2012/13 vs 2011/12). Pages 66 to 68
2. May 2013 Listings for Payment – under separate cover

201213/434 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded Cr Hunt****That Council note the:**

1. **Financial Statements as at 31 May 2013,**
2. **Graphic representation of the Town's energy, water and fuel use, and**
3. **List of Accounts paid during May 2013 under Delegated Authority.**

CARRIED 8/0

11.4.3.2 Rates payable by Port Hedland Speedway Club

Officer Carmen Hanisch
Senior Rates Officer

Date of Report 14 June 2013

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to provide the background information for the Council to consider writing off the remaining 50% of the Town of Port Hedland Rates for Port Hedland Speedway Club.

Background

On 8 August 2012 Council approved the following Rates Concessions:

"201213/060 Council Decision

Moved: Cr Gillingham

Seconded: Cr Martin

That Council:

- Approves the following additional Rates Concessions for the 2012/13 and 2013/14 financial years:*

Organisation	Assessment Number	Council Decision
Royal Flying Doctor Services	A102320	0%
Royal Flying Doctor Services	A116509	0%
Royal Flying Doctor Services	A117190	0%
Royal Flying Doctor Services	A117310	0%
Royal Flying Doctor Services	A119270	0%
Royal Flying Doctor Services	A121420	0%
Royal Flying Doctor Services	A123140	0%
Royal Flying Doctor Services	A125790	0%
Royal Flying Doctor Services	A125800	0%
Royal Flying Doctor Services	A125810	0%
Royal Flying Doctor	A125820	0%

Organisation	Assessment Number	Council Decision
Services		
Royal Flying Doctor Services	A127350	0%
Royal Flying Doctor Services	A153246	0%
Royal Flying Doctor Services	A300057	0%
Port Hedland Kart Club	A130165	100%
Port Hedland Speedway Club	A156260	50%
Port Hedland Turf Club	A805022	0%
Len Taplin Childcare Centre	A402430	50%

CARRIED 6/0"

When processing the Rates Billing for 2012/13 financial year an administrative error occurred which resulted in a 100% Concession (instead of a 50% concession) for Port Hedland Speedway Club. This reduced the rate, for Port Hedland Speedway Club, to nil instead of \$8,205.12.

Consultation

Council decision 201213/060 from 8 August 2012

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 license held under the*

- Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous license 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

The total amount for Rates Concessions and Exemptions for the 2012/13 financial year is \$93,078.69.

If the Officer's recommendation is adopted, the amount for Rates Concessions and Exemptions for the 2012/13 financial year would be increased by \$8,205.12 to \$101,283.81.

Officer's Comment

As part of Town of Port Hedland's routine checks in May 2013, the administration identified that an administrative error occurred when processing the Rates Concessions and Exemptions during the Rates Billing procedure, which resulted in a 100% concession instead of a 50% concession, in respect of Port Hedland Speedway Club.

Council should note that if this error had not occurred, the Port Hedland Speedway Club would have received a Rate Notice in September 2012 for \$8,205.12, being 50% of their rate as per the Council's decision 201213/060.

The administration is recommending that the remaining 50% of the rate, relating to Port Hedland Speedway Club, be waived in light of the administrative oversight to avoid any undue hardship to Port Hedland Speedway Club in making this payment.

Attachments

Nil

201213/435 Officer's Recommendation / Council Decision**Moved: Cr Hooper****Seconded Cr Gillingham**

That Council approve the waiver of the remaining 50% of the rate, amounting to \$8205.12 for the financial year 2012/13, in respect of Port Hedland Speedway Club under *Section 6.47 of the Local Government Act 1995.*

CARRIED 8/0

ITEM 12 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/COUNCIL

Nil

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of this Committee meeting are enclosed under separate cover.

13.1.1 Airport Committee Minutes – 5 June 2013**201213/436 Officer's Recommendation / Council Decision**

Moved: Cr Carter

Seconded Cr daccache

That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on 5 June 2013, inclusive of the following recommendations:

- 7 Confirmation of Minutes of Previous Meeting
- 10.1 Port Hedland International Airport – Projects Update June 2013 (File No.: 08/02/0025)
- 10.2 Port Hedland International Airport – Overview of Precinct (File No.: 08/02/0025)

CARRIED 8/0

201213/437 Officer's Recommendation / Council Decision

Moved: Cr Hunt

Seconded Cr Gillingham

That Council adopts the following recommendation from the Airport Committee as listed in the minutes of its Ordinary meeting of 5 June 2013:

“AC201213/053 Airport Committee Decision / Officer's Recommendation

That the Airport Committee recommends to Council that:

1. *The Port Hedland International Airport Committee Terms of Reference are amended to include an additional member;*
2. *Dr Ken King from the Pilbara Development Commission and Mr Erik Widing from the Port Hedland Port Authority be appointed as members of the Port Hedland International Airport Committee in accordance with the Terms of Reference; and*

3. *The Terms of Reference be assessed as part of the airport redevelopment program review and be presented to a Committee briefing.*"

CARRIED 8/0

13.1.2 Audit & Finance Committee Minutes – 12 June 2013

201213/438 Officer's Recommendation / Council Decision

Moved: Cr Daccache

Seconded Cr Carter

That Council receives the Minutes of the Ordinary Meeting of the Audit & Finance Committee held on 12 June 2013 at 12.00pm.

CARRIED 8/0

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

Nil

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

201213/438 Council Decision

Moved: Cr Carter

Seconded Cr Gillingham

That the following applications for leave of absence be approved:

- **Councillor Daccache from 3 July to 7 July 2013**
- **Councillor Gillingham for 3 July, and from 10 July to 22 July 2013.**

CARRIED 8/0

ITEM 17 CLOSURE

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 July 2013, commencing at 5.30 pm.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 8.27pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2013.

CONFIRMATION:

MAYOR

DATE